

CITY COUNCIL / LRA BOARD

Mayor/Chair

Richard D. O'Brien

Vice Mayor/Chair (CM-D3) Cal Campbell

Council/Authority Members:

District 1 Luis Uribe

District 2 Rachel Hernandez

District 4 Darlene Barber-Martinez



**City of Riverbank
Regular City Council and
Local Redevelopment Authority
Board Hybrid Meetings
(Virtual via ZOOM)**

Council Chambers, 6707 Third St., Suite B
Riverbank, CA 95367



AGENDA

TUESDAY, MARCH 22, 2022 – 6:00 P.M.

(THE AGENDA PACKET IS ONLINE AT [HTTP://WWW.RIVERBANK.ORG/AGENDACENTER](http://www.riverbank.org/agendacenter))

NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 59453, SUBDIVISION (e) OF THE RALPH M. BROWN ACT (CALIFORNIA GC § 54950, ET SEQ.), THE FEDERAL AMERICANS WITH DISABILITIES ACT). WHILE THIS MEETING WILL BE PHYSICALLY OPEN TO THE PUBLIC, GIVEN THE STATE OF EMERGENCY REGARDING THE THREAT OF COVID-19, MEMBERS OF THE PUBLIC MAY ALSO PARTICIPATE AND COMMENT VIA THE ZOOM VIRTUAL PLATFORM. REFER TO THE LAST PAGE OF THE AGENDA FOR PARTICIPATION INFORMATION.

1. CALL TO ORDER

2. FLAG SALUTE

3. INVOCATION

4. ROLL CALL

5. AGENDA CHANGES

6. CONFLICT OF INTEREST: *Any Council/Authority Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.*

7. PUBLIC COMMENTS (No action can be taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 3 minutes (or as stated by the presiding Officer)** and time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon.

Refer to the last page of this agenda for the Public Comment Procedures via ZOOM.

8. PRESENTATIONS (Informational only)

Item 8.1 **Government Code Claim Submitted by Schneider Electric Buildings, Inc. – Verbal Presentation by Deputy City Attorney Doug White**

9. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council/LRA Board unless requested by an individual Council/Authority Member or member of the public for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by motion of the City Council/LRA Board.

Item 9.1 Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 9.2 Approval of the March 8, 2022 City Council and Local Redevelopment Authority Board Minutes.

Item 9.3 A Resolution Authorizing the City to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 361 Allowing the City to Continue a Hybrid Virtual Meeting Environment.

Item 9.4 A Resolution Providing the Interim City Manager, or their designee, Signature Authority for the Submittal of an Application for Funding to the State Water Board Water and Wastewater Arrearage COVID Relief Program.

Item 9.5 A Resolution Authorizing the Interim City Manager to Submit an Emergency Solutions Grant (ESG) and a California Emergency Solutions Grant (CA-ESG) Applications for Funding for Homeless Outreach and Shelter Services and, if Awarded, Execute an Agreement and Any Amendments thereto with Stanislaus County.

10. PUBLIC HEARINGS

The Public Hearing Notices were published in the Riverbank News on March 9, 2022 and in, the case of Item 10.1 the public hearing notice was posted on the City website.

Item 10.1 **4th Public Hearing – Redistricting Process for Riverbank’s Four (4) Councilmember District Boundaries** - It is recommended that the City Council 1) conduct a public hearing to receive public input on the City Council district boundaries in response to data received in the 2020 census; and 2) adopt a resolution of the City Council of the City of Riverbank, California, adjusting City Council district boundaries in accordance with California Elections Code section 21600 et seq. and Riverbank Municipal Code section 30.03, subdivision (B)(3).

Item 10.2 **First Reading by Title Only and Introduction of a Proposed Ordinance Adding New Chapter 54: Mandatory Organic Waste Disposal Reduction Ordinance to Title V: Public Works of the Riverbank Municipal Code of Ordinances** – It is recommended that the City Council conduct the public hearing for the first reading of the proposed ordinance to consider its approval; if approved, the second reading of the ordinance by title only will be scheduled for the next regular City Council meeting on April 12, 2022, for consideration of its adoption.

11. NEW BUSINESS

Item 11.1 **Presentation and Introduction to Harm Reduction** – It is recommended that the City Council receive the presentation by Donna Kenney, Planning

& Building Manager with Diego Capistrano, Community Health Worker III, Stanislaus County Health Services Agency and provide direction to staff.

Item 11.2 **A Resolution Adopting the 2021 General Plan and Housing Element Annual Progress Reports (APRs)** - It is recommended that the City Council adopt a resolution approving the 2021 General Plan and Housing Element Annual Progress Reports (APRs) and authorize staff to submit said Reports to the California Office of Planning and Research and California Department of Housing and Community Development.

Item 11.3 **A Resolution to (1) Rescind Resolution 2021-104; (2) Declare APN 132-012-024 Located at the Northeast Corner of 3rd Street & Stanislaus Street as Exempt Surplus Land under the Surplus Land Act; and, (3) Approve the Sale of Said Property to the Stanislaus Regional Housing Authority Pursuant to a Purchase and Sale Agreement** - It is recommended that the City Council adopt a resolution to (1) Rescind Resolution 2021-104; (2) Declare APN 132-012-024 Located at the Northeast Corner of 3rd Street & Stanislaus Street as Exempt Surplus Land under the Surplus Land Act; and, (3) Approve the Sale of Said Property to the Stanislaus Regional Housing Authority Pursuant to a Purchase and Sale Agreement.

12. COMMENTS/REPORTS

A brief report on notable attendance of a meeting or conference or other notable topics of City business shall be made. The Brown Act does not allow for discussion or action of items by the City Council/LRA Board during this time.

Item 12.1 Staff

Item 12.2 Council/Authority Member

Item 12.3 Mayor/Chair

13. CLOSED SESSION

The public will have a limit of **3 minutes** to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing to Closed Session.

Item 13.1 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Pursuant to Government Code §54956.9)
Name of Case: City of Riverbank v. Schneider Electric Buildings America, Inc.

Item 13.2 **CONFERENCE WITH LABOR NEGOTIATORS**
(Pursuant to Government Code §54957.6)
Agency representative: Interim City Manager Marisela Garcia Employee Organizations: Riverbank Miscellaneous Employees

Item 13.3 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
(Pursuant to Government Code § 54956.8)
Property: Jackson Avenue, Riverbank (APN 075-005-025 & APN 075-005-013)
Agency Negotiator: Interim City Manager Marisela H. Garcia
Property Negotiator: Jon R. & Suki H. Gonzalez
Under Negotiation: Price, terms of payment, or both.

Item 13.4 **PUBLIC EMPLOYEE APPOINTMENT**
(Pursuant to Government Code § 54957 [b][1])
Position Title: City Manager

14. RECONVENE – REPORT FROM CLOSED SESSION

Item 14.1 Report from Closed Session on **Item 13.1**
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code §54956.9)
Name of Case: City of Riverbank v. Schneider Electric Buildings America, Inc.

Item 14.2 Report from Closed Session on **Item 13.2**
CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Government Code §54957.6)
Agency representative: Interim City Manager Marisela Garcia Employee Organizations: Riverbank Miscellaneous Employees

Item 14.3 Report from Closed Session on **Item 13.3**
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Government Code § 54956.8)
Property: Jackson Avenue, Riverbank (APN 075-005-025 & APN 075-005-013)
Agency Negotiator: Interim City Manager Marisela H. Garcia
Property Negotiator: Jon R. & Suki H. Gonzalez
Under Negotiation: Price, terms of payment, or both.

Item 14.4 Report from Closed Session on **Item 13.4**
PUBLIC EMPLOYEE APPOINTMENT
(Pursuant to Government Code § 54957 [b][1])
Position Title: City Manager

15. ADJOURNMENT

- The next regular City Council meeting will be on April 12, 2022 at 6 pm.

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted at the meeting location, on the North City Hall public exterior bulletin board, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act.

Posted this 17th day of March, 2022.

/s/ Kathy L. Teixeira, Interim City Clerk



ADA COMPLIANCE STATEMENT

In compliance with the Americans with Disabilities Act, and the Governor's Executive Order N-29-20, the City will make every effort to make reasonable modifications or accommodations from individuals with disabilities. Contact the Administration Dept. at (209) 863-7122 or the City Clerk at cityclerk@riverbank.org at least (48) hours prior to the meeting to enable the City to make reasonable arrangements for accessibility.

NOTICE REGARDING NON-ENGLISH SPEAKERS

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Council/LRA Board shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.



**TELECONFERENCE/VIRTUAL PLATFORM PUBLIC PARTICIPATION COMMENT
PROCEDURES FOR THE HYBRID CITY COUNCIL MEETING HELD IN
CONFORMANCE WITH THE BROWN ACT AS AMENDED BY SB 361**

PUBLIC “LIVE” VIEWING

- Government Channels: Charter– 2 and AT&T U-VERSE – 99
- YouTube Live – is no longer available due to technical difficulties, which is being worked on.
- Via ZOOM Platform (See instructions below)

SUBMITTING PUBLIC COMMENTS FOR THE RECORD

Written comments must be received before 4:00 p.m. on the date of the meeting in order for them to be distributed to the Council prior to consideration of the matter. Written comments will not be read aloud at the meeting, but will be reported as received for the record. If you do not receive an acknowledgement of receipt within an hour of submission or by 5:00 pm, please call the City Clerk’s Office at (209) 863-7198 or the Administration Dept. at (209) 863-7122.

ACCEPTABLE METHODS OF SUBMITTING COMMENTS BEFORE THE 4:00 PM DEADLINE

- **Via Mail Service:** Mail comments to City of Riverbank, Attn. City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367. (Call 209-863-7198 / 209-863-7122 to ensure they were received.)
- **Via Email:** Mail to cityclerk@riverbank.org **(Note: This technology is not a guaranteed method.)**
 - Indicate Agenda Item # in the **subject line**. (Call 209-863-7198 / 209-863-7122 to ensure receipt)
- **Oral Comments In-Person:** The Mayor will ask the audience if anyone wishes to comment, at that time you may approach the podium. (A Spanish language interpreter is available for assistance.)
- **Oral Comments Via Zoom:** The Mayor will announce when public comments may be made for a limit of 3 minutes on the agenda item being considered, at which time you will:
(please make sure the volume on your video device or any nearby device is turned down.)
 - **Using a computer** – click on the “raise hand” feature in the webinar controls. This will alert staff that you wish to speak, and you will be unmuted.
 - **Using a Phone** – press ***9** to “raise the hand”. This will alert staff that you wish to speak, and you will be unmuted.

Teleconference Phone Number (This system is a backup for ZOOM technical difficulties only when providing oral comments.) If there are technical difficulties or disconnection with ZOOM while making oral comments, please immediately call the teleconference phone number **(209) 863-7151** so that Council may receive your comments. Council will be waiting for your call. Thank you

<u>JOIN THE MEETING VIA ZOOM PLATFORM</u>
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- Join by this link: <https://us02web.zoom.us/j/85399022241>
- Join by accessing website: <https://zoom.us/join> , enter **Webinar ID: 853 9902 2241**
- Join by telephone: **1 669 900 9128 or 1 346 248 7799, plus Webinar ID**

Learn about using ZOOM - Visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.1

SECTION 9: CONSENT CALENDAR

Meeting Date:	March 22, 2022
Subject:	Waiver of Readings
From:	Marisela H. Garcia, Interim City Manager
Submitted by:	Kathy L. Teixeira, Interim City Clerk

RECOMMENDATION

It is recommended that the City Council / LRA Board approve the waiver of readings of any proposed ordinances and resolutions for consideration, except by title.

SUMMARY

In lieu of reading the entire text of a proposed ordinance or resolution that is introduced for consideration for adoption and approval, by majority vote, the City Council/LRA Board may waive the reading of the text and introduce the ordinance or resolution by title only for the record.

The full text of the proposed ordinances and resolutions, and any related documents that are part of the agenda packet, are available for review by the public on the City's website and in the City Clerk's office at City Hall (North) upon distribution to a majority of the City Council/LRA Board; typically 72 hours prior to the scheduled date and time of the meeting.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENTS

There are no attachments to this report.

**RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 9.2**

SECTION 9: CONSENT CALENDAR

Meeting Date:	March 22, 2022
Subject:	Approval of the March 8, 2022 City Council and Local Redevelopment Authority Board Minutes.
From:	Marisela H. Garcia, Interim City Manager
Submitted by:	Kathy L. Teixeira, Interim City Clerk

RECOMMENDATION

It is recommended that the City Council / Local Redevelopment Authority Board approve the City Council /LRA Meeting Minutes of March 8, 2022, as presented.

SUMMARY

The Draft Minutes of the City Council and the Local Redevelopment Authority Board meetings have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. The March 8, 2022, City Council and Local Redevelopment Authority Board Minutes.

CITY COUNCIL / LRA BOARD

Mayor/Chair
Richard D. O'Brien
Vice Mayor/Chair (CM-D1) Luis Uribe
Council/Authority Members:
District 2 Rachel Hernandez
District 3 Cal Campbell
District 4 Darlene Barber-Martinez



**City of Riverbank
Regular City Council and
Local Redevelopment Authority
Board Hybrid Meetings
(Virtual via ZOOM)**

Council Chambers, 6707 Third St., Suite B
Riverbank, CA 95367



MINUTES

TUESDAY, MARCH 8, 2022 – 6:00 P.M.

(THE AGENDA PACKET IS ONLINE AT [HTTP://WWW.RIVERBANK.ORG/AGENDACENTER](http://www.riverbank.org/agendacenter))

1. CALL TO ORDER - Mayor / Chair Richard D. O'Brien called the meeting to order at 6:00 p.m.

2. FLAG SALUTE - Mayor / Chair Richard O'Brien led the pledge of allegiance.

3. INVOCATION – Reverend Charles Neal provided the invocation.

4. ROLL CALL

Members of the City Council / Local Redevelopment Authority Board present in the Chamber:

Council Member / Authority Member District 1 Luis Uribe
Council Member / Authority Member District 2 Rachel Hernandez
Vice Mayor / Vice Chair (CM-D03) Cal Campbell
Mayor / Chair Richard D. O'Brien

Members of the City Council / Local Redevelopment Authority present via ZOOM:

Council Member / Authority Member District 4 Darlene Barber-Martinez

5. AGENDA CHANGES – There were no changes to the agenda.

6. CONFLICT OF INTEREST: Any Council/Authority Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.

No conflicts were declared.

7. PUBLIC COMMENTS (No action can be taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 3 minutes (or as stated by the presiding Officer)** and time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon.

*Jeani Ferrari presented read into the record a letter to the City Council in opposition to the River Walk project which is incorporated herein as **Exhibit A** as part of the official record.*

Dan Whetstone and Karen Carado both spoke in opposition of the River Walk project.

8. PRESENTATIONS (Informational only)

Item 8.1 **Government Code Claim Submitted by Schneider Electric Buildings, Inc. – Verbal Presentation by Deputy City Attorney Doug White**

Mayor/Chair O'Brien advised due to illness of the presenter and there being no public comment, the City Council will continue the presentation to the City Council meeting of March 22, 2022.

Item 8.2 **Cannabis DUI (Driving Under the Influence) Grant - Verbal Presentation by Deputy Eric Bavaro, Police Services**

Chief Ridenour and Deputy Bavaro reported on the Cannabis DUI Checkpoint Grant, a county-wide grant received from the OTS (Office of Traffic Safety) for Fiscal Year 2021/2022. Components of the grant include:

- *DUI Checkpoints; review of a recent DUI checkpoint operation was provided.*
- *DUI Saturation Patrol.*
- *Purchase of a radar trailer.*
- *Community outreach through social media and reports at City Council meetings.*

Chief Ridenour and Deputy Bavaro responded to questions raised by the City Council.

Item 8.3 **Introduction of Public Works Superintendent, Darin Smallen – Verbal Presentation by Michael Riddell, Public Works Director**

Public Works Director Riddell introduced the new Public Works Superintendent, Darin Smallen.

Public Works Superintendent Smallen thanked the Mayor, City Council and Interim City Manager Garcia and Public Works Director Riddell for providing the opportunity for advancement and growth.

Interim City Manager stated she and staff are extremely proud of Public Works Superintendent Smallen and this opportunity provided noting he has been employed with the City for over 24 years.

The Mayor and City Council congratulated Public Works Superintendent Smallen.

9. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council/LRA Board unless requested by an individual Council/Authority Member or member of the public for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by motion of the City Council/LRA Board.

Item 9.1 Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 9.2 Approval of the February 22, 2022 City Council and Local Redevelopment Authority Board Minutes.

Item 9.3 Acceptance of the Patterson Road at First Street Project and Authorization to File a Notice of Completion.

Item 9.4 **Resolution 2022-020** to Award Bid for the Castleberg Park Basketball Court Project to Frontline General Engineering Construction, Inc. and Authorize Execution of Future Change Orders.

ACTION: *By motion moved and seconded (Uribe / Campbell / passed 5/0) to approve Consent Calendar Items 9.1 through 9.4, as presented.
Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Campbell, Barber-Martinez, Hernandez and Mayor / Chair O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

10. PUBLIC HEARINGS

Item 10.1 **3rd Public Hearing – Redistricting Process for Riverbank’s Four (4) Councilmember District Boundaries** – It is recommended that the City Council conduct a public hearing regarding the redistricting process and provide direction to continue with the process of adopting the City’s current district boundaries map as the “Final Redistricting Map”. *The Public Hearing Notice was published in the Riverbank News on 02/23/2022 and posted on the City’s website.*

Mayor O’Brien introduced Aurora Dewhirst, tonight’s public hearing interpreter.

The time being 6:28 p.m., Mayor / Chair Richard O’Brien opened the public hearing requesting staff’s report.

City Attorney Hallinan, with interpretation provided by Ms. Dewhirst, presented the staff report, recommending the City Council conduct the 3rd Public Hearing regarding the redistricting process and provide direction to continue with the process of adopting the City’s current district boundaries map as the “Final Redistricting Map”.

The time being 6:30 p.m., Mayor / Chair Richard O’Brien asked for public comments.

Charles Neal had a question related to council district boundaries. In response to Mr. Neal’s question the 2015 District Boundaries Map, proposed for readoption as the Final Districting Map was displayed and reviewed.

There being no further public comment, Mayor / Chair Richard O’Brien closed the public hearing at 6:32 p.m.

ACTION: *By motion moved and seconded (Uribe / Hernandez / passed 5/0) providing direction to continue with the process of adopting the City's current district boundaries map as the "Final Redistricting Map".*
Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Campbell, Barber-Martinez, and Mayor / Chair O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

11. NEW BUSINESS

Item 11.1 **A Resolution to Amend the Adopted Streets 5-Year Capital Improvement Plan (CIP) for Fiscal Years 2018-2023** – It is recommended that the City Council approve a Resolution to Amend the Adopted 5-Year Capital Improvement Plan (CIP) for Fiscal Years 2018-2023 for Street projects.

Development Services Administration Manager Cleek presented the staff report recommending the City Council adopt a resolution to amend the previously adopted 5-Year Capital Improvement Plan (CIP) for Fiscal Years 2018-2023, as recommended in staff's report.

The City Council discussed with staff the possibility of placing a bike lane as part of the Oakdale Road improvements and coordinating the improvements with the developer. Development Services Administration Manager Cleek confirmed staff could look into including a protected bike lane into the design.

Councilmember Barber-Martinez asked whether the City will be looking at reducing the speed limit on Oakdale Road, particularly at the point where it is 50 mph. Mayor O'Brien responded explaining adjusting Oakdale Road speed limits have to be done after the traffic has been monitored by the City, which is every 5 years, Oakdale Road was last analyzed in 2018 therefore the next Traffic Analysis and Speed Control monitoring would be scheduled in 2023. Development Services Administration Manager Cleek agreed with the Mayor while also advising that when the last analysis occurred there were no houses in the Crossroads West noting that once residents move into the area, the City Council could potentially choose to look at analyzing the area sooner than the 5 years.

ACTION: *By motion moved and seconded (Campbell / Barber-Martinez / passed 5/0) to **adopt City Council Resolution 2022-021** to approve a Resolution to Amend the Adopted 5-Year Capital Improvement Plan (CIP) for Fiscal Years 2018-2023 for Street projects.*
Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Campbell, Barber-Martinez, Uribe, Hernandez and Mayor / Chair O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

Item 11.2 **A Resolution Authorizing an Additional appropriation of \$26,000 for the upgrade of the Sewer Collection SCADA System from the Sewer Operating Fund** – It is recommended that the City Council consider

adopting a resolution which will allocate an additional \$26,000 to upgrade the Sewer Collection SCADA System from the Sewer Operating Fund.

Public Works Director Riddell presented the staff report recommending that the City Council adopt the resolution allocating an additional \$26,000 to upgrade the Sewer Collection SCADA System from the Sewer Operating Fund as recommended in staff's report.

ACTION: *By motion moved and seconded (Uribe / Hernandez / passed 5/0) to **adopt City Council Resolution 2022-022** to approve a Resolution Authorizing an Additional appropriation of \$26,000 for the upgrade of the Sewer Collection SCADA System from the Sewer Operating Fund.*

AYES: Uribe, Hernandez, Campbell, Barber-Martinez, and Mayor / Chair O'Brien

NAYS: None / ABSENT: / ABSTAINED: None

Item 11.3 **A Resolution Authorizing an Additional appropriation of \$83,000 for the purchase of Truck Mounted Sewer Jetter from the Sewer Operating Fund 106** – It is recommended that the City Council consider adopting a resolution which will allocate an additional \$83,000 for the purchase of a Truck Mounted Sewer Jetter from the Sewer Operating Fund 106.

Public Works Director Riddell presented the staff report recommending that the City Council adopt the resolution allocating an additional \$83,000 for the purchase of a Truck Mounted Sewer Jetter from the Sewer Operating Fund as recommended in staff's report.

ACTION: *By motion moved and seconded (Uribe / Campbell / passed 5/0) to **adopt City Council Resolution 2022-023** to approve a Resolution to Amend the Adopted 5-Year Capital Improvement Plan (CIP) for Fiscal Years 2018-2023 for Street projects.*

Motion carried by unanimous City Council and LRA Board roll call vote:

AYES: Uribe, Campbell, Hernandez, Barber-Martinez, and Mayor / Chair O'Brien

NAYS: None / ABSENT: / ABSTAINED: None

12. COMMENTS/REPORTS

A brief report on notable attendance of a meeting or conference or other notable topics of City business shall be made. The Brown Act does not allow for discussion or action of items by the City Council/LRA Board during this time.

Item 12.1 Staff

Interim City Manager Garcia thanked all of the residents, businesses and local community groups and sponsors who attended the Centennial Gala. The Gala was the kickoff to event to all future events planned to celebrate the City's 100th Birthday. Many thanks to Gaby Hernandez and the Centennial Committee for their work on the Gala. The next event will be the Founders Day Carnival scheduled for April 30th at the Riverbank Community Center Park from 12:00 to 5:00 p.m. which will be open to all City residents.

Item 12.2 Council/Authority Member

Councilmember Hernandez provided an update on LOVE Riverbank.

Councilmember Uribe reported on the following:

- *He and Vice Mayor Campbell toured the LRA with Ameatis' Vice President of Projects, Jarrett Hollis.*
- *Will be attending the League of California Cities Central Valley Division Dinner on Thursday, March 10.*
- *Riverbank Youth Baseball Softball Association will be holding their Opening Day Parade on March 19. The Parade begins at the Community Center at 8:00 a.m., and finishes at Castleberg Park.*

Councilmember Barber- Martinez reminded everyone that today, March 8th is International Women's Day, a global day celebrating social, cultural, economic, and political achievements of women; she concluded her comments with the following quote from the International Women's Day website –

*"Together we can forge women's equality.
Individually we are responsible for our own thoughts and actions all day every day.
We can break the bias in our communities.
We can break the bias in our workplaces.
We can break the bias in our schools, colleges, and universities.
Together we can break the bias on International Women's Day and beyond."*

Vice Mayor Campbell reported on the following:

- *Advised he was also on the recent tour of the LRA with Councilmember Uribe echoing he was also impressed the progress they have made at the site.*
- *Advised a lot of jobs will be created at the Riverbank Industrial Complex (RIC), formally the LRA.*
- *Advised the Historical Society needs volunteers to help run the Museum. He advised a good time to learn more would be to attend the membership and election of officers meeting at 6:00 p.m., on March 19th at the Riverbank Perko's Cafe.*

Item 12.3 Mayor/Chair

Mayor/Chair O'Brien reminded everyone and encouraged attendance to hear where the City is going, where the City has come from and why the City will be doing what they are doing at the State of the City Address on March 17th at the Community Center. The State of the City Address begins at 6:30 p.m. however doors will open at 6:00 p.m.

13. CLOSED SESSION

The public will have a limit of 3 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing to Closed Session.

Item 13.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Government Code §54956.9)

Name of Case: City of Riverbank v. Schneider Electric Buildings America, Inc.

Mayor O'Brien advised that the City Council would not be going into closed session and requested concurrence of the City Council to continue Closed Session Item 13.1 to March 22, 2022.

The City Council unanimously concurred with the continuance Closed Session Item 13.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code §54956.9) Name of Case: City of Riverbank v. Schneider Electric Buildings America, Inc. to March 22, 2022.

14. ADJOURNMENT OF THE REGULAR MEETING

There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 6:55 p.m. to the next regular scheduled City Council / LRA Meeting March 22, 2022.

ATTEST: (Adopted 03/22/2022)

APPROVED:

Kathy L. Teixeira
Interim City Clerk / LRA Recorder

Richard D. O'Brien
Mayor / Chair

Good evening Mayor, Councilmembers and Staff.

My name is Jeani Ferrari. I have lived in Stanislaus County most of my life, the last 56 years in Turlock, California.

I am a Founding Director of Farmland Working Group.

Farmland Working Group is committed to the promotion of responsible land use; we show up and speak out against poor land use decisions. The River Walk Specific Plan is directed to some of the county's best soils and significant water recharge area. The proposal ignores the fact that there is ample land within Riverbank's General Plan and primary Sphere of Influence (SOI) for residential development.

Directing growth to existing neighborhoods saves up to 38% on upfront costs for construction of new roads, sewers, water lines and other infrastructure and saves 10% on provision of services such as police, ambulance and fire service costs. These statistics come from CALAFCO and American Farmland Trust's paper, *State of the Art on Agricultural Preservation*. A study by Smart Growth America found that on an average per-acre basis, smart growth development provides 10 times more tax revenue than conventional suburban development.

Stanislaus County is one of the most bountiful agricultural regions in the world. With extensive irrigated water fed by the Stanislaus, Tuolumne and San Joaquin rivers, the county's agricultural water source is considered among the cleanest, least expensive, and most reliable irrigation sources in the valley, state and world. The county's agricultural land is a natural resource unlike any in the world.

Sprawling edges is how the towns and cities in Los Angeles County grew, with the County never developing a plan of action to protect its number one industry, agriculture. Los Angeles County, until the late 1950's, was the NATION'S top agricultural county – I'll repeat that, Los Angeles was the most productive agricultural county in the NATION. The cities in LA County didn't have a plan for saving the ag industry, nor did the towns have a viable long-term plan to save farmland; each city sprawled, not practicing infill, repurposing or building up. It appears that the cities in Stanislaus County are growing their cities the same way – no long-term commitment for saving the ag industry, our best soils and water recharge areas.

Stanislaus County LAFCO is charged with planning for the future, protecting farmland and promoting smart growth in our urban communities. The Response to Notice of Preparation of an Environmental Impact Report identifies several areas of concern with the River Walk Specific Plan.

LAFCO noted that the City of Riverbank, as recently as 2016, expanded its Sphere of Influence, adding 1,479 acres intended to accommodate the city's growth over the next 20 years. The City of Riverbank subsequently annexed approximately 400 acres of this in 2019 for residential and commercial uses.

