

CITY COUNCIL / LRA BOARD

Mayor/Chair

Richard D. O'Brien

Council/Authority Members

District 1 - Luis Uribe

District 2 - Rachel Hernandez

District 3 - Leanne Jones Cruz

District 4 - Darlene Barber-Martinez



CITY OF RIVERBANK

Regular City Council and Local Redevelopment Authority Board Meetings

Council Chambers, 6707 Third Street,
Suite B
Riverbank, CA 95367



TUESDAY, NOVEMBER 14, 2023 – 6:00 P.M.

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

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. PRESENTATIONS (Informational only)

Item 7.1 Proclamation - Native American Heritage Month



It is recommended that the City Council read a Proclamation for Native American Heritage Month.

Item 7.2 Presentation- Soroptimist Club



It is recommended that the City Council receive a presentation from members of the Soroptimist Club Riverbank Chapter.

Item 7.3 Presentation – Riverbank Regional Recycled Water Project Status Update- It is recommended that the City Council receive a presentation from Neal Colwell, Principal Engineer for Kjeldsen, Sinnock, and Neudeck Inc. (KSN)



8. 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.

PLEASE SPEAK DIRECTLY INTO THE MICROPHONE.

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

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 City Council and Local Redevelopment Authority Board Minutes for October 24, 2023.

Item 9.3 **Acceptance** of the Claus Road Curb & Sidewalk Project and Authorization to File a Notice of Completion.

Item 9.4 **Acceptance** of 3rd Street Parking Lot Project and Authorization to File a Notice of Completion.

Item 9.5 **Resolution** Declaring Certain Property Surplus as Listed in Exhibit A and Authorizing Its Disposition.

Item 9.6 **Resolution** approving the Appointments of Natasha Basso, Joan Stewart, and Alternate Ben Reuben to the Planning Commission effective January 2024 and moving Michael Halterman from an Alternate to a Primary.

Item 9.7 **Resolution** to appropriate \$7,500 from the General Fund to the Elections Fund for the Verification of Petition Signatures to the Stanislaus County Office of the Clerk-Recorder.

10. PUBLIC HEARING

The Public Notice for Item 10.1 was published on 10/25/2023 in the Riverbank News.

The Public Notice for Item 10.2 was published on 11/01/2023 in the Riverbank News.

Item 10.1 **Resolutions to Consider Approval of (1) General Plan Amendment 01-2023, and (2) Vesting Tentative Map 02-2023, and the First Reading by Title Only and Introduction of an Ordinance Approving the Rezone 01-2023 of 8.55 Acres to Planned Development located at 6612 and 6472 Central Avenue (APN's 062-020-018 and 062-020-031) for the River's Edge Subdivision and McRoy Wilbur Communities, Inc-** Adopt two resolutions and an ordinance to approve the request of McRoy Wilbur Communities, Inc for a General Plan Amendment, Rezone, and Vesting Tentative Map to create 38 (36 new) single family residential lots in the proposed River's Edge subdivision. The location is 6612 and 6472 Central Avenue (APNs 062-020-018 and 062-020-031).

Item 10.2 **Resolution Accepting the Fiscal Year 2022-23 Annual AB 1600 Report of System Development Fee Activity-** It is recommended that the City Council adopt a Resolution accepting the Fiscal Year 2022-23 Annual AB 1600 Report of System Development Fee Activity.

11. NEW BUSINESS

Item 11.1 **Resolution to Reimburse SCM Hearthstone LLC for Additional Work at The Heritage Subdivision-** It is recommended that the City Council consider and approve the Resolution to reimburse SCM Hearthstone LLC for the construction of additional staff-requested improvements in The Heritage subdivision.

Item 11.2 **Resolution to Credit the LGI Homes LLC System Development Fees for Water, Storm Water, Waste Water and Parks for the Diamond Bar East Subdivision-** It is recommended that the City Council consider and approve the Resolution (Attachment 1) providing credit to LGI Homes LLC ("LGI Homes") for System Development Fees for the water, storm water, waste water, and park fees assessed on the construction of dwelling units in the Diamond Bar East subdivision.

Item 11.3 **A Resolution to Approve an Employment Agreement Between the City of Riverbank and Michael Patton as Director of Parks and Recreation and Authorize the City Manager to Execute the Agreement-** It is recommended that the City Council consider adopting a Resolution which will approve an Employment Agreement with Michael Patton as the new Director of Parks and Recreation.

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: City Manager Marisela Garcia

Employee Organizations: Riverbank Mid-Management Employee

Association and Riverbank Miscellaneous Employees

14. REPORT FROM CLOSED SESSION

Item 14.1 Report from 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 14.2 Report from Closed Session Item 13.2

CONFERENCE WITH LABOR NEGOTIATORS

(Pursuant to Government Code §54957.6)

Agency representative: City Manager Marisela Garcia

Employee Organizations: Riverbank Mid-Management Employee

Association and Riverbank Miscellaneous Employees

15. ADJOURNMENT

The Next Regular City Council Meeting will be on:

Tuesday, December 12th, 2023 at 6:00 P.M.

CANCELED- November 28th, 2023- Happy Thanksgiving!

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, South City Hall public exterior Bulletin, Riverbank Community Center exterior bulletin, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act.

Posted this 8th Day of November, 2023

/s/ *Gabriela Hernandez, 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 CITY COUNCIL MEETING HELD IN CONFORMANCE WITH THE BROWN ACT

PUBLIC “LIVE” VIEWING

- Government Channels: Charter– 2 and AT&T U-VERSE – 99
- YouTube Live – City of Riverbank
- 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 public if anyone wishes to comment, at that time you may approach the podium.
- **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.)
 - o **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.
 - o **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

JOIN THE MEETING VIA ZOOM PLATFORM

Join by this link: <https://us02web.zoom.us/j/87922706918>

Join by accessing website: <https://zoom.us/join>, enter **Webinar ID: 879 2270 6918**

Join by telephone: **1 669 444 9171 OR 1 669 900 9128, plus Webinar ID: 879 2270 6918**

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. 7.1

SECTION 7: PRESENTATIONS

Meeting Date:	November 14, 2023
Subject:	Proclamation - Native American Heritage Month
From:	Marisela H. Garcia, City Manager
Submitted by:	Jessica Barragan – Administrative Assistant – Confidential

RECOMMENDATION

It is recommended that the City Council read a Proclamation declaring November as Native American Heritage Month.

SUMMARY

The month of November is a time to celebrate rich and diverse cultures, traditions, and histories and to acknowledge the important contributions of Native people. November is also an opportune time to educate the general public about tribes, to raise a general awareness about the unique challenges Native people have faced both historically and, in the present, and the ways in which tribal citizens have worked to conquer these challenges. It is crucial to use this time to honor the contributions, traditions and culture of native peoples. Particularly around the time of the Thanksgiving holiday, we hope to continue education surrounding the tribes and peoples that were indigenous to our land, while gaining awareness to the struggles that Native American people have historically faced.

BACKGROUND

At the start of the 20th century, an effort grew to recognize the first Americans, and commemorate those who inhabited our land before us. The first “American Indian Day” in a state was declared in 1916 by the governor of New York.

What started as a singular holiday, evolved into the month-long celebration that we know now as the month of November. The first Native American monthly heritage celebration was established in November 1990, when President George H. W. Bush approved a joint

resolution designating November 1990 “National American Indian Heritage Month,” the first month-long observation of those with Native American heritage.

FINANCIAL IMPACT

There is no financial impact with the report.

ATTACHMENTS

1. Proclamation



**CITY OF RIVERBANK
PROCLAMATION**

***NATIVE AMERICAN HERITAGE MONTH
NOVEMBER 2023***

WHEREAS, The City of Riverbank recognizes the invaluable contributions of Native peoples that have shaped our country and honor the hundreds of Tribal Nations, and

WHEREAS, we value our native people, their ancestral homes, their religion, and recognize their contributions historically, today, and in the future of our community; and

WHEREAS, despite enduring a painful history, Indigenous peoples, their governments, and their communities have persevered and flourished. As teachers and scholars, scientists and doctors, writers and artists, business leaders and elected officials, heroes in uniform, and so much more, they have made immeasurable contributions to our country's progress; and

WHEREAS, it is important not just to celebrate the legacy that Indigenous history makers have left, but also to celebrate those who continue to shape our society, lead their communities, and impact our culture today, and

WHEREAS, particularly around the time of the Thanksgiving holiday, we hope to continue education surrounding the tribes and peoples that were indigenous to our land, while gaining awareness to the struggles that Native American people have historically faced, and

NOW, THEREFORE, LET IT BE RESOLVED that the City Council of the City of Riverbank hereby proclaims the month of November as Native American Heritage Month and invite all to celebrate the accomplishments and contributions that have been made by Native Americans.

November 14, 2023

Richard D. O'Brien, Mayor

Riverbank City Council:

**District 1 – Luis Uribe, District 3 – Leanne Jones Cruz, District 4 – Darlene Barber-Martinez,
District 2 – Vice Mayor Rachel Hernandez, Mayor Richard D. O'Brien**

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 7.2

SECTION 7: PRESENTATIONS

Meeting Date:	November 14, 2023
Subject:	Presentation – Soroptimist Club
From:	Marisela H. Garcia, City Manager
Submitted by:	Gabriela Hernandez, City Clerk

RECOMMENDATION

It is recommended that the City Council receive a presentation from members of the Soroptimist Club Riverbank Chapter.

SUMMARY:

Soroptimist was formed in 1921 in Oakland, California, at a time when women were not permitted to join service organizations. The name, loosely translated from the Latin, means best for women. Today, they have over 25,000 members and supporters in countries across North America, Latin America and the Pacific Rim. They are one of five federations that make up Soroptimist International, which has clubs in more than 120 countries throughout the world.

Soroptimist is a global volunteer organization that provides women and girls with access to the education and training they need to achieve economic empowerment.

There are two main programs that Soroptimist Clubs provide support for, one is the Live Your Dream; Education and Training Awards for Women and the other is the Dream It, Be It; career support for girls. The Riverbank Chapter is the 32nd and newest club in the Soroptimist Sierra Pacific Region.

FINANCIAL IMPACT

There is no financial impact with the report.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 7.3

SECTION 7: PRESENTATIONS

Meeting Date:	November 14, 2023
Subject:	Presentation – Riverbank Regional Recycled Water Project Status Update
From:	Marisela H. Garcia, City Manager
Submitted by:	Cody Bridgewater, Director of Public Works

RECOMMENDATION

It is recommended that the City Council receive a presentation from Neal Colwell, Principal Engineer for Kjeldsen, Sinnock, and Neudeck Inc. (KSN) regarding the Riverbank Regional Recycled Water Project.

SUMMARY:

The City of Riverbank and its Wastewater Treatment Plant Design engineering team of Brown and Caldwell, and KSN are currently progressing in the design of the Riverbank Regional Recycled Water Project from 15% to 30%. In addition to the project design, the City and KSN, Inc. are pursuing alternative funding mechanisms to pay for the proposed project.

The following presentation will provide important updates, including but not limited to:

1. Overview of 2022 prior efforts and outcomes
2. Status of applications for financial assistance
3. Additional steps for securing financial assistance
4. Report on current 30% design
5. Updated schedule

STRATEGIC PLAN

This item directly addresses the City Council's Strategic Plan goal to "Improve Internal and External Communication" and the City's desire to "Proactively communicate news about the City to residents, businesses, and surrounding communities."

FINANCIAL IMPACT

There is no financial impact with the report.