The Response from Stanislaus County LAFCo included this: As proposed, the City's Sphere of Influence would extend along the Stanislaus River to McHenry Avenue, adjacent to development in the unincorporated Del Rio community area. The EIR should discuss how the proposal relates to the overall regional planning for the area. If both the City and the County's plans were developed to their extents, no separation of communities or agricultural land would remain north of Patterson and Ladd Road in this area of Stanislaus County.

Regarding Agricultural Resources – One of LAFCo's main charges, as put forth by the Legislature, is to promote agriculture. LAFCo's policies state that development should be guided away from agricultural lands, including prime agricultural land. It appears that the majority of the 1,535 acre-sphere of influence expansion area is also considered prime farmland... The EIR should identify a range of alternatives to the proposal, including alternatives that focus on lands already within the sphere of influence and non-prime lands.

The Response from Stanislaus County LAFCo went on to state: The City of Riverbank adopted a Sustainable Agricultural Strategy in 2016 that it used as its Plan for Agricultural Preservation for the City's current Sphere of Influence. The Plan identified many of the City's current General Plan policies, including Agriculture Resource Conservation Areas covering 1,300 acres west of the city, use of agricultural buffers, and overall policies related to infill development prior to consideration of additional annexation areas. The current proposal would remove the Agriculture Resource Conservation designation in the project area and represents a significant shift in General Plan policies, the impacts of which will need to be fully discussed and considered.

In closing, I quote from my letter to Ms. Kenny in opposition to the proposed River Walk Plan – If the City of Riverbank recognizes its part in protecting Stanislaus County's important farmland and vital Ag economy, infill must be considered an important planning tool. Where is there recognition that farmland and important soils are irreplaceable? At what point is there a commitment to stopping sprawl and protecting farmland? The City of Riverbank has ample acres to develop without paving over farmland and water recharge areas.

Thank you.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 9.3

SECTION 9: CONSENT CALENDAR

Meeting Date:	March 22, 2022
Subject:	Consideration of a Resolution Authorizing the City to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 361 Allowing the City to Continue a Hybrid Virtual Meeting Environment
From:	Tom Hallinan, City Attorney
Submitted by:	Tom Hallinan, City Attorney

RECOMMENDATION

Staff recommends Council adopt a Resolution authorizing the City to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 361 Allowing the City to Continue a Virtual Meeting Environment.

SUMMARY

NOTE: This report is generally the same staff report presented at the January 25, 2022 Council meeting. As the resolution only extends the allowance for teleconferenced meetings for a 30-day period it is necessary to re-agendize this item for approval.

On September 16, 2021 Governor Newsom signed Assembly Bill ("AB") 361 which allows cities to continue to meet remotely during proclaimed states of emergency under modified Ralph M. Brown Act requirements that are similar but not identical to the rules and procedures established by the previous Executive Orders temporarily suspending provisions of the Brown Act. On September 20, 2021, Governor Newsom signed Executive Order N-15-21 to suspend AB 361 until October 1, 2021. Over the past year, City Council meetings have been held with virtual teleconference components.

AB 361, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Brown Act when a local legislative body holds a meeting during a declared state of emergency by the governor and when state of local health officials have imposed or recommended measures to promote social distancing.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things rescinded his prior Executive Order N-29-20 and set a date of October 1,

2021, for public agencies to transition back to public meetings held in full compliance with the Brown Act.

As the Delta variant has surged in California, the Legislature has taken action to extend the COVID-19 exceptions to the Brown Acts' teleconference requirements, subject to some additional safeguards. AB 361 allows a local agency to use teleconferencing without complying with the Brown Act provisions in any of the following circumstances:

- The local legislative body holds a meeting during a proclaimed state of emergency by the governor, and state or local officials have imposed or recommended measures to promote social distancing.
- The local legislative body holds a meeting during a proclaimed state of emergency by the governor for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- The local legislative body holds a meeting during a proclaimed state of emergency by the governor and has determined, by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

A local agency that holds a meeting under these circumstances would be required by AB 361 to do all of the following, in addition to giving notice of the meeting and posting agendas as required under the Brown act. These additional requirements are intended to protect the public's right to participate in the meetings of local agency legislative bodies.

Pursuant to AB 361 local agencies are required to do all of the following in addition to meeting notice requirements under the Brown Act:

- Allow the public to access the meeting and require that the agenda provide an opportunity for the public to directly address the legislative body pursuant to the Brown Act's other teleconferencing provisions.
- In each instance when the local agency provides notice of the teleconferenced meeting or posts its agenda, give notice for how the public can access the meeting and provide public comment.
- Identify and include in the agenda an opportunity for all persons to attend via a call-in or an internet-based service option; the legislative body need not provide a physical location for the public to attend or provide comments.
- Conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the public.
- Stop the meeting until public access is restored in the event of a service disruption that either prevents the local agency from broadcasting the meeting to the public using the call-in or internet-based service option or is within the local agency's control and prevents the public from submitting public comments (any actions taken during such a service disruption can be challenged under the Brown Act's existing challenge provisions).

- Not require comments be submitted in advance (though the legislative body may provide that as an option) and provide the opportunity to comment in real time.
- Provide adequate time for public comment, either by establishing a timed public comment period or by allowing a reasonable amount of time to comment.
- If the legislative body uses a third-party website or platform to host the teleconference, and the third-party service requires users to register to participate, the legislative body must provide adequate time during the comment period for users to register and may not close the registration comment period until the comment period has elapsed.

AB 361 also provides that if a local agency conducts teleconference meetings in reliance on AB 361, the local agency must make the following findings by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules:

- The legislative body has reconsidered the circumstances of the emergency; and
- Either of the following circumstances exist: The state of emergency continues to directly impact the ability of members to meet safely in person, or State or local officials continue to impose or recommend social distancing measures.

The goal of AB 361 is “to improve and enhance public access to local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options” consistent with Executive Order N-29-20. AB 361 contains an urgency clause which became effective upon signing with a sunset of January 1, 2024. However, shortly after signing AB 361, Governor Newsom signed Executive Order N-15-21 to suspend AB 361 until October 1, 2021.

At the October 12th City Council meeting, Council considered whether or not to continue with the hybrid meeting format. During that meeting difficulties were experienced in receiving a specific comment on an agenda item. As such, the Council chose to only extend the hybrid meeting allowance for 2 weeks to determine alternate options for accepting comments or dealing with technical issues. **At the October 26th Council meeting staff gave out the phone number at the dais for any member of the public that had technical issues providing comment by zoom. Two comments were received via this method, if this resolution is approved staff will continue with this measure until it is no longer needed.** Staff is currently in the process of soliciting bids for technological upgrades to the Council Chamber technology setup which will provide improved ability for hybrid and streamed meetings.

Alternatively, the Council could choose to no longer allow hybrid meetings in which case Councilmembers would attend in person or would have to follow the original Brown Act requirements for a remote meeting (public posting etc.). Some local communities still live stream meetings but do not allow remote public comment as an option.

If the Resolution is adopted the City Council will continue to hold in person meetings with a virtual hybrid component. The City Council will revisit the need to conduct meetings remotely within 30 days of the adoption of this Resolution, it is staff's intention

to reevaluate options for hybrid meetings during that time period for future Council consideration.

FINANCIAL IMPACT:

None at this time.

ATTACHMENTS:

1. Resolution 2022-
2. Letter from Stanislaus County Public Health Officer
Re: Social Distancing Recommendation

CITY OF RIVERBANK

RESOLUTION 2022-____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, PROCLAIMING A LOCAL EMERGENCY AND AUTHORIZING
REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES
OF THE CITY OF RIVERBANK PURSUANT TO ASSEMBLY BILL 361 AND
BROWN ACT PROVISIONS**

WHEREAS, the City Council of the City of Riverbank (the “City”) is committed to preserving public access and participation in meetings of the City Council; and

WHEREAS, all meetings of the City’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963), so that any member of the public may attend, participate, and watch the City’s legislative bodies conduct their business; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill (“AB”) 361, amending Government Code section 54953, subdivision (e) to allow for remote teleconferencing participation in meetings by members of a legislative body without compliance with the requirements of Government Code section 54953, subdivision (b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition for remote teleconferencing participation in meetings by members of a legislative body is that a state of emergency is declared by the Governor, pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the City’s boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing or the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the City, specifically, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; despite sustained efforts, the virus continues to spread and is impacting nearly all sectors of California; and

WHEREAS, the Stanislaus County Public Health Officer issued an order on September 2, 2021 regarding the highly transmissible Delta Variant and recommending face coverings indoors; and

WHEREAS, there has been a significant increase in COVID-19 cases in Stanislaus County due primarily to the Delta variant of SARS-CoV-2, the virus that causes COVID-19. Emerging evidence indicates that the Delta variant is far more transmissible than prior variants of the virus, may cause more severe illness, and can be spread by fully vaccinated individuals; and

WHEREAS, as a consequence of the declared emergency, the City Council does hereby find that the legislative body of the City shall conduct their meetings without compliance with Government Code section 54953, subdivision (b)(3), as authorized by Section 54953, subdivision (e), and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in Section 54953, subdivision (e)(2); and

WHEREAS, pursuant to Government Code section 54953, subdivision (e)(3), in order to continue to teleconference without compliance with Government Code section 54953, subdivision (b)(3), the City Council shall, not later than 30 days after teleconferencing for the first time pursuant to this Resolution, and every 30 days thereafter, make the following findings by majority vote: The legislative body has reconsidered the circumstances of the state of emergency and any of the following conditions exist: (1) the state of emergency continues to directly impact the ability of the members to meet safely in person or (2) state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the City reserves the option to hold in-person meetings, consistent with local health officer directives, or to continue a practice of remote meetings that still allow multiple options for public participation.

NOW, THEREFORE, THE CITY OF COUNCIL OF THE CITY OF RIVERBANK DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The City Council hereby proclaims that a local emergency exists throughout the City, and that the legislative body meeting in person could present imminent risks to the health and safety of attendees due to the prevalence of COVID-19 in Stanislaus County and the state, such that the City reserves the right to continue virtual meetings or conduct in-person meetings, consistent with local health guidance or duly issued orders.

Section 3. Remote Teleconference Meetings. The legislative body and designees of the City are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953, subdivision (e), and other applicable provisions of the Brown Act.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) October 30, 2021, or (ii) such time the City Council makes a subsequent finding by majority vote in accordance with Government Code section 54953, subdivision (e)(3), to extend the time during which the legislative bodies of the City may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 22nd day of March, 2022; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Kathy L. Teixeira
Interim City Clerk

Richard D. O'Brien
Mayor



HEALTH SERVICES AGENCY

Public Health Services

917 Oakdale Road, Modesto, CA 95353

Julie Vaishampayan, MD, MPH

Public Health Officer

Phone: 209.558.8804 Fax: 209.558.7286

www.hsahealth.org

September 22, 2021

To Whom It May Concern:

I recommend that physical/social distancing measures be practiced throughout our Stanislaus County communities to minimize the spread of COVID-19, including implementation of the newly enacted AB 361 to maintain social distancing by legislative bodies of our local agencies. This recommendation is made due to the continued threat of COVID-19 to the community.

I will continue to evaluate this recommendation on an ongoing basis and will communicate when there is no longer such a recommendation.

Julie Vaishampayan, MD, MPH
Public Health Officer
Stanislaus County

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 9.4

SECTION 9: CONSENT CALENDAR

Meeting Date: March 22, 2022

Subject: A Resolution Providing the Interim City Manager, or their designee, Signature Authority for the Submittal of an Application for Funding to the State Water Board Water and Wastewater Arrearage COVID Relief Program

From: Marisela H. Garcia, Interim City Manager

Submitted by: Tammy Alcantor, Assistant Finance Director

RECOMMENDATION

It is recommended that the City Council consider adopting a Resolution providing the Interim City Manager, or her designee, with signature authority to submit an application for funding to the State Water Board Wastewater Arrearage COVID Relief Program.

SUMMARY

The State Water Board has enacted a California Water and Wastewater Arrearage Program COVID Relief Funds under the Water and Waste Water System Payments of the American Rescue Plan Act of 2021. It is required that the Community Wastewater System (the City) designate signature authority to a City Official in order to submit an application for funding from this program.

BACKGROUND

As a community wastewater system, the City is eligible to receive funding through the California Water and Wastewater Arrearage Program being implemented by the State Water Resources Control Board (State Water Board). The State Water Board is providing federal funds through its Program as direct assistance to community water systems to forgive customer wastewater debt accrued during the COVID-19 Pandemic. The City applied and received funding for customer water debt of approximately \$78,000.

In order to begin this process for the Wastewater Arrearage Program, the City must designate signature authority to a City official, in this case the Interim City Manager, in order to submit the requested forms for the program.

STRATEGIC PLAN

On August 10, 2021, the City Council established a Strategic Plan Goal to “Ensure the City’s Continued Financial Stability”. This report addresses this matter.

FINANCIAL IMPACT

There is no financial impact associated with the designation of signature authority to the Interim City Manager, or their designee. There is the potential that grant funding may be received by the City.

ATTACHMENT

1. Draft City Council Resolution 2022-

CITY OF RIVERBANK

RESOLUTION 2022-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, PROVIDING THE INTERIM CITY MANAGER, OR THEIR DESIGNEE,
SIGNATURE AUTHORITY FOR THE SUBMITTAL OF AN APPLICATION FOR
FUNDING TO THE CALIFORNIA WATER AND WASTEWATER ARREARAGE
PAYMENT PROGRAM**

WHEREAS, the State Water Board has enacted a California Water and Wastewater Arrearage Payment Program; and

WHEREAS, the State Water Board is providing federal funds through its program as direct assistance to community wastewater systems to forgive customer wastewater debt accrued during the COVID-19 Pandemic; and

WHEREAS, as a community wastewater system, the City of Riverbank is eligible to receive funding through this program; and

WHEREAS, the City Council hereby designates the Interim City Manager, or their designee, as signature authority on any documents or forms required as part of this program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby provides signature authority for any forms related to the California Water and Wastewater Arrearage Payment Program to the Interim City Manager or their designee.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 22nd day of March, 2022; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Kathy L. Teixeira
Interim City Clerk

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 9.5

SECTION 9: CONSENT CALENDAR

Meeting Date: March 22, 2022

Subject: A Resolution Authorizing the Interim City Manager to Submit an Emergency Solutions Grant (ESG) and a California Emergency Solutions Grant (CA-ESG) Applications for Funding for Homeless Outreach and Shelter Services and, if Awarded, Execute an Agreement and Any Amendments thereto with Stanislaus County

From: Marisela H. Garcia, Interim City Manager

RECOMMENDATION

It is recommended that the City Council consider authorizing the Interim City Manager to submit applications in response to the Notice of Funding Availability for the ESG and CA-ESG Allocations and, if awarded, execute an Agreement with Stanislaus County for funding of Homeless Outreach and Shelter Services.

SUMMARY:

Annually, Stanislaus County issues a Notice of Funding Availability for funds received from the Federal and State Government which are available to fund a variety of programs, including street outreach and homeless shelter activities. As the City has received prior funding for the initial start-up of these activities in Riverbank, we will apply for funding on an annual basis in order to have a continual source of funds for our operations.

BACKGROUND:

One of the highest strategic priorities of the City Council over the past number of years has been to create effective solutions and services for the homeless and semi homeless individuals of our community. The Riverbank homeless have very limited access to critical services and shelter which could help them exit homelessness permanently. As a consequence, chronically homelessness has increased in some areas of the community and have become more highly visible as law changes have affected where and how homeless individuals can camp within public spaces. For many years the City struggled to obtain funding in pursuit of this effort. Fortunately, in 2021 the City was successful in achieving two separate funding awards to make this effort a reality.

The City applied for and received a California Emergency Solutions Grant (CA ESG) in the amount of \$497,992 for an outreach/engagement program and shelter operations. The City has contracted with Cambridge Academies under a Memorandum of Understanding to provide street outreach/engagement and shelter operation services. The program is designed to be a fully immersive program (known as RESTART) providing services for homeless individuals including job training, transitional and permanent housing placement, addiction referral, counseling and support. Each and every part of the program designed by Cambridge has been designed to give homeless individuals the tools to exit homelessness. A similar program has been in place within the City of Patterson for many years and has been highly successful in providing shelter while at the same time helping individuals find employment and permanent housing thereby exiting homelessness. The Riverbank City Council has long desired to have a similar type of project but with slight operational differences to more appropriately serve Riverbank's homeless population.

To that end, the City purchased the property located at 3344 Sierra Street which is slated to become the City's first overnight Emergency Shelter. Staff has been working diligently to begin the interior remodel of the home in order to be able to provide services by fall. In addition, the City will be seeking to purchase a modular for day use that will provide a place for our homeless residents to have access to showers, washers/dryers, and a hot meal.

Tonight's action is a request that will authorize staff to submit a grant application. Due to the timing of the release of the Notice of Funding Availability and the due date for the submittal of the grant, staff proceeded with the submittal which was due on Monday, March 7th. Staff applied for two Emergency Services Grants, one for the federal funding available and the second for the California Funding Available. By the time this item is being considered, staff will have already made a presentation to the Grant Review Panel.

FINANCIAL IMPACT:

The ESG and CA-ESG funding both require matching funds. Should the grants be awarded, staff will present funding options to the City Council for consideration.

ATTACHMENTS:

1. Draft City Council Resolution 2022-

CITY OF RIVERBANK

RESOLUTION 2022-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AUTHORIZING THE INTERIM CITY MANAGER TO SUBMIT AN EMERGENCY SOLUTIONS GRANT (ESG) AND CALIFORNIA EMERGENCY SOLUTIONS GRANT (CA-ESG) APPLICATIONS FOR FUNDING FOR HOMELESS OUTREACH AND SHELTER SERVICES AND, IF AWARDED, EXECUTE AN AGREEMENT AND ANY AMENDMENTS THERETO WITH STANISLAUS COUNTY

WHEREAS, Stanislaus County Department of Planning and Community Development issued a Notice of Funding Availability for the Emergency Solutions Grant and California Emergency Solutions Grant; and

WHEREAS, It is the desire of the Riverbank City Council to apply for this funding in order to fund the operations of the Riverbank Homeless Shelter and Day Use Facility; and

WHEREAS, the City of Riverbank also seeks funding for the services provided to our homeless population by Cambridge Academies in order who will provide street outreach/engagement and shelter operation services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Riverbank does authorize the submittal of grant applications in response to the Notice of Funding Availability issued by Stanislaus County Department of Planning and Community Development for the Emergency Solutions Grant (ESG) and the California Emergency Solutions Grant (CA-ESG).

NOW, THEREFORE, BE IT FURTHER RESOLVED that if awarded, the City Council does provide the Interim City Manager the authority to execute a grant agreement(s) and any amendments thereto.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 22nd day of March, 2022; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

Kathy L. Teixeira
Interim City Clerk

APPROVED:

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 10.1

SECTION 10: PUBLIC HEARINGS

Meeting Date:	March 22, 2022
Subject/ Title:	4th Public Hearing – Redistricting Process for Riverbank’s Four (4) Councilmember District Boundaries
From:	Marisela H. Garcia, Interim City Manager / Assistant City Manager
Submitted by:	Tom Hallinan, City Attorney

RECOMMENDATION

It is recommended that the City Council 1) conduct a public hearing to receive public input on the City Council district boundaries in response to data received in the 2020 census; and 2) adopt a resolution of the City Council of the City of Riverbank, California, adjusting City Council district boundaries in accordance with California Elections Code section 21600 et seq. and Riverbank Municipal Code section 30.03, subdivision (B)(3).

INTRODUCTION

Every ten (10) years, cities with by-district election systems must use new census data to review and, if needed, redraw City Council district lines to reflect how local populations have changed. This process, called redistricting, ensures all districts have substantially equal population. National Demographic Corporation (“NDC”) was hired to conduct and present the 2020 census data analysis for the City of Riverbank (the “City”), and to guide the City in achieving the final district boundaries map for adoption. The redistricting process for the City must be completed by April 17, 2022.¹

ANALYSIS

The City adopted its current four (4) district boundaries in 2015, based on the 2010 census data. In compliance with the requirements of the FAIR MAPS Act (AB 849, effective January 1, 2020), the City must now use the new 2020 census data to consider redrawing

¹ Elec. Code, § 21602, subd. (a)(3).

the current district boundaries so that districts will be substantially equal in population.² However, if the census data reflects that the total population deviation of the City's current districts is less than 10%, the current districts are substantially equal in population and the City Council may choose to retain and adopt the City's current district boundaries map as its final redistricting map.³

The City's current district boundaries are substantially equal in population. The total population deviation between the largest and smallest district is 7.07%. Accordingly, the City Council may choose to retain and adopt the City's current district boundaries map as its final redistricting map.

The resolution will adopt the City Council's chosen map as the final map of City Council district boundaries (the "Resolution"). Once the City Council adopts the Resolution, the chosen map will constitute district boundaries for use at the City's November 2022 election and subsequent elections until further re-alignment pursuant to State law and the Riverbank Municipal Code.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act requires environmental review only if a public agency action constitutes a "project." (Pub. Resources Code, § 21065.) Conducting a public hearing to receive public input on district boundaries and adopting the Resolution is not a "project" since it does not have the potential to cause a direct or reasonably foreseeable indirect physical change in the environment.

FINANCIAL IMPACT

Funds for redistricting have been approved.

ATTACHMENT

1. 2020 Census data for the City of Riverbank's existing Districts
2. Copy of Riverbank's current District Boundaries Map adopted 2015
3. Draft City Council Resolution 2022-

² Elec. Code, § 21601, subd. (a).

³ *Harris v. Arizona Independent Redistricting Com'n* (2016) 578 U.S. 253, 259.

CITY OF RIVERBANK

RESOLUTION 2022-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, ADJUSTING CITY COUNCIL DISTRICT BOUNDARIES IN ACCORDANCE WITH CALIFORNIA ELECTIONS CODE SECTION 21600 ET SEQ. AND RIVERBANK MUNICIPAL CODE SECTION 30.03, SUBDIVISION (B)(3)

WHEREAS, in December 8, 2015, the City Council adopted Ordinance 2015-019 to establish that the election of City Councilmembers shall be by-district with the Mayor elected at-large; and

WHEREAS, the FAIR MAPS Act (Elec. Code, § 21600 et seq.) (the “Act”) and Riverbank Municipal Code section 30.03, subdivision (B)(3) requires the City of Riverbank (the “City”) to readjust City Council district boundaries following each federal decennial census so that the City Council districts are substantially equal in population; and

WHEREAS, the Act requires the City to readjust City Council district boundaries based on the following factors: (1) geographically contiguous; (2) minimize divisions of neighborhoods and “communities of interest;” (3) easily identifiable boundaries; and (4) compactness; and

WHEREAS, the City has retained an experienced demographer consulting firm, National Demographics Corporation, to advise it on the process of readjusting City Council district boundaries; and

WHEREAS, as required by the Act, the City conducted four (4) public hearings to receive public input on potential City Council district boundaries on November 3, 2021; January 4, 2022; March 8, 2022; and March 22, 2022; and

WHEREAS, throughout the process, the City engaged in public outreach and engagement as required by Act; and

WHEREAS, the City has maintained a detailed redistricting website as required by the Act, <https://redistrictingriverbank.org/>; and

WHEREAS, the City has provided notices and live translation services upon request, as required by the Act; and

WHEREAS, the City made available to the public tools to permit the public to submit draft maps and testimony in writing or electronically, if desired; and

WHEREAS, the City believes that the City Council district boundaries contained in the map attached to this Ordinance as “Exhibit A” are in the best interest of the City and compliant with all applicable provisions of State law.

NOW, THEREFORE, be it resolved that the City Council of the City of Riverbank that:

1. The map attached hereto as Exhibit A, and incorporated herein, is hereby adopted and shall constitute the City Council district boundaries of the City for use at the City’s November 2022 election and subsequent elections until further re-alignment pursuant to State law and Riverbank Municipal Code section 30.03, subdivision (B)(3).
2. The City Clerk, or his or her designee, shall take all actions necessary to notify the Stanislaus County Registrar's Office of the City Council's determination forthwith and provide whatever assistance may be required by the Registrar's Office to implement the new City Council district boundaries.
3. If necessary to facilitate the implementation of this Resolution, the City Clerk is authorized to make technical adjustments to the City Council district boundaries that do not substantively affect the populations in the City Council districts, the eligibility of candidates, or the residence of elected officials within any City Council district. The City Clerk shall advise the City Council of any such adjustments that are found to be required in the implementation of the City Council district.
4. If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council declares that it would have adopted this Resolution, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the Resolution would be subsequently declared invalid or unconstitutional.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 22nd day of March, 2022; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of _____:

AYES:
NAYS:
ABSENT:
ABSTAINED:

ATTEST:

Kathy L. Teixeira
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

Existing Districts						
District		1	2	3	4	Total
	Total Pop	6,216	6,079	6,118	6,520	24,933
	Deviation from ideal	-17	-154	-115	287	441
	% Deviation	-0.27%	-2.47%	-1.85%	4.60%	7.08%
Total Pop	% Hisp	71.5%	51%	63%	40%	56%
	% NH White	22%	40%	26%	41%	33%
	% NH Black	2%	2%	2%	3%	2%
	% Asian-American	1%	3%	5%	13%	6%
Citizen Voting Age Pop	Total	3,380	3,633	3,097	4,311	14,421
	% Hisp	57%	39%	50%	34%	44%
	% NH White	38%	53%	38%	50%	45%
	% NH Black	2%	0%	2%	2%	2%
	% Asian/Pac.Isl.	2%	3%	9%	14%	7%
Voter Registration (Nov 2020)	Total	2,743	3,119	2,947	3,635	12,444
	% Latino est.	65%	38%	57%	36%	48%
	% Spanish-Surnamed	60%	35%	52%	33%	44%
	% Asian-Surnamed	1%	2%	2%	5%	2%
	% Filipino-Surnamed	1%	1%	2%	3%	2%
	% NH White est.	36%	61%	42%	57%	50%
	% NH Black	2%	0%	2%	1%	2%
Voter Turnout (Nov 2020)	Total	2,003	2,503	2,130	2,953	9,589
	% Latino est.	61%	35%	53%	34%	44%
	% Spanish-Surnamed	57%	32%	48%	32%	41%
	% Asian-Surnamed	1%	2%	2%	4%	2%
	% Filipino-Surnamed	1%	1%	2%	3%	2%
	% NH White est.	39%	64%	45%	59%	53%
	% NH Black	2%	0%	3%	2%	2%
Voter Turnout (Nov 2018)	Total	1,246	1,880	1,474	1,889	6,489
	% Latino est.	59%	29%	51%	31%	40%
	% Spanish-Surnamed	55%	28%	47%	29%	38%
	% Asian-Surnamed	1%	2%	2%	4%	2%
	% Filipino-Surnamed	1%	2%	2%	3%	2%
	% NH White est.	40%	67%	46%	61%	55%
	% NH Black est.	2%	0%	2%	1%	1%
ACS Pop. Est.	Total	6,463	5,994	5,592	6,692	24,741
Age	age0-19	31%	27%	33%	32%	31%
	age20-60	52%	53%	53%	56%	53%
	age60plus	17%	21%	14%	11%	16%
Immigration	immigrants	27%	24%	29%	17%	24%
	naturalized	37%	36%	42%	65%	43%
Language spoken at home	english	37%	56%	44%	61%	50%
	spanish	60%	40%	51%	28%	44%
	asian-lang	1%	3%	2%	7%	3%
	other lang	2%	2%	3%	4%	3%
Language Fluency	Speaks Eng. "Less than Very Well"	29%	19%	21%	12%	20%
Education (among those age 25+)	hs-grad	53%	57%	48%	53%	53%
	bachelor	5%	10%	9%	17%	10%
	graduatedegree	1%	7%	3%	6%	4%
Child in Household	child-under18	52%	38%	52%	50%	48%
Pct of Pop. Age 16+	employed	65%	64%	68%	68%	66%
Household Income	income 0-25k	19%	14%	14%	6%	13%
	income 25-50k	25%	21%	22%	13%	20%
	income 50-75k	26%	19%	19%	13%	19%
	income 75-200k	27%	37%	38%	58%	40%
	income 200k-plus	4%	9%	7%	10%	8%
Housing Stats	single family	90%	84%	98%	99%	92%
	multi-family	10%	16%	2%	1%	8%
	rented	42%	40%	22%	22%	32%
	owned	58%	60%	78%	78%	68%
Total population data from the 2020 Decennial Census.						
Surname-based Voter Registration and Turnout data from the California Statewide Database.						
Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2015-2019 American Community Survey and Special Tabulation 5-year data.						