ATTACHMENT

1. Presentation

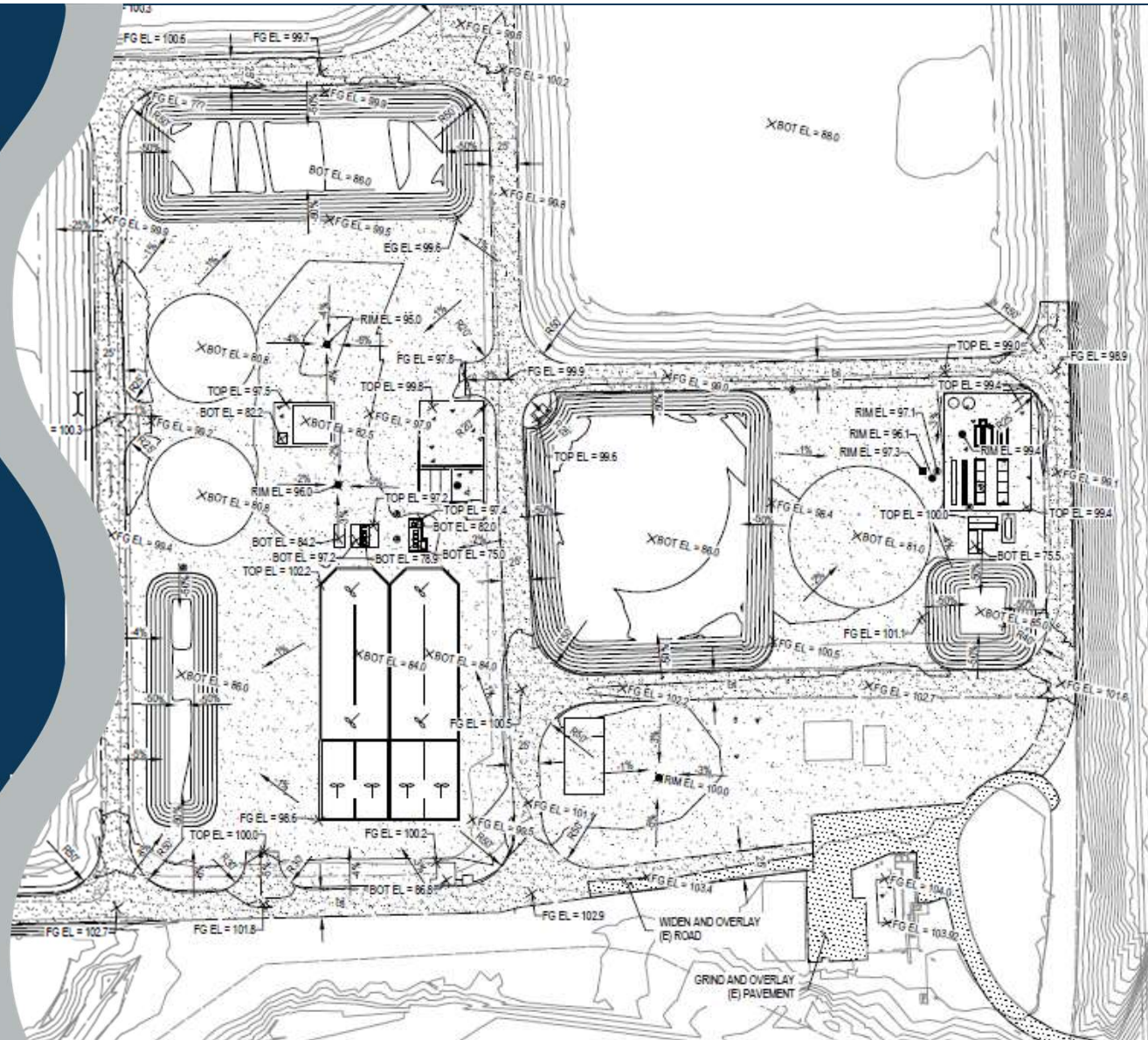


Riverbank Regional Recycled Water Project

Progress Report and Update to City Council

November 14, 2023

**KJELDEN
SINNOCK
NEUDECK**
inc. CIVIL ENGINEERS & LAND SURVEYORS



Presentation Outline

November 14, 2023

- 1. Overview of 2022 and prior efforts and outcomes**
- 2. Status of applications for financial assistance**
- 3. Additional steps for securing financial assistance**
- 4. Report on current 30% design**
- 5. Updated schedule and funding risks**

OVERVIEW OF 2022 AND PRIOR EFFORTS

- **September 2021** completion of the feasibility study project reports, under State Water Resources Control Board grant funding
- **December 2022** completion of 15% Preliminary Design Report informing the design scope, CEQA analysis, rate study and capacity charge update, and applications for financial assistance
- **December 2022** Certification of Project CEQA Initial Study and Mitigated Negative Declaration
- **December 2022** adoption of updated sewer rates to support project funding
- **December 2022** submittal of applications for financial assistance including:
 - State Water Resources Control Board Clean Water State Revolving Fund (CWSRF)
 - FEMA BRIC grant

STATUS OF APPLICATIONS FOR FINANCIAL ASSISTANCE

State Water Resources Control Board CWSRF Application

- Complete application submitted by **December 31, 2022**
- Request for **\$90.4M** in financial assistance
- City's project was granted a priority score of **12** out of a maximum of **15**
- State Water Resources Control Board's CWSRF fiscal year 2023/2024 Intended Use Plan (IUP) designated a funding Priority Score cutoff of 13, funding a total of 37 projects with a maximum of \$50M per new project and a total \$1.29B fiscal year 23/24 loan commitment.
- The 23/24 IUP calls for **limiting the fiscal year 24/25** funding for new projects to \$750M.
- The 23/24 IUP also calls for **no new projects** to be funded in **fiscal year 25/26**

STATUS OF APPLICATIONS FOR FINANCIAL ASSISTANCE

FEMA Building Resilient Infrastructure and Communities (BRIC) Grant

- Complete sub-application submitted to Cal OES by **December 29, 2022**
- Request for **\$50M** in grant assistance
- Cal OES Submitted application to FEMA
- City received notice August 31, 2023 that Riverbank project was “identified for further review”
- Under the “identified for further review” FEMA will ask for additional information (RFI) or clarification, particularly regarding project feasibility, to consider for award
- National Technical Review was favorable with identification of eligibility of costs and basis of water demands and water supply benefits as needed
- RFI process is lengthy process and may take one to two years
- FEMA grant is uncertain

ADDITIONAL STEPS FOR SECURING FINANCIAL ASSISTANCE

Continue with additional applications for financial assistance

- EPA WIFIA (Water Infrastructure Finance and Innovation Act)
 - Letter of Interest drafted (LOI)
 - 10-year financial projection in process to complete LOI
 - Scheduled to submit before end of December 2023
- May consider other sources or approaches
 - California Infrastructure Bank (I-Bank)
 - Conventional loans
 - Manage project expenditures with revenue sources such as revised rates and updated capacity charges
 - Modify project scale or scope in response to funding availability

ADDITIONAL STEPS FOR SECURING FINANCIAL ASSISTANCE

Strategies to improve Riverbank status under CWSRF program for fiscal year 24/25

- Increase priority ranking, with goal of a score of 13 to 14:
 - Increased Primary Score by: correcting permit water quality concern, e.g., Regional Board issues a Notice of Violation of the current permit that the project would correct (increase score by **1 point**)
 - Increase Secondary Score by: preparing a “climate change” action plan or policy for the project(see below note), (increase score by **1 point**)
 - Increase Readiness Score: develop plans and specifications to 90% level of completion (increase score by **1 point**)
- Pursue Water Recycling Fund Program grant funding only (maximum of \$15M) and forgo/waive CWSRF loan eligibility

Climate Action Plan or Policy: A plan or policy adopted or approved by the applicant that identifies a series of specific actions covering all aspects of the applicant’s authority that it intends to take to address the causes and effects of climate change or participation in a 3rd party voluntary program covering all aspects of the applicant’s authority that will help it identify, track, and verify actions to address the causes and effects of climate change.

ADDITIONAL STEPS FOR SECURING FINANCIAL ASSISTANCE

FEMA BRIC Follow-up

- Work with Cal OES on providing response to RFI(s)
- Prepare thorough technical response to RFIs once received
- Work to be timely and thorough in any follow-up technical or project information

REPORT ON CURRENT 30% DESIGN

30% design documents are being prepared by Brown and Caldwell:

- Site topographic survey has been completed
- Site geotechnical/soils studied have been completed
- Treatment process additions and approaches have been studied:
 - Addition of grit removal
 - Validation of aeration technologies
 - Further evaluation of filtration technology, cloth vs. granular media (sand)
 - Expanded biosolids treatment and management plan (including survey of existing pond solids)
- Basis of Design Report and 30% design plans: Mid February 2024
- No design beyond 30% is yet authorized

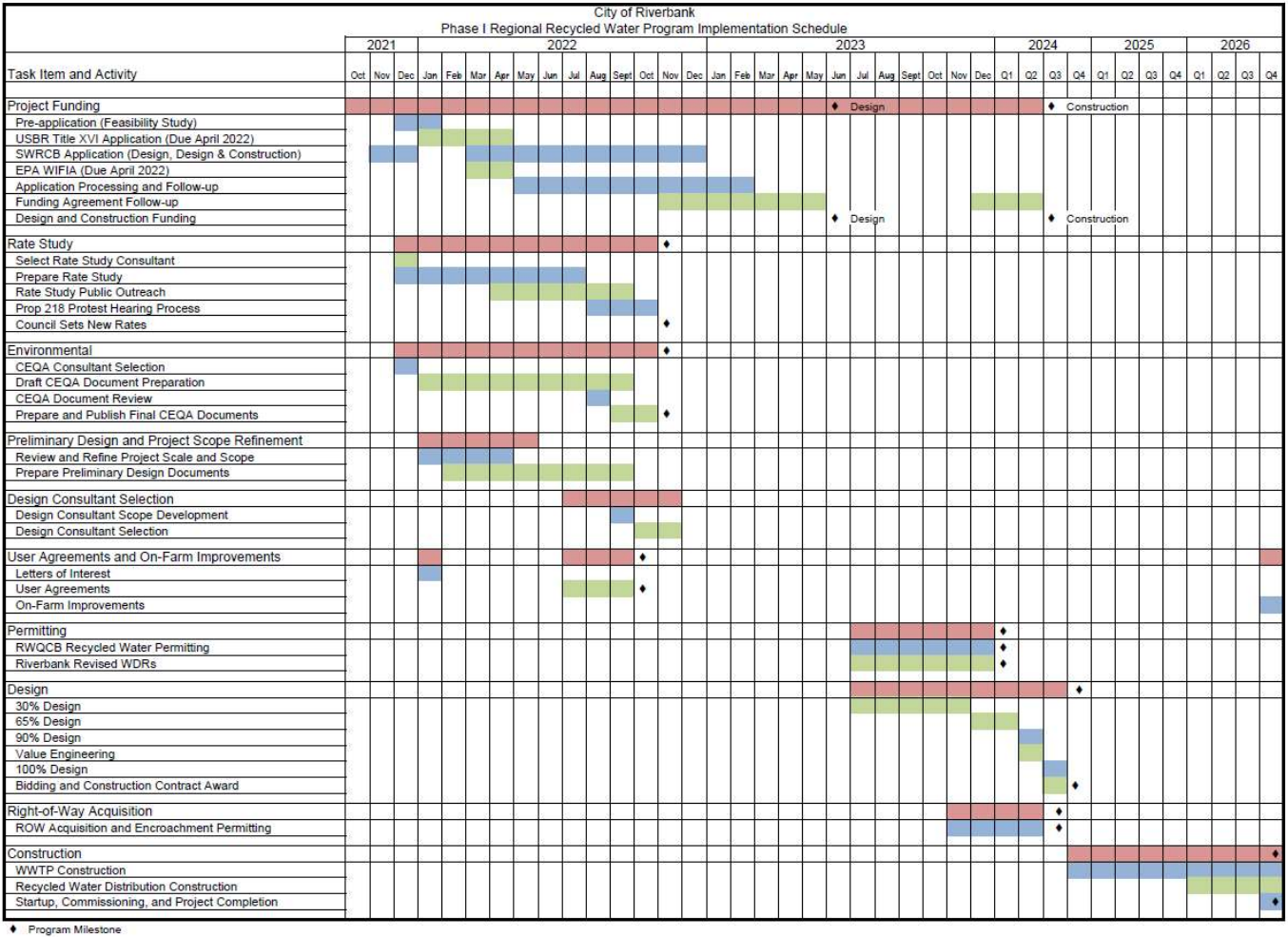
REPORT ON CURRENT 30% DESIGN

Permitting documents are being prepared concurrent with 30% design (prepared by KSN as part of our Program Management):

- Title 22 Engineering Report for approval by the Division of Drinking Water of the State Water Resources Control Board
- Notice of Intent (NOI) for coverage under Water Reclamation Requirements for Recycled Water Use (Order No. WQ 2016-0068-DDW)
- Report of Waste Discharge (RoWD) for Regional Water Quality Control Board permitting of new facilities, to include approach to manage nitrate
- Develop agreements with recycled water users for Council review and approval
- Draft Permit Documents for City Review: Mid March 2024

Previously projected completion by end of 2026 assuming:

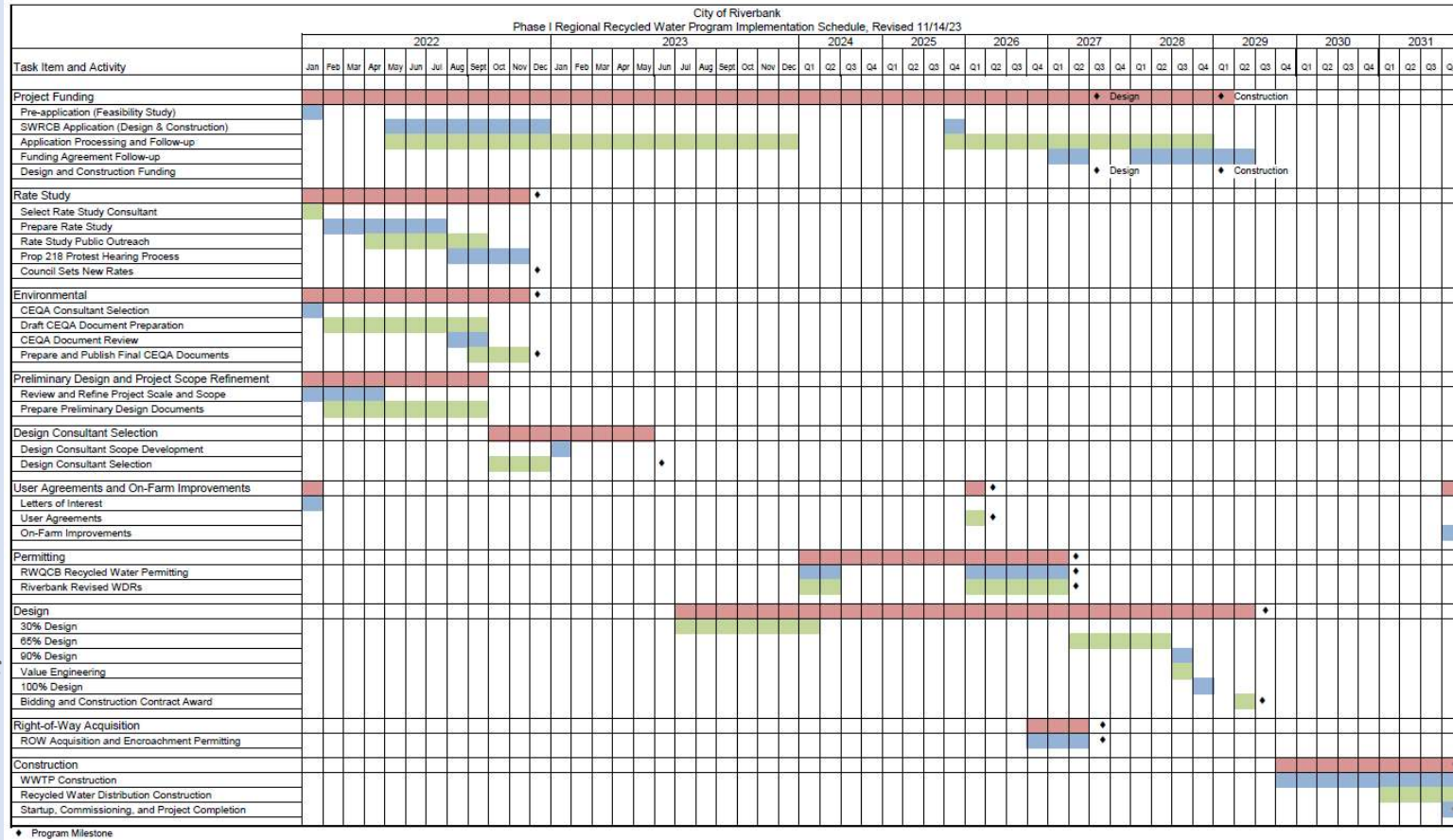
- Design funding by mid 2023
- Construction Funding by mid 2024
- Projected construction completion by end of 2026



UPDATED SCHEDULE

Updated schedule projected with:

- Based on SWRCB funding in FY26/27
- Construction Funding by early 2029
- Construction completed by end of 2031





QUESTIONS AND DIRECTION

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.1

SECTION 9: CONSENT CALENDAR

Meeting Date:	November 14, 2023
Subject:	Waiver of Readings
From:	Marisela H. Garcia, City Manager
Submitted by:	Gabriela Hernandez, City Clerk/LRA Secretary

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:	November 14, 2023
Subject:	Approval of the October 24, 2023 City Council and Local Redevelopment Authority Board Minutes.
From:	Marisela H. Garcia, City Manager
Submitted by:	Gabriela Hernandez, City Clerk/LRA Secretary

RECOMMENDATION

It is recommended that the City Council/ Local Redevelopment Authority Board approve the City Council/LRA Meeting Minutes of October 24, 2023 as presented.

SUMMARY

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

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENTS

1. The October 24, 2023 City Council and Local Redevelopment Authority Board Minutes.

CITY COUNCIL / LRA BOARD

Mayor/Chair
Richard D. O'Brien
Council/Authority Members:
District 1 -Luis Uribe
District 2- Rachel Hernandez
District 3- Leanne Jones Cruz
District 4 -Darlene Barber-Martinez



CITY OF RIVERBANK

**Regular City Council and
Local Redevelopment Authority
Board Meetings**
Council Chambers, 6707 Third St
Suite B
Riverbank, CA 95367



MINUTES

TUESDAY, OCTOBER 24, 2023 – 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 O'Brien called the meeting to order at 6:00P.M.
- 2. FLAG SALUTE** –Mayor / Chair O'Brien led the pledge of allegiance.
- 3. INVOCATION** – Reverend Randy Richardson provided the invocation.
- 4. ROLL CALL** – City Clerk Hernandez conducted Roll Call.

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

Council Member / Authority Member District 1 Luis Uribe
Council Member / Authority Member District 3 Leanne Jones Cruz
Council Member / Authority Member District 4 Darlene Barber-Martinez
Vice Mayor / Vice Chair District 2 Rachel Hernandez
Mayor / Chair Richard D. O'Brien

5. AGENDA CHANGES

No 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.*

None Declared.

7. PRESENTATIONS (Informational only)

Item 7.1 **Presentation- Riverbank Representative Update by Stanislaus Consolidated Fire Protection District Board Director Charles E. Neal-**
It is recommended that the City Council receive an update by Director

Charles E. Neal the City's representative on the Stanislaus Consolidated Fire Protection District's Board of Directors.

Stanislaus Consolidated Fire Protection District, Riverbank Board Representative, Charles E. Neal gave an update on the business of the SCFPD Board and Department.

8. 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.*

Mayor O'Brien Opened Public Comment at 6:04 P.M.

Jami Aggers, Modesto Resident, commented on her concern that the Riverwalk Project would be constructed on prime ag land. Tonight, would like to share that the signature gathering for the urban limit initiative is going very well. They have to conclude it before Christmas, and we expect to conclude it well ahead of that time, and so very soon we should be making an appointment with the City Clerk to turn in the petitions to qualify us for the November 2024 Ballot.

Vicky Holt, Branch Manager at the Riverbank Library commented on a few things happening this month. Next Tuesday, we're having a Halloween party at the library at 3:30pm. The kids are encouraged to come in costume, we will all be in costume as well. We will be doing a cupcake walk, like musical chairs, they will win a cupcake. The kids are going to make slime and 2 different tootsie pop crafts, a spider and a pumpkin. Should be a lot of fun. We are also giving out candy and for the rest of October we have a big candy jar displayed at the front desk. They can guess how many candies are in the jar, the person that gets closest without going over will win the whole jar of candy on Halloween. Story times continues until the end of November on Tuesdays at 11:00am. Mayor O'Brien is scheduled to come on November 14th at 11:30am right after story time. On Saturday, November 4th at 2:00pm the master gardeners will hold a class on growing backyard fruits trees. On Tuesday, November 7th at 4:00pm we are having a thankful turkey craft, we will be making thankful turkeys and wreaths, so kids can write what they are thankful for. The Book Club is meeting on November 28th at 4:00pm, to discuss the book the Immortal Life of Henrietta Lacks by Rebecca Skloot. All these programs are at the library free, and it is because of the eighth of a cent dedicated sales tax that we're able to provide these. I also want to thank the Friends of the Riverbank library because they provide a lot of our craft materials.

There being no further public comments, Mayor O'Brien closed the Public Comment period 6:09 P.M.

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 City Council and Local Redevelopment Authority Board Minutes for October 10, 2023.

Item 9.3 **Resolution 2023-107** to Award Bid for the Drywell Rehabilitation Project to United Pavement Maintenance, Inc. and Authorize Execution of Future Change Orders.

Item 9.4 **Resolution 2023-108** to Award Bid for the Storm Basin Ramp Repair Project to Ross F. Carroll, Inc., and Authorize Execution of Future Change Orders.

There being no public comments, Mayor O'Brien brought the item back to City Council.

ACTION: *By motion moved and seconded (Uribe/Jones Cruz 5/0) to approve the **consent calendar** as presented.*

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Jones Cruz, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

10. PUBLIC HEARINGS- No items Scheduled.

11. NEW BUSINESS

Item 11.1 **Resolution to Adopt the 5-Year Capital Improvement Plan (CIP) for Fiscal Years 2023-2028.** - It is recommended that the City Council review and adopt the 5-Year Capital Improvement Plan (CIP) for Fiscal Years 2023-2028.

Development Services Administration Manager, Cleek gave a comprehensive staff report and PowerPoint presentation on the 5 Year Capital Improvement Plan (CIP) for the Fiscal Years 2023-2028.

City Council discussed item with staff

There being no public comments, Mayor' O'Brien brought the item back to City Council.

ACTION: *By motion moved and seconded (Jones Cruz / Uribe 5/0) to approve **Resolution 2023-109** adopting the 5-Year Capital Improvement Plan (CIP) for Fiscal Years 2023-2028.*

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Jones Cruz, Barber-Martinez, O'Brien
NAYS: None / ABSENT: None / 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

City Manager Garcia reported on the following:

- *No Comments.*

Item 12.2 Council/Authority Member

Councilmember Jones Cruz reported on the following:

- *Wishing Everyone a Safe & Happy Halloween!*

Councilmember Uribe reported on the following:

- *No comments.*

Councilmember Barber-Martinez reported on the following:

- *Lights on Afterschool at California Avenue, we had about 400 students that attended it was extremely well attended, I think everyone there had a great time. Central Valley Community Resources assisted students with decorating mini pumpkins.*
- *The haunted Hayride was scary and successful event, with lots of fun.*
- *The Veteran's Luncheon is hosted by Royal neighbors, will be on Saturday, November 4th.*
- *Coffee with a Cop, this last one was at Target, it was very well attended.*
- *Special Thank you to all our Veterans and service members that are on active duty. Thank you!*

Vice Mayor Hernandez reported on the following:

- *Attended the Light on Event, it was a lot of fun and very well attended by students and parents too.*
- *This morning stopped by Riverbank Language Academy and help judge their Red Ribbon Week door contest. It was a lot of fun for me, it was really hard to not give everyone the full scores for all their effort.*

Item 12.3 Mayor/Chair

Mayor O'Brien reported on the following:

- *Would like to commend Chief Ridenour on your efforts for getting the retailers together and trying to calm down the retail theft that was organized in our shopping center. Look forward to our next events. I believe we should expand it to as many retailers as we can.*

13. CLOSED SESSION- No Items Scheduled.

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.

No Items Scheduled.

14. ADJOURNMENT OF THE REGULAR MEETING

There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 6:23 P.M. to the next regular scheduled City Council / LRA Meeting of November 14, 2023 at 6:00 P.M.

ATTEST: (Adopted 11/14/2023)

APPROVED:

Gabriela Hernandez
City Clerk / LRA Recorder

Richard D. O'Brien
Mayor/ Chair

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.3

SECTION 9: CONSENT CALENDAR

Meeting Date:	November 14, 2023
Subject:	Acceptance of the Claus Road Curb & Sidewalk Project and Authorization to File a Notice of Completion
From:	Marisela H. Garcia, City Manager
Submitted by:	Kathleen Cleek, Development Services Administration Manager Laura Graybill, Senior Project Coordinator

RECOMMENDATION:

It is recommended that the City Council accept the completion of the Claus Road Curb & Sidewalk Project and authorize staff to file a Notice of Completion.

SUMMARY:

Hensley's Paving & General Engineering, Inc. completed the construction of the Claus Road Curb & Sidewalk Project. William Kull, City Engineer and City staff have completed a final inspection and determined that construction has been completed per the plans and specifications.

The contract was awarded on February 14, 2023 to Hensley's Paving & General Engineering Inc. in the amount of \$147,806.00. At the May 9, 2023 City Council meeting a Resolution to approve appropriations of additional funds due to unforeseen conditions of the sewer line, relocation of the existing 2" traffic signal conduit, and abandonment of existing 1" water service was approved. Four contract change orders were issued for this project in the amount of \$199,902.16. The total cost of construction is \$347,708.16.

This project was funded by two separate funds, Measure L and Sewer Funds:

Measure L:	Contract Amount	\$147,806.00
	Change Orders Total:	<u>\$15,535.63</u>
	Total Amount for Measure L:	\$163,341.63
Sewer Fund:	Change Orders Total:	<u>\$184,366.53</u>
	Total Amount for Sewer Fund:	\$184,366.53

It is recommended that the Council accept the Claus Road Curb & Sidewalk Project as complete and authorize the Senior Project Coordinator to record the Notice of Completion.

FISCAL IMPACT:

Costs to be covered by Measure L Funds – Bike & Pedestrian and Sewer Funds. The total cost of construction is \$347,708.16. Funds were previously budgeted for the abandonment of a 1" water line but these funds were not required to be used and may be disencumbered.