**(Amended Map G by
Resolution # 2020-011)**



Riverbank Adopted Plan (Formerly Plan G)						
District		1	2	3	4	Total
	Total Pop	5,743	5,639	5,626	5,670	22,678
	Deviation from ideal	73	-31	-44	0	117
	% Deviation	1.29%	-0.55%	-0.78%	0.00%	2.06%
Total Pop	% Hisp	71%	59%	44%	35%	46%
	% NH White	25%	34%	50%	50%	44%
	% NH Black	1%	2%	2%	3%	2%
	% Asian-American	1%	3%	2%	10%	6%
Voting Age Pop	% Hisp	66%	55%	39%	32%	40%
	% NH White	29%	37%	55%	52%	50%
	% NH Black	1%	2%	2%	3%	2%
	% Asian-American	1%	3%	2%	10%	6%
Citizen Voting Age Pop	% Hisp	53%	47%	35%	40%	34%
	% NH White	42%	47%	54%	46%	57%
	% NH Black	1%	0%	5%	4%	2%
	% Asian-American	0%	3%	2%	9%	4%
Voter Registration (Nov 2012)	% Latino	58%	44%	32%	31%	31%
	% Asian-Surnamed	1%	2%	3%	3%	2%
	% Filipino-Surnamed	1%	2%	2%	2%	1%
Voter Turnout (Nov 2012)	% Latino	56%	40%	29%	28%	26%
	% Asian-Surnamed	1%	2%	2%	3%	1%
	% Filipino-Surnamed	1%	2%	2%	2%	1%
Age	age0-19	36%	33%	31%	34%	34%
	age20-60	53%	56%	53%	52%	53%
	age60plus	10%	10%	16%	15%	13%
Immigration	immigrants	27%	20%	23%	18%	22%
Housing Stats	vacant	8%	5%	10%	6%	7%
	occupied	92%	95%	90%	94%	93%
	rented	39%	24%	30%	17%	28%
	owned	61%	76%	70%	83%	72%
	singlefamily	89%	98%	88%	98%	93%
	multifamily	11%	2%	12%	2%	7%
Language spoken at home	english	44%	56%	59%	68%	57%
	spanish	53%	42%	37%	23%	38%
	asian-lang	0%	1%	1%	3%	1%
	other lang	3%	1%	3%	6%	3%
Child in Household	child-under18	49%	46%	43%	45%	46%
Work (percent of pop age 16+)	employed	52%	58%	53%	58%	55%
	Commute on Public Transit	0%	0%	0%	0%	0%
Household Income	hhincome0-25k	29%	19%	21%	15%	21%
	hhincome25-50k	32%	27%	27%	19%	26%
	hhincome50-75k	18%	22%	15%	17%	18%
	hhincome75-200k	20%	31%	34%	45%	33%
	hhincome200k-plus	0%	2%	3%	4%	2%
Education (among those age 25+)	hs-grad	55%	66%	60%	64%	61%
	bachelor	7%	9%	11%	15%	10%
	graduatedegree	1%	4%	5%	7%	4%
Total and Voting Age population data from the 2010 Decennial Census.						
Voter Registration and Turnout data from the California Statewide Database, Nov. 2012 data.						
Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2008-2012 American Community Survey 5-year data.						

Note: This demographic information was adopted with the original Map G of 2015, and excludes the annexed territory of the Crossroads West Specific Plan, which at the time contained 12 registered voters.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 10.2

SECTION 10: PUBLIC HEARING

Meeting Date: March 22, 2022

Subject: First Reading by Title Only and Introduction of a Proposed **Ordinance** Amending Chapter 50, Garbage, of Title V, Public Works, of the Riverbank Municipal Code to Regulate the Disposal of Recyclable and Organic Materials

From: Marisela Garcia, Interim City Manager

Submitted by: Kathleen Cleek, Development Services Administration Manager

RECOMMENDATION

It is recommended that the City Council conduct the public hearing for the first reading of the proposed ordinance waive further reading, read by title only, and introduce for first reading an ordinance of the City Council of the City of Riverbank amending Chapter 50, Garbage, of Title V, Public Works, of the Riverbank Municipal Code to regulate the disposal of recyclable and organic materials.

STAFF SUMMARY

In September 2016, SB 1383 established Statewide methane emissions reduction targets in an effort to reduce emissions of short-lived climate pollutants in various sectors of California's economy. SB1383 is the most significant waste reduction mandate to be adopted in California in the last 30 years, establishing targets to achieve a 50 percent reduction in the level of statewide disposal of organic waste from 2014 levels by 2020, and a 75 percent reduction by 2025. To accomplish these Statewide goals, SB1383 regulations include prescriptive requirements for jurisdictions related to recycling and organics collection, field inspections, enforcement policies, and edible food recovery. The law comes with both performance targets and the potential for penalties levied against the jurisdiction for non-compliance. Enforcement and penalties for non-compliance begins January 1, 2022 for jurisdictions.

Ordinances and Policy Changes

SB1383 requires jurisdictions to implement and/or amend ordinances or other enforceable mechanisms and policies covering: residential and commercial organics

service, enforcement, CALGreen construction and demolition requirements, a Model Water Efficient Landscaping Ordinance (MWELO) and procurement policies.

To address this requirement, staff has developed an SB1383 Ordinance that amends the City of Riverbank's (the "City") solid waste regulations to address compliance requirements as outlined below (the "Ordinance").

Organics Collection

To fulfill the collection requirements, jurisdictions must provide recycling, organics, and solid waste collection services for all generators (subject to limited waivers and self-hauling). The City of Riverbank is already in compliance with the residential and commercial requirement as it provides all generators the two-container collection program where cardboards and organics go in one can and remaining solid waste in the other can. Commercial businesses also have the option of a two-bin system one for cardboard and organics and the other for remaining solid waste. The Ordinance also establishes regulations for haulers. Commercial businesses and residential customers also have the option of self-haul.

Edible Food Recovery

SB1383 requires that jurisdictions educate edible food generators, increase access to edible food recovery organizations and services, monitor and enforce edible food generator compliance, and increase edible food recovery capacity. The City of Riverbank's role in edible food recovery is focused on education, coordination with the regional agency and Stanislaus County's food recovery efforts, support for County food recovery capacity reporting, as well as ongoing maintenance of an accurate list of Tier One and Tier Two commercial edible food generators.

Education and Outreach

SB1383 has specific education requirements for jurisdictions. The City will need to annually educate all generators (residents, businesses, multifamily complexes, townhomes, self-haulers, edible food generators, and non-local entities) within City limits on their obligation to comply with SB1383 requirements.

Compliance Monitoring and Enforcement

Beginning January 1, 2022, SB1383 requires annual deskside "compliance review" of all commercial accounts that generate two cubic yards or more per week of solid waste; inspection of edible food generators; verification of self-hauler compliance; investigation of complaints; and verification of a certain portion of waivers issued annually such that an account with a waiver is inspected once every five years. Waivers can be issued for de minimis production of organics, or for lack of physical space, as defined in the regulations. Additionally, SB1383 requires contamination monitoring of customers' materials through random container inspections of all hauler routes annually. To

address this requirement, the City will conduct annual route monitoring. This new process requires feedback to customers about contamination findings and what materials are accepted in the two container streams.

Reporting

SB1383 requires significant annual reporting, as well as ongoing maintenance of an “Implementation Record” that documents compliance with the regulations. The City will maintain records for programs including collection and processing, food recovery, education, monitoring and enforcement, and procurement.

Organic Waste Product Procurement

In order to create a market demand for finished products derived from organics discards, SB1383 prescribes that beginning January 1, 2022, each jurisdiction shall be responsible for the purchase of a certain quantity of finished product (compost, mulch, renewable natural gas, and/or electricity from biomass and recycled-content paper) annually. The procurement requirement set in the SB1383 regulation is 0.08 tons of organic waste per resident. These provisions also require that jurisdictions purchase recycled content paper products defined as consisting of at least 30 percent postconsumer fiber, by fiber weight.

CONCLUSION

The Ordinance will amend the City’s solid waste regulations in order to comply with SB 1383 regulations. To meet all the mandates of SB1383, staff will continue to develop programs to address enforcement, procurement, edible food recovery and reporting in addition to development of the Ordinance. The Ordinance will take effect 30 days after the second reading and final adoption, which is anticipated to be no later than May 12, 2022.

FINANCIAL IMPACT

The exact fiscal impact is difficult to quantify. However, increased staff time will be devoted to the Solid Waste program for implementation of new programs, record keeping, outreach, inspections, and enforcement to stay in compliance with this new state mandate.

ATTACHMENTS

1. Draft Ordinance 2022-.

1
2 **CITY OF RIVERBANK**

3
4 **ORDINANCE NO. 2022-__**

5
6 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK**
7 **AMENDING CHAPTER 50, GARBAGE, OF TITLE V, PUBLIC WORKS, OF THE**
8 **RIVERBANK MUNICIPAL CODE TO REGULATE THE DISPOSAL OF RECYCLABLE**
9 **AND ORGANIC MATERIALS**
10

11 **WHEREAS**, State recycling law, Assembly Bill 939 of 1989, the California
12 Integrated Waste Management Act of 1989 (California Public Resources Code Section
13 40000, et seq., as amended, supplemented, superseded, and replaced from time to time),
14 requires cities and counties to reduce, reuse, and recycle (including composting) Solid
15 Waste generated in their Jurisdictions to the maximum extent feasible before any
16 incineration or landfill disposal of waste, to conserve water, energy, and other natural
17 resources, and to protect the environment; and

18 **WHEREAS**, State recycling law, Assembly Bill 341 of 2011 (approved by the
19 Governor of the State of California on October 5, 2011, which amended Sections 41730,
20 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections
21 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to
22 Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public
23 Resources Code, as amended, supplemented, superseded and replaced from time to
24 time), places requirements on businesses and multi-family property owners that generate
25 a specified threshold amount of Solid Waste to arrange for recycling services and requires
26 the City of Riverbank (the "City") to implement a Mandatory Commercial Recycling
27 program; and

28 **WHEREAS**, State organics recycling law, Assembly Bill 1826 of 2014 (approved
29 by the Governor of the State of California on September 28, 2014, which added Chapter
30 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources
31 Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced
32 from time to time), requires businesses and multi-family property owners that generate a
33 specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to
34 arrange for recycling services for that waste, requires Jurisdictions to implement a
35 recycling program to divert Organic Waste from businesses subject to the law, and
36 requires the city to implement a Mandatory Commercial Organics Recycling program; and

37 **WHEREAS**, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016,
38 requires CalRecycle to develop regulations to reduce organics in landfills as a source of
39 methane. The regulations place requirements on multiple entities including Jurisdictions,
40 residential households, commercial businesses and business owners, commercial edible
41 food generators, haulers, self-haulers, food recovery organizations, and food recovery

services to support achievement of Statewide Organic Waste disposal reduction targets;
and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires the city to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance may also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

(f) Requirements in this ordinance are consistent with other adopted goals and policies of the City.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF
RIVERBANK DOES ORDAIN AS FOLLOWS:**

SECTION 1. Chapter 50, Garbage, of Title V, Public Works, of the Riverbank Municipal Code shall be repealed in its entirety and amended with a new Chapter 50 that shall read as follows:

CHAPTER 50: GARBAGE

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CalRecycle California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on Jurisdictions (and others).

California Code of Regulations or CCR The State of California Code of Regulations. CCR references in this Chapter are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).

Collector. A refuse collector who has entered into a contract with the city, or who has received a franchise from the city, to collect solid waste within the city.

City Manager. means the City Manager of the City of Riverbank, or his or her designee, which may include City employees.

Collection. To take physical possession of solid waste at, and remove from, the place of generation for transport to a solid waste facility or other recovery activity.

Commercial Business. or **Commercial.** A firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial

76 facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section
77 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units
78 is not a Commercial Business for purposes of implementing this Chapter.

79 **Commercial Edible Food Generator.** A Tier One or a Tier Two Commercial Edible Food
80 Generator as defined in in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes
81 of this definition, Food Recovery Organizations and Food Recovery Services are not
82 Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

83 **Compliance Review.** A review of records by the City of Riverbank to determine
84 compliance with this Chapter.

85 **Community Composting.** Any activity that composts green material, agricultural
86 material, food material, and vegetative food material, alone or in combination, and the
87 total amount of feedstock and compost on-site at any one time does not exceed 100 cubic
88 yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise
89 defined by 14 CCR Section 18982(a)(8).

90 **Compost.** Compost has the same meaning as in 14 CCR Section 17896.2(a)(4), which
91 stated, as of the effective date of this Chapter, that “Compost” means the product resulting
92 from the controlled biological decomposition of organic Solid Wastes that are Source
93 Separated from the municipal Solid Waste stream, or which are separated at a centralized
94 facility.

95 **Compostable Plastics** or **Compostable Plastic.** Plastic materials that meet the ASTM
96 D6400 standard for composability, or as otherwise described in 14 CCR Section
97 18984.2(a)(1)(C).

98 **Container Contamination** or **Contaminated Container.** A container, regardless of
99 color, that contains Prohibited Container Contaminants, or as otherwise defined in 14
100 CCR Section 18982(a)(55).

101 **Construction and Demolition Debris** or **C&D.** Used or discarded materials resulting
102 from construction, renovation, remodeling, repair, demolition, excavation or construction
103 clean-up operations on any pavement or structure.

104 **Container** or **Collection Container.** Any bin, box or cart used for the purpose of holding
105 solid waste for collection.

106 **Containerized Service.** Service approved by the City Manager, wherein the city or the
107 collector provides a vehicle equipped for mechanical handling of one or two cubic yard
108 containers with casters; such containers shall be furnished by the customer and shall be
109 of a type approved by the City Manager, or rented from the city or the collector.

110 **Designated Source Separated Organic Waste Facility.** As defined in 14 CCR Section
111 18982(14.5), which means a Solid Waste facility that accepts a Source Separated
112 Organic Waste collection stream as defined in 14 CCR Section 17402(a)(26.6) and
113 complies with one of the following:

(A) The facility is a “transfer/processor,” as defined in 14 CCR Section 18815.2(a)(62), that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d), and meets or exceeds an annual average Source Separated organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024 and 75 percent on and after January 1, 2025 as calculated pursuant to 14 CCR Section 18815.5(f) for Organic Waste received from the Source Separated Organic Waste collection stream.

(1) If a transfer/processor has an annual average Source Separated organic content Recovery rate lower than the rate required in Paragraph 1 of this definition for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a “Designated Source Separated Organic Waste Facility”.

(B) The facility is a “composting operation” or “composting facility” as defined in 14 CCR Section 18815.2(a)(13), that pursuant to the reports submitted under 14 CCR Section 18815.7 demonstrates that the percent of the material removed for landfill disposal that is Organic Waste is less than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), whichever is applicable, and, if applicable, complies with the digestate handling requirements specified in 14 CCR Section 17896.5.

(1) If the percent of the material removed for landfill disposal that is Organic Waste is more than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a “Designated Source Separated Organic Waste Facility.” For the purposes of this Chapter, the reporting periods shall be consistent with those defined in 14 CCR Section 18815.2(a)(49).

Designee. An entity that the city contracts with or otherwise arranges to carry out any of the city’s responsibilities of this Chapter as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.

Edible Food. Food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Chapter or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this Chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

Enforcement Action An action of the City to address non-compliance with this Chapter including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

Excluded Waste. Hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the city and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the City's, or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the City, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, universal wastes, and/or latex paint when such materials are defined as allowable materials for collection through the City's collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by the City or its Designee for collection services.

Food. Food has the same meaning as in Health and Safety Code section 113781.

Food Distributor. A company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

Food Facility. The same meaning as in Section 113789 of the Health and Safety Code.

Food Recovery. Actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

Food Recovery Organization. An entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

(A) A food bank as defined in Section 113783 of the Health and Safety Code;

(B) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,

(C) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this Chapter.

Food Recovery Service. A person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

Food Scraps. All food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps. Food Scraps does not include Excluded Waste.

Food Service Provider. An entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

Food-Soiled Paper. Compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.

Food Waste. Food Scraps, Food-Soiled Paper, and Compostable Plastics.

Black Container. Any bin, can, receptacle, or any other type of receptacle or depository designated by the City or a City-designated waste removal company for the deposit, storage, and collection of solid waste not designated or collection in the Green Container. A container may also be described as an automatic lift container cart, drop box, roll-off, compactor container, standard automated container, drop box container or detachable container or bin.

Green Container. Green Container has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Organic Waste.

Grocery Store. A store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).

Hauler. a person who collects material from a generator and delivers it to a reporting entity, end user, or a destination outside of the state. Hauler includes "contractor." A person who transports material from reporting entity to another person is a transporter, not a hauler.

Hauler Route. The designated itinerary or sequence of stops for each segment of the city's collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

High Diversion Organic Waste Processing Facility. A facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the "Mixed waste organic collection stream" as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).

Inspection. A site visit where the City reviews records, containers, and an entity's collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Chapter, or as otherwise defined in 14 CCR Section 18982(a)(35).

City. the City of Riverbank, California, or the area within the territorial limits of the City of Riverbank, California, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.

City Enforcement Official. The City Manager, or his or her designee. The City Manager, or his or her designee, shall administer, implement and enforce the provisions of this chapter..

Large Event. An event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this Chapter.

Large Venue. A permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this Chapter.

269 **Local Education Agency.** A school district, charter school, or county office of education
 270 that is not subject to the control of city or county regulations related to Solid Waste, or as
 271 otherwise defined in 14 CCR Section 18982(a)(40).

272 **Multi-Family Residential Dwelling.** or **Multi-Family.** Of, from, or pertaining to
 273 residential premises with five (5) or more dwelling units. Multi-Family premises do not
 274 include hotels, motels, or other transient occupancy facilities, which are considered
 275 Commercial Businesses.

276 **MWEL0.** The Model Water Efficient Landscape Ordinance (MWEL0), 23 CCR, Division
 277 2, Chapter 2.7.

278 **Non-Compostable Paper.** Non-compostable paper includes but is not limited to paper
 279 that is coated in a plastic and/or metallic material that will not breakdown in the
 280 composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).

281 **Non-Local Entity.** Entities that are not subject to the city's enforcement authority, or as
 282 otherwise defined in 14 CCR Section 18982(a)(42), including:

283 (A) Special district(s) located within the boundaries of the city, including
 284 Riverbank Unified School District, State agencies located within the
 285 boundaries of the city, including Caltrans, Cal Fire or Stanislaus County
 286 facilities.

287 **Non-Organic Recyclables.** non-putrescible and non-hazardous recyclable wastes,
 288 including but not limited to bottles, cans, metals, plastics and glass, or as otherwise
 289 defined in 14 CCR Section 18982(a)(43).

290 **Notice of Violation (NOV).** A notice that a violation has occurred that includes a
 291 compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR
 292 Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

293 **Organic Waste.** Solid Wastes containing material originated from living organisms and
 294 their metabolic waste products, including but not limited to food, green material,
 295 landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper
 296 Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as
 297 otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as
 298 defined by 14 CCR Section 18982(a).

299 **Organic Waste Generator.** A person or entity that is responsible for the initial creation
 300 of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

301 **Paper Products.** Paper Products include, but are not limited to, paper janitorial supplies,
 302 cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and
 303 toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).

304 **Person.** Any person or persons, firm, association, corporation or other entity acting as
305 principal, agent or officer, servant or employee, for themselves or for any other person,
306 firm or corporation.

307 **Premises.** Premises includes a tract or parcel of land with or without habitable buildings
308 or appurtenant structures. For purposes of this Chapter, the word premises includes
309 residential and commercial uses of the land, whether owned, leased, rented or subrented,
310 including every dwelling house, dwelling unit, apartment house or multiple-dwelling
311 building, trailer or mobile home park, store, restaurant, rooming house, hotel, motel, office
312 building, department store, manufacturing, processing or assembling shop or plant,
313 warehouse and every other place or premises where any person resides, or any business
314 is carried on or conducted within the city.

315 **Printing and Writing Papers.** Printing and Writing Papers include, but are not limited to,
316 copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white
317 wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint,
318 and other uncoated writing papers, posters, index cards, calendars, brochures, reports,
319 magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).

320 **Prohibited Container Contaminants.:** (i) discarded materials placed in the Green
321 Container that are not identified as acceptable Source Separated Green Container
322 Organic Waste for the City's Green Container; (ii) discarded materials placed in the Black
323 Container that are acceptable Source Separated Green Container Organic Waste for the
324 City's Green Container;(iii) Excluded Waste placed in any container.

325 **Recovered Organic Waste Products.** Products made from California, landfill-diverted
326 recovered Organic Waste processed in a permitted or otherwise authorized facility, or as
327 otherwise defined in 14 CCR Section 18982(a)(60).

328 **Recovery.** Any activity or process described in 14 CCR Section 18983.1(b), or as
329 otherwise defined in 14 CCR Section 18982(a)(49).

330 **Recycled-Content Paper.** Paper products and printing and writing paper that consists of
331 at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14
332 CCR Section 18982(a)(61).

333 **Regional Agency.** Regional agency as defined in Public Resources Code Section 40181.

334 **Remote Monitoring.** The use of the internet of things and/or wireless electronic devices
335 to visualize the contents of containers, for purposes of identifying the quantity of materials
336 in containers (level of fill) and/or presence of Prohibited Container.

337 **Residential.** For the purposes of this chapter, any premise consisting of between one (1)
338 and four (4) dwelling units, and onsite domestic uses accessory to these dwelling units.
339 A multi-family dwelling that consists of fewer than five (5) dwelling units is "Residential",
340 for the purposes of this Chapter.

Restaurant. An establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).

Route Review. A visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

SB 1383. Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.

SB 1383 Regulations. For the purposes of this Chapter, the regulations developed by CalRecycle to implement SB 1383.

Self-Hauler. A person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

Single-Family. of, from, or pertaining to any residential premises with fewer than five (5) units.

Solid Waste. Solid Waste has the same meaning as defined in Public Resources Code Section 40191, which defines Solid Waste as all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that solid waste does not include any of the following wastes:

- (A) Hazardous waste, as defined in the Public Resources Code Section 40141.
- (B) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
- (C) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid

380 Waste shall be regulated pursuant to Division 30 of the State Public
381 Resources Code.

382 **SOLID WASTE COLLECTION SERVICE OF THE CITY.** Solid waste collection service
383 provided by the city or such service provided by a collector who has entered into a
384 contract with the city, or who holds a franchise from the city, to collect solid waste within
385 the city, depending on whether the city is providing such service with city personnel or by
386 contract or franchise with a private collector.

387 **Source Separated.** Materials, including commingled recyclable materials, that have been
388 separated or kept separate from the Solid Waste stream, at the point of generation, for
389 the purpose of additional sorting or processing those materials for recycling or reuse in
390 order to return them to the economic mainstream in the form of raw material for new,
391 reused, or reconstituted products, which meet the quality standards necessary to be used
392 in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the
393 purposes of the Chapter, Source Separated shall include separation of materials by the
394 generator, property owner, property owner's employee, property manager, or property
395 manager's employee into different containers for the purpose of collection such that
396 Source Separated materials are separated from Black Container Waste or other Solid
397 Waste for the purposes of collection and processing.

398 **Source Separated Green Container Organic Waste.** Source Separated Organic Waste
399 that can be placed in a Green Container that is specifically intended for the separate
400 collection of Organic Waste by the generator, excluding pet waste, carpets, non-
401 compostable paper, and textiles.

402 **Source Separated Recyclable Materials.** Source Separated Non-Organic Recyclables.

403 **State.** the State of California.

404 **Supermarket.** A full-line, self-service retail store with gross annual sales of two million
405 dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or
406 nonfood items and some perishable items, or as otherwise defined in 14 CCR Section
407 18982(a)(71).

408 **Tier One Commercial Edible Food Generator** means a Commercial Edible Food
409 Generator that is one of the following as defined in 14 CCR Section 18982(a)(73):

- 410 (A) Supermarket.
- 411 (B) Grocery Store with a total facility size equal to or greater than 10,000 square
412 feet.
- 413 (C) Food Service Provider.
- 414 (D) Food Distributor.
- 415 (E) Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this Chapter.

Tier Two Commercial Edible Food Generator. A Commercial Edible Food Generator that is one of the following as defined in 14 CCR Section 18982(a):

- (A) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (B) Hotel with an on-site Food Facility and 200 or more rooms.
- (C) Health facility with an on-site Food Facility and 100 or more beds.
- (D) Large Venue.
- (E) Large Event.
- (F) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- (G) A Local Education Agency facility with an on-site Food Facility.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this Chapter.

Wholesale Food Vendor. A business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

§ 50.02 REQUIREMENT TO USE SOLID WASTE COLLECTION SERVICE; NONCOMPLIANCE.

- (A) All dwellings, apartment houses and places of business in which refuse accumulates within the city shall be required to use Solid Waste Collection service of the city and to pay the charges therefor. It shall be unlawful for any person, firm or corporation, except as provided in this chapter, to collect or gather Solid Waste within the city.
- (B) The City Council may contract for the collection or disposal, or both, of solid waste under such terms and conditions as the City Council may prescribe by resolution or ordinance, as provided in Cal. Pub. Res. Code § 49300. The contract may be “exclusive or nonexclusive.” The collector shall comply with the terms and conditions of the city code as well as such other terms and conditions as may be prescribed by resolution.

(C) In the event that trash, garden waste, lawn and tree trimmings, and the like, are piled adjacent to an alley or city street without the benefit of a suitable container, the property owner or responsible tenant shall, upon written notification by the city, promptly deposit the litter in adequate containers for refuse pick-up. Failure to respond after ten days to a written request made by the city shall serve as authorization to the city to remove the litter and subject the property owner or responsible tenant to the charges specified in the nonconforming refuse collection fees.

(D) Nothing in this Chapter prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

§ 50.03 TRASH ACCUMULATIONS PROHIBITED.

It shall be unlawful for any occupant or owner of any building, lot or premises in the city to allow or permit to collect or remain upon such premises any solid waste in such manner or quantity as is a fire menace or a health hazard to the people of the city.

§ 50.04 OPEN BURNING PROHIBITED.

(A) *Public places.* It shall be unlawful for any person to cause, allow, aid, suffer or maintain any open burning of any kind upon any public place, street or alley within the city at any time.

(B) *Private premises.* It shall be unlawful for any person to cause, allow, suffer or maintain any open burning of any kind or the burning of any solid waste in any incinerator, barrel, can, pit, outdoor fireplace or similar container or enclosure upon any private premises within the city.

(C) *Nonapplicability.* The provisions of this section shall not apply to the following:

(1) An indoor or outdoor barbecue or similar heating or cooking device while being used for the heating or cooking of food for human consumption, or for recreational purposes, and not being used primarily for the burning of waste materials or solid waste;

(2) Comfort heating by use of a fireplace inside a residence, which fireplace is not being used primarily for the burning of waste materials or solid waste;

(3) An approved type incinerator or furnace used by a hospital or similar establishment for the incineration of body parts, bandages or related solid waste;

(4) Controlled fires for the purpose of training fire fighters;

(5) A fire set or permission given by an official of the fire district personnel for the purpose of prevention of a fire or health hazard or the disposal of waste

489 materials which cannot be abated or disposed of by other reasonable
490 means; or

491 (6) Fires used as safety flares for the combustion of waste gases.