ATTACHMENTS:

1. Notice of Completion
2. Before & After Photos
3. Site Map

CITY OF RIVERBANK

AND WHEN RECORDED MAIL TO

NAME
STREET
ADDRESS
CITY &
STATECITY OF RIVERBANK
ATTN: DEVELOPMENT SERVICES
6707 THIRD STREET
RIVERBANK, CA 95367SPACE ABOVE THIS LINE
FOR RECORDER'S USE

Exempt from Recording Fees (Per Government Code Section 27388.1)

NOTICE OF COMPLETION**NOTICE IS HEREBY GIVEN THAT:**

1. The undersigned is the owner of the interest or estate stated below in the property hereinafter described.

2. The full name of the undersigned is City of Riverbank

(Print Full Name)

3. The complete address of the undersigned is 6707 Third Street, Riverbank, CA 95367

(Address, City, State, Zip)

4. The nature of the title of the undersigned is:

☒ Owner in Fee, **or**☐ Vendee (Buyer) under Contract of Purchase, **or**☐ Lessee, **or**☐ Other

If "Other," briefly list or describe appropriate designation or title _____

5. The full names and complete addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are:

Co-owner's Name(s)

Co-owner's Complete Address (Number and Street, City, State, Zip)

N/A

6. The names of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work of improvement herein referred to, include, but are not limited to the following individual(s) (if no transfer was made, insert the word "none"):

Co-owner's Name(s)

Co-owner's Complete Address (Number and Street, City, State, Zip)

N/A7. A work of improvement on the property described below was completed on November 14, 2023

(Date of Completion)

This document is only a general form which may be proper for use in simple transactions and in no way acts, or is intended to act, as a substitute for the advice of an attorney. The printer does not make any warranty, either expressed or implied, as to the merchantability or fitness for a particular purpose, or as to the legal validity of any provision or the suitability of these forms in any specific transaction.



8. The name of the original contractor, if any, for the work of improvement was (if no contractor for the work of improvement as a whole, insert the word "none") Hensley's Paving & General Engineering, Inc.

If notice covers completion of contract for only part of the work of improvement, check box and complete:

- ☐ The kind of work done or finished was construct all traffic control box re-alignment/re-wiring, asphalt paving, curb, gutter, sidewalk, striping and traffic control.
(Give General Description of Work Completed, e.g., Furnishing of Concrete for Sidewalks, etc.)

9. The property on which the work of improvement was completed is in the City of Riverbank,
County of Stanislaus, State of California, and is described as follows:
Claus Road Curb & Sidewalk Project
(Set Forth Description of Jobsite Sufficient for Identification, Using Legal Description if Possible)

10. The street address of the said property is Claus Road between Patterson Road and Sierra Street
(Address, City, State, Zip, or if No Official Street Address, Insert the Word "None")

Dated this 14th day of November, 2023
(Day) (Month) (Year)

City of Riverbank
Laura Graybill, Senior Project Coordinator

(Owner's Signature)

(Owner's Typed or Printed Name)

VERIFICATION

I the undersigned, say:

I am the person who signed the foregoing notice. I have read and understand the above notice and know its contents, and the facts stated therein are true and correct to the best of my knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in City of Riverbank, County of Stanislaus, State of California
on this 14th day of November, 2023
(Day) (Month) (Year)

(Signature of Person Signing Notice of Completion)

City of Riverbank
Laura Graybill, Senior Project Coordinator

This form is the notice of completion that a property owner may record to limit the time in which mechanics' liens may be recorded against a construction project (see CA Civil Code § 3093). For this purpose an "owner" is the person who causes a building, improvement, or structure to be constructed, altered, or repaired, whether the interest or estate is in fee, as a vendee (buyer) under contract or purchase, as lessee, or other interest or estate less than fee. If the interest is held by two or more persons as joint tenants or tenants in common, any one or more of the co-tenants may be deemed to be the owner. (CA Civil Code §§ 3092(g), 3093). **This form is for use with a private work of improvement only, and is not intended for public sector applications.**

If the owner records the notice within the applicable time period, the original contractor has sixty (60) days from the day the notice is recorded to record a claim of lien against

the project (CA Civil Code § 3115); and all other persons who furnished labor, services, equipment, or materials must record their liens within thirty (30) days after the notice of completion is recorded (CA Civil Code § 3116). Otherwise, all persons who furnished labor, services, equipment, or materials have ninety (90) days after completion of the work of improvement in which to record their liens (CA Civil Code §§ 3115, 3116).

The owner must record the notice in the office of the county recorder of the county where the site is located within ten (10) days after the work of improvement is completed (CA Civil Code § 3093(e)). This applies equally to the project which is completed in phases. A notice of completion must be filed within ten (10) days after the completion of each phase of the project to shield owner properly (CA Civil Code § 3117).

Claus Road Curb & Sidewalk Project Photos

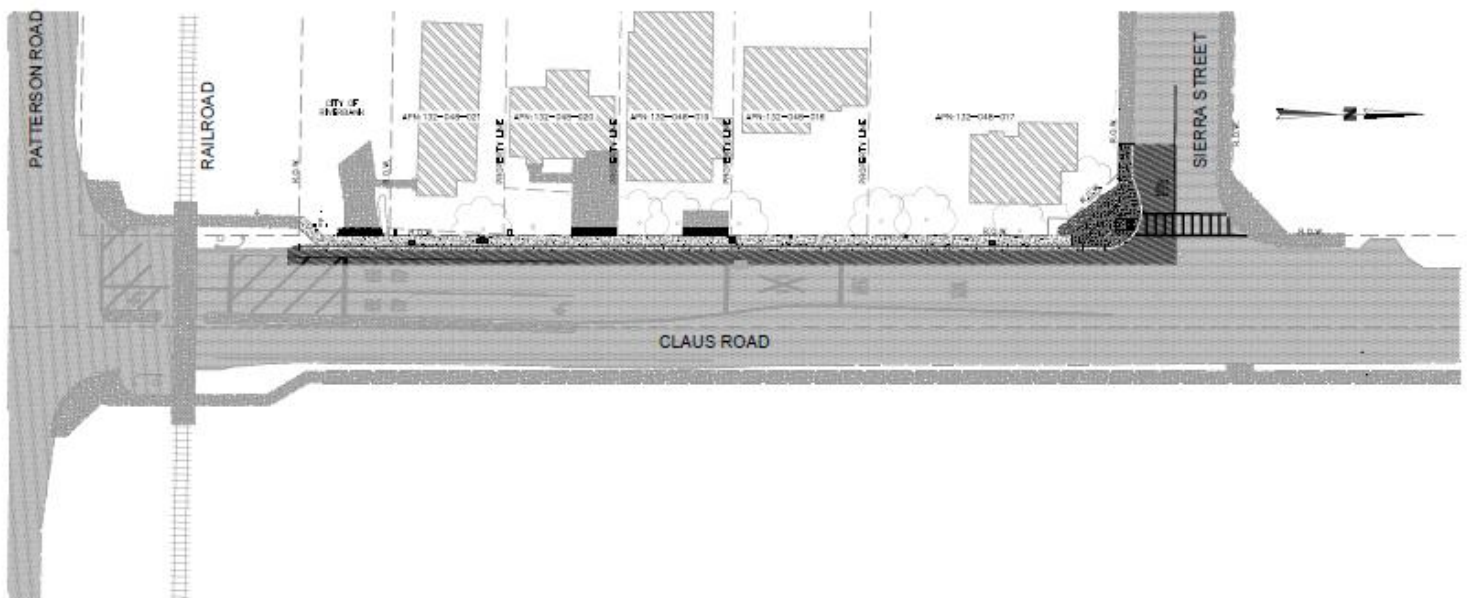
Before



After



Claus Road Curb & Sidewalk Project



RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.4

SECTION 9: CONSENT CALENDAR

Meeting Date:	November 14, 2023
Subject:	Acceptance of the Third Street Parking Lot Project and Authorization to File a Notice of Completion
From:	Marisela H. Garcia, City Manager
Submitted by:	Kathleen Cleek, Development Services Administration Manager Laura Graybill, Senior Project Coordinator

RECOMMENDATION:

It is recommended that the City Council accept the completion of the Third Street Parking Lot Project and authorize staff to file a Notice of Completion.

SUMMARY:

Consolidated Engineering Inc. completed the construction of the Third Street Parking Lot Project. William Kull, City Engineer and City staff have completed a final inspection and determined that construction has been completed per the plans and specifications.

The contract was awarded on June 13, 2023 to Consolidated Engineering Inc. in the amount of \$325,099.00. Two contract change orders were issued for this project in the amount of \$4,641.00. The total cost of construction is \$329,740.00.

It is recommended that the Council accept the Third Street Parking Lot Project as complete and authorize the Senior Project Coordinator to record the Notice of Completion.

FISCAL IMPACT:

Funding has been programmed for this project with American Rescue Plan Act Funds. Any remaining funds may be disencumbered and available for other ARPA funded projects.

ATTACHMENTS:

1. Notice of Completion

2. Before & After Photos
3. Site Map

CITY OF RIVERBANK

AND WHEN RECORDED MAIL TO

NAME
STREET
ADDRESS
CITY &
STATECITY OF RIVERBANK
ATTN: DEVELOPMENT SERVICES
6707 THIRD STREET
RIVERBANK, CA 95367SPACE ABOVE THIS LINE
FOR RECORDER'S USE

Exempt from Recording Fees (Per Government Code Section 27388.1)

NOTICE OF COMPLETION**NOTICE IS HEREBY GIVEN THAT:**

- The undersigned is the owner of the interest or estate stated below in the property hereinafter described.
- The full name of the undersigned is City of Riverbank
(Print Full Name)
- The complete address of the undersigned is 6707 Third Street, Riverbank, CA 95367
(Address, City, State, Zip)
- The nature of the title of the undersigned is:
☒ Owner in Fee, **or** ☐ Vendee (Buyer) under Contract of Purchase, **or**
☐ Lessee, **or** ☐ Other
 If "Other," briefly list or describe appropriate designation or title _____
- The full names and complete addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are:

Co-owner's Name(s)	Co-owner's Complete Address (Number and Street, City, State, Zip)
<u>N/A</u>	
_____	_____
_____	_____
- The names of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work of improvement herein referred to, include, but are not limited to the following individual(s) (if no transfer was made, insert the word "none"):

Co-owner's Name(s)	Co-owner's Complete Address (Number and Street, City, State, Zip)
<u>N/A</u>	
_____	_____
_____	_____
_____	_____
- A work of improvement on the property described below was completed on November 14, 2023
(Date of Completion)

This document is only a general form which may be proper for use in simple transactions and in no way acts, or is intended to act, as a substitute for the advice of an attorney. The printer does not make any warranty, either expressed or implied, as to the merchantability or fitness for a particular purpose, or as to the legal validity of any provision or the suitability of these forms in any specific transaction.



8. The name of the original contractor, if any, for the work of improvement was (if no contractor for the work of improvement as a whole, insert the word "none") Consolidated Engineering Inc.

If notice covers completion of contract for only part of the work of improvement, check box and complete:

☐ The kind of work done or finished was construct all site grading, asphalt paving, storm drain,
(Give General Description of Work Completed, e.g., Furnishing of Concrete for Sidewalks, etc.)
concrete curb, gutter, sidewalk, light fixtures and traffic control.

9. The property on which the work of improvement was completed is in the City of Riverbank,
County of Stanislaus, State of California, and is described as follows:
Third Street Parking Lot Project

(Set Forth Description of Jobsite Sufficient for Identification, Using Legal Description if Possible)

10. The street address of the said property is 6813 Third Street, Riverbank, CA 95367
(Address, City, State, Zip, or if No Official Street Address, Insert the Word "None")

Dated this 14th day of November, 2023
(Day) (Month) (Year)

City of Riverbank
Laura Graybill, Senior Project Coordinator

(Owner's Signature)

(Owner's Typed or Printed Name)

VERIFICATION

I the undersigned, say:

I am the person who signed the foregoing notice. I have read and understand the above notice and know its contents, and the facts stated therein are true and correct to the best of my knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in City of Riverbank, County of Stanislaus, State of California
on this 14th day of November, 2023
(Day) (Month) (Year)

(Signature of Person Signing Notice of Completion)

City of Riverbank
Laura Graybill, Senior Project Coordinator

This form is the notice of completion that a property owner may record to limit the time in which mechanics' liens may be recorded against a construction project (see CA Civil Code § 3093). For this purpose an "owner" is the person who causes a building, improvement, or structure to be constructed, altered, or repaired, whether the interest or estate is in fee, as a vendee (buyer) under contract or purchase, as lessee, or other interest or estate less than fee. If the interest is held by two or more persons as joint tenants or tenants in common, any one or more of the co-tenants may be deemed to be the owner. (CA Civil Code §§ 3092(g), 3093). **This form is for use with a private work of improvement only, and is not intended for public sector applications.**

If the owner records the notice within the applicable time period, the original contractor has sixty (60) days from the day the notice is recorded to record a claim of lien against

the project (CA Civil Code § 3115); and all other persons who furnished labor, services, equipment, or materials must record their liens within thirty (30) days after the notice of completion is recorded (CA Civil Code § 3116). Otherwise, all persons who furnished labor, services, equipment, or materials have ninety (90) days after completion of the work of improvement in which to record their liens (CA Civil Code §§ 3115, 3116).

The owner must record the notice in the office of the county recorder of the county where the site is located within ten (10) days after the work of improvement is completed (CA Civil Code § 3093(e)). This applies equally to the project which is completed in phases. A notice of completion must be filed within ten (10) days after the completion of each phase of the project to shield owner properly (CA Civil Code § 3117).

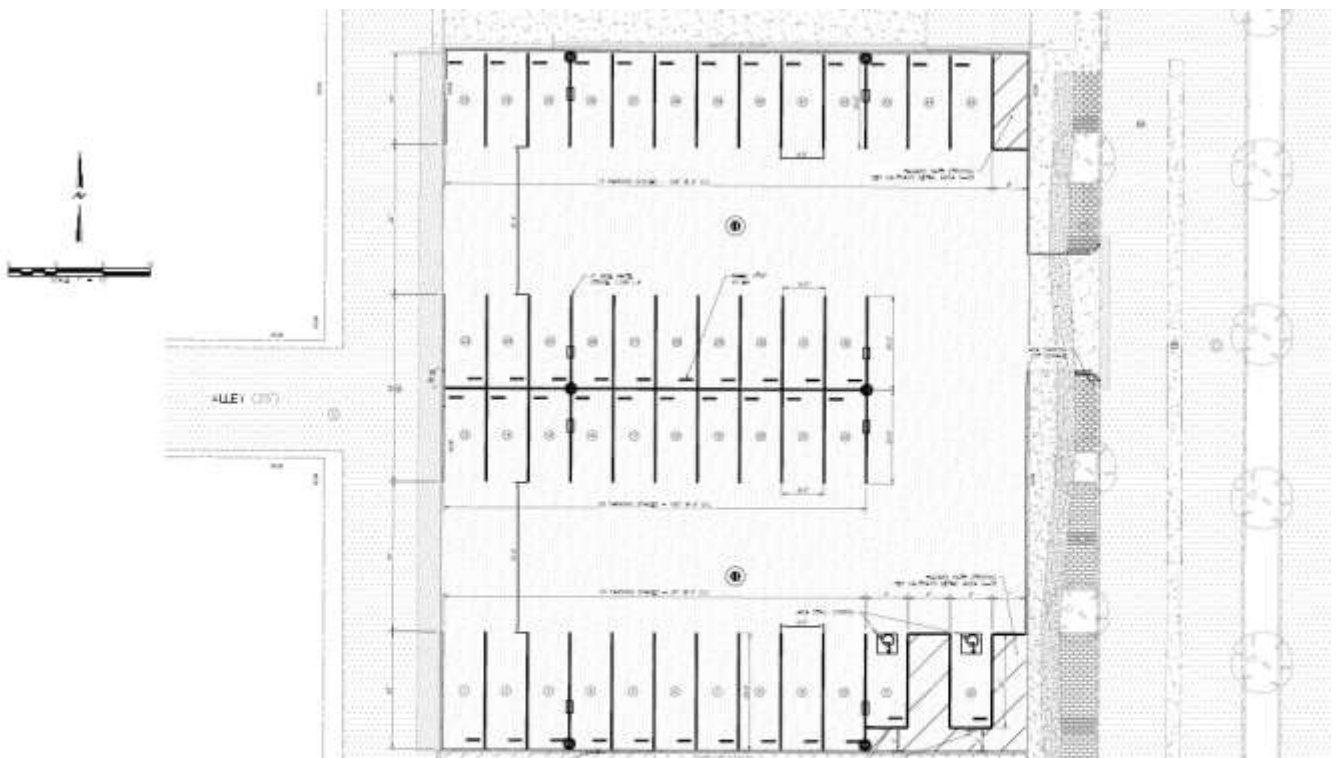
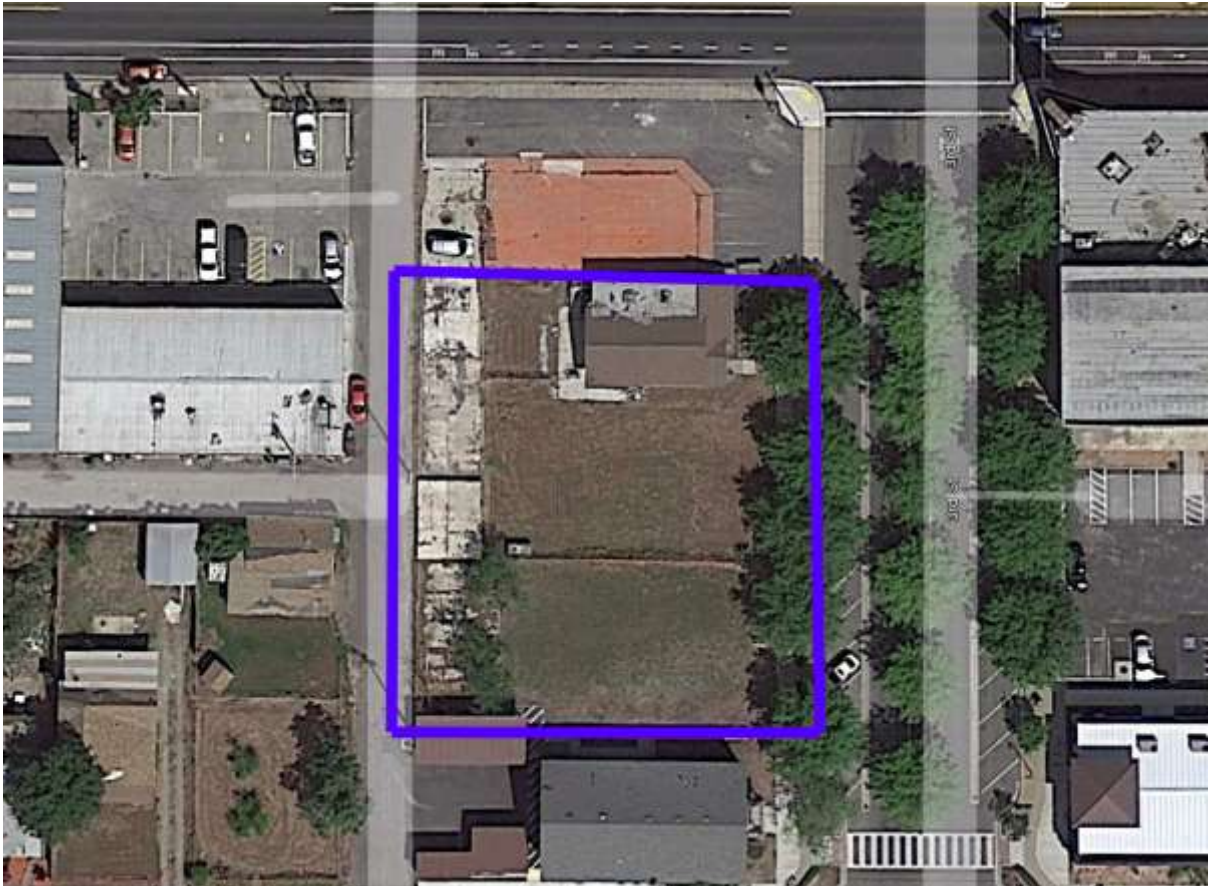
3RD Street Parking Lot Project

Photos



Site Map

Third Street Parking Lot Project



RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.5

SECTION 9: CONSENT CALENDAR

Meeting Date: November 14, 2023

Subject: Resolution Declaring Certain Property Surplus as Listed in Exhibit A and Authorizing Its Disposition

From: Marisela H. Garcia, City Manager

Submitted by: Cody Bridgewater, Public Works Director/ Interim LRA Director

RECOMMENDATION

It is recommended that the City Council approve a resolution declaring the property listed in Exhibit A as surplus property and authorize its disposal as stated in §36.03 of the Riverbank Code of Ordinances.

SUMMARY

The City of Riverbank was victim of a fire at the Public Works Corporation Yard on Saturday August 23, 2023. The attached list of contents is recommended by our insurance representatives to be disposed of due to fire damage. It is now appropriate to surplus the property. The City will follow procedures stated in Section 36.03 Disposition of Unclaimed and Surplus Property of the Riverbank Code of Ordinance to properly dispose of the items.

BACKGROUND

As per Section 36.03 of the Riverbank Code of Ordinances the Finance Director, after receiving surplus approval from the City Council, has the ability to dispose of the equipment through a negotiated sale, public sale, abandonment, destruction or donation to public bodies, charitable, civil or nonprofit organizations in the city.

Therefore, it is recommended that the City Council consider adopting a Resolution declaring the property listed in Exhibit A as surplus equipment and approve the sale of these items through auction or negotiated sale.

FINANCIAL IMPACT

There is no financial impact to the City.

ATTACHMENTS

1. Resolution 2023-
Exhibit A: Surplus List

CITY OF RIVERBANK

RESOLUTION 2023-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA DECLARING CERTAIN PROPERTY SURPLUS AS LISTED IN EXHIBIT
A AND AUTHORIZING ITS DISPOSITION**

**THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS
THE "CITY COUNCIL") DOES HEREBY RESOLVE THAT:**

WHEREAS, The City of Riverbank Finance Department has determined that the items presented in Exhibit A herein attached, are obsolete and no longer serve a City need; and,

WHEREAS, the City desires to dispose of this property; and,

WHEREAS, the property will be properly disposed of pursuant to the City of Riverbank Code of Ordinance Section 36.03.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby recognize the property identified on the preceding Exhibit A: Surplus Property form as obsolete and declares it surplus property.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 14th day of November, 2023; 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:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

Attachment: Exhibit A-List of Surplus Property

EXHIBIT A

Insured:	CITY OF RIVERBANK							
Location:	RIVERBANK, CA							
Client:	MCLARENS							
Claim:								
File #:	S-23087539							
						RCF Pricing & Inventory		
RCF #	Location	Description	Qty	UOM	Estimated Cost	Est Cost ext.	Source	
14	GARAGE / SHOP	TOOL BOX FOR TRUCK	1		\$1,066.00	\$1,066.00	WEATHER GUARD	
15	GARAGE / SHOP	TRANSDUCER (DETECT WATER PRESSURE) 700 SERIES	6		\$1,860.84	\$11,165.04	HOWK	
23	GARAGE / SHOP	D BLOCK STARTER - USED #3	3		\$1,808.28	\$5,424.84	GRAINGER	
27	GARAGE / SHOP	ASSORTED STARTER PARTS	1	LOT	\$2,000.00	\$2,000.00		
28	GARAGE / SHOP	BW GAS ALERT MAX - GAS DETECTOR	1		\$1,476.49	\$1,476.49	PK SAFETY	
39	GARAGE / SHOP	WACKER WP1550 WACKER PLATE	1		\$2,399.00	\$2,399.00	DHS	
58	GARAGE / SHOP	HURCO RIPCORDER SMOKER	1		\$2,930.00	\$2,930.00	EPA	
60	GARAGE / SHOP	HONDA WATER PUMP GX 160	1		\$1,999.00	\$1,999.00	GREEN RUBBER	
61	GARAGE / SHOP	HONDA WATER PUMP WP 20X - USED	1		\$1,655.50	\$1,655.50	GREEN RUBBER	
98	GARAGE / SHOP	AIR JACK HAMMER 50 LB	2		\$1,776.45	\$3,552.90	GRAINGER	
99	GARAGE / SHOP	AIR JACK HAMMER 35LB	2		\$1,670.76	\$3,341.52	GRAINGER	
100	GARAGE / SHOP	INTERSOL RAND AIR COMPRESSOR 80 GAL 230V	1		\$5,372.74	\$5,372.74	GRAINGER	
107	GARAGE / SHOP	MILLER BLUE STAR 185 WELDER	1		\$6,615.13	\$6,615.13	GRAINGER	
121	GARAGE / SHOP	RUGGED PLC COMPUTER (SEWAGE)	3		\$2,843.00	\$8,529.00	RUGID	
130	GARAGE / SHOP	STIHL MS441 CHAINSAW / REPLACEMENT MODEL#MS462	1		\$1,389.99	\$1,389.99	ACE	
143	GARAGE / SHOP	VON ARX GX160 CONCRETE GRINDER	1		\$2,707.69	\$2,707.69	VON ARX	
151	GARAGE / SHOP	55 GAL TANK W/PUMP (SEWER SPILL)	1		\$1,293.88	\$1,293.88	GRAINGER	
177	GARAGE / SHOP	STIHL TS700 CONCRETE CUTTER	1		\$1,699.99	\$1,699.99	ACE	
178	GARAGE / SHOP	HUSQVARNA SF400LV WALK BEHIND	1		\$2,914.36	\$2,914.36	GRAINGER	
179	GARAGE / SHOP	BOSCH ELECTRIC JACKHAMMER #3	1		\$1,699.00	\$1,699	HOME DEPOT	
184	GARAGE / SHOP	ELECTRIC EEL SEWER SNAKE	1		\$1,794.89	\$1,794.89	GRAINGER	
185	GARAGE / SHOP	MILLERMATIC 211 WELDER W/TORCH	1		\$2,651.38	\$2,651.38	GRAINGER	
186	GARAGE / SHOP	DURO MAX GENERATOR XP13000HXT	1		\$2,499.00	\$2,499	HOME DEPOT	
188	GARAGE / SHOP	MIKASA MTX-70 WHACKER	1		\$3,815.99	\$3,815.99	WHITE CAP	
189	GARAGE / SHOP	MIKASA VIBER PLAT	1		\$2,543.99	\$2,543.99	WHITE CAP	
190	GARAGE / SHOP	SANDBLASTER W/HELMIT	1		\$3,433.84	\$3,433.84	GRAINGER	
192	GARAGE / SHOP	HONDA EV2000 PORTABLE GENERATOR/REPLACEMENT MODEL EV2200	1		\$1,248.75	\$1,248.75	GRAINGER	
196	GARAGE / SHOP	POWRQUIP AIR COMPRESSOR 6HP /REPLACEMENT MODEL4090HMK113-0001	1		\$1,379.77	\$1,379.77	GRAINGER	
197	GARAGE / SHOP	HUSQVARNA K700 12" METAL CUTTING SAW	1		\$1,139.89	\$1,139.89	WHITE CAP	
202	GARAGE / SHOP	CRAFTSMAN TOOL BOX 15 DRAWER/REPLACEMENT MODEL WESTWARD#7CX83	1		\$1,362.76	\$1,362.76	GRAINGER	
204	GARAGE / SHOP	RIDGID COMPACT 2 SEE SNAKE	1		\$9,465.65	\$9,465.65	AMAZON	
205	GARAGE / SHOP	METROTECH 850 TRANSMITTER IN CASE	1		\$1,095.00	\$1,095.00	ACCU SOURCE	
212	GARAGE / SHOP	METAL FIRE CABINET - 2 DOOR 23" X 17" X 44"	1		\$1,478.44	\$1,478.44	GRAINGER	
214	GARAGE / SHOP	HEAVY DUTY BENCH VISE 10"	1		\$1,590.25	\$1,590.25	GRAINGER	
		MDS INET II 900 Scada Radios	8		\$2,195.00	\$17,560.00	Radwell	