492 **§ 50.05 BURNING, BURYING OR DUMPING GARBAGE.**

493 (A) It shall be unlawful for any person to burn, bury or dump, or permit to be burned,
494 buried or dumped, any solid waste in any place within the city.

495
496 (B) It is hereby declared to be a nuisance and it shall be unlawful to deposit or allow
497 to remain on any premises, vacant lot, street, alley, or in any excavation, any offal,
498 garbage, dead animals, or any putrid, decaying, or offensive animal or vegetable
499 matter.

500
501 (C) It is hereby declared to be a nuisance and it shall be unlawful to deposit or allow
502 to remain in any street, alley, public park or other publicly-owned property, any of
503 the following: scrap building materials, discarded boxes, cartons, earth, concrete,
504 bricks, waste construction materials, tin or metal cans, bottles, glass, rags, paper,
505 lawn trimmings or clippings, garden trimmings, garden refuse, small tree or shrub
506 prunings, any waste materials resulting from gardening, and any and all household
507 items which have been discarded or are no longer desired by the owner thereof.
508

509 **§ 50.06 SOLID COLLECTION SERVICE; RESIDENTIAL**

510 (A) Containers.

511 (1) Prior to collection, all solid waste shall be stored in approved automated
512 collection containers provided by the city's collector, unless an alternative
513 is approved pursuant to § 50.07.

514 (2) The city's collector will not remove or cause to be removed from the
515 premises any refuse which is not so contained, except as otherwise
516 provided in this section.

517 (B) Single Family Organic Waste Generators shall subscribe to city's Organic Waste
518 collection services for all Organic Waste generated. The city shall have the right to
519 review the number and size of a generator's containers to evaluate adequacy of
520 capacity provided for each type of collection service for proper separation of
521 materials and containment of materials; and, Single-Family generators shall adjust
522 its service level for its collection services as requested by the city. Generators may
523 additionally manage their Organic Waste by preventing or reducing their Organic
524 Waste, managing Organic Waste on site, and/or using a Community Composting
525 site pursuant to 14 CCR Section 18984.9(c).

526 (C) Single Family Organic Waste Generators shall participate in the City's Organic
527 Waste collection service(s) by placing designated materials in designated

containers as described below, and shall not place Prohibited Container Contaminants in collection containers.

(1) A two-container collection service (Green Container and Black Container)

(a) Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; and Black Container Waste in the Black Container. Generators shall not place materials designated for the Black Container into the Green Container.

(D) *Frequency of collection.* The city's collector shall collect Solid Waste a minimum of once each week from all dwelling units in the city. The city's collector shall collect recyclables in the city once every week based on a scheduling calendar approved by the City Manager and provided to city residents each year by the city's collector.

(E) *Types of residential service.*

(1) *Curb service.* All curb and alley service customers shall place the refuse container at the curb in the street or in the alley not later than 6:00 a.m. on the day of collection and shall remove the refuse containers from the curb or alley on the same day as collection.

(2) *Alley service.* Where alley service is provided, containers must be placed upon the customer's premises, immediately adjacent to and accessible from the alley without the necessity of entering the premises. Containers shall be placed to provide the necessary clearance from obstructions on either side of the container as well as overhead clearance needed for the collection vehicle to empty the contents of the container without causing damage to public or private property.

(3) *Walk-in service.* Walk-in service is available to those customers who have applied to and have been approved by the City Manager. This service shall be limited to only those dwellings where there is no able-bodied resident capable of placing the container in the approved location. If approved by the City Manager, there shall be no additional charge for this service.

(4) *Containerized service.* Containerized service may be used for apartments, multiple-dwellings, single-family dwellings, and for places of business.

§ 50.07 REFUSE COLLECTION SERVICE; COMMERCIAL

Commercial Businesses, which includes Multi-Family Residential Dwellings, shall comply with the following:

(A) Containers. Prior to collection, all Solid Waste shall be stored in approved locked, front-loaded bins provided by the city's collector, unless an alternative is approved pursuant to this section.

- (B) Except Commercial Businesses that meet the Self-Hauler requirements in § 50.12, be automatically enrolled in the city's two-container Organic Waste collection. As approved by the City Manager, or his or her designee, the City shall have the authority to change the minimum required service levels over time. The Commercial Business' Organic Waste service level must be sufficient for the amount of Source Separated Green Container Organic Waste generated by the Commercial Business. The City The city shall have the right to review the number, size, and location of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Business shall adjust its service level for its collection services as requested by the City.
- (C) Except Commercial Businesses that meet the Self-Hauler requirements in § 50.12 of this Chapter, participate in and comply with the city's two-container (Green Container and Black Container) collection service by placing designated materials in designated containers. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; and Black Container Waste in the Black Container. Generators shall not place materials designated for the Black Container into the Green Container.
- (D) Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors (conforming with § 50.12, subdivision (E)(1) and (E)(2) below), for employees, contractors, tenants and customers, consistent with city's Green Container and Black Container collection service.
- (E) Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste, and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:
- (1) A body or lid that conforms with the container colors provided through the collection service provided by the city with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
 - (2) Container labels that include language or graphic images or both indicating the primary material accepted and the primary materials prohibited in that

- 607 container or containers with imprinted text or graphic images that indicate
608 the primary materials accepted and primary materials prohibited in the
609 container. Pursuant 14 CCR Section 18984.8, the container labels are
610 required on new containers commencing January 1, 2022.
- 611 (F) Excluding Multi-Family Residential Dwellings, prohibit employees from placing
612 materials in a container not designated for those materials per the City's Organic
613 Waste, and non-Organic Waste collection service to the extent practical through
614 education, training, inspection, and/or other measures.
- 615 ((G) Excluding Multi-Family Residential Dwellings, periodically inspect Green Container
616 and Black Containers for contamination and inform employees if containers are
617 contaminated and of the requirements to keep contaminants out of those
618 containers pursuant to 14 CCR Section 18984.9(b)(3).
- 619 (H) Annually provide information to employees, contractors, tenants, and customers
620 about Organic Waste Recovery requirements and about proper sorting of Source
621 Separated Green Container Organic Waste.
- 622 (I) Provide education information before or within fourteen (14) days of occupation of
623 the premises to new tenants that describes requirements to keep Source
624 Separated Green Container Organic Waste separate from Black Container Waste
625 (when applicable) and the location of containers and the rules governing their use
626 at each property.
- 627 (J) Provide or arrange access for the city or its agent to their properties during all
628 inspections conducted in accordance with § 50.19 to confirm compliance with the
629 requirements of this Chapter.
- 630 (K) At Commercial Business' option and subject to any approval required from the City,
631 implement a Remote Monitoring program for inspection of the contents of its Green
632 Containers and Black Containers for the purpose of monitoring the contents of
633 containers to determine appropriate levels of service and to identify Prohibited
634 Container Contaminants. Generators may install Remote Monitoring devices on or
635 in the Green Containers and Black Containers subject to written notification to or
636 approval by the City or its Designee.
- 637 (L) If a Commercial Business wants to self-haul, meet the Self-Hauler requirements in
638 § 50.12 of this Chapter.
- 639 (M) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food
640 Generators shall comply with Food Recovery requirements, pursuant to § 50.09.
- 641 (N) *Frequency of collection.* Collection of refuse shall be made at least once a week
642 from all businesses in the city, but as many times per week as the City Manager
643 may order, from all businesses which generate garbage as defined in this chapter.

644

§ 50.08 Waivers for Generators.

(A) De Minimis Waivers: The City may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this Chapter if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in § 50.08, subdivision (a)(2). Commercial Businesses requesting a de minimis waiver shall:

(1) Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in § 50.08, subdivision (a)(2).

(2) Provide documentation that either:

(a) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,

(b) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.

(3) Notify the City within thirty (30) days if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.

(4) Provide written verification of eligibility for de minimis waiver every 5 years, if the City has approved de minimis waiver.

(B) Physical Space Waivers: The City may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of Organic Waste collection service requirements if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of § 50.06 and § 50.07.

A Commercial Business or property owner may request a physical space waiver through the following process:

(1) Submit an application specifying the type(s) of collection services for which they are requesting a compliance waiver.

(2) Provide documentation that the premises lacks adequate space for Green Containers including documentation from its hauler, licensed architect,

682 licensed engineer or by verification after a site visit from a city enforcement
683 official.

684 (3) Provide written verification to the City that it is still eligible for physical space
685 waiver every five years, if the City has approved application for a physical
686 space waiver.

687 **.§ 50.09 Requirements for Commercial Edible Food Generators.**

688 (A) Tier One Commercial Edible Food Generators must comply with the requirements
689 of this Section commencing January 1, 2022, and Tier Two Commercial Edible
690 Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR
691 Section 18991.3.

692 (B) Large Venue or Large Event operators not providing food services, but allowing
693 for food to be provided by others, shall require Food Facilities operating at the
694 Large Venue or Large Event to comply with the requirements of this Section,
695 commencing January 1, 2024.

696 (C) Commercial Edible Food Generators shall comply with the following requirements:

697 (1) Arrange to recover the maximum amount of Edible Food that would
698 otherwise be disposed.

699 (2) Contract with or enter into a written agreement with Food Recovery
700 Organizations or Food Recovery Services for: (i) the collection of Edible
701 Food for Food Recovery; or, (ii) acceptance of the Edible Food that the
702 Commercial Edible Food Generator self-hauls to the Food Recovery
703 Organization for Food Recovery.

704 (3) Shall not intentionally spoil Edible Food that is capable of being recovered
705 by a Food Recovery Organization or a Food Recovery Service.

706 (4) Allow the City's designated enforcement entity or designated third party
707 enforcement entity to access the premises and review records pursuant to
708 14 CCR Section 18991.4.

709 (5) Keep records that include the following information, or as otherwise
710 specified in 14 CCR Section 18991.4:

711 (a) A list of each Food Recovery Service or organization that collects or
712 receives its Edible Food pursuant to a contract or written agreement
713 established under 14 CCR Section 18991.3(b).

714 (b) A copy of all contracts or written agreements established under 14
715 CCR Section 18991.3(b).

- 716 (c) A record of the following information for each of those Food Recovery
717 Services or Food Recovery Organizations:
- 718 (i) The name, address and contact information of the Food
719 Recovery Service or Food Recovery Organization.
- 720 (ii) The types of food that will be collected by or self-hauled to the
721 Food Recovery Service or Food Recovery Organization.
- 722 (iii) The established frequency that food will be collected or self-
723 hauled.
- 724 (iv) The quantity of food, measured in pounds recovered per
725 month, collected or self-hauled to a Food Recovery Service or
726 Food Recovery Organization for Food Recovery.
- 727 (6) No later than April of each year commencing no later than April 2023 for
728 Tier One Commercial Edible Food Generators and April 2025 for Tier Two
729 Commercial Edible Food Generators provide an annual Food Recovery
730 report to the City that includes the information from § 50.09 (C)(5).
- 731 (C) Nothing in this Chapter shall be construed to limit or conflict with the protections
732 provided by the California Good Samaritan Food Donation Act of 2017, the Federal
733 Good Samaritan Act, or share table and school food donation guidance pursuant
734 to Senate Bill 557 of 2017 (approved by the Governor of the State of California on
735 September 25, 2017, which added Article 13 [commencing with Section 49580] to
736 Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend
737 Section 114079 of the Health and Safety Code, relating to food safety, as
738 amended, supplemented, superseded and replaced from time to time).

739 **§ 50.10 Requirements for Food Recovery Organizations and Services, and**
740 **Regional Agencies.**

- 741 (A) Food Recovery Services collecting or receiving Edible Food directly from
742 Commercial Edible Food Generators, via a contract or written agreement
743 established under 14 CCR Section 18991.3(b), shall maintain the following
744 records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
- 745 (1) The name, address, and contact information for each Commercial Edible
746 Food Generator from which the service collects Edible Food.
- 747 (2) The quantity in pounds of Edible Food collected from each Commercial
748 Edible Food Generator per month.
- 749 (3) The quantity in pounds of Edible Food transported to each Food Recovery
750 Organization per month.

- 751 (4) The name, address, and contact information for each Food Recovery
752 Organization that the Food Recovery Service transports Edible Food to for
753 Food Recovery.
- 754 (B) Food Recovery Organizations collecting or receiving Edible Food directly from
755 Commercial Edible Food Generators, via a contract or written agreement
756 established under 14 CCR Section 18991.3(b), shall maintain the following
757 records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
- 758 (1) The name, address, and contact information for each Commercial Edible
759 Food Generator from which the organization receives Edible Food.
- 760 (2) The quantity in pounds of Edible Food received from each Commercial
761 Edible Food Generator per month.
- 762 (3) The name, address, and contact information for each Food Recovery
763 Service that the organization receives Edible Food from for Food Recovery.
- 764 (C) Food Recovery Organizations and Food Recovery Services shall inform
765 generators about California and Federal Good Samaritan Food Donation Act
766 protection in written communications, such as in their contract or agreement
767 established under 14 CCR Section 18991.3(b).
- 768 (D) Food Recovery Organizations and Food Recovery Services that have their primary
769 address physically located in the City and contract with or have written agreements
770 with one or more Commercial Edible Food Generators pursuant to 14 CCR Section
771 18991.3(b) shall report to the City it is located in the total pounds of Edible Food
772 recovered in the previous calendar year from the Tier One and Tier Two
773 Commercial Edible Food Generators they have established a contract or written
774 agreement with pursuant to 14 CCR Section 18991.3(b) no later than April of each
775 year.
- 776 (E) Food Recovery Capacity Planning
- 777 (1) Food Recovery Services and Food Recovery Organizations. In order to
778 support Edible Food Recovery capacity planning assessments or other
779 studies conducted by the County, City, special district that provides solid
780 waste collection services, or its designated entity, Food Recovery Services
781 and Food Recovery Organizations operating in the City shall provide
782 information and consultation to the City, upon request, regarding existing,
783 or proposed new or expanded, Food Recovery capacity that could be
784 accessed by the City and its Commercial Edible Food Generators. A Food
785 Recovery Service or Food Recovery Organization contacted by the City
786 shall respond to such request for information within 60 days, unless a
787 shorter timeframe is otherwise specified by the city.

§ 50.11 Requirements for Haulers and Facility Operators.

(A) Requirements for Haulers

(1) Exclusive franchise hauler, non-exclusive franchised haulers, permitted haulers, and licensed haulers providing residential, commercial, or industrial Organic Waste collection services to generators within the City's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the City to collect Organic Waste:

(a) Through written notice to the City annually on or before April 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials, and Source Separated Green Container Organic Waste.

(b) Transport Source Separated Recyclable Materials, and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

(c) Obtain approval from the City to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1 , and the Riverbank Municipal Code.

(2) Exclusive franchise hauler, non-exclusive franchised haulers, permitted haulers, and licensed haulers authorization to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, license, or other agreement entered into with the City.

(B) Requirements for Facility Operators and Community Composting Operations

(1) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon the City's request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days.

(2) Community Composting operators, upon the City's request, shall provide information to the City to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste

826 anticipated to be handled at the Community Composting operation. Entities
827 contacted by the City shall respond within 60 days.

828 **§ 50.12 Self-Hauler Requirements.**

829 (A) Self-Haulers shall source separate Organic Waste (materials that the City
830 otherwise requires generators to separate for collection in the City's organics and
831 collection program) generated on-site from Solid Waste in a manner consistent
832 with 14 CCR 18984.2, or shall haul Organic Waste to a High Diversion Organic
833 Waste Processing Facility as specified in 14 CCR Section 18984.3.

834 (B) Self-Haulers shall haul their Source Separated Green Container Organic Waste to
835 a Solid Waste facility, operation, activity, or property that processes or recovers
836 Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic
837 Waste to a High Diversion Organic Waste Processing Facility.

838 (C) Self-Haulers that are Commercial Businesses (including Multi-Family Residential
839 Dwellings) shall keep a record of the amount of Organic Waste delivered to each
840 Solid Waste facility, operation, activity, or property that processes or recovers
841 Organic Waste; this record shall be subject to Inspection by the city's enforcement
842 official. The records shall include the following information:

843 (1) Delivery receipts and weight tickets from the entity accepting the waste.

844 (2) The amount of material in cubic yards or tons transported by the generator
845 to each entity.

846 (3) If the material is transported to an entity that does not have scales on-site,
847 or employs scales incapable of weighing the Self-Hauler's vehicle in a
848 manner that allows it to determine the weight of materials received, the Self-
849 Hauler is not required to record the weight of material but shall keep a record
850 of the entities that received the Organic Waste.

851 (D) A residential Organic Waste Generator that self-hauls Organic Waste is not
852 required to record or report information in § 50.012, subdivision (c).

853 **§ 50.13 Anti-Scavenging.**

854 It shall be unlawful for anyone other than the authorized refuse collector to remove
855 any recyclable material placed in a container provided and maintained by the
856 authorized solid waste collector.

§ 50.14 City May Designate Location of Disposal; Franchised Collector to Furnish Containers.

(A) The city may, by written notice to the franchised solid waste collector, designate the location, including waste-to-energy facilities, where solid waste from the city shall be delivered for disposal.

(B) The franchised solid waste collector shall furnish and maintain all containers at his sole cost and expense. All bins one yard and greater in size located within the public right-of-way shall have reflective tape a minimum of 24 square inches in area placed on the corners of the bin and three feet from the bottom of the bin.

§ 50.15 Rates to Be Charged.

The rates for Solid Waste collection shall be set by resolution of the City Council.

§ 50.16 Payment.

(A) The rates herein provided for shall be payable monthly in advance from the date of issuance of a temporary occupancy permit for each dwelling or structure or from date of occupancy, whichever first occurs.

(B) However, rendered bills may be cancelled or adjusted to reflect vacancies of units or structures on the following basis:

(1) *Commercial and industrial buildings and single-family residence.* A credit shall be allowed against subsequent billings for each period consisting of not less than a week during which the premises are vacant provided an affidavit is delivered to the City Clerk within 30 days following the end of the month for which the credit is claimed stating the fact of the vacancy and the period for which it existed.

(2) *Multiple dwellings, including duplexes.* A credit shall be allowed against subsequent billings for each period consisting of not less than a week during which all units are vacant, and one-half credit shall be allowed against subsequent billings for each period of not less than a week during which more than half of the units are vacant, provided an affidavit is delivered to the City Clerk within 30 days following the end of the month for which the credit is claimed stating the fact of the vacancy and the period for which it existed.

(3) *Credit converted to refund.* In the event there is no subsequent billing, the credit shall be converted to a refund upon filing of an affidavit by the person entitled to the credit with the City Clerk within 30 days following termination of affiant's liability for subsequent billings stating the fact and amount of the entitlement to credit and the facts terminating affiant's liability for subsequent billings.

§ 50.17 Method of Collection of Rates by City.

The following provisions shall be applicable to and determine the method of collection of such solid waste rates by the city:

- (A) The charge for solid waste service shall be added to the charges for water service and/or sewer service and payment of the total amount must be made in accordance with city rules regulating the payment of water service charges.
- (B) Delinquent payment of charges for solid waste service shall be treated in the same manner as delinquency for payment of water service charges and/or sewer service charges.
- (C) All charges for solid waste collection shall be billed to the following persons:
 - (1) In the case of any person whose premises are connected with the municipal water system, then to the person who requested such connection to the municipal water system or his successor in interest, to any person requesting that such bill be charged to him.
 - (2) In the case of any person whose premises are not connected to the municipal water system, then to the person who requested the connection to the sewage system or his successor in interest, or if no such request was made, then to the owner of record of such premises on the date on which such premises are required hereby to commence garbage and trash collection services, or to the successors in interest to such person, or to any person requesting that such bill be charged to him.
- (D) Each charge for solid waste collection service levied pursuant to this section on any premises within the city is hereby made a lien upon such premises, and any steps authorized by law may be taken by the city to enforce payment of such lien.
- (E) In each case where a bill for solid waste collection service shall become delinquent, the City Manager shall cause the premises to be disconnected from the municipal water and/or sewage system pursuant to the procedures set forth in [§ 52.66](#) herein. Whenever premises have been disconnected from either or both the municipal water system and the municipal sewage system for nonpayment of garbage and trash collection charges, such premises shall not be reconnected to either the municipal water system or the municipal sewage system until all delinquent fees, charges and rates have been paid, together with such reasonable charges for reconnection as may be established from time to time by resolution adopted by the City Council.

§ 50.18 Owners; Liability for Payment of Services to Multiple Dwellings.

Owners of multiple dwellings or apartments (two or more families) shall be responsible for the payment of solid waste collection services rendered to premises owned by them,

although payments will be accepted from tenants. However, for convenience to the city, persons billed for water service will also be billed for solid waste collection service.

§ 50.19 Inspections and Investigations by City.

(A) The City Manager, or his or her designee, are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this Chapter by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow the City to enter the interior of a private residential property for inspection.

(B) A Person shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the City Manager, or his or designee, during such Inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this Chapter described herein. Failure to provide or arrange for: (i) access to an entity's premises; or (ii) access to records for any Inspection or investigation is a violation of this Chapter and may result in penalties described.

(C) Any records obtained by the City Manager, or his or designee, during its inspections, and other reviews, shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

(D) The City Manager, or his or her designee, are authorized to conduct any inspections, or other investigations as reasonably necessary to further the goals of this Chapter, subject to applicable laws.

(E) The City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

§ 50.20 Enforcement.

(A) The City Manager, or his or her designee, shall enforce the provisions of this Chapter, subject to the approval of the City Council, and shall have the power to establish rules and regulations, consistent with the provisions of this Chapter, governing the keeping, collection, removal and disposal of Solid Waste.

(B) Violation of any provision of this Chapter shall constitute an infraction and will be grounds for issuance of a Notice of Violation and assessment of a fine by a City Manager, or his or her designee. . Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the City Manager or designated

970 enforcement agency shall commence an action to impose penalties, pursuant to
971 the City's standard procedures or the standard procedures.

972 (C) A violation may be punishable by:

973 (1) A fine of one hundred dollars for a first violation;

974
975 (2) A fine of two hundred dollars for a second violation of the same provision
976 of this code within any twelve consecutive month period;

977
978 (3) A fine of five hundred dollars for each additional violation of the same
979 provision of this code within any twelve consecutive-month period. Any
980 violation after the third violation of the same provision of this Chapter within
981 any twelve consecutive-month period may be charged so each day that a
982 violation of this Chapter continues shall constitute a separate and distinct
983 offense.
984

985 (D) Other remedies allowed by law may be used, including civil action or prosecution
986 as misdemeanor. The City may pursue civil actions in the California courts to seek
987 recovery of unpaid administrative citations. The City may choose to delay court
988 action until such time as a sufficiently large number of violations, or cumulative
989 size of violations exist such that court action is a reasonable use of City staff and
990 resources.

991 (E) Compliance Deadline Extension Considerations

992 The City may extend the compliance deadlines set forth in a Notice of Violation
993 issued in accordance with this Section if it finds that there are extenuating
994 circumstances beyond the control of the respondent that make compliance within
995 the deadlines impracticable, including the following:

996 (1) Acts of God such as earthquakes, wildfires, flooding, and other
997 emergencies or natural disasters;

998 (2) Delays in obtaining discretionary permits or other government agency
999 approvals; or,

1000 (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food
1001 Recovery capacity and the city is under a corrective action plan with
1002 CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

1003 (F) Appeals Process

1004 Persons assessed a a penalty for an uncorrected violation may request a hearing
1005 to appeal the citation within thirty (30) days of the assessment of the penalty by
1006 filing a notice of appeal with the City Clerk. Evidence may be presented at the
1007 hearing. The City will appoint a hearing officer who shall conduct the hearing and

1008 issue a final written order. The hearing shall be conducted in accordance with
1009 City's procedure.

1011 **SECTION 2.** If any section, subsection, sentence, clause, phrase, or word of this Ordinance is
1012 for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any
1013 reason, such decision shall not affect the validity of the remaining portions of the Ordinance. The
1014 City Council of the City of Riverbank hereby declares that it would have passed this Ordinance
1015 and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact
1016 that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be
1017 declared invalid.

1018 **SECTION 3.** This Ordinance shall become effective thirty (30) days from and after its final
1019 passage and adoption, and publication of the Ordinance shall occur in a newspaper of general
1020 circulation at least fifteen (15) days prior to its effective date, or a summary of the Ordinance
1021 published in a newspaper of general circulation at least five (5) days prior to adoption and again
1022 at least fifteen (15) days prior to its effective date.

1023 The foregoing ordinance was given its first reading and introduced by title only at a regular meeting
1024 of the City Council of the City of Riverbank held on the ____ day of _____, 2022. Said
1025 Ordinance was given a second reading by title only and adopted.

1026
1027 **PASSED, APPROVED AND ADOPTED** by the City Council of the City of Riverbank at a regular
1028 meeting on the 22nd day of March, 2022; motioned by Councilmember _____, seconded by
1029 Councilmember _____, by a City Council roll call vote of _____:

1030
1031 **AYES:**

1032

1033 **NAYS:**

1034

1035 **ABSENT:**

1036

1037 **ABSTAIN:**

1038

1039 **ATTEST:**

APPROVED:

1040

1041

1042

1043 _____
Kathy L. Teixeira
1044 Interim City Clerk

Richard D. O'Brien
Mayor

1045

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 11.1

SECTION 11: NEW BUSINESS

Meeting Date:	March 22, 2022
Subject:	An Introduction to Harm Reduction
From:	Marisela Garcia, Interim City Manager
Submitted by:	Donna Kenney, Planning & Building Manager

RECOMMENDATION

City Council to receive a presentation on Harm Reduction by the Planning and Building Manager with Diego Capistrano, Community Health Worker III, Stanislaus County Health Services Agency and provide direction.

BACKGROUND

Harm reduction: creates space to empower an individual to identify their priorities, potential risks, and tools to reduce harm(s) associated with drug use.

The closest harm reduction program in the surrounding area is in Stockton. If one were implemented in Riverbank, this harm reduction program would be the first of its kind in Stanislaus County.

- Stanislaus County is facing an opioid epidemic. In 2020, there were 74 deaths from opioid overdoses. In 2021, there were 168 opioid overdose deaths based on closed case data from the Stanislaus County Coroner's office.
- Data shows that people between 20 and 39 are more likely to report substance use and die from an overdose. The goal of harm reduction is to keep people who use drugs alive and healthy until they can get the help they need to overcome their substance abuse.

There are eight (8) Harm Reduction Principles:

1. Accepts, for better or worse, that licit and illicit drug use is part of our world and chooses to work to minimize its harmful effects rather than simply ignore or condemn them.
2. Understands drug use as a complex, multi-faceted phenomenon that encompasses a continuum of behaviors from severe use to total abstinence, and acknowledges that some ways of using drugs are clearly safer than others.

3. Establishes quality of individual and community life and well-being — not necessarily cessation of all drug use — as the criteria for successful interventions and policies.
4. Calls for the non-judgmental, non-coercive provision of services and resources to people who use drugs and the communities in which they live in order to assist them in reducing attendant harm.
5. Ensures that people who use drugs and those with a history of drug use routinely have a real voice in the creation of programs and policies designed to serve them.
6. Affirms people who use drugs (PWUD) themselves as the primary agents of reducing the harms of their drug use and seeks to empower PWUD to share information and support each other in strategies which meet their actual conditions of use.
7. Recognizes that the realities of poverty, class, racism, social isolation, past trauma, sex-based discrimination, and other social inequalities affect both people's vulnerability to and capacity for effectively dealing with drug-related harm.
8. Does not attempt to minimize or ignore the real and tragic harm and danger that can be associated with illicit drug use.

The California Department of Public Health (CDPH) offers two (2) pathways to establishing a harm reduction program in a community:

- Programs that apply directly to the CDPH.
- Programs that have the approval of the local jurisdiction (less lengthy process).
St. Francis of Rome is willing to host the program along with the other social service programs hosted at their site.