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.6

SECTION 9: CONSENT CALENDAR

Meeting Date:	November 14, 2023
Subject:	Resolution Approving the Appointments of Natasha Basso, Joan Stewart, and Alternate Ben Reuben to the Planning Commission Effective January 2024 and Moving Michael Halterman from an Alternate to a Primary.
From:	Marisela H. Garcia, City Manager
Submitted by:	Gabriela Hernandez, City Clerk

RECOMMENDATION

It is recommended the City Council consider Mayor O'Brien's candidate recommendations to fill the three (3) upcoming expiring term Planning Commissioner seats.

SUMMARY

Pursuant to the policy on Planning Commission terms and filling vacancies, three (3) primary seats are set to expire on December 31, 2023.

The three current Planning Commissioners whose terms are set to expire Natasha Basso, Joan Stewart, and Ben Rueben, submitted a formal request to be considered for Reappointment to the Riverbank Planning Commission. On October 17th, 2023 interviews were held by Mayor Richard O'Brien. After interview, evaluations and consideration, Mayor O'Brien's recommendation is to Reappoint Natasha Basso and Joan Stewart to another 4-year term as Primary Planning Commissioners to fill two (2) of the expiring seats. Mayor O'Brien recommends to move current Alternate, Michael Halterman to one (1) of the Primary Planning Commissioner seats, and move Ben Reuben to Alternate Planning Commissioner. All Primary Planning Commissioner terms are effective January 1, 2024 and ending December 31, 2027 while the Alternate Planning Commissioner term is for two (2) years effective January 1, 2024 and ending December 31, 2025.

FINANCIAL IMPACT

Compensation to serve as a primary Planning Commissioner is \$100, per month. The Alternate Planning Commissioner receives \$50 per month, however if called upon to serve in the absence of a Primary Commissioner, the compensation is \$100. Compensation is a fixed amount set at the discretion of the City Council by resolution and is paid for attendance of an “opened” meeting.

STRATEGIC PLAN

The Planning Commission provides valuable guidance to the City Council and overall community on a variety of development projects. Many of those projects expand economic development opportunities and promotes sustainable land use planning, which are goals of the City’s Strategic Plan.

ATTACHMENTS

1. Resolution 2023-
2. Letters of Consideration for Reappointment.

CITY OF RIVERBANK

RESOLUTION 2023-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA APPROVING THE APPOINTMENTS OF NATASHA BASSO, JOAN
STEWART, AND MICHAEL HALTERMAN AND ALTERNATE BEN REUBEN TO THE
PLANNING COMMISSION EFFECTIVE JANUARY 2024**

**THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS THE
“CITY COUNCIL”) DOES HEREBY RESOLVE THAT:**

WHEREAS, the City of Riverbank Planning Commission was established and is regulated pursuant to Riverbank Municipal Code (RMC) Title III; Chapter 32; and

WHEREAS, three (3) primary seats that were held by Commissioners Natasha Basso, Joan Stewart, and Ben Reuben are scheduled to expire December 31, 2023

WHEREAS, reappointment request letters were formally submitted by three candidates; and

WHEREAS, on October 17, 2023, Mayor O'Brien conducted interviews of the three (3) candidates, and in accordance with the RMC made the following recommendations to the City Council for Approval:

- 1) Reappoint Natasha Basso to a primary seat; 4-year term expiring December 2027;
- 2) Reappoint Joan Stewart to a primary seat; 4-year term expiring December 2027;
- 3) Appoint Michael Halterman to a primary seat; 4-year term expiring December 2027;
- 4) Appoint Ben Reuben to an alternate seat; 2-year term expiring December 2025.

WHEREAS, pursuant to the RMC, the Planning Commission shall consist of five voting members who shall serve a four-year term of office, and one alternate member who shall serve a two-year term of office, all of whom shall be residents and registered voters of the City of Riverbank:

- (1) The Mayor with the approval of the City Council may appoint an additional alternate member as deemed necessary.
- (2) Alternate members shall be prepared to serve in the absence of a regular member when called upon.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby approve the aforementioned appointments as stated. Said appointees shall begin their terms January 1, 2024 and may temporarily serve beyond their expiration date until a new appointment has been made.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 14th day of November, 2023; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

October 13, 2023

Mayor O'Brien
City of Riverbank
6707 3rd Street
Riverbank, CA 95367

Subject: Request to re-appointment to serve another term as a planning commissioner

Dear Mayor O'Brien,

Thank you for the opportunity to serve the City of Riverbank as a planning commissioner since January 2020. I would like to request re-appointment to serve another four year term, commencing at the end of my current term and through the end of 2027. It would be an honor to serve the City of Riverbank and the community for another four years.

Should you have any questions, I can be reached at (209) 861-1111.

Respectfully,



Natasha Basso
Planning Commissioner
City of Riverbank

September 22, 2023

Gabriela Hernandez, City Clerk

City of Riverbank

RE: Expiring Term

Hello Gabriela,

I would appreciate the privilege of being considered by the mayor and council for re-appointment as a Planning Commissioner. When I see the amazing things that have been accomplished over the past twenty years, it gives me a sense of pride for everyone who has worked so hard to make this possible. I truly love this City of Riverbank and will continue my efforts to make it the best possible place to live for the people who have chosen to make it their home.

Thank you for your consideration,

Joan Stewart



From: [Ben Reuben](#)
To: [Gaby Hernandez](#)
Subject: PC Appointment
Date: Thursday, October 12, 2023 3:57:05 PM

Gaby,

I would like to be considered for reappointment to the Planning Commission, City of Riverbank for the next term.

Thanks
Ben Reuben

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.7

SECTION 9: CONSENT CALENDAR

Meeting Date: November 14, 2023

Subject: Resolution to Appropriate \$7,500 from the General Fund to the Elections Fund for the Verification of Petition Signatures to the Stanislaus County Office of the Clerk-Recorder

From: Marisela H. Garcia, City Manager

Submitted by: Gabriela Hernandez, City Clerk/Elections Official

RECOMMENDATION

It is recommended that the City Council consider and approve an allocation of \$7,500 to the Elections Fund for the Stanislaus County Clerk Recorders Office for the Verification of Petition Signatures for a citizen initiative.

SUMMARY

A Citizen Initiative allows a certain number of citizens to initiate a vote of the electorate on a proposal outlined by those citizens. On June 6, 2023 the Notice of Intent to Circulate Petition and a filing fee of \$200 were filed by the proponents of the Citizen Initiative with the City Clerk's Office. The City Clerk requested preparation of a Ballot Title and Summary from the City Attorney's Office. On June 22nd, 2023 the proponents received the Ballot Title and Summary as prepared by the City Attorney. Proof of publication and affidavit was filed with the City Clerk's Office, within the 10 days after publication. Soon after, proponents began the circulation of the petition, and pursuant to Elections Code §9208 will have 180 days from the date of receipt of the Ballot title and Summary (Deadline, Tuesday, December 19, 2023) to submit the petition to the City Clerk. An initial count of signatures will be determined by the City Clerk/Elections Official based on prima facie. At that time, it will be determined if the minimum number of voters for a sufficient petition was met (in accordance with Elections Code, § 9215). If the total number of signatures is greater than minimum number of signatures, the petition will be accepted; and deemed filed as of that date. City Clerk will request examination assistance from the Stanislaus County Clerk Recorder's Office for the verification of signatures submitted with the petitions. However, if there are less than minimum number of signatures at prima facie,

the City Clerk will take no further action, deem the petition insufficient and notify the proponents.

FINANCIAL IMPACT

An amount not to exceed \$7,500 allocated from the Riverbank General Fund to the Elections Account.

ATTACHMENTS

- 1.) Resolution 2023-
Exhibit A: Signature Verification Cost Estimate

CITY OF RIVERBANK

RESOLUTION 2023-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
ALLOCATING \$7,500 FROM THE GENERAL FUND TO THE ELECTIONS FUND
FOR THE STANISLAUS OFFICE OF COUNTY CLERK-RECORDER FOR
VERIFICATION OF PETITION SIGNATURES**

**THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS
THE “CITY COUNCIL”) DOES HEREBY RESOLVE THAT:**

WHEREAS, a Notice of Intent to Circulate Petition and a filing fee of \$200 were filed by the proponents on June 6, 2023 of the Initiative with the City Clerk’s Office; and

WHEREAS, a Ballot Title and Summary was presented to the proponents on June 22, 2023; pursuant to Elections Code Section 9208, proponents have 180 days to circulate the petition; and

WHEREAS, the deadline to submit the petition will be on Tuesday, December 19, 2023 for prima facie verification of required signatures for an accepted petition; and

WHEREAS, the City Clerk/Elections Official will request assistance from the Stanislaus County Clerk Recorder’s Office for verification of signatures; and

WHEREAS, the Office of the Clerk Recorder’s Office has provided a signature verification at a cost estimated to be between \$2,377.00 to \$7,489.00; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby authorizes the allocation of funds in the amount of \$7,500.00 from the General Fund to the Elections Fund for the verification of signatures for the resident initiated petition.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 14th day of November 2023; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

Attachment: Signature Verification Cost Estimate



EXHIBIT A

OFFICE OF COUNTY CLERK-RECORDER

Donna Linder
COUNTY CLERK-RECORDER
REGISTRAR OF VOTERS &
COMMISSIONER OF CIVIL MARRIAGE

COUNTY CLERK-RECORDER DIVISIONS:
Clerk: PO Box 1670, Modesto, CA 95353
Telephone: (209) 525-5250
Facsimile: (209) 525-5804
Recorder: PO Box 1008, Modesto, CA 95353
Telephone: (209) 525-5250
Facsimile: (209) 525-5804

Signature Verification Cost Estimate City of Riverbank – 2023 Municipal Measure

Voter Registration for the City of Riverbank	9,923
Riverbank City Clerk estimate of Petition Signatures	1,278
Projected estimate of signatures to verify	1,278 – 2,200

Petition Preparation
Computer System Format
Signature Verification
Certification
Estimate includes:

- Cost to conduct the signature verification on a City of Riverbank petition – 2023

Total Estimated Per Signature Cost:

1. County Registrar of Voters to conduct 100% signature verification process for one referendum petition \$1.92 - \$5.86

A handwritten signature in blue ink, appearing to read 'Donna Linder', written over a horizontal line.

Donna Linder, County Clerk / Recorder / Registrar of Voters October 19, 2023

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 10.1

SECTION 10: PUBLIC HEARING

Meeting Date: November 14, 2023

Subject: Resolutions to Consider Approval of (1) General Plan Amendment 01-2023, and (2) Vesting Tentative Map 02-2023, and the First Reading by Title Only and Introduction of an Ordinance Approving the Rezone 01-2023 of 8.55 Acres to Planned Development located at 6612 and 6472 Central Avenue (APN's 062-020-018 and 062-020-031) for the River's Edge Subdivision and McRoy Wilbur Communities, Inc.

From: Marisela H. Garcia, City Manager

Submitted by: Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

Adopt two resolutions and an ordinance to approve the request of McRoy Wilbur Communities, Inc for a General Plan Amendment, Rezone, and Vesting Tentative Map to create 38 (36 new) single family residential lots in the proposed River's Edge subdivision. The location is 6612 and 6472 Central Avenue (APNs 062-020-018 and 062-020-031).

SUMMARY

The proposed Project consists of a General Plan Amendment ("GPA" Resolution, Attachment 1), a Rezone ("RZ" Ordinance, Attachment 2), and a Vesting Tentative Map ("VTM" Resolution, Attachment 3). The applicant, McRoy Wilbur Communities, Inc., intends to develop thirty-eight (38) single-family residential lots, three (3) residential streets, and expand an existing storm water basin on 8.55 acres across two (2) parcels containing two (2) existing residences. Each of the existing residences will be on their own reduced lot so thirty-six (36) new residential lots will be created. The overall density is 4.4 dwelling units per net acre, including the existing two (2) single-family dwellings on their respective lots. The proposed project will also expand existing Sierra Street through the new subdivision to connect with the section being developed as a part of the Diamond Bar East subdivision to the east. The full width and length of Sierra Street is required to be dedicated to the City with the approval of the first subdivision map.

The property is presently zoned Single Family Residential (R-1) to be rezoned as Planned Development (PD) due to the shape of the project. Additionally, the subject properties

have a General Plan designation of Medium-Density Residential (MDR) to be re-designated as Lower Density Residential (LDR). Approval of the two (2) resolutions and the rezone ordinance is recommended if all Conditions of Approval are adopted and all GPA, Rezone and VTM findings can be met to ensure consistency with the General Plan, Zoning Ordinance, and State mapping requirements.

The Planning Commission, at their regular meeting of October 17, 2023, voted 5-0 to recommend that the City Council approve the General Plan Amendment, Rezone, and Vesting Tentative Map for the River's Edge project (Attachment 4).

BACKGROUND

The two (2) existing parcels are currently each occupied by one single-family dwelling unit respectively. The project site is surrounded by existing residential dwellings to the north, south, and west and vacant land to be developed to the east. VTM 02-2023 (Exhibit A to Attachment 3) proposes subdividing 8.55 acres into 36 buildable lots, with four (4) additional out lots, lots A – D. Lot A will serve as a landscape lot, Lot B will function as the storm water basin to be dedicated to the City of Riverbank, while Lot C and D will contain the existing single-family dwellings.

PROJECT INFORMATION AND ANALYSIS

A. Site Design

The design of the proposed project is a small lot, detached, single-family residential subdivision. Because some lot sizes are below the Riverbank Municipal Code Single-Family Residential (R-1) development standards of 6,000 square feet (sf), the Applicant proposes a rezone from Single-Family Residential (R-1) to Planned Development to accommodate all lots ranging in size from 4,692 to 29,634 sf. The proposed VTM has one (1) out lot which will be dedicated to the regional basin for the treatment of storm water generated from the project. Current State regulations require new projects to retain as much water as possible for percolation on site and to only discharge overflow into a basin or canal.

B. Architecture / Design Guidelines

The developer has provided elevations and floor plans as examples of what could be constructed on these lots. There is no Architecture and Site Plan Review application with this project. Highlights that staff has compiled from those plans include:

1. Lot Variation – Lots range in size between 4,692 sf and 29,634 sf.
2. General Building Design – The developer has four (4) building designs for the dwelling units, with three (3) styles each. All design types include a great room, two-car garage, and a laundry room:

Design / Square Footage	Bedroom	Bathroom
The Peach Tree – 1,742 sf	3	2
The Grapevine – 1,868 sf	3	3
The Orange Blossom – 2,105 sf	4	2.5
The Willow Tree – 2,118 sf	4	3

3. Porches, Entries, and Courts – Every proposed building design includes a covered porch.
4. Driveways and Parking – Every proposed building design includes a two-car garage and driveway which will accommodate two cars.

C. Transportation and Circulation

Pursuant to RMC 152.026 (H) Street Design and Standards, “Dead-end streets where necessary to give access to, or permit a satisfactory future subdivision of adjoining land, shall extend to the boundary of the property and the resulting dead-end street may be approved without a turnaround. In all zoning districts a cul-de-sac or a comparable area in another form shall be required, separated to the depth of one (1) lot from the exterior boundary line or other topographical feature of the subdivision. Pursuant to RMC section 152.026 (P)(4) Local streets shall have a minimum right-of-way of fifty (50) feet and a minimum paved street width of thirty-six (36) feet between curb faces.

D. General Plan Amendment

The existing General Plan designation for this project is Medium Density Residential (MDR) which allows 8-16 dwelling units per net acre. The proposed General Plan Amendment would re-designate the project site from MDR to Low Density Residential (LDR) which would allow the project to be built at 0-8 dwelling units per net acre. The VTM shows a total of thirty-eight (38) residential lots on 8.55 acres for a total of 4.4 dwelling units per acre or 5.36 dwelling units per net acre. “Net” means exclusive of paved square footages like parking lots and driveways. Thus, the project’s density is consistent with the LDR designation of the General Plan.

Pursuant to California Government Code section 65358 and the Riverbank General Plan, the Planning Commission was required to answer the GPA implementation questions below before recommending approval of this project to the City Council:

1. Is the proposed amendment in the public interest? *The General Plan Amendment is in the public interest because the General Plan Amendment will change the General Plan Land Use Map to comply with the proposed housing designation.*
2. Is the proposed amendment consistent and compatible with the goals and the vast majority of policies of the General Plan? *The General Plan Amendment is consistent and compatible with the goals and majority of the policies of the General Plan.*
3. Have the potential effects of the proposed amendment been evaluated and determined not to be detrimental to the public health, safety, or welfare? *The General Plan Amendment is exempt from additional environmental analysis pursuant to CEQA Guidelines Section 21159.21 (a-j) Exemption for Qualified Housing Projects. Completion of this project will not be detrimental to public health, safety, or welfare.*
4. Has the proposed amendment been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act? *The proposed amendment has been processed in accordance with the California Government Code, the Riverbank Municipal Code, and the California Environmental Quality Act.*

E. Vesting Tentative Map

The Vesting Tentative Map (Exhibit A to Attachment 3) proposes 36 new buildable (plus 2 existing but reduced in size) single-family residential lots. A Vesting Tentative Map is used when the project does not have a Development Agreement and it traditionally contains more details than a Tentative Map. Proposed street names for A Court, C Street, and C Court, will be reviewed by staff and outside agencies such as Fire and 911 to see if they are currently in use. Per RMC section 152.026 (L) all street names shall be approved by City Council on the Final Map. Duplication of existing names within the County will not be allowed unless the streets are obviously in alignment with existing streets and likely to sometime be a continuation of the other street. Sierra Street will be developed to connect to existing Sierra Street on the east and west sides of the proposed project.

Vesting Tentative Map Findings

A tentative map shall not be approved or conditionally approved if it makes any of the following findings:

1. The proposed map is not consistent with applicable general and specific plans. *The proposed map is consistent with the General Plan if the recommended Conditions of Approval are adopted.*
2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans. *The proposed map is consistent with the*

General Plan if the recommended Conditions of Approval are adopted as they relate to connectivity, sidewalks, and the provision of amenities.

3. That the site is not physically suitable for the type of development. *The site is suitable for a new subdivision of this type.*
4. That the site is not physically suitable for the proposed density of the development. *The site is physically suitable for a proposed density of 5.36 dwelling units per net acre.*
5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitats. *The design of the subdivision should not injure fish, wildlife, or their habitats, none of which are present on the site.*
6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems. *The design of the subdivision should not cause serious health problems.*
7. That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision. In this connection, the City Council may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This division shall only apply to easements of record or to easements established by judgement of a court of competent jurisdiction. *The design of the subdivision should not conflict with any easements of record.*

F. Rezone

Due to the odd shape of the Project, the developer is requesting relief from Single Family Residential (R-1) standards (6,000 sf lots) by rezoning the property to Planned Development (PD) (Attachment 2). The Table below shows the development standards of the R-1 zoning district since the project proposes single-family dwelling units. The Table compares the proposed Planned Development standards with the R-1 standards. Those standards that deviate from R-1 zoning are marked with an asterisk (*).

Type of Standard	R-1 Zoning Standards	Proposed River's Edge PD Standards
Lot Size	6,000 square feet minimum	4,692 square feet minimum *
Lot Width	60/65 feet minimum	29 feet minimum *
Lot Depth	100 feet minimum	75 feet minimum*
Density	8 units per net acre	5.36 units per net acre
Height	35 feet maximum	35 feet maximum

Front Setback	10 feet minimum	10 feet minimum
Garage Setback	20 feet minimum	20 feet minimum
Side Setback	5 feet minimum	5 feet minimum
Rear Setback	5 feet minimum	5 feet minimum
Lot Coverage	50% maximum	50% maximum
Accessory Height (shed/ADU)	15/35 feet maximum	15/35 feet maximum
Local Street Width	64 feet	50 feet minimum *
Sidewalks	Both sides of street	Both sides of street
Onsite Parking	2 covered spaces	2 covered spaces
Street Parking	Both sides of street	Both sides of street

Majority of the lots have a lot size ranging from 4,692 to 8,552 square feet. The remaining three lots have lot sizes of 11,618, 25,080, and 29,634 square feet, with the larger two lots containing the existing homes on the two parcels. The proposed lot coverage for the lots is 50 percent. The lots comply with the 50 percent maximum threshold.

Pursuant to RMC section 153.162 (E)(3), the developer is providing amenities to compensate the neighborhood for deviating from the minimum standards above. The developer has proposed amenities such as upgraded garage doors, upgraded exterior garage lights, and enhanced landscaping (larger plants and trees).

Rezone Findings

In recommending approval of the Rezone to the City Council (Attachment 2), the Planning Commission must find the project meets the required findings of fact:

1. Each individual unit of the development if built in stages, as well as the total development, can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development. *The development could be built in stages and exist as independent units capable of creating a good environment.*
2. The uses proposed will not be a detriment to the present and proposed surrounding land uses but will enhance the desirability of the area and have a beneficial effect. *The proposed site is currently two parcels with one (1) single-family dwelling present on each, with the remainder of the parcels being vacant. The proposed subdivision will add to the diverse and compact housing stock the City has to offer to potential new residents.*
3. Any deviation from the standard ordinance requirements is warranted by the unusual design and additional amenities incorporated in the development plan which offers certain redeeming features to compensate for any deviations that may be permitted. *Amenities proposed by the developer and staff for the deviations from R-1 included amenities such as upgraded garage doors and exterior lighting and enhanced landscaping.*

4. The principles incorporated in the proposed master plan identify unique characteristics which could not otherwise be achieved under other zoning districts. *Smaller lots could not be achieved under other zoning districts; hence, the zone change to accommodate the more compact housing subdivision proposal.*
5. Where a PD rezone is initiated by the City, the previous findings are not required. *This PD was not initiated by the City.*

GENERAL PLAN CONSISTENCY

As part of their recommendation to the City Council, the Planning Commission must find the project consistent with the City's adopted General Plan. The proposed project site's density is 5.36 dwelling units per net acre. At this density, the Project is consistent with a General Plan designation of Lower Density Residential (LDR, net density of 0-8 units per acre). Below is a discussion of General Plan Policies with which the proposed project is consistent or inconsistent:

1. Policy Design 1.6

Approved projects, plans, and subdivision requests shall connect with adjacent roadways and stubbed roads and shall provide frequent stubbed roadways in coordination with future planned development areas. Plans and projects shall connect to adjacent planned development areas and adjacent roadways at a minimum of 600-foot intervals. This minimum interval does not apply to development areas that are adjacent to existing or planned future limited-access highways, freeways, or expressways. *The project will connect Sierra Street on the east, which is a stubbed street of the Diamond Bar East subdivision to Sierra Street west of Central Avenue between Diamond Bar West and The Heritage subdivisions.*

2. Policy Design 3.2

Approved plans, projects, and subdivision requests shall provide residential site and building design that contributes to an attractive, pedestrian-friendly environment along neighborhood streets. Approved plans, projects, and subdivision requests will minimize the visual prominence of garages and instead incorporating porches, stoops, active rooms, and functionally opening windows that face the street. *The proposed building design includes porches and active rooms with windows facing the street to minimize the prominence of the garages.*

3. Policy Design 5.1

The City will require the placement of windows and active rooms in new structures so that they view onto yards, corridors, entrances, streets, and other public and semi-public places. *Windows are proposed to be placed facing the street.*

ENVIRONMENTAL

Pursuant to the California Environmental Quality Act, Staff has determined that the proposed project is exempt pursuant to CEQA Guidelines Section 21159.21 (a-j) Exemption for Qualified Housing Projects.

FISCAL IMPACT

The Project includes the development of a subdivision on existing undeveloped land. The fiscal impacts associated with providing municipal services to new residential projects will be partially off-set by the funds generated through CFD 2016-1. Street lighting, road maintenance, storm drainage maintenance, common area landscaping, and police services will be funded through the implementation of CFD 2016-01. In light of the obligation to participate in the above-mentioned Community Facilities Districts, the Project is unlikely to negatively impact the City's finances.

STRATEGIC PLAN

The City's Strategic Planning Session is a plan and set of goals that the City will work towards for the next three years. This project works toward the goals of "achieving and maintaining financial stability" and "maintain and improve the City infrastructure systems."