The Stanislaus County Health Services Agency and St. Francis of Rome Church would like to establish a Harm Reduction program in Riverbank. They need Council meeting minutes or an email from the Mayor to show they have the approval of the local jurisdiction to undertake the less lengthy path towards a CDPH approved program.

FINANCIAL IMPACT

None. Harm reduction supplies (Narcan, syringes, safe injection equipment, other survival supplies) would come from the California Department of Public Health and the Stanislaus County Opioid Safety Coalition (of which the Planning and Building Manager is an active member).

ATTACHMENTS

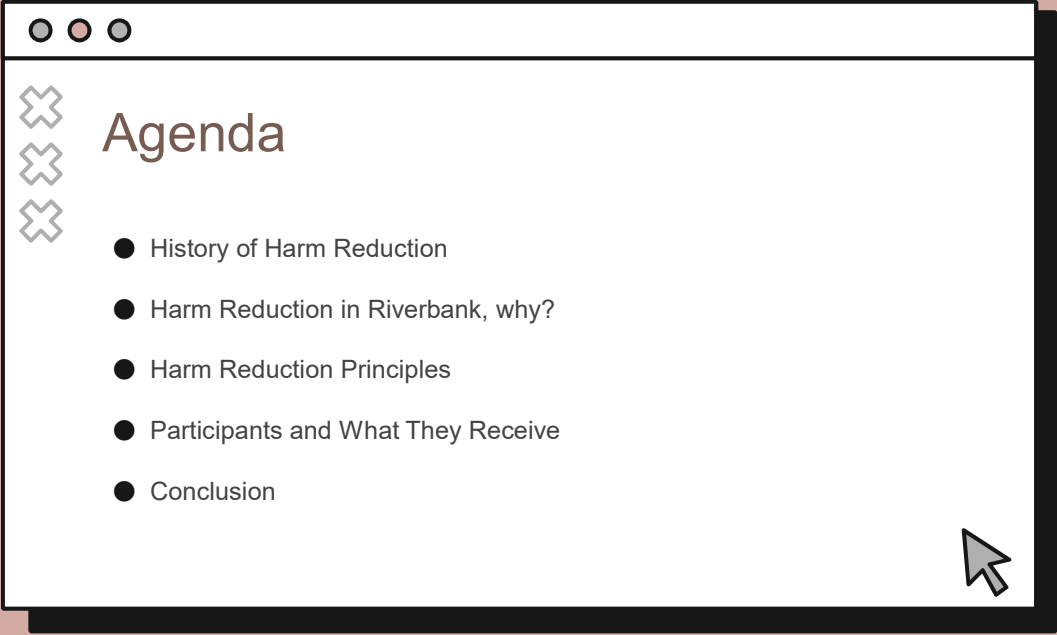
1. Diego Capistrano's Harm Reduction 101 Presentation

SLIDESMANIA



An Intro to Harm Reduction

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Agenda

- History of Harm Reduction
- Harm Reduction in Riverbank, why?
- Harm Reduction Principles
- Participants and What They Receive
- Conclusion

01

History of Harm Reduction

Short recap of the history of harm reduction and its expansion.

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HIV/AIDS, the 1980s

- In September 1982, the CDC used the term AIDS for the first time.
- By the end of the year the number of AIDS cases in the USA had risen to 3,064 - of this number, 1,292 had died.
- In March 1987, the FDA approved the first antiretroviral drug, zidovudine (AZT), as treatment for HIV

Source: avert.org

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Harm Reduction, 1990s

- The first Harm Reduction Working Group meeting was held in San Francisco in 1993.
 - This led to the establishment of the Harm Reduction Coalition as a nonprofit.
- 1992, NASEN, the North American Syringe Exchange Network, established.
 - Supports syringe exchange programs across North America
- 1993, Harm Reduction Services in Sacramento was established.

Source: NASEN, HRS, HRC.

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Harm Reduction, 2000s - Now

- In 2000, law allowed syringe exchange programs (SEPs) in California to operate legally if local jurisdictions declare a local HIV public health emergency.
- The California Harm Reduction Initiative, or CHRI, was established by the California Budget Act of 2019, which included \$15.2 million to strengthen substance use disorder response by supporting syringe services programs (SSPs).
- 2021, Gov. Newsom signed AB 1344. This bill prevents SSPs from being sued under the California Environmental Quality Act.

Source: HRC

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These past events...

matter because Harm Reduction is all about addressing public health concerns. The HIV/AIDS epidemic spiked a concern for its transmission. HIV can be transmitted through sharing needles if a person with HIV has used that shared needle. Harm Reduction advocates for clean and individual needles for each person to decrease the transmission of HIV and HEP C.

While HIV sparked harm reduction's movement, that is only one of the concerns for harm reductionists. We also care about providing people with information to address other health concerns and maintain a clean environment through proper needle disposal.

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02

Harm Reduction + Riverbank

Discussing Riverbank and why the surrounding area needs harm reduction.

↑ + + + + +

Did you know?

The closest harm reduction program in the surrounding area is in Stockton. If implemented, this harm reduction program would be the first of its kind in Stanislaus County.

[Picture on the right is from NASEN, a directory for SEPs. This photo highlights North-Central California.]



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+ + + + +



White (Hispanic)

White (Non-Hispanic)

Other (Hispanic)

Multiracial (Hispanic)

Asian (Non-Hispanic)

Multiracial (Non-Hispanic)

White
 Other
 Multiracial
 Asian
 Black or African American
 American Indian & Alaska Native
 Native Hawaiian & Other Pacific Islander

Race and Ethnicity in Riverbank, CA as of 2019.

Based off this data, it is evident that Riverbank is home to many different cultures and people of color. In fact, as of 2019, 25.2% of Riverbank, CA residents (6.17k people) were born outside of the United States, which is higher than the national average of 13.7%.

Cultural competence is an important factor when it comes to interacting with our participants. I will be discussing this later on.

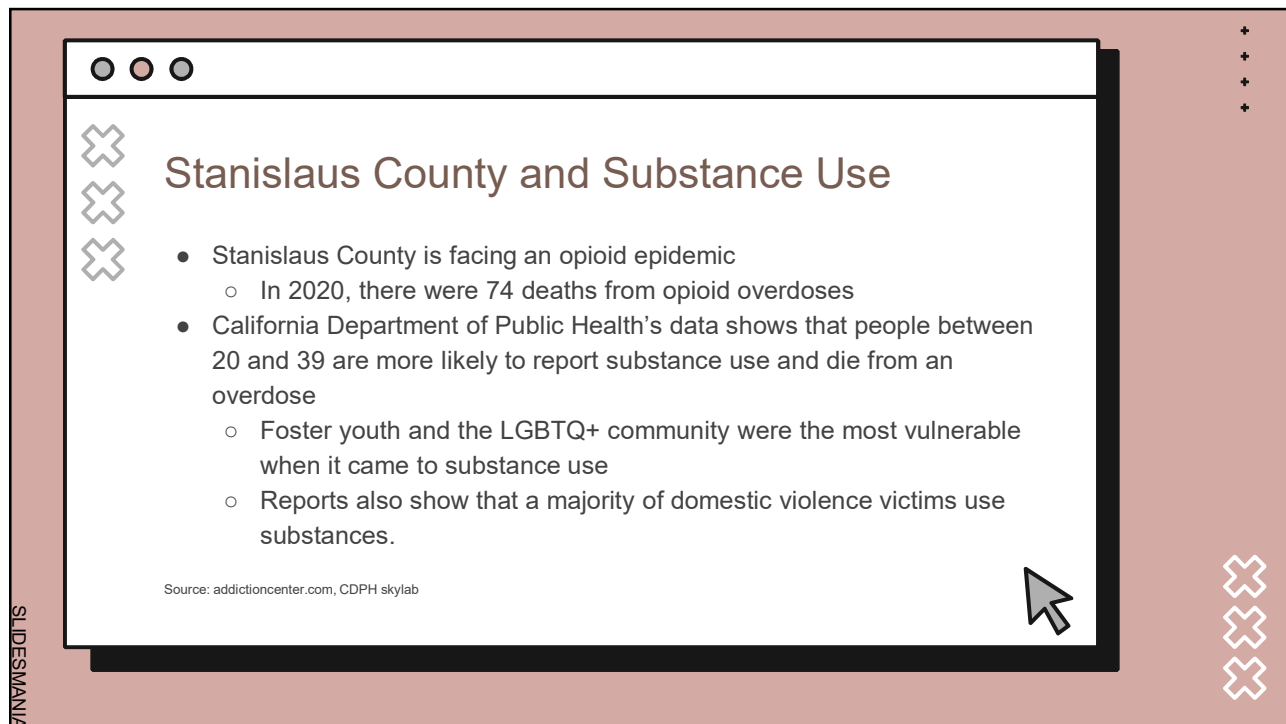
Source: datausa.io



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2013 2014 2015 2016 2017 2018 2019

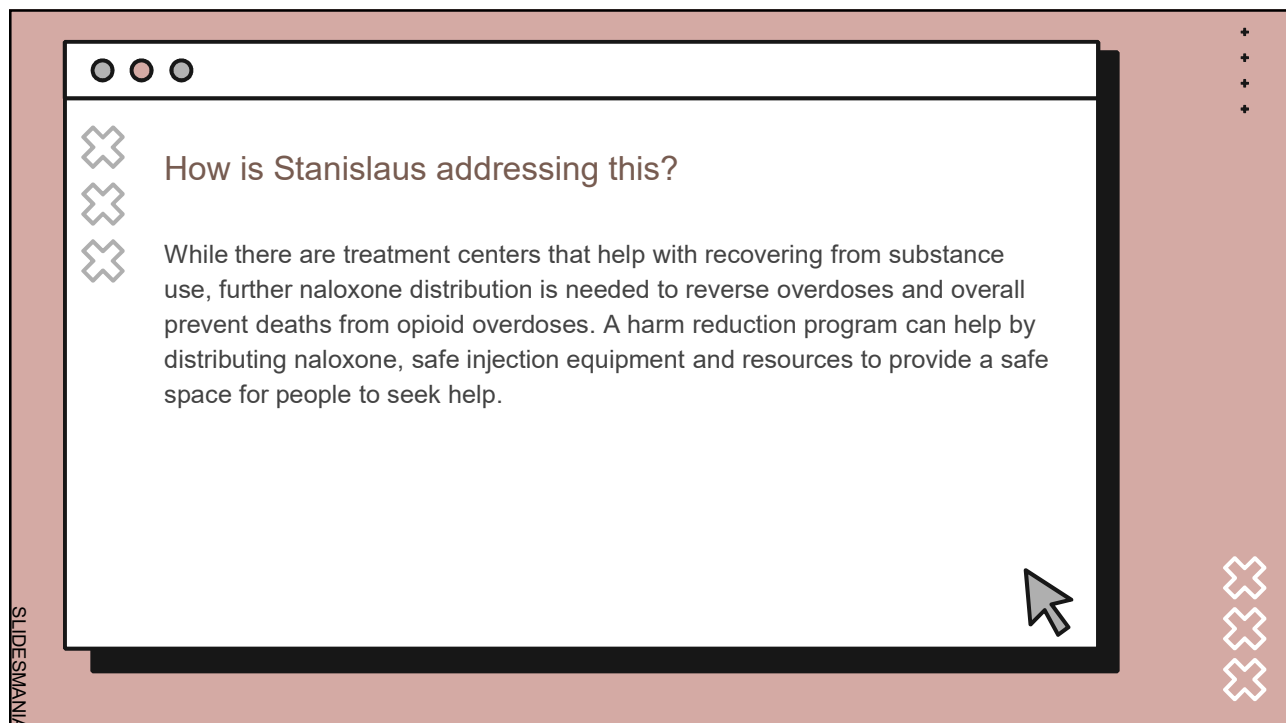


Slide 1: Stanislaus County and Substance Use

- Stanislaus County is facing an opioid epidemic
 - In 2020, there were 74 deaths from opioid overdoses
- California Department of Public Health's data shows that people between 20 and 39 are more likely to report substance use and die from an overdose
 - Foster youth and the LGBTQ+ community were the most vulnerable when it came to substance use
 - Reports also show that a majority of domestic violence victims use substances.

Source: addictioncenter.com, CDPH skylab

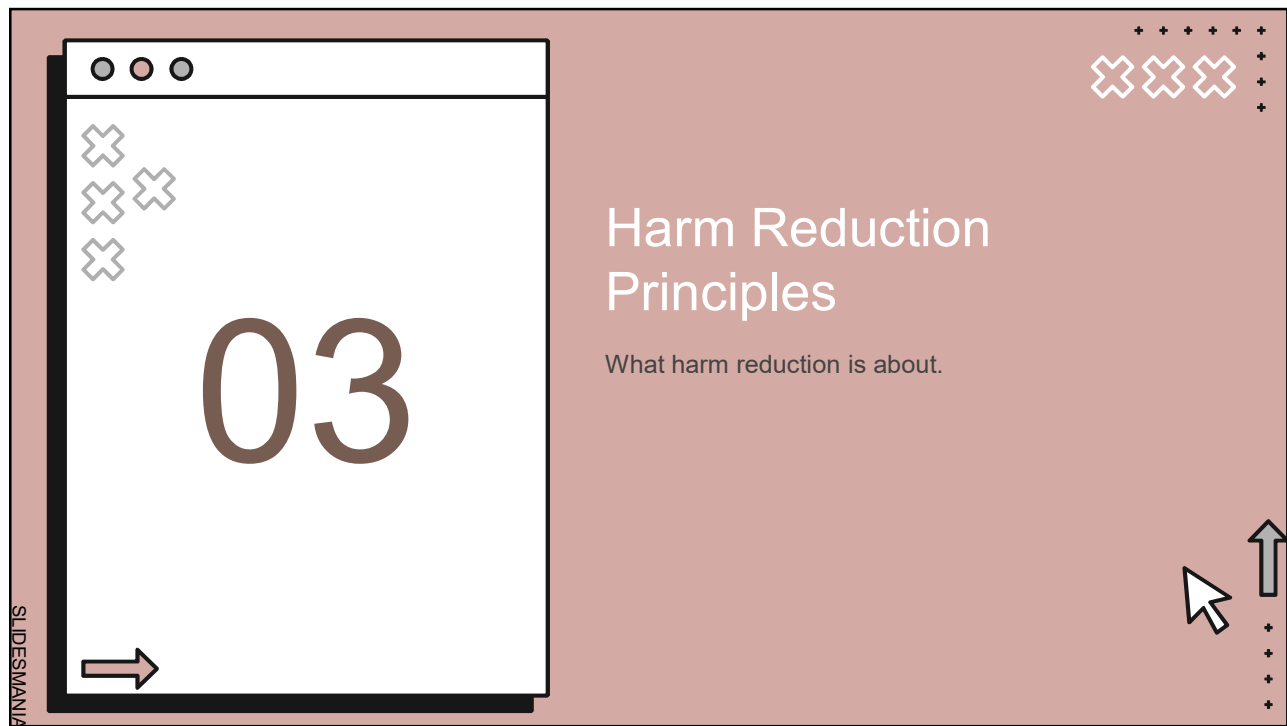
SLIDESHOW



Slide 2: How is Stanislaus addressing this?

While there are treatment centers that help with recovering from substance use, further naloxone distribution is needed to reverse overdoses and overall prevent deaths from opioid overdoses. A harm reduction program can help by distributing naloxone, safe injection equipment and resources to provide a safe space for people to seek help.

SLIDESHOW



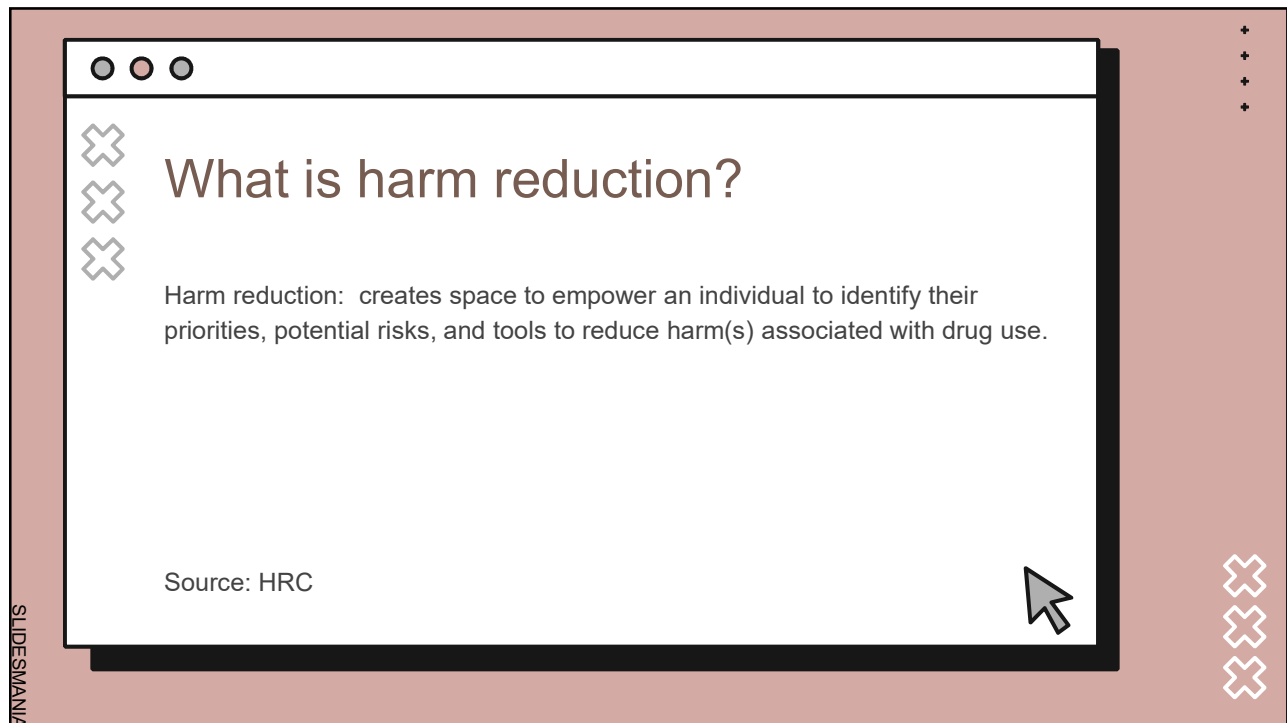
03

Harm Reduction Principles

What harm reduction is about.

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This slide features a large white rectangular area on the left containing the number '03' and a small red arrow pointing right. To the right of this area, the title 'Harm Reduction Principles' is displayed in a large, dark brown font, followed by the subtitle 'What harm reduction is about.' in a smaller, dark brown font. The background is a solid reddish-brown color. In the top right corner, there are four small white 'X' marks and a row of five small white '+' signs. In the bottom right corner, there is a white mouse cursor arrow pointing up and a small blue arrow pointing up.



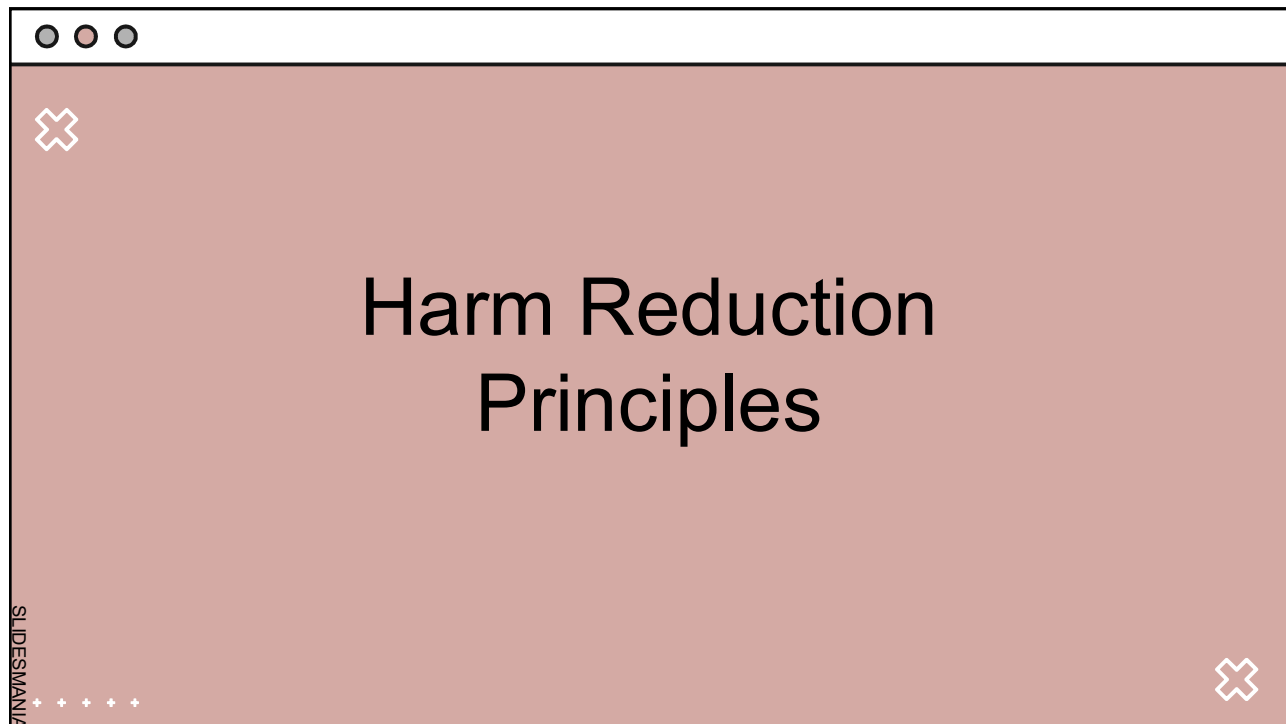
What is harm reduction?

Harm reduction: creates space to empower an individual to identify their priorities, potential risks, and tools to reduce harm(s) associated with drug use.

Source: HRC

SLIDESMANIA

This slide features a large white rectangular area on the left containing the title 'What is harm reduction?' in a large, dark brown font, followed by the definition 'Harm reduction: creates space to empower an individual to identify their priorities, potential risks, and tools to reduce harm(s) associated with drug use.' in a smaller, dark brown font. At the bottom left of this area, the text 'Source: HRC' is displayed. The background is a solid reddish-brown color. In the top right corner, there are four small white 'X' marks and a row of five small white '+' signs. In the bottom right corner, there is a white mouse cursor arrow pointing up and a small blue arrow pointing up.



A presentation slide with a light brown background. At the top left, there are three small circles (red, yellow, green) and three white 'X' icons stacked vertically. The first item in a list is: 1. Accepts, for better or worse, that licit and illicit drug use is part of our world and chooses to work to minimize its harmful effects rather than simply ignore or condemn them. At the bottom left, the text 'SLIDESMANIA' is written vertically, followed by five small white dots and a white upward-pointing arrow. On the right side, there is a cartoon illustration of a woman with blonde hair, wearing a blue shirt, holding a white cup. A speech bubble above her says: 'THIS YEAR, I RESOLVE TO ACCEPT AND CELEBRATE MYSELF EXACTLY AS I AM.' Below the cartoon, the text reads: 'AND MAYBE DO THE SAME FOR THOSE I LOVE.' The cartoon is signed 'EVERYDAY PEOPLE CARTOONS' on the right side.

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2. Understands drug use as a complex, multi-faceted phenomenon that encompasses a continuum of behaviors from severe use to total abstinence, and acknowledges that some ways of using drugs are clearly safer than others.



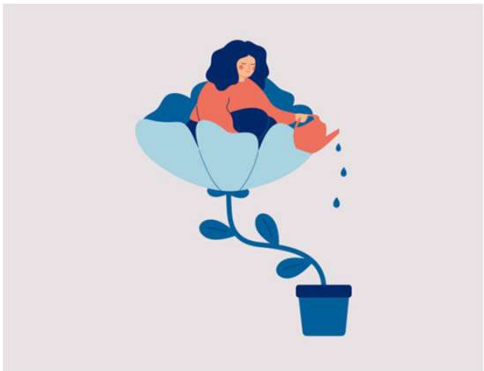
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3. Establishes quality of individual and community life and well-being — not necessarily cessation of all drug use — as the criteria for successful interventions and policies.



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✕ 4. Calls for the non-judgmental, non-coercive provision of services and resources to people who use drugs and the communities in which they live in order to assist them in reducing attendant harm.



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✕ 5. Ensures that people who use drugs and those with a history of drug use routinely have a real voice in the creation of programs and policies designed to serve them.



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6. Affirms people who use drugs (PWUD) themselves as the primary agents of reducing the harms of their drug use and seeks to empower PWUD to share information and support each other in strategies which meet their actual conditions of use.



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7. Recognizes that the realities of poverty, class, racism, social isolation, past trauma, sex-based discrimination, and other social inequalities affect both people's vulnerability to and capacity for effectively dealing with drug-related harm.



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8. Does not attempt to minimize or ignore the real and tragic harm and danger that can be associated with illicit drug use.

**HARM REDUCTION
WORKS FOR PEOPLE
WHO USE DRUGS.**

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04

Participants & Community

Information on harm reduction terms and how to interact with participants.

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Drugs - Opioids

This is the most commonly used drug across our participants. These are also known as **Downers**. “Many prescription opioids are used to block pain signals between the brain and the body and are typically prescribed to treat moderate to severe pain. In addition to controlling pain, opioids can make some people feel relaxed, happy or “high,” and can be addictive.” (Hopkins Medicine)

- Heroin, aka dope, black tar
- Hydrocodone
- Morphine
- Fentanyl
- Codeine

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Downers

This slang term refers to CNS depressants, the types of drug that produce a sedative effect by slowing down the messages sent and received between the central nervous system and brain. They make the individual feel relaxed or drowsy and are often highly effective at minimizing feelings of pain.

Including the list of opioids from the previous slide, the following substances are also downers.

- Alcohol
- Benzodiazepines, aka xanax,
- Prescription Painkillers

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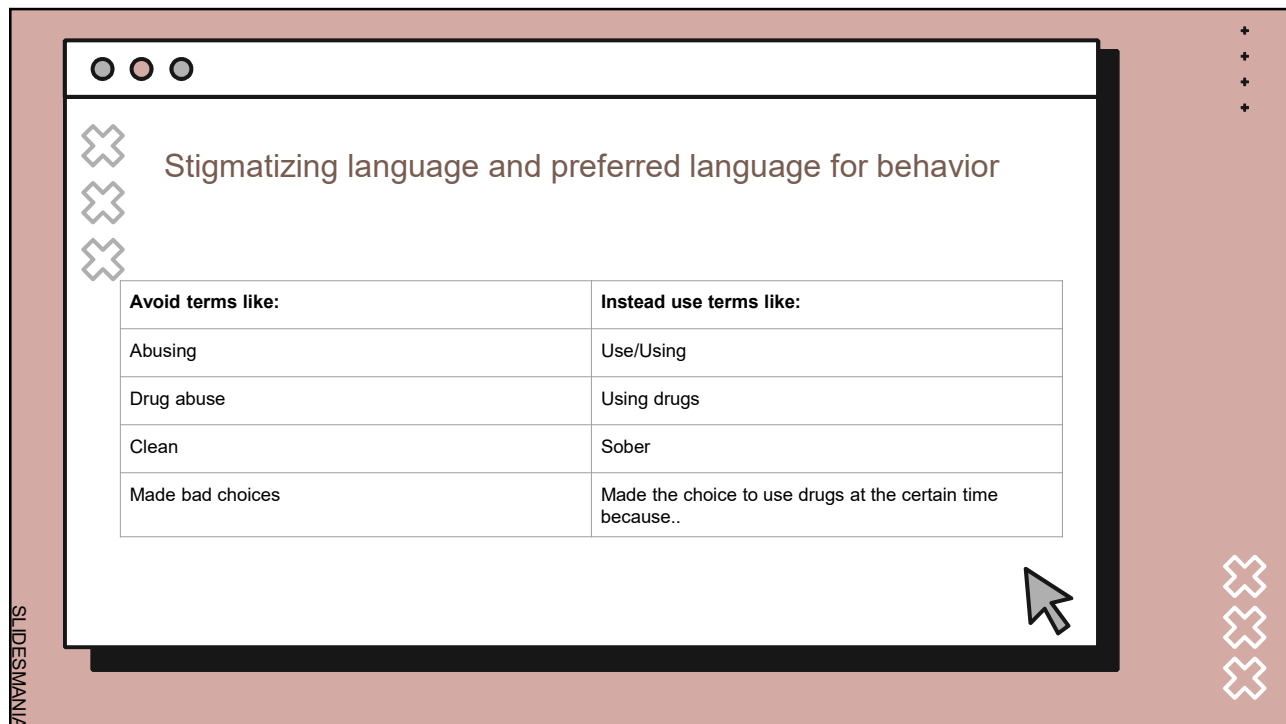
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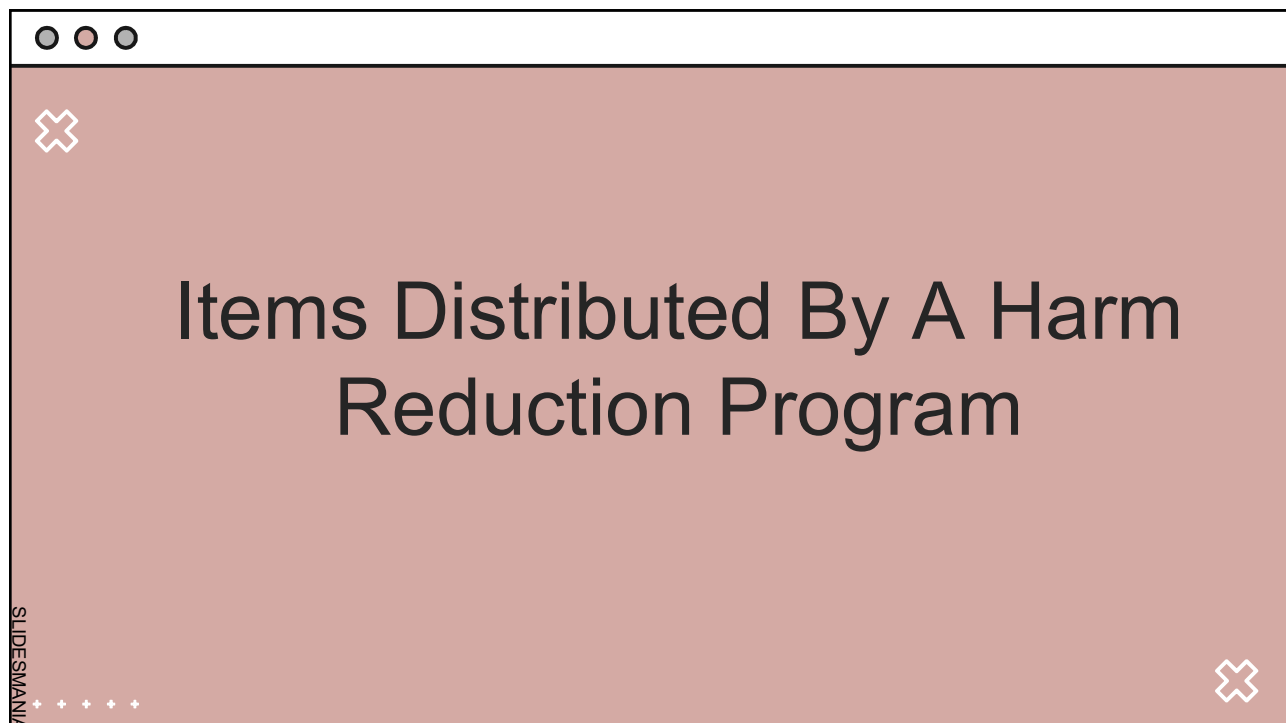
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Stigmatizing language and preferred language for behavior

Avoid terms like:	Instead use terms like:
Abusing	Use/Using
Drug abuse	Using drugs
Clean	Sober
Made bad choices	Made the choice to use drugs at the certain time because..

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Items Distributed By A Harm Reduction Program

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1. Narcan (Naloxone)

"Narcan is a medicine that rapidly reverses an opioid overdose. It is an opioid antagonist. This means that it attaches to opioid receptors and reverses and blocks the effects of other opioids. Naloxone can quickly restore normal breathing to a person if their breathing has slowed or stopped because of an opioid overdose."

Source: drugabuse.gov



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2. Syringes

Programs typically offer different type of needles to best address people's needs. A person's weight, vein health, and preferences may affect which works best for them.

- 28 gauge needles, ½ inch, .5cc**
 - Also known as 50s.
- 29 gauge needles, ½ inch, 1cc**
 - Also known as longs, 100s.
- 30 gauge needles, 5/16 inch, 1cc**
 - Also known as shorts, 100s.

X
X
X

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3. Safe injection equipment



Alcohol pads



Cottons



Tourniquets

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5. Other survival supplies



Menstrual products



Face Masks



Wound care

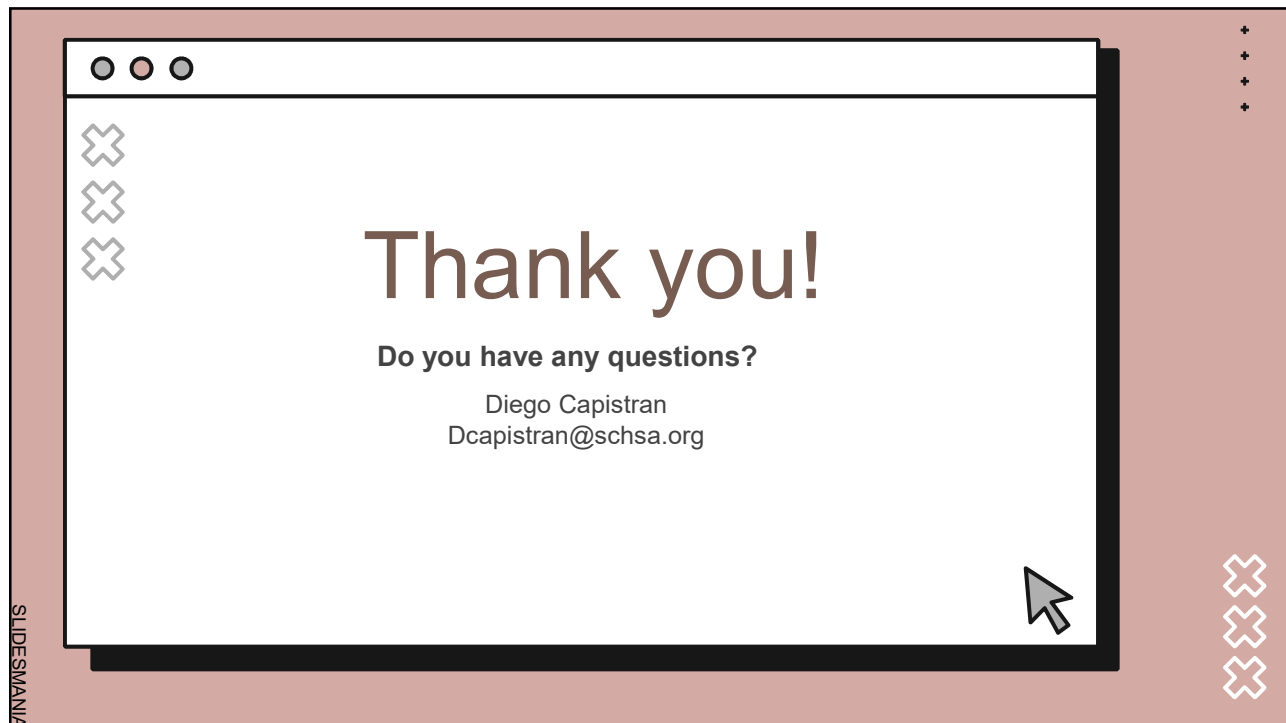
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- <https://datausa.io/profile/geo/riverbank-ca>
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- <https://www.addictioncenter.com/rehabs/california/>
- <https://filtermag.org/california-syringe-program-ceqa/>
- <https://harmreduction.org/>



A presentation slide titled "Thank you!" with the text "Do you have any questions?" and contact information for Diego Capistran. The slide is framed by a light red border. On the left side, there are three 'X' icons. On the right side, there are four '+' icons and three 'X' icons. A mouse cursor is pointing at the bottom right of the slide content area. The text "SLIDESMANIA" is visible on the left edge of the slide.

Thank you!

Do you have any questions?

Diego Capistran
Dcapistran@schsa.org

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 11.2

SECTION 11: NEW BUSINESS

Meeting Date:	March 22, 2022
Subject/ Title:	2021 General Plan and Housing Element Annual Progress Reports. A Resolution Adopting the 2021 General Plan and Housing Element Annual Progress Reports (APRs) and Authorize Staff to Submit said Reports to the California Office of Planning and Research and the California Department of Housing and Community Development
From:	Marisela H. Garcia, Interim City Manager
Submitted by:	Gabriel R. Salazar, Associate Planner

RECOMMENDATION

Staff recommends approval of the City's 2021 General Plan and Housing Element Annual Progress Reports (APR) and authorize Staff to submit said reports to the California Office of Planning and Research (OPR) and the California Department of Housing and Community Development (HCD).

SUMMARY

Section 65400(a)(2) of the Government Code requires each jurisdiction to prepare and submit an annual progress report on its General Plan by April 1 of each year. The annual report is required to contain the following: status of the City's General Plan and progress in its implementation, progress in meeting the City's regional housing need, and any actions taken by the City toward completion of Programs identified in the City's Housing Element.

This report is required to be reviewed and considered by the City's legislative body (City Council), and subsequently submitted to the California Office of Planning and Research, and the California Department of Housing and Community Development. The annual report does not require approval by these State Agencies.

The 2021 General Plan and Housing Element APRs are attached to this Staff Report as Attachment 2, Exhibits A and B. The purpose of these documents is to:

- 1) Remain compliant with Government Code Section 65400(a)(2) and Housing Element Law;
- 2) To update City Council on housing development and implementation of General Plan programs, including the Housing Element; and
- 3) Ensure eligibility for State grant funding, such as the Housing-Related Parks Program and Permanent Local Housing Allocation.

For the City to be eligible for State funding for a variety of housing and park grants, the State typically requires the City's Housing Element to be in compliance with State Housing Law (certified) and for the City to submit Annual Progress Reports to OPR and HCD annually (by April 1 of each year). The City's 2014-2023 Housing Element was adopted in February, 2016. Prior to its adoption, City staff had consulted with HCD and received notification on December 15, 2015, that upon adoption the Housing Element would be in compliance. The proposed Annual Progress Reports ensure that the City will remain up-to-date in regards to the requirements imposed by future grant opportunities. A variety of grant programs intended to improve communities, provide access to housing and rental/mortgage relief are available for the City to pursue.

General Plan Progress & Implementation

In the 2021 Annual General Plan Report, progress was made on the following:

- 1) LAND-5 – Zoning Amendments – Accessory Dwelling Unit Ordinance
- 2) CIRC-1- Bicycle and Pedestrian Master Plan
- 3) CIRC-8- Collaborating with Regional Partners to solve regional vehicle transportation issues.
- 4) DESIGN-3- Establish design standards and parking requirements for Accessory Dwelling Units

Progress Towards RHNA Goals

The RHNA table for the current Housing Cycle has been updated to reflect progress made towards the City's RHNA goal, and is presented in the Attachment to this Staff Report. In Summary the City has completed:

- Ten (10) percent of the Very Low-Income goal;
- Eighteen (18) percent of the Low-Income goal;
- Zero (0) percent of the Moderate-Income goal;
- Thirty-Six (36) percent of the Above Moderate-Income goal.

New Home Construction

The City of Riverbank issued building permits for forty-seven (47) above moderate residential units in 2021, 44 of which were for single-family residences, two for a duplex, and an accessory dwelling unit. The majority of the building permits were issued in East

Riverbank, Countryside I and Crossroads West Unit 1. No building permits were issued for very low-, low-, and/or moderate-income categories but previously a Development Agreement was approved for the construction of 28 affordable homes in central Riverbank. Additionally, staff is in discussions to increase affordable housing and homeless housing with various community partners and local agencies.

In 2020 the City was awarded an SB2 grant for \$160,000 to obtain a consultant (JB Anderson Land Use Planning) to update City's Municipal Code Section on Accessory Dwelling Units (ADUs). In 2021, staff continued to work with JB Anderson to ensure 1) the ADU regulations are consistent with new State laws (ordinance adopted December 2021), 2) conduct a fee study to review and adopt ADU development fees, 3) develop Design Guidelines for ADUs, 4) develop an Administrative Procedures ordinance to streamline housing development processes and provide counter handouts, and 5) develop an ordinance to permit and regulate Tiny House Villages. The City has also partnered with Stanislaus County and local cities to create eight sets of fully engineered ADU plans that will be provided free to our citizens. These plans and the above mentioned ordinances are anticipated to be finalized or adopted in Spring 2022.

The City was awarded a LEAP grant of \$150,000 in 2020 to upgrade the City's permit processing software to streamline the development process and add activities like online submittals and payments. iWorQ Systems is the selected vendor and they are working with staff to transition to this new cloud-based system. Staff anticipates being online by mid-2022. Additionally, the City was selected as a REAP grant recipient (\$18,232) in 2020, which is being used to fund a CivicSpark Fellow to initiate environmental justice outreach into the community prior to General Plan and Housing Element updates.

The City anticipates additional new construction in the near future as the City has approved tentative subdivision maps for Riverbank Enclave (18 units), Countryside 3 (22 units), the Harrigfeld property (298 units), Crossroads Unit 2 (114 units) and the Heritage Collection (47 units) in 2021. Staff has also received and is reviewing final map applications.

PLANNING COMMISSION

A presentation on the 2021 General Plan and Housing Element Annual Progress Reports was made to the Planning Commission on March 15, 2022.

ENVIRONMENTAL DETERMINATION

Not a Project pursuant to CEQA Guidelines.

FINANCIAL IMPACT

City Staff prepared the 2021 General Plan and Housing Element Annual Progress Reports. No consultants were under contract.

STRATEGIC GOALS

The City of Riverbank Strategic Planning Session is a plan and set of goals that Riverbank will work towards for the next three years. Obtaining a CivicSparks Fellow to engage the community in environmental justice activities promotes sustainable development – Strategy 6.1 “Update the City’s General Plan and Zoning Code including 6.1.a Housing Element and 6.1.b Inclusion of an Environmental Justice Element.”

ATTACHMENTS

1. Draft City Council Resolution 2022-
2. 2021 General Plan Annual Progress Report, dated March 09, 2022
Exhibit A - 2021 General Plan Annual Implementation Report
Exhibit B - 2021 Housing Element Annual Progress Report

**CITY OF RIVERBANK
RESOLUTION 2022-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, ADOPTING THE 2021 ANNUAL GENERAL PLAN PROGRESS
REPORT AS WELL AS THE 2021 ANNUAL PROGRESS REPORT OF THE
GENERAL PLAN HOUSING ELEMENT**

WHEREAS, the City of Riverbank is required by Government Code Section 65400 to provide an Annual Progress Report on the General Plan for the preceding year; and

WHEREAS, the Annual General Plan Progress Report must be transmitted to the City Council, the California Office of Planning and Research, and the California Department of Housing and Community Development; and

WHEREAS, the Annual General Plan Progress Report must include all of the following: a) the status of the General Plan and progress in its implementation, b) the progress in meeting its share of the regional housing needs and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing, the degree which its approved General Plan complies with the guidelines adopted pursuant to Section 65040.2 as well as the date of the last revision to the General Plan; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby adopts the City's 2021 Annual General Plan Progress Report and 2021 Housing Element Annual Progress Report and authorizes staff to submit said report to the California Office of Planning and Research and California Department of Housing And Community Development.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 22nd day of March, 2022; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Kathy L. Teixeira
Interim City Clerk

Richard D. O'Brien
Mayor



2021 General Plan Annual Progress Report

City of Riverbank

March 2022

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CHAPTER 1 – INTRODUCTION AND SUMMARY

A. PURPOSE OF THE ANNUAL PROGRESS REPORT

Section 65400 of the California Government Code requires the City to file an annual report addressing the status of the General Plan and progress made toward implementing its goals and policies. The progress report must be submitted to the Governor’s Office of Planning and Research (OPR) and the Housing and Community Development Department (HCD). The annual progress report provides a means to monitor the success of implementing the General Plan and determine if changes are needed in the plan or its implementation programs.

B. PURPOSE OF THE GENERAL PLAN

The General Plan is mandated by California Government Code Section 65300, which requires each city and county to adopt a general plan for the physical development of the jurisdiction. The Riverbank General Plan establishes a vision for the City’s long-term growth and enhancement and provides strategies and implementing actions to achieve this vision. The Plan also conveys to City departments, other agencies, and private developers the community goals and policies, and establishes a basis for determining if development proposals and public projects are consistent. The Plan provides for establishing and prioritizing detailed plans and implementation programs.

C. STATUS OF THE ADOPTED ELEMENTS OF THE RIVERBANK GENERAL PLAN

State law requires that general plans include seven elements which must cover the following topics: Land Use, Circulation, Housing, Safety, Noise, Conservation, and Open Space. Elements for other topics of local concern may also be included. The Riverbank General Plan includes four optional elements: Community Character and Design, Economic Development, Public Services and Facilities and Air Quality. Except for the Housing Element, all elements of the Riverbank general Plan were adopted as a single document on April 22, 2009. State requirements for housing elements are more detailed and specific than for the other general plan elements. Housing elements are updated every eight years according to a schedule set by the State. For these reasons the Riverbank Housing Element is contained in a separate document which was adopted by the City Council February 23, 2016 and certified by the State HCD on December 30, 2015. The Housing Element covers the eight-year period from 2015 to 2023. Other elements may be updated less frequently and typically have a 20-year horizon.

The correspondence between State mandated elements and the Riverbank General Plan is illustrated in the table below.

Correspondence Between Required General Plan Elements and the Riverbank General Plan	
Element	Riverbank General Plan
Land Use	LAND-1-20: Land Use
Circulation	CIRC-1-18: Circulation
Conservation	CONS-1-10: Conservation and Open Space
Open Space	CONS-1-10: Conservation and Open Space
Safety	SAFE-1-4: Safety Element
Noise	NOISE-1-7: Noise
Community Character and Design (optional)	DES-1-17: Community Character and Design
Economic Development (optional)	ED-1-12: Economic Development
Public Services and Facilities (optional)	PUBLIC-1-12: Public Services and Facilities
Air Quality (optional)	AIR-1-15: Air Quality
Housing	Separate Document

Compliance with OPR Guidelines

Riverbank's General Plan was updated in 2009 according to OPR's Guidelines and remained consistent with the Guidelines.

CHAPTER 2 – IMPLEMENTATION OF THE GENERAL PLAN

This chapter discusses the implementation of all of the adopted elements of the General Plan except for the Housing Element. The annual progress report on the Housing Element is contained in Chapter 3. Exhibit A shows the implementation status of each General Plan policy.

A. REVIEW OF IMPLEMENTATION MEASURES

Progress Report Highlights

The following are highlights of the progress made in calendar year 2021 organized by general plan element:

Land Use:

- *Permitting and New Development.* The following is a summary of the building permits issued for the year 2021:
 - *Countryside 1* – Approved in 2016, construction is approaching completion on a forty-nine (49) single-family residential project, located in eastern Riverbank. Twenty-eight (28) building permits were issued in 2021.
 - *In-Fill Lots* – Three (3) building permits were issued for a duplex residential project (two units), and an Accessory Dwelling Unit (one unit) within the City in 2021.
 - *Crossroads West Unit 1* - Annexed in 2019 and approved in 2021, sixteen (16) building permits were issued for single-family residences in 2021.

Circulation:

- *Amendments.* There were no amendments to the Circulation Element in 2021.

Community Character and Design:

- *Amendments.* There were no amendments to the Community Character and Design Element in 2021.

Economic Development:

- *Amendments.* There were no amendments to the Economic Development Element in 2021.

Conservation and Open Space:

- *Amendments.* There were no amendments to the Conservation and Open Space Element in 2021.

Safety:

- *Amendments.* There were no amendments to the Safety Element in 2021.

Noise:

- *Amendments.* There were no amendments to the Noise Element in 2021.

Public Services and Facilities:

- *Amendments.* There were no amendments to the Public Services and Facilities Element in 2021.

Air Quality:

- *Amendments.* There were no amendments to the Air Quality Element in 2021.

Housing

- *Amendments.* There were no amendments to the Housing Element in 2021.

Regional Coordination

- *North County Corridor.* The Mayor and City Staff continued to participate with the Stanislaus Council of Governments (StanCOG) to provide input and direction as to how the North County Corridor should be aligned as it passes Riverbank. The Mayor Richard D. O'Brien is a member of the Stanislaus Council of Governments Policy Board and Donna Kenney, a City Staff member, is vice-chair of the Valley Vision Stanislaus Steering Committee to help collaboratively address the requirements of Senate Bill 375 (SB 375).
- *Regional Transportation Plan / Sustainable Communities Strategies (RTP / SCS).* City staff continued to participate with Stanislaus Council of Governments in the Sustainable Communities Strategy process to develop and implement an action plan that will lead to a more sustainable region, and implement SB 375. Staff regularly attended Valley Vision Stanislaus Steering Committee meetings and made periodic presentations to the City Council and Planning Commission.
- *Stanislaus County Planning Directors Meeting.* The Planning and Building Manager meets monthly with the Planning Directors of other cities in Stanislaus County to share information and discuss topics of mutual interest.

General Plan Amendments

There were no General Plan Amendments in the Calendar year of 2021.

B. GOALS, POLICIES, OBJECTIVES, STANDARD OR OTHER PLAN PROPOSALS THAT NEED TO BE ADDED OR WERE DELETED, AMENDED OR OTHERWISE ADJUSTED.

No changes to goals, policies, objectives, standards, or other plan proposals were identified in 2021.

CHAPTER 3 – ANNUAL PROGRESS REPORT ON IMPLEMENTATION OF THE HOUSING ELEMENT

The report addresses the progress in meeting the Regional Housing Need Allocation (RHNA) housing goals and the attainment of housing goals and objectives specified in the 2014-2023 Housing Element, adopted February 23, 2016. The State of California Department of Housing and Community Development requires an annual report attached as Exhibit B.

Following are highlights of the Calendar Year 2021 Housing Element Annual Progress Report:

Housing Element Implementation Highlights

The following are highlights of the Calendar Year 2021 Housing Element Annual Progress Report:

- Seven (7) years have elapsed for the January 2014 through September 2023 Regional Housing Needs Allocation (RHNA) period. As measured through the issuance of building permits, the City has met:
 - Ten (10) percent of the Very Low Income goal;
 - Eighteen (18) percent of the Low Income goal;
 - Zero (0) percent of the Moderate Income goal; and
 - Thirty-six (36) percent of the Above Moderate Income goal.
- *Building Permits Issued in 2021.* In 2021, forty-seven (47) building permits were issued for single-family development.

2021 General Plan Annual Progress Report

Exhibit A: General Plan Annual Implementation Report – 2021

Table I: General Plan Annual Implementation Report - 2021

Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
Land Use Element					
Land – 1	The City will conduct a comprehensive review of the land use element, including analysis and actions to ensure there is adequate land in appropriate locations for employment-generating land uses.		X,	CDD	The City continues to monitor and review the Land Use Element for adequate land in appropriate locations. No updates to the Land Use Element occurred in 2021.
Land – 2	The CDD will maintain an inventory of vacant and underutilized land to (a) evaluate proposed annexations and (b) ensure an adequate supply of vacant land to meet the community’s needs.	X		CDD	The Community Development Department and City Council continue to maintain vacant and underutilized land for annexations and supply. As part of the Housing Element Update, a list was developed to determine the amount of Vacant and Underutilized Multi-family Residential (R-3) land within City limits. Further, the City currently maintains an underutilized site inventory on Oppsites.com to connect potential developers with vacant and underutilized sites.
Land – 3	The City and Redevelopment Agency will pursue grant monies, as well as other funding sources for road and public infrastructure improvements to revitalize areas in need.	X		EDH, F, CDD,	The Community Development Department, Finance Department and the Public Works Department continue to pursue funding for road and public infrastructure improvements. No action for Redevelopment Agency due to the demise of Redevelopment.
Land – 4	The City will develop a comprehensive infill development streamlining and incentive program to encourage the redevelopment and revitalization of the Infill Opportunity Area.	X		CDD	The City provides free preapplication reviews so developers can submit a formal application that moves more quickly through the approval process and with fewer resubmittals. In 2021, Staff met with multiple developers who were interested in developing land within the City of Riverbank in infill development areas. Staff expressed support for new development in infill areas.

Agency Codes**City of Riverbank & Local**

CC City Council
 CM City Manager
 PC Planning Commission
 CDD Community Development Department
 ENG Engineering Department
 LRA Local Redevelopment Agency

PW Public Works Dept
 F Finance Department
 EDH Economic Development and Housing
 P&R Parks and Recreation
 EDD Economic Development Department
 OES Office of Emergency Services

Regional, State, Federal and Private

StanCOG Stanislaus Council Of Governments
 SC Stanislaus County
 DOT Caltrans
 MID Modesto Irrigation District
 CEPA California Environmental Protection Agency
 SJVAPCD San Joaquin Valley Air Pollution Control District

Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
Land – 5	The City will update the Zoning Code and other Municipal Code sections regulating land development to ensure consistency with the General Plan.	X		CDD	In 2021, the City adopted an ordinance amendment to update the Accessory Dwelling Unit section of the Zoning Code to be consistent with recent State law.
Land – 6	The City will coordinate with StanCOG and member jurisdictions and Caltrans to remove the State Highway 108 designation as it occurs through Riverbank and plan and condition land uses along a future alignment to enable Caltrans to redesignate Highway 108 near the Riverbank Planning Area.	X		CDD	The City of Riverbank continues to be involved in the North County Corridor planning process and is among the members of the Joint Powers Authority, securing a voice for Riverbank as the project moves forward and rights-of-way are purchased.
Land – 7	The City will draft an implementing ordinance for the Clustered Rural Residential land use designation consistent with the policies presented in the General Plan.	X		CDD	No Action in 2021.
Land – 8	Update the General Plan using data to be made available by the DWR and the Central Valley Flood Protection Board.	X		CDD	The update to the General Plan Safety Element occurred in 2015 as it relates to SB5 (2007) and 200-year floodplain protection. No action in 2021.

Action Number	Implementation Action	Timeframe	Dept/	Status of Implementation
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		On-going	0 – 5 years	Agency	
Circulation Element					
CIRC – 1	Develop and implement a Bicycle Master Plan.	X		CDD	The City Council adopted the City of Riverbank's Bicycle and Pedestrian Master Plan on October 26, 2021. The City is also working with a consultant to update the Active Transportation Plan.
CIRC – 2	As a part of implementation of the City's bicycle master plan, the City will work with local irrigation districts, the County, local railroad concerns, other property owners, and other agencies and interested parties to acquire and/or use existing easements and rights-of-way for development of off-street pedestrian and bicycle pathways.	X		CDD	The Community Development Department has been in discussion with BNSF and Sierra Northern Railway to utilize some Right-of-Way for off-street pedestrian and bicycle pathways along Patterson Road. Through these discussions, the City is working on developing a safe, efficient multi-modal system for Patterson Road. The City Council adopted the City of Riverbank's Bicycle and Pedestrian Master Plan on October 26, 2021
CIRC – 3	Develop a Travel Demand Management ordinance that requires large employers to provide incentives for employees to commute via transit, bicycle, on foot or by carpool rather than the SOV commute	X		CDD	No Action in 2021.
CIRC – 4	Revise street improvement standards to be consistent with this Circulation Element, including consideration on equal footing of all locally available forms of travel.	X		CDD, PW, ENG	The City revised street improvement standards to be consistent with Complete Streets, LID Development Standards and MS4 requirements. The new street standards were adopted by City Council in 2016. The City continues to enforce their street standards adopted in 2016. No Action in 2021.

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Regional, State, Federal and Private

StanCOG Stanislaus Council Of Governments
 SC Stanislaus County
 DOT Caltrans
 MID Modesto Irrigation District
 CEPA California Environmental Protection Agency
 SJVAPCD San Joaquin Valley Air Pollution Control District

Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
CIRC – 5	Coordinate with relevant transit providers and include, as appropriate, transit improvements in the Capital Improvements Plan (CIP).	X		CDD, PW, F	The Community Development Department, Finance Department and the Public Works Department work with transit providers and update the City's Capital Improvement Plans (CIP) annually.
CIRC – 6	The City will actively pursue State and Federal funding for developing, improving, and enhancing bicycle and pedestrian routes in the existing developed City.	X		CDD, F	Funding continues to be pursued for the development of bicycle and pedestrian amenities. The City is using CDBG funding to make improvements ADA and trail improvements to Castleberg Park and ADA improvements to Pioneer Park. The City Council adopted the City of Riverbank's Bicycle and Pedestrian Master Plan on October 26, 2021
CIRC – 7	Develop and implement a Parking Master Plan to coordinate and manage parking in the City.	X		CDD, PW	No Action in 2021. Parking in the Downtown Area has not been a problem.
CIRC – 8	Work with surrounding jurisdictions, the County, and StanCOG to develop regional solutions to regional vehicular transportation issues.	X		CDD, PW, ENG	City Council, Planning Commission and Community Development Department will continue to work with the County and StanCOG to develop regional solutions to regional vehicular transportation.
Community Character and Design Element					
DESIGN – 1	Establish distinctive crosswalks at major street intersections and other locations expected to generate significant pedestrian traffic in the existing City, as funding allows.	X		F, CDD	Utilizing CMAC and Safe Routes to School funds, the City is currently re-designing the Patterson Road and Roselle Avenue intersection to improve circulation and overall safety for non-motorized travelers, including students on bicycles. The City Council adopted the City of Riverbank's Bicycle and Pedestrian Master Plan on October 26, 2021. Additionally, the City is in the design phases of a Complete Street located at the intersection of Callander Avenue and Santa Fe Street. Last, the City

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					completed a sidewalk project along the southern edge of Patterson Road between First Street and Terminal Avenue.
Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
DESIGN – 2	Where appropriate opportunities and sufficient right-of-way exists, the City will modify wide streets into boulevards with landscaped medians or landscaped strips between the roadway and sidewalks to visually and functionally enhance streets for pedestrians.	X		CDD, ENG, PW	The City developed standard street widths to include landscaped medians and landscaped strips between roadways for minor and major collectors and minor arterials in 2016. No Action in 2021. The City continues to enforce the standards adopted in 2016.
DESIGN – 3	The City will establish design standards and parking requirements for accessory dwelling units.	X		CDD	In 2021 the City adopted an ordinance update for accessory dwelling units. The City received had received an SB2 grant in the amount of \$160K to hire a consultant, establish design standards and parking requirements, conduct community outreach, and conduct a fee study for accessory dwelling units and tiny houses. The City also collaborated with other cities in Stanislaus County to hire an architect to develop 8 fully engineered ADU plan sets between 250 sf and 1200 sf to give to our citizens for free. They are currently under review prior to plan check.
DESIGN – 4	Pursue improvements downtown that reduce effective Downtown street widths in relationship to building height and bulk, while allowing for automobile movements.		X	CDD	The Downtown Specific Plan was adopted in 2015. No Action in 2021. The City continues Implementation Actions to enforce the Downtown Specific Plan.

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DESIGN – 5	Prepare comprehensive streetscape plans for Patterson Road, Atchison Street/Highway 108, 1 st Street, Claribel Road, Oakdale Road, Roselle Avenue, and Claus Road.		X	CDD, ENG	A Streetscape plan for Patterson Road, east of Roselle Avenue is currently being developed to include Complete Streets Principles, including a Bicycle Path adjacent to the BNSF/Sierra Railroad. Other Streets and intersections will be improved as funds become available. Further in 2021, the City commenced the design of a Complete Street at the intersection of Callander Avenue and Santa Fe Street.
Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
DESIGN – 6	The City will define the edges, focal points, and landmarks of the Downtown. The City will establish gateways to Riverbank.	X		CDD	The Downtown Specific Plan identifies “gateways to Downtown” as 108/Patterson Road to the west and Atchison Street/Highway 108 to the east. Additionally, the revised DTSP expanded the east gateway, along Atchison Street.
DESIGN – 7	Adopt development standards that minimize environmental impacts of development through an appropriate balance of regulations and incentives	X		CDD	The City continues to minimize environmental impacts of development through the implementation and oversight of the California Environmental Quality Act (CEQA) where mitigation is assessed on projects that may have a significant impact on the environment. Further, the City has a relationship with the appropriate State and Federal environmental agencies allowing them to comment and assess appropriate mitigation on development projects. The City also works with developers to ensure that mitigation is practical and feasible for their development plans.

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DESIGN – 8	Projects shall provide artwork by a qualified artisan(s) within their developments as approved by the Director of Community Development	X		CDD	The Community Development Department, Planning Commission and City Council continue to consider artwork by qualified artisan(s) within development projects. This will continue to be approved by the Community Development Director.
Economic Development Element					
ED – 1	Continue to dedicate staff resources to economic development activities, and identify ways to improve upon existing initiatives	X		F, CDD, EDD	The Finance Department, Community Development Department and Economic Development Department continue to dedicate staff resources to economic development activities. In 2021, staff attended valuable economic development training workshops and seminars and passed the Accredited California Economic Developer (ACE) program exam through the California Association for Local Economic Development (CALED) and the California Academy for Economic Development.

Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
ED – 2	Continue to identify funding resources, and apply for those resources for which the City of Riverbank qualifies	X		EDD, F	The City will continue to identify funding resources and apply for those resources for which the City of Riverbank qualifies. The City applied for and received a \$160K SB2 grant and a \$150K LEAP grant in 2020 to streamline housing development. With the assistance of a consultant, the City was able to update the Municipal Code and include a new section for Accessory Dwelling Units. The City obtained a REAP grant in 2021 for \$18,232 to obtain a Civic Spark

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					Fellow to conduct environmental justice outreach to the community prior to a General Plan Update.
ED – 3	Continue to leverage redevelopment funds to develop programs and initiatives that improve the physical environment and business climate within the project area	X		EDD, CDD	There has not been any work done to leverage redevelopment funds due to the demise of redevelopment.
ED – 4	Work with Modesto Junior College, Stanislaus Alliance Worknet, other public agencies, and private job training providers to develop and refine job training programs that meet the needs of private industry and prospective businesses seeking to locate in Riverbank	X		EDD	City staff continues to meet with Opportunity Stanislaus, to identify existing businesses and potential businesses that could benefit from their programs and resources.
ED – 5	Identify opportunities to locate job training sites in Riverbank. Most of the existing job training and business assistance resources are based in Modesto. If a major facility development or expansion can be attracted to Riverbank, opportunities should be explored to base any resultant job training activities within Riverbank.	X		EDD, CDD	No action necessary. The Community Development Department will explore options for job training in Riverbank as opportunities arise when new expansion or development occurs. The recently approved Aeriz project is expected to bring 400 jobs over 3 phases of development to the city, including a job-training program for the mentally challenged. Also, the management of the Riverbank Industrial Complex has now transferred from the City to Aemetis, a company expected to construct a state-of-the-art biofuel plant in Riverbank and hire locally.
Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		

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ED – 6	Implement a business outreach program that identified home-based businesses operating in Riverbank	X		EDD	No action in 2021.
ED – 7	Implement a business outreach program that prioritizes businesses and/or industry sectors that constitute the most prominent sources for jobs and fiscal revenue in Riverbank	X		EDD	No action in 2020.
Ed – 8	Assign City staff and personnel from appropriate agencies to a “rapid response” team that will respond to changes in the job training and workforce development needs for large employers in Riverbank	X		All Depts.	No Action in 2021.
Ed – 9	Develop specific marketing messages for different industry sectors, based on Riverbank’s strengths, market position, and future growth opportunities	X		EDD	In 2021, the City continues to update the Oppsites webpage which list vacant and underutilized parcels.
ED – 10	Refine business attraction targets to include business-to-business suppliers. Business suppliers would potentially include material distributors, services providers, and component manufacturing.	X		EDD	No action in 2021.
ED – 11	Systematically track available land, and available building vacancies. Continually update the information and identify the most efficient and cost-effective methods for distributing the information, including web-based systems.	X		CDD	The Community Development Department utilizes the County’s Geographical Information Systems (GIS) to track available land (vacant land) as well as Oppsites.com, mentioned above.

Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		

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ED – 12	The City should contract with a sales tax accounting firm to provide customized and quarterly updated audits of the City's sales tax receipts	X		EDD	The City contracts with Avenu to conduct sales' tax receipt audits.
ED – 13	Dedicate staff resources to tracking employment and payroll trends, in order to monitor progress toward community goals for economic development	X		EDD	No Action in 2021.
ED – 14	Implement a residential survey that includes information on where Riverbank residents work and their occupations	X		EDD	No Action in 2021. The City continues to participate in the Federal Census which supplies information regarding population, where residents work and their occupations.
Ed – 15	Facilitate the formation of business district committees, and assist those districts that wish to further explore the benefits and implementation steps for the creation of a Business Improvement District	X		EDD	No action in 2021 due to a lack of interest by businesses.
ED – 16	Proactively use the business outreach process to identify priorities for business climate improvement	X		EDD	No Action in 2021.
ED – 17	Include the redevelopment agency in any efforts to improve the local business climate within the redevelopment district	X		EDD, CDD	There has not been any work done to include the redevelopment agency due to the demise of redevelopment.
Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		

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ED – 18	Initiate a hotel/lodging feasibility study to identify the types, numbers, and appropriate locations of lodging facilities that Riverbank could attract.	X		EDD	No Action in 2021 on a feasibility study but city staff has contacted known hotel developers and provided them with information on building and zoning in Riverbank
ED – 19	Prioritize business attraction initiatives in the categories identified in Goal ED-6.	X		EDD	In late 2015 the City adopted a Grease Interceptor Waiver Program and a Conditional Waiver to Install Grease Interceptors Program to encourage restaurants to locate in the downtown. No Action in 2021.
ED – 20	Identify options and preferred alternatives for rail spur locations and potential relocations, particularly as they pertain to the reuse of the Riverbank Army Munitions site.	X		CC, LRA	The Riverbank Industrial Complex Specific Plan (Former Army Ammunitions Plant) was adopted by City Council in March of 2013. The Plan identified options in regards to the rail spurs in and out of the Riverbank RAAP.
ED – 21	Initiate a retail leakage study in order to identify retail and other local-serving attraction opportunities that remain, and project the future growth in household retail demand and supportable establishments.	X		EDD	No Action in 2021.
ED – 22	Initiate a feasibility study that identifies market opportunities for entertainment and recreational uses in Riverbank, particularly as they apply to creating an arts district in downtown Riverbank.	X		EDD	No Action in 2021.
Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		

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ED – 23	Continue to identify and procure the necessary funding to fully implement the streetscape improvement plans identified in the Downtown Revitalization Plan.	X		F, EDD, CDD	No Action in 2021, the City continues to implement the Downtown Specific Plan adopted in 2015.
ED – 24	Continue to facilitate special events in downtown Riverbank.	X		P&R, F, EDD	During 2021, the Parks and Recreation Department held many successful events, which engaged the community and encouraged them to get involved. The largest event typically is the annual Riverbank Cheese and Wine Festival and the celebration resumed in 2021.
ED – 25	Initiate a fiscal impact analysis that identifies fiscal costs and benefits associated with specific types of development.	X		F, EDD, CDD	No Action in 2021.
ED – 26	Identify options such as Zoning Code changes, corridor planning for older commercial areas, and specific plans for new growth areas that would implement and promote mixed use development.	X		CDD	In 2019, the City annexed 380 acres of the Crossroads West Specific Plan, an area adjacent to west City Limits. The Crossroads West Specific Plan features a mixed-use type development with many types of land uses including commercial (58 acres), residential (2,100+ units), and parkland. In 2021, the City approved a 298 unit tentative map, a 114 unit tentative map, and a 91 lot Final Map within this Specific Plan area.
ED – 27	Prepare an urban design plan for downtown Riverbank to compliment business attraction, redevelopment strategies, and streetscape improvements.	X		CDD	The Downtown Specific Plan was adopted in 2015 and includes urban design standards for the Downtown area.
ED – 28	Continue to network with regional agencies as part of the City's economic development program, and include Latino/Hispanic business organizations as part of this strategy.	X		EDD	The City continues to network with regional agencies as part of the City's economic development program. No action necessary.
	Implementation Action	Timeframe		Dept/	Status of Implementation

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Action Number		On-going	0 – 5 years	Agency	
Conservation and Open Space Element					
CONS-1	1) Require development projects and subdivisions be consistent with, and implement land use planning and greenhouse gas emission reduction measures developed pursuant to the regional Sustainable Community Strategy. 2) Develop a Sustainable Agricultural Strategy to minimize the agricultural production loss to urban development	X		CDD, CC, PC	This Action is ongoing. Development Projects, as they are processed, are required to comply with the County's Sustainable Community Strategy.
CONS – 2	Adopt a “right-to-farm” ordinance that informs residents of ongoing agricultural practices at the edges of Riverbank and protects farmers and other agriculture interests from dumping, nuisance, complaints, and other problems typically associated with new residents on the City fringe.		X	CDD	No Action in 2021. The City of Riverbank Sustainable Agricultural Strategy was adopted by City Council in 2016.
CONS – 3	Seek funding to assist private owners in the preservation of buildings and site of historic importance	X		CDD, EDD	No Action in 2021.
CONS - 4	Seek funding for implementing energy efficient improvement and utilities infrastructure renewal projects	X		CDD, PW, EDD	No Action in 2021.

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Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
Safety Element					
SAFE – 1	Work with the Department of the Army to ensure successful clean-up and reuse of the decommissioned Riverbank Ammunition Plant	X			The Riverbank RAAP was selected for closure as part of the Base Realignment and Closure (BRAC) plan of 2008. The City continues to work with the Department of the Army and the Federal Environmental Protection Agency to ensure the successful clean-up and reuse of the plant. In November of 2013, the Riverbank Industrial Complex Specific Plan was adopted by City Council. In 2017 PCB clean-up was completed at the site. In 2021, Land transfer discussions between the Department of the Army and the City of Riverbank continued. the City has finalized a contract with a Master Developer, Aemetis, to develop the existing and remaining parcels of the site.
SAFE – 2	Implement and periodically update disaster plans, including the City’s Emergency Operations Plan		X	CDD, EDD	In 2016 the City updated and adopted its Emergency Operations Plan. In 2021 City department leaders met with Office of Emergency Services.
SAFE – 3	Will coordinate with public safety service providers serving the City to ensure proper training and disaster preparedness and periodic testing of equipment and facilities	X			In 2021 City department leaders met with the OES and participated in health and safety measures considering the 2021 Covid-19 pandemic.

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SAFE – 4	Support the purchase and maintenance of proper emergency communication systems and equipment and other necessary tools dealing with emergencies.	X			No Action in 2021.
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Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
Noise Element					
NOISE – 1	Update implementing ordinances related to noise consistent with the policies of this element and City redevelopment and revitalization planning	X		CC, PC, CDD	This action has not been implemented due to the demise of Redevelopment. The Community Development Department, City Council and Planning Commission will continue to implement the Noise element on a project-by-project basis, ensuring that specific projects do not affect adjacent land uses that may be sensitive, such as schools and residential.
NOISE – 2	Ensure that personnel charged with enforcing such ordinances are properly trained and equipped for on-site measurement techniques and other necessary tasks	X		CDD	Depending on the Project, a Noise Analysis may be commissioned to ensure that the project is consistent with the Noise Element of the General Plan and any applicable ordinances. This may be done in-house or by an outside consultant.
NOISE – 3	Coordinate with StanCOG and Caltrans to ensure transportation planning and improvement programs are consistent with this element	X		CC, PC, CDD	The City Council, Planning Commission and Community Development Department will continue to work with StanCOG and Caltrans to ensure transportation planning and programs are consistent with the Noise Element.
Public Services and Facilities Element					

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PUBLIC – 1	Coordinate with area reclamation districts, Stanislaus County, the City of Modesto, and other agencies and jurisdictions for planning and coordinating drainage programs and policies on an area wide and regional basis.	X		CDD	The City continues to participate in the Storm Drainage partnership with multiple local agencies to address state requirements for storm water.
Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
PUBLIC – 2	Develop a park master plan that describes the standards, design, land requirements, locations, planning, and funding to support the City's existing and future park system	X		P&R	In 2021, the Parks Master Plan was adopted.
PUBLIC – 3	Update the water, wastewater, and stormwater drainage master plans at least every five years to ensure the appropriate level of service is maintained as the City grows, and to ensure that appropriate projects include a capital improvements planning and can be funded		Complete, 2015	CDD	The City's 2020 Urban Water Management Plan was adopted by City Council on October 26, 2015.
PUBLIC – 4	Coordinate with the United States Postal Service and other public agencies serving Riverbank, regarding needs for expansion, satellite locations, and other issues related to land use planning	X		CDD	The City has ongoing contact with the Post Office in regards to the locations of gang mail boxes in new subdivisions. Addresses in the 2019 annexation area are still Modesto addresses. Staff is working with Rep. Josh Harder's office to change them to Riverbank addresses.
Air Quality Element					
AIR – 1	Develop a program to reduce daily emissions of nitrogen oxides	X		CDD	No Action in 2021. The City continues to consult with the San Joaquin Valley Air Pollution Control District (SJVAPCD) whom enforces federal air quality standards.

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AIR – 2	Develop a local greenhouse gas reduction program	X		CDD	No Action in 2021. The City continues to consult with the SJVAPCD which enforces federal greenhouse gas reduction programs.
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Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
AIR – 3	Pursue and use State and Federal funds earmarked for bicycle and transit improvements, transit-oriented planning and development, and other planning and improvement grant programs intended to encourage alternatives to automobile transportation	X		CDD, EDD, F	The City continues to pursue and use State and Federal funds earmarked for the programs listed in AIR-3.
AIR – 4	Coordinate with local irrigation districts, the County, Caltrans, and other interested parties to develop bikeways and pedestrian paths along canals, abandoned railroad lines, and other easements and rights-of-ways	X		CDD, P&R	The Community Development Department has been in discussion with Hetch-Hetchy Water and Power to develop a dog park or multi-use path on SFPUC Right-of-Way. No Action in 2021.
AIR – 5	Develop planning strategies and supportive ordinances addressing Downtown Riverbank and West Riverbank	X		CDD	The City annexed the Crossroads West Plan Area in June 2019 and new Tentative Map applications and Improvement Plans have been submitted for 421 homes in West Riverbank.
AIR – 6	In planning and budgeting for transportation infrastructure, before considering constructing more roadway capacity, the City of Riverbank will consider measures to increase the capacity of the existing road network	X		CC, PC, CDD, PW, ENG	The Community Development Department, Public Works Department and Engineering will continue to consider measures to increase the capacity of the existing road network prior to considering constructing more roadway capacity. City Staff is currently revising the City's Standard Street Widths,

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					which will incorporate DOT's directive of Complete Streets and LID Standards (MS4 Requirements).
Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	On-going		
AIR – 7	Coordinate with transit providers on the portion of long-range transit plans serving Riverbank and accommodate necessary facilities such as bus pull-outs, bus shelters, information kiosks, street furniture, lighting, etc.	X		CDD	The Community Development Department continues to consider transit plans serving Riverbank for new development.
AIR – 8	Require project proponents to prepare health risk assessments in accordance with Air District-recommended procedures as part of environmental review when the proposed industrial process has associated air emissions that have been designated by the State as a toxic air contaminant or, similarly, by the federal government as a hazardous air pollutant	X		CDD	The Community Development Department will continue to work with SJVAPCD to ensure that new projects are mitigating air quality impacts. Air Emissions are calculated and reviewed by SJVAPCD.

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2021 General Plan Annual Progress Report
Exhibit B: Housing Element Annual Progress Report – 2021
Reported Data – January 1, 2021 – December 31, 2021

Jurisdiction	Riverbank	
Reporting Year	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

(CCR Title 25 §6202)

Table A
Housing Development Applications Submitted

Project Identifier					Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes								Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Density Bonus
1					2	3	4	5							6	7	8	9	10
Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Date Application Submitted+ (see instructions)	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total PROPOSED Units by Project	Total APPROVED Units by project	Total DISAPPROVED Units by Project	Was <u>APPLICATION SUBMITTED</u> Pursuant to GC 65913.4(b)? (SB 35 Streamlining)	Was a Density Bonus requested for this housing development?
Summary Row: Start Data Entry Below								0	0	0	0	0	0	437	437	437	0		
	062-035-036	6128 Beagle Dr.	Countryside I	BP21-0048	SFD	O	2/9/2021	0	0	0	0	0	0	1	1	1	0	No	No
	062-035-037	6132 Beagle Dr.	Countryside I	BP21-0049	SFD	O	2/9/2021	0	0	0	0	0	0	1	1	1	0	No	No
	062-035-038	6136 Beagle Dr.	Countryside I	BP21-0050	SFD	O	2/9/2021	0	0	0	0	0	0	1	1	1	0	No	No
	065-035-039	6140 Beagle Dr.	Countryside I	BP21-0051	SFD	O	2/9/2021	0	0	0	0	0	0	1	1	1	0	No	No
	062-035-040	6144 Beagle Dr.	Countryside I	BP21-0052	SFD	O	2/9/2021	0	0	0	0	0	0	1	1	1	0	No	No
	062-035-041	6148 Beagle Dr.	Countryside I	BP21-0053	SFD	O	2/9/2021	0	0	0	0	0	0	1	1	1	0	No	No
	062-035-042	6152 Beagle Dr.	Countryside I	BP21-0054	SFD	O	2/9/2021	0	0	0	0	0	0	1	1	1	0	No	No
	062-035-016	4229 Labrador Ln.	Countryside I	BP21-0131	SFD	O	3/29/2021	0	0	0	0	0	0	1	1	1	0	No	No
	062-035-015	4223 Labrador Ln.	Countryside I	BP21-0132	SFD	O	3/26/2021	0	0	0	0	0	0	1	1	1	0	No	No
	062-035-017	4225 Labrador Ln.	Countryside I	BP21-0133	SFD	O	3/29/2021	0	0	0	0	0	0	1	1	1	0	No	No
	062-035-018	4221 Labrador Ln.	Countryside I	BP21-0134	SFD	O	3/29/2021	0	0	0	0	0	0	1	1	1	0	No	No
	062-035-019	4217 Labrador Ln.	Countryside I	BP21-0135	SFD	O	3/29/2021	0	0	0	0	0	0	1	1	1	0	No	No
	062-035-020	4213 Labrador Ln.	Countryside I	BP21-0136	SFD	O	3/29/2021	0	0	0	0	0	0	1	1	1	0	No	No
	062-035-021	4209 Labrador Ln.	Countryside I	BP21-0137	SFD	O	3/29/2021	0	0	0	0	0	0	1	1	1	0	No	No
	062-035-025	6117 Airedale Way	Countryside I	BP21-0269	SFD	O	5/17/2021	0	0	0	0	0	0	1	1	1	0	No	No
	062-035-026	6113 Airedale Way	Countryside I	BP21-0270	SFD	O	5/17/2021	0	0	0	0	0	0	1	1	1	0	No	No
	062-035-027	6109 Airedale Way	Countryside I	BP21-0271	SFD	O	5/17/2021	0	0	0	0	0	0	1	1	1	0	No	No
	062-035-028	6105 Airedale Way	Countryside I	BP21-0272	SFD	O	5/17/2021	0	0	0	0	0	0	1	1	1	0	No	No
	062-035-0032	4248 Corgi Way	Countryside I	BP21-0348	SFD	O	6/18/2021	0	0	0	0	0	0	1	1	1	0	No	No
	132-035-033	4252 Corgi Way	Countryside I	BP21-0349	SFD	O	6/18/2021	0	0	0	0	0	0	1	1	1	0	No	No
	132-022-034	4256 Corgi Way	Countryside I	BP21-0350	SFD	O	6/18/2021	0	0	0	0	0	0	1	1	1	0	No	No
	132-022-035	4260 Corgi Way	Countryside I	BP21-0351	SFD	O	6/18/2021	0	0	0	0	0	0	1	1	1	0	No	No
	074-023-003	2110 Starwood Dr.	Parkwoods - CW Unit 1	BP21-0502	SFD	O	9/7/2021	0	0	0	0	0	0	1	1	1	0	No	No
	074-023-004	2114 Starwood Dr.	Parkwoods - CW Unit 1	BP21-0503	SFD	O	9/7/2021	0	0	0	0	0	0	1	1	1	0	No	No

Jurisdiction	Riverbank	
Reporting Year	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
 Please contact HCD if your data is different than the material supplied here

Table B														
Regional Housing Needs Allocation Progress														
Permitted Units Issued by Affordability														
		1	2									3	4	
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level	
Very Low	Deed Restricted	321	-	33	-	-	-	-	-	-	-	-	33	288
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-		
Low	Deed Restricted	206	-	38	-	-	-	-	-	-	-	-	38	168
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-		
Moderate	Deed Restricted	217	-	-	-	-	-	-	-	-	-	-	-	217
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-		
Above Moderate		536	52	-	13	40	18	25	47	-	-	195	341	
Total RHNA		1,280												
Total Units			52	71	13	40	18	25	47	-	-	266	1,014	

Note: units serving extremely low-income households are included in the very low-income permitted units totals and must be reported as very low-income units.

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will include units that were permitted since the start of the planning period.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction	Riverbank		
Reporting Year	2021	(Jan. 1 - Dec. 31)	
Table D			
Program Implementation Status pursuant to GC Section 65583			
Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Program 1.1a	The City shall revise, as needed, the amount of land designated for various residential uses in conjunction with the amount of and types of housing produced in the previous year to determine if any changes in the General Plan and Zoning Ordinance may be needed to meet the City's Housing Needs.	2014-2023	The City has sufficient land within their Sphere of Influence to accommodate the City's Housing needs. The City annexed 404 acres of land into City limits in 2019 and expects +/- 2,100 housing units with this project. In addition, the City is currently processing an Annexation and Specific Plan application for a project called River Walk, which intends to construct +/- 2,500 units of housing (80% senior).
Program 1.1b	Annexation and Prezone of the Crossroads West Specific Plan Area.	By End of Year 2017.	Stanislaus County LAFCO approved the annexation of the Crossroads West Specific Plan Area into the City in June 2019.
Program 1.2a; Program 1.2b	Track changes in land availability and accomplishments in multi-family development in order to determine if further rezoning is necessary to better facilitate high-density developments.	On-Going	In 2021, the City continued to participate in 'Oppsites' online, which lists available vacant and/or underutilized sites within the City. The City has been responsive to inquiries regarding these sites, and will continue to participate throughout the cycle.
Program 2.1a	Seek assistance from non-profit developers to develop homes for lower-income families.	On-Going	As a second-year member of Stanislaus Urban County, the City is working with Self-Help Enterprises to create affordable housing options and/or assistance through two CDBG programs: the Homebuyers Downpayment Assistance Program and the Housing Rehabilitation Program.
Program 2.1b	Continue to assist developers in the development of extremely low, very low, and low income housing in the grant preparation process to help fund their developments.	On-Going	The City did not receive any applications for affordable housing in 2021. Further, the City did not receive any grants for affordable housing in 2021.
Program 2.1c; Program 2.1d	Encourage developers to include second dwelling units in new subdivisions.	On-Going	All applicants of new developments receive a copy of the City's Accessory Dwelling Unit regulations. Further, the Planning and Building Manager shares this information at Developer meetings held early in the design process. In addition, the City is developing an ordinance to permit and regulate Tiny House Villages, expected to be adopted in 2022.
Program 2.1e; Program 2.1f	Housing for Farmworkers	On-Going	The City received an SB2 grant award to develop fully engineered accessory dwelling unit plans sets (8) to be given to our citizens for free. It will encourage homeless, farmworker, senior, and aged-out foster child housing.
Program 2.1g; Program 2.1h	2.1g: Updates to the R-1 and R-2 Zoning Districts to include Transitional and Supportive Housing; 2.1h: Amend Zoning Ordinance to comply with Health and Safety Code 17021.5 and 17021.6 and allow farmworker housing in the R-1 Zoning District.	12/31/2017	These items were completed in 2017.
Program 2.1i	The City shall refer residents to the Valley Mountain Regional Center for housing and services available to persons with developmental disabilities	On-Going	As needed, the City will refer residents to the Valley Mountain Regional Center. The City has not yet pursued Stated and Federal monies for direct support of housing construction and rehabilitation specifically targeted for housing for persons with developmental disabilities.
Program 2.1j	The City shall encourage housing development within the General Plan Infill Opportunity Area and specifically, sites designated Mixed Use.	On-Going	As development applications are received, the City will encourage and provide opportunities for development within the Infill Opportunity Area. Further, in 2021, the City continued to update its profile on Oppsites.com, which features areas of the City that are undeveloped or underutilized. Many of the sites listed are infill areas of opportunity.
Program 2.1k	Participation in the Stanislaus County and Support Service Collaborative and the Continuum of Care to help address homeless needs in Riverbank and Stanislaus County.	On-Going	The City of Riverbank continues to participate in the Stanislaus County Housing and Support Collaboration and the Continuum of Care to help address homeless needs in Riverbank and Stanislaus County.

[illegible]

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 11.3

SECTION 11: NEW BUSINESS

Meeting Date: March 8, 2022

Subject: Resolution to (1) Rescind Resolution 2021-104; (2) Declare APN 132-012-024 Located at the Northeast Corner of 3rd Street & Stanislaus Street as Exempt Surplus Land under the Surplus Land Act; (3) Approve the Sale of Said Property to the Stanislaus Regional Housing Authority Pursuant to a Purchase and Sale Agreement

From: Marisela H. Garcia, Interim City Manager

RECOMMENDATION

It is recommended that the City Council consider adopting a Resolution which will declare the following:

- (1) Rescind Resolution 2021-104;
- (2) Declare APN 132-012-024 Located at the Northeast Corner of 3rd Street & Stanislaus Street as Exempt Surplus Land under the Surplus Land Act;
- (3) Approve the Sale of Said Property to the Stanislaus County Housing Authority Pursuant to a Purchase and Sale Agreement.

SUMMARY

On October 26, 2021 the City Council adopted Resolution 2021-104 which declared the city-owned parcel located at the Northeast corner of 3rd & Stanislaus (APN 132-012-024) as Surplus Land. At that time the City's intent was to declare the property exempt under the Surplus Land Act and proceed with a 60-day required Notice of Availability. After further legal review, it was determined that the City can declare this property as Exempt Surplus Land thereby avoiding the 60-day notification period. Tonight's action will rescind the prior Resolution and declare the property Exempt.

BACKGROUND

The City of Riverbank has owned the parcel on the Northeast corner of 3rd Street and Stanislaus Street for many years (see Exhibit A). The parcel has traditionally operated as a parking lot. The parking lot gets minimal use, periodic use by City Hall South staff, and also overflow parking use during large events (Cheese and Wine Festival, Christmas Parade, etc.). Generally, the parking lot sees little use during other normal times. The parking lot contains off-street parking spaces and has not been slurry sealed or upgraded

in many years. In recent years discussions have been had about whether other locations within the downtown would be more appropriate for off-street parking use.

The City has been approached by the Stanislaus Regional Housing Authority inquiring about the possibility of acquiring the parcel to develop a small Senior Center on the lot. The Housing Authority owns and operates numerous affordable senior housing apartments within the downtown area including a large-scale project immediately adjacent to the parcel. In fact, the administrative offices of the Riverbank portion of the Housing Authority are located right next to the parking lot. A Senior Center at this location could provide much needed additional facilities for our Senior Citizens and the residents of the Housing Authority within the downtown. Currently (other than the Community Center) no local facilities for gathering exist for the senior population. Exhibit B of this staff report details the design concept being proposed by the Housing Authority.

SURPLUS LAND ACT

Section 54221 (b)(1) of the Act defines "surplus land" as "land owned in fee simple by any local agency for which the local agency's governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency's use." Under the Act, land must be declared "either 'surplus land' or 'exempt surplus land,' as supported by written findings, before a local agency may take any action to dispose of it consistent with an agency's policies or procedures."

Section 54221(c)(1) defines "agency's use" to include, but not be limited to, "land that is being used, is planned to be used pursuant to a written plan adopted by the local agency's governing board for, or is disposed to support ... agency work or operations, including, but not limited to, utility sites, watershed property, land being used for conservation purposes, land for demonstration, exhibition, or educational purposes related to greenhouse gas emissions, and buffer sites near sensitive governmental uses, including, but not limited to, waste water treatment plants." Notably, "agency's use" does not include "commercial or industrial uses or activities, including nongovernmental retail, entertainment, or office development"; nor does it include "property disposed of for the sole purpose of investment or generation of revenue." Govt. C. § 54221 (c)(2)(A).

Here, the Property is undeveloped and not necessary for the City's use. It is, therefore, surplus land. Certain types of surplus land, however, depending on the recipient of the transfer, are exempt from application of the Act and its procedural requirements prioritizing the development of affordable housing. For example, surplus land that "a local agency is transferring to ... another local, state, or federal agency for the agency's use" renders the land "exempt surplus land." Govt. C. § 54221 (f)(1)(D). Here, if the City sells the property to the Stanislaus Regional Housing Authority, the property is exempt surplus land, and the Act therefore does not apply. See Govt. C. § 54222.3 ("This article shall not apply to the disposal of exempt surplus land as defined in Section 54221 by an agency of the state or any local agency.")

STRATEGIC PLAN

This item is related to the City Council's Strategic Plan Goal to "Enhance Quality of Life." Council established an objective to "seek ways to provide amenities and facilities to

underserved/aging neighborhoods.” By allowing this property to be deemed exempt surplus land and negotiating a Land Purchase and Sale Agreement with the Stanislaus Regional Housing Authority, the City Council will achieve this objective as our senior residents do not currently have a dedicated senior center.

FINANCIAL IMPACT

No direct financial impact as a result of declaring the parcel as Exempt Surplus Land. Sale of the land will be negotiated with the Stanislaus Regional Housing Authority.

ATTACHMENT

1. Draft City Council Resolution 2022-
2. Exhibit A – Parcel Map
3. Exhibit B – Housing Authority Proposal
4. Land Purchase and Sale Agreement - DRAFT

CITY OF RIVERBANK

RESOLUTION 2022-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, (1) RESCINDING RESOLUTION 2021-104; (2) DECLARING APN 132-012-024 AS EXEMPT SURPLUS LAND UNDER THE SURPLUS LAND ACT; (3) APPROVING THE SALE OF SAID PARCEL TO THE STANISLAUS REGIONAL HOUSING AUTHORITY

WHEREAS, The City of Riverbank, California (“City”) is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

WHEREAS, the City is an owner in fee simple of one (1) parcel of real property located at the Northeast corner of 3rd Street and Stanislaus Street (APN 132-012-024) as identified in Exhibit A, attached hereto and made a parte hereof (the “Property”); and

WHEREAS, under the Surplus Land Act, Government Code Sections 54220-54233 (“Act”), surplus land is owned in fee simple by the City for which the City must take formal action in a regular public meeting declaring the land is surplus and not necessary for the City’s use. The land must be declared either surplus land or exempt surplus land; and

WHEREAS, the Property, in the aggregate is approximate .22 acres in size and is vacant and not currently being used by the City; and

WHEREAS, City staff has evaluated the Property for their potential to be used for City work or operation, but has determined that the Property is not suitable for the City’s use, and therefore desires that the Property be declared surplus; and

WHEREAS, because the property is being sold to the Stanislaus Regional Housing Authority, it is “exempt surplus land” exempt from all requirements under the Act; and

WHEREAS, the Stanislaus Regional Housing Authority has provided the City of Riverbank with a Land Purchase and Sale Agreement with a purchase price of \$122,000; and

WHEREAS, the accompanying staff report provides supporting information upon which the declaration and finding set forth in this Resolution are based.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby declare as follows:

SECTION 1. Findings. The City Council finds that all of the preceding background facts, including but not limited to the fact that the Property is “exempt surplus land” under section 54221(f)(1)(D), are true and correct and are hereby incorporated and adopted as findings and determinations by the City Council as if fully set forth herein.

SECTION 2. Approval of Land Purchase and Sale Agreement. The City does hereby approve the Land Purchase and Sale Agreement.

SECTION 3. Authorization. The Interim City Manager, or designee, is hereby authorized to execute and approve any required agreement or documents facilitating the sale and disposition of the Property to the Stanislaus Regional Housing Authority.

SECTION 4. CEQA. The City Council finds that this Resolution is not subject to the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines Section 15312, because the proposed action is a sale of surplus government property.

SECTION 5. Certification. The City Clerk shall attest and certify to the passage and adoption of this Resolution and it shall become effective immediately upon its approval.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 22nd day of March, 2022; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Kathy Teixeira
Interim City Clerk

Richard D. O'Brien
Mayor

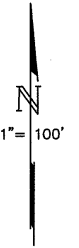
Attachment: Exhibit A – Parcel Map

EXHIBIT A: PARCEL MAP

POR. NW 1/4 SEC. 25 T.2S. R.9E. M.D.B. & M.
POR. TOWN OF RIVERBANK - BLKS. 23, 24, 27 & 28 (05M16)

006 090 132 - 012

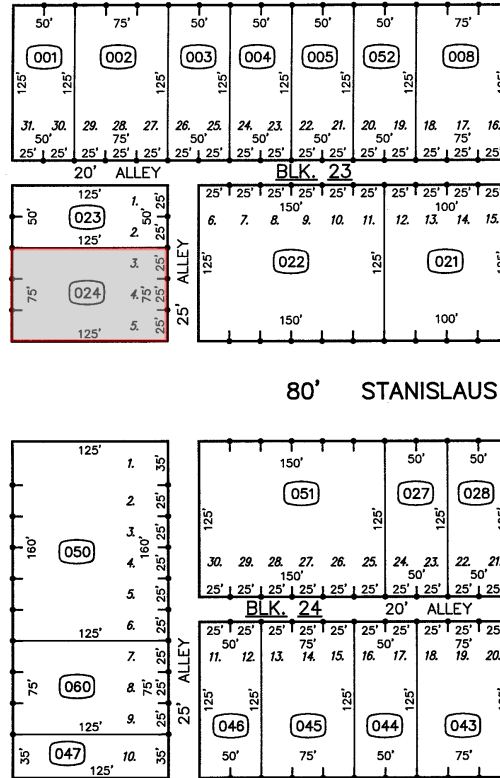
Copyright 2001 Stanislaus County
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THIS MAP FOR
ASSESSMENT PURPOSES ONLY

011

100' THIRD ST.

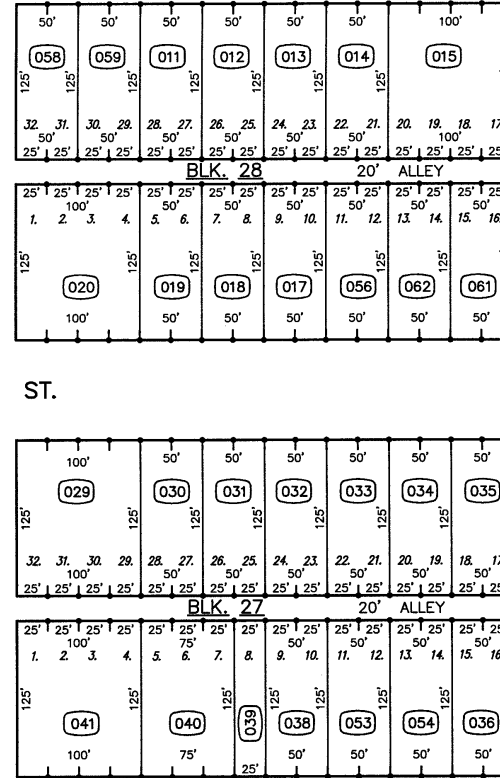


80' STANISLAUS ST.

80' SIERRA ST.

60' FOURTH ST.

ST.



ST.

60' FIFTH ST.

013



017

FROM 132-17, 18, 19, 20
DRAWN 2-13-68
REVISED 7-15-85, 8-6-98, 6-30-09 (V)DH

016

132 - 012

Housing Authority of the City of Riverbank



Burney Villa Homes ▪ Henrietta J. Rossi Apts. ▪ Fred W. Scheala Apts

February 28, 2022

City of Riverbank
6707 Third St.
Riverbank, CA 95367
Attention: Marisela Garcia

Dear Ms. Garcia:

The Riverbank Housing Authority (Housing Authority) plans on developing a community center as an improvement for the property APN 132-012-024. The property is directly adjacent to the existing Housing Authority Office located at 3309 Stanislaus Street, Riverbank. The improvement to the lot will serve as the Housing Authority office extension and community room. The current design concept consists of a 1500 SF community room that connects to the existing Housing Authority Office and includes restrooms, kitchenette and ADA accessibility features. The property will not contain residential units but will provide Community Center space and resources for the existing Public Housing tenants and will also be available for the City of Riverbank to use for meetings. Should any questions arise, please contact Jim Kruse at jkruse@stancoha.org.

Sincerely,



Jim Kruse
Executive Director

(With Contingencies)

The parties make this Agreement this 17 day of June, 2021. This Agreement supersedes and replaces all obligations made in any prior Contract to Purchase or agreement for sale entered into by the parties.

1. Parties.

City of Riverbank the "SELLER," agrees to sell and **Stanislaus Regional Housing Authority**, the "BUYER," agrees to buy, the premises described in paragraph 2 on the terms set forth below. BUYER may require the conveyance to be made to another person or entity ("Nominee") upon notification in writing to SELLER at least five business days prior to the date for performance set forth in paragraph 5. Designation of a Nominee shall not discharge the BUYER from any obligation under this Agreement and BUYER hereby agrees to guarantee performance by the Nominee.

2. Description of Premises. The premises (the "Premises") consist of the land containing approximately 0.22 acres, more or less, described (address and APN) 3rd Street, Riverbank, CA 95367 APN# 132-012-024 .

3. **Purchase Price/Offer**. The purchase price for the Premises is \$ [REDACTED] (dollars) of which \$ 0.00 (dollars) were paid as a deposit with Contract to Purchase; and are paid with this Agreement; and \$ [REDACTED] are to be paid at the time for performance by bank, cashier's or certified check or by wire. For a Total of \$ [REDACTED] (dollars).

(a) Close of escrow shall occur on _____ (date) or 30 Days After Acceptance

4.Escrow and Title:

1. (a) X Buyer X Seller shall pay for escrow fee ½ Buyer ½ Seller.
 (b) Escrow holder shall be Chicago Title 1700 Standiford Ave, #110 Modesto, CA 95350.
 (c) The Parties shall, within 5 (or) Days After receipt, sign and return Escrow Holder's general provisions.

2. (a) Buyer Seller shall pay for owner's title insurance policy
 (b) Owner's title policy to be issued by .
 (Buyer shall pay for any title insurance policy insuring Buyer's lender, unless otherwise agreed in writing)

5. Other Cost

(1) _____ Buyer x Seller shall pay for County transfer tax or fees _____.

(2) _____ Buyer x Seller shall pay for City transfer tax or fees _____.

(3) _____ Buyer _____ Seller shall pay Homeowners' Association (HOA) transfer fee N/A.

(4) Seller shall pay HOA fees for preparing all documents required to be delivered by CALIFORNIA CIVIL CODE SECTION 4525.

6. Closing and Possession: Possession shall be delivered to Buyer: (i) at 6 PM or (____AM/PM) on the date of Close of Escrow; (ii) ____ no later than ____ calendar days after Close of Escrow; or (iii) ____ at AM/PM on ____.

The Property shall be unoccupied, unless otherwise agreed in writing, Seller shall provide keys and/or means to operate all property locks following the date for performance, provided that the recording attorney has not reported a problem outside the recording attorney's control.

BUYER'S Initials BUYER'S Initials BUYER'S Initials

SELLER'S Initials SELLER'S Initials SELLER'S Initial



7. Title/Plans. The SELLER shall convey the Premises by a good and sufficient quitclaim / deed running to the BUYER or to the BUYER'S nominee, conveying good and clear record and marketable title to the Premises, free from liens and encumbrances, except:

- (a) Real estate taxes assessed on the Premises which are not yet due and payable;
- (b) Betterment assessments, if any, which are not a recorded lien on the date of this Agreement;
- (c) Federal, state and local laws, ordinances, bylaws, rules and regulations regulating use of land, including building codes, zoning bylaws, health and environmental laws;
- (d) Any easement, restriction or agreement of record presently in force which does not interfere with the reasonable use of the Premises;
- (e) Utility easements in the adjoining ways;
- (f) Matters that would be disclosed by an accurate survey of the Premises; and (g) _____

[insert in (g) references to any other easement, restriction, lease or encumbrance which may continue after title is transferred]

If the deed refers to a plan needed to be recorded with it, at the time for performance the SELLER shall deliver the plan with the deed in proper form for recording or registration.

8. Title Insurance. BUYER'S obligations are contingent upon the availability (at normal premium rates) of an owner's title insurance policy insuring BUYER'S title to the premises without exceptions other than the standard exclusions from coverage printed in the current American Land Title Association ("ALTA") policy cover, the standard printed exceptions contained in the ALTA form currently in use for survey matters and real estate taxes (which shall only except real estate taxes not yet due and payable) and those exceptions permitted by paragraph 6 of this Agreement.

9. Closing Certifications and Documents. The SELLER shall execute and deliver simultaneously with the delivery of the deed such certifications and documents as may customarily and reasonably be required by the BUYER'S attorney, BUYER'S lender, BUYER'S lender's attorney or any title insurance company insuring the BUYER'S title to the Premises, including, without limitation, certifications and documents relating to: (a) parties in possession of the Premises; (b) the creation of mechanics' or materialmen's liens; (c) the underlying financial terms of the purchase and sale; (d) the citizenship and residency of SELLER; and (e) information required to permit the closing agent to report the transaction to the Internal Revenue Service. At the time of delivery of the deed, the SELLER may use monies from the purchase to clear the title, provided that all documents related thereto are recorded with the deed or within a reasonable time thereafter acceptable to the BUYER and, provided further, that discharges of mortgages from banks, credit unions, insurance companies and other institutional lenders may be recorded within a reasonable time after recording of the deed in accordance with usual conveyancing practices. The SELLER'S spouse hereby agrees to release all statutory, common law or other rights or interest in the Premises and to execute the deed, if necessary.

10. Possession and Condition of Premises. At the time for performance the Premises also shall comply with the requirements of paragraph 6 and there shall be no outstanding notices of violation of any zoning, health, environmental or other law, bylaw, code or regulation, except as agreed. The BUYER shall have the right to examine the Premises within forty-eight (48) hours prior to the time for performance or such other time as maybe agreed and upon reasonable notice to SELLER for the purpose of determining compliance with this paragraph.

BUYER'S Initials BUYER'S Initials BUYER'S Initials

SELLER'S Initials SELLER'S Initials SELLER'S Initials



11. Extension of Time for Performance. If the SELLER cannot convey title as required by this Agreement or cannot deliver possession of the Premises as agreed, or if at the time of the delivery of the deed the Premises do not conform with the requirements set forth in this Agreement, upon written notice given no later than the time for performance from either party to the other, the time for performance shall be automatically extended for thirty (30) days, except that if BUYER'S mortgage commitment expires or the terms will materially and adversely change in fewer than thirty (30) days, the time for performance set forth in paragraph 5 shall be extended to one business day before expiration of the mortgage commitment. SELLER shall use reasonable efforts to make title conform or to deliver possession as agreed, or to make the Premises conform to the requirements of this Agreement. Excluding discharge of mortgages and liens, about which the SELLER has actual knowledge at the time of signing this Agreement, the SELLER shall not be required to incur costs or expenses totaling in excess of (\$5,000.00) to make the title or the Premises conform or to deliver possession as agreed. If at the expiration of the time for performance, or if there has been an extension, at the expiration of the time for performance as extended, the SELLER, despite reasonable efforts, cannot make the title or Premises conform, as agreed, or cannot deliver possession, as agreed, then, at the BUYER'S election, any payments made by the BUYER pursuant to this Agreement shall be immediately returned. Upon return of all such funds, all obligations of the BUYER and SELLER shall terminate and this Agreement shall automatically become void and neither the BUYER nor SELLER shall have further recourse or remedy against the other.

12. Acceptance of Deed. The BUYER shall have the right to accept such title to the Premises as the SELLER can deliver at the time for performance and if extended, shall have such right at the time for performance, as extended. The BUYER shall also have the right to accept the Premises in the then current condition and to pay the purchase price without reduction of price. Upon notice in writing of BUYER'S decision to accept the Premises and title, the SELLER shall convey title and deliver possession. Acceptance of a deed by the BUYER or BUYER'S nominee, if any, shall constitute full performance by the SELLER and shall be deemed to release and discharge the SELLER from every duty and obligation set forth in this Agreement, except any duty or obligation of the SELLER that the SELLER has agreed to perform after the time for performance. Notwithstanding the foregoing, all warranties made by the SELLER shall survive delivery of the deed.

13. Adjustments. At the time for performance of this Agreement adjustments shall be made as of the date of performance for current real estate taxes. The net total of such adjustments shall be added to or deducted from the purchase price payable by the BUYER at the time for performance. If the real estate tax rate or assessment has not been established at the time for performance, apportionment of real estate taxes shall be made on the basis of the tax for the most recent tax year with either party having the right to request apportionment within twelve months of the date that the amount of the current year's tax is established.

BUYER'S Initials BUYER'S Initials BUYER'S Initials

SELLER'S Initials SELLER'S Initials SELLER'S Initials



14. Buyer's Default. If the BUYER or BUYER'S nominee breaches this Agreement, all escrowed funds paid or deposited by the BUYER shall be paid to the SELLER as liquidated damages. Receipt of such payment shall constitute the SELLER'S sole remedy, at law, in equity or otherwise, for BUYER'S default. The BUYER and SELLER agree that in the event of default by the BUYER the number of damages suffered by the SELLER will not be easy to ascertain with certainty and, therefore, BUYER and SELLER agree that the amount of the BUYER'S deposit represents a reasonable estimate of the damages likely to be suffered.

15. Buyer's Financing. *(Delete if waived)* The BUYER'S obligation to purchase is conditioned upon obtaining mortgage financing in the amount of \$ N/A. If, despite reasonable efforts, the BUYER has been unable to obtain such financing the BUYER may terminate this Agreement by giving written notice that is received by SELLER or SELLER'S agent by 5:00 p.m. on the calendar day after the date set forth above. In the event that notice has not been actually or constructively received, this condition is deemed waived. In the event that due notice has been received, all monies deposited or paid by the BUYER shall be returned and all obligations of the BUYER and SELLER pursuant to this Agreement shall cease and this Agreement shall become void. In no event shall the BUYER be deemed to have used reasonable efforts to obtain financing unless the BUYER has submitted at least one (1) application to a licensed mortgage lender by and acted reasonably promptly in providing any additional information requested by the mortgage lender.

16. Tests/Survey. *(Delete If Waived)* The BUYER'S obligations under this Agreement are subject to BUYER'S right to obtain test(s), inspection(s) and a survey of the Premises or any aspect thereof, including, but not limited to, percolation, deep hole, septic/sewer, water quality, and water drainage by consultant(s) regularly in the business of conducting said test(s), inspections and surveys, of BUYER'S own choosing, and at BUYER'S sole cost within 20 days after SELLER'S acceptance of this agreement. If the results are not satisfactory to BUYER, in BUYER'S sole discretion, BUYER shall have the right to give written notice received by the SELLER or SELLER'S agent by 5:00 p.m. on the calendar day after the date set forth above, terminating this agreement. Upon receipt of such notice this agreement shall be void and all monies deposited by the BUYER shall be returned. Failure to provide timely notice of termination shall constitute a waiver. In the event that the BUYER does not exercise the right to have such test(s), inspection(s) and survey or to so terminate, the SELLER and the listing broker are each released from claims relating to the size suitability or condition of the Premises that the BUYER or the BUYER'S consultants could reasonably have discovered.

17. Warranties and Representations. The SELLER further represents and warrants that SELLER has full authority to enter into this Agreement. The BUYER acknowledges that BUYER has not relied upon any warranties or representations other than those incorporated in this Agreement, except for the following additional warranties and representations, if any, made by either the SELLER or any real estate agent

None

[If none, state "none"; if any listed, indicate by whom the warranty or representation was made.]

18. Notices. All notices required or permitted to be made under this Agreement shall be in writing and delivered in hand, sent by certified mail, return receipt requested or sent by United States Postal Service Overnight Express Mail or other overnight delivery service, addressed to the BUYER or SELLER or their authorized representative at the address set forth in this paragraph. Such notice shall be deemed to have been given upon delivery or, if sent by certified mail on the date of delivery set forth in the receipt or in the absence of a receipt three business days after deposited or, if sent by overnight mail or delivery, the next business day after deposit with the

overnight mail or delivery service, whether or not a signature is required. Acceptance of any notice, whether by delivery or mail, shall be sufficient if accepted or signed by a person having express or implied authority to receive same. Notice shall also be deemed adequate if given in any other form permitted by law.

BUYER Stanislaus Regional Housing Authority
P.O. Box 581918
Modesto, CA 95358

SELLER City of Riverbank
6707 3rd St.
Riverbank, CA 95367

19. Counterparts / Facsimiles / Construction of Agreement. This Agreement may be executed in counterparts. Signatures transmitted by facsimile shall have the effect of original signatures. This Agreement shall be construed as a California contract; is to take effect as a sealed instrument; sets forth the entire agreement between the parties; is binding upon and is intended to benefit the BUYER and SELLER and each of their respective heirs, devisees, executors, administrators, successors and assigns; and may be canceled, modified or amended only by a written agreement executed by both the SELLER and the BUYER. If two or more persons are named as BUYER their obligations are joint and several. If the SELLER or BUYER is a trust, corporation, limited liability company or entity whose representative executes this Agreement in a representative or fiduciary capacity, only the principal or the trust or estate represented shall be bound, and neither the trustee, officer, shareholder or beneficiary shall be personally liable for any obligation, express or implied. The captions and any notes are used only as a matter of convenience and are not to be considered a part of this Agreement and are not to be used in determining the intent of the parties.

20. Attorney Fees: In any action, proceeding, or arbitration between Buyer and Seller arising from this agreement, the prevailing Buyer or Seller shall be entitled to reasonable attorney fees and cost from the non-prevailing Buyer or Seller.

21. Dispute Resolution. The Party's agree to mediate and disputes or claims arising between the out of their agreement, or any resulting transaction, before resorting to arbitration or court action through any mediation provider or service usually agreed to by the parties. If, for any disputer claim to which this paragraph pertains and party (i) commences an action with first attempting to resolve the matter with mediation, or (ii) before commencement of an action, refuses to mediate after a request has been made, then that Party shall not be entitled to recover attorney's fees, even if they would otherwise be available to that Party in any such action.

UPON SIGNING, THIS DOCUMENT WILL BECOME A LEGALLY BINDING AGREEMENT. IF NOT UNDERSTOOD, SEEK ADVICE FROM AN ATTORNEY.

BUYER Date

SELLER Date

BUYER Date

SELLER, or spouse Date

BUYER Date

SELLER, or spouse Date