ATTACHMENTS

1. City Council Resolution No. 2023-XXX GPA
2. City Council Ordinance No. 2023-XXX RZ
3. City Council Resolution No. 2023-XXX VTM
Exhibit A - Vesting Tentative Map No. 02-2023
4. Planning Commission Resolutions (3)

CITY OF RIVERBANK

RESOLUTION 2023-XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT
REDESIGNATING 8.55 ACRES LOCATED AT 6612 AND 6472 CENTRAL
AVENUE (APNS 062-020-018 AND 062-020-031)**

WHEREAS, a General Plan Amendment, Rezone, and Vesting Tentative Map application has been received from McRoy Wilbur Communities, Inc with a request to redesignate approximately 8.55 acres from Medium Density Residential (“MDR”, density of 8-16 units per net acre) to Lower Density Residential (“LDR”, density of 0-8 units per net acre); and

WHEREAS, the City of Riverbank Planning Commission conducted a Hearing on October 17, 2023 to take public comment, consider the proposed General Plan Amendment, and make a recommendation to City Council; and

WHEREAS, the Planning Commission after considering public comment voted 5-0 to recommend to the City Council that they approve the General Plan Amendment request; and

WHEREAS, pursuant to Government Code section 65355, notice of the City Council public hearing on the General Plan Amendment was published in the *Riverbank News*, a newspaper of general circulation on November 1, 2023; and

WHEREAS, notices of the City Council public hearing on the General Plan Amendment were also mailed to all property owners within 300 feet of the property, according to the most recent assessor’s roll on October 30, 2023; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE
CITY OF RIVERBANK DOES HEREBY FIND:**

1. General Plan Amendment Findings. That pursuant to California Government Code sections 65358 and the Riverbank General Plan, the City Council finds as follows:
 - a. The General Plan Amendment is in the public interest because the General Plan Amendment will change the General Plan Land Use Map to comply with the proposed rezone.

- b. The General Plan Amendment is consistent and compatible with the goals and the vast majority of the policies of the General Plan.
 - c. The proposed amendment has been evaluated under CEQA and the Project is exempt pursuant to CEQA Guidelines Section 21159.21 (a-j) Exemption for Qualified Housing Projects.
 - d. That the proposed amendment has been processed in accordance with the California Government Code, the Riverbank Municipal Code and the California Environmental Quality Act.
2. That, based on the findings set forth in this Resolution and the evidence in the City Staff Report and such other evidence as received at the public hearings on this matter before the City Council, the City Council hereby approves the General Plan Amendment and CEQA Exemption.
3. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 14th day of November 2023; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:____

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

CITY OF RIVERBANK

ORDINANCE 2023-XXX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
APPROVING THE REZONE OF 8.55 ACRES TO PLANNED DEVELOPMENT,
LOCATED AT 6612 AND 6472 CENTRAL AVENUE (APNS 062-020-018 AND
062-020-031), A PROJECT KNOWN AS RIVER'S EDGE**

WHEREAS, a General Plan Amendment, Rezone, and Vesting Tentative Map application has been received from McRoy Wilbur Communities, Inc with a request to rezone approximately 8.55 acres from Single Family Residential Residential (R-1) to Planned Development (PD); and

WHEREAS, the City of Riverbank Planning Commission conducted a Public Hearing on Tuesday, October 17, 2023 to consider the proposed Ordinance and with a vote of 5-0 recommended approval by the City Council; and

WHEREAS, the City Council for City of Riverbank has made the following findings to adopt the Rezone:

1. Each individual unit of the development if built in stages, as well as the total development, can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development.
2. The uses proposed will not be a detriment to the present and proposed surrounding land uses, but will enhance the desirability of the area and have a beneficial effect.
3. Any deviation from the standard ordinance requirements is warranted by the unusual design and additional amenities incorporated in the development plan which offers certain redeeming features to compensate for any deviations that may be permitted.
4. The principles incorporated in the proposed plans identify unique characteristics which could not otherwise be achieved under other zoning districts.
5. Where a PD rezone is initiated by the City, the previous findings are not required.

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

Section 1: The City Council of the City of Riverbank approves Rezoning the Project site to Planned Development (APNS 062-020-018 and 062-020-031).

Section 2: Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

Section 3: This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date or a summary of the Ordinance is published in a newspaper of general circulation at least five (5) days prior to adoption and again at least fifteen (15) days prior to its effective date.

The foregoing was introduced at a regular meeting of the City Council of the City of Riverbank held on the 14th day of November 2023; motioned by Councilmember _____, seconded by Council Member _____, and upon roll call was carried by the following vote ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Gabriela Hernandez
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom Hallinan
City Attorney

CITY OF RIVERBANK

RESOLUTION 2023-XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
APPROVING VESTING TENTATIVE MAP 02-2023 TO SUBDIVIDE 8.55 ACRES
FOR THE RIVER'S EDGE SUBDIVISION AND MCROY WILBUR COMMUNITIES,
INC., LOCATED AT 6612 AND 6472 CENTRAL AVENUE
(APNs 062-020-018 AND 062-020-031)**

WHEREAS, a General Plan Amendment, Rezone, and Vesting Tentative Map application has been received from McRoy Wilbur Communities, Inc with a request for a Vesting Tentative Map to divide approximately 8.55 acres into thirty-eight (38) Planned Development single family residential lots with two (2) out lots, and more particularly described as Stanislaus County Assessor Parcel Numbers 062-020-018 and 062-020-031; and

WHEREAS, the City Subdivision Ordinance, Section 152.037, states that as a condition of approval of a tentative map, the subdivider shall dedicate and develop parkland, pay a fee in lieu thereof, or both, at the option of the City. In this case the City has chosen to accept the payment of an in-lieu fee for parkland dedication based on values of land at the time the Final map is recorded. The obligation for this project is 0.31 acres of park land; and

WHEREAS, the proposed Vesting Tentative Map is consistent with the following General Plan policies discussed in the staff report: Policy Design 1.6, Policy Design 3.2, and Policy Design 5.1; and

WHEREAS, the proposed subdivision is located on land that is within the City limits of the City of Riverbank and is within an area anticipated for urban land uses; and

WHEREAS, the City of Riverbank Planning Commission conducted a public hearing on October 17, 2023 to take public comment, consider Vesting Tentative Map 02-2023, and make a recommendation to City Council; and

WHEREAS, the Riverbank Planning Commission with a vote of 5-0 recommended approval of Vesting Tentative Map 02-2023 dated September 13, 2023, prepared by Benchmark Engineering, Inc., and modified by adopted Conditions of Approval, and incorporated herein as a part of this City Council Resolution; and

WHEREAS, pursuant to Government Code section 65355, notice of the City Council public hearing on the Vesting Tentative Map was published in the *Riverbank News*, a newspaper of general circulation on November 1, 2023; and

WHEREAS, notices of the City Council public hearing on the Vesting Tentative Map were also mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll on October 30, 2023; and

WHEREAS, The City Council of the City of Riverbank hereby finds and adopts the following findings:

1. The proposed map is consistent with applicable general and specific plans:
2. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
3. The site is physically suitable for the type of development.
4. The site is physically suitable for the proposed density of the development.
5. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitats.
6. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.
7. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision. In this connection, the City Council may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This division shall only apply to easements of record or to easements established by judgement of a court of competent jurisdiction.

Whereas, Vesting Tentative Map 02-2023 is hereby approved, subject to and modified by the following conditions:

1. Applicant shall comply with the City of Riverbank Standard Conditions as contained in Planning Commission Resolution 2013-014, including annexing into Community Facilities District 2016-01, or receive confirmation from the Community Development Director that a specific condition or conditions does not apply to the subject project; and
2. The full width and length of Sierra Street through the project shall be dedicated to the City when the first subdivision map is approved; and
3. All wells and septic tanks shall be abandoned as a condition of map approval; and

4. Three (3) sets of landscape and irrigation plans conforming to the state's MWELo requirements shall be prepared and submitted with fee for review and approval by the City's contract landscape architect before Final Map; and
5. The City's Post Construction Standards Plan needs to be followed including DMA's LID standards, and the required worksheets located in the Appendix of the document. The document is available on the City's website; and
6. The location of any OIb facilities shall be shown and any proposed relocation or improvements including easements; and
7. All existing overhead electrical shall be placed underground; and
8. Applicant shall pay an in-lieu fee for parkland dedication based on values of land at the time the Final Map is recorded. The obligation for this project is the value of 0.31 acres; and
9. All wet utilities are to be cleaned, tested, and videotaped prior to acceptance by the City of Riverbank; and
10. Street names shall be approved by City Council on the Final Map; and
11. An automatic fire system shall be provided for all Group R occupancies. **CFC 903.2.8**; and
12. Buildings shall be provided with proper address identification in accordance with the California Fire Code as amended by the Stanislaus Consolidated Fire Protection District. **CFC 505.1**; and
13. Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into the jurisdiction. All fire apparatus access roads shall meet the design requirements of the California Fire Code. **CFC 503.1.1**; and
14. During construction, Fire apparatus access roads shall be clearly marked with notices or markings that include the words NO PARKING – FIRE LANE. The markings shall be clean and legible at all times. **CFC 503.3**; and
15. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to the site. **CFC 507.1**; and
16. Fire apparatus access roads and a water supply for fire protection shall be installed and made serviceable prior to and during the time of construction. **CFC 501.4**; and

17. All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two (2) times per day; and
18. All haul trucks transporting soil, sand, or other loose material off-site shall be covered; and
19. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; and
20. All vehicle speeds on unpaved roads shall be limited to fifteen (15) miles per hour; and
21. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binding are used; and
22. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes. Clear signage shall be provided for construction workers at all access points; and
23. All construction equipment shall be maintained and properly tuned in accordance with manufacture's specifications. All equipment shall be checked by a certified visible emissions evaluator; and
24. Post a publicly visible sign with the telephone number and person to contact at the Air District regarding dust complaints. The Air District shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations; and
25. Applicant shall comply with San Joaquin Valley Air Pollution Control District's Rule 9510 Indirect Source Review; and
26. If potential human remains are encountered, the construction contractor shall halt work in the vicinity (within 100 feet) of the find and contact the City of Riverbank. The project applicant and/or contractor shall be required to contact the Stanislaus County Coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5, If the coroner determines the remains are Native American, the coroner would contact the Native American Heritage Commission (NAHC). As provided in Public Resources Code Section 5097.98, the NAHC would identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendent makes recommendations for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; and

27. Consistent with the requirements of the City of Riverbank Municipal Code, the National Pollutant Discharge Elimination System (NPDES) Construction General Permit, the project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts on surface water quality through the project construction period. The SWPPP shall be designed to address the following objectives:
- a. All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity, are controlled using source control and treatment control best management practices (BMPs).
 - b. Where not otherwise permitted by the Regional Water Quality Control Board, all non-stormwater discharges are identified and eliminated.
 - c. BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity in accordance with the Construction General Permit; and
28. The project applicant shall fully comply with the City of Riverbank Municipal Code and all Regional Water Quality Control Board stormwater permit requirements, including Provision C.3 of the Municipal Regional Permit (MRP). This will require preparation and implementation of a complete Stormwater Control Plan (SCP) for the project, which shall be submitted to the City Engineer for review and approval prior to any construction activity. The SCP shall act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project and shall be designed to comply with both MRP and City of Riverbank requirements. At a minimum, the SCP for the project shall include the following:
- a. An inventory and accounting of existing and proposed impervious areas.
 - b. Low Impact Development (LID) design details incorporated into the project. Specific LID design details may include but are not limited to rain gardens, bio retention areas, pervious pavements, harvesting and reuse of stormwater, dispersal of runoff to landscaped areas, and/or routing of runoff swales and other small-scale facilities distributed throughout the site.
 - c. Measures to address potential stormwater contaminants. These may include measures to address potential sources of stormwater pollutants at the project site, covering trash collection and parking areas.
 - d. A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which shall include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the

requirements of this plan shall be identified. This plan shall be finalized prior to the issuance of any building permits for the project; and

29. Construction equipment shall be well maintained to be as quiet as possible. The following measures, when applicable, shall be implemented to reduce noise from construction activities:
- a. All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment.
 - b. "Quiet" models of air compressors and other stationary noise sources shall be used, where technology exists.
 - c. Stationary noise-generating equipment shall be located as far as feasible from sensitive receptors (neighboring dwellings).
 - d. Unnecessary idling of internal combustion engines shall be prohibited.
 - e. Staging areas and construction material storage areas shall be located as far away as possible from adjacent sensitive land uses (neighboring dwellings).
 - f. Construction-related traffic shall be routed along major roadways (Claus Road and Kentucky Avenue) and as far as feasible from sensitive receptors.
 - g. Residences or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. The construction contractor shall designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison shall determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and shall institute reasonable measures to correct the problem. The construction contractor shall conspicuously post a telephone number for the liaison at the construction site.
 - h. The construction contractor shall hold a pre-construction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and construction liaison) are completed.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Riverbank that Vesting Tentative Map Application No. 02-2023 is approved, subject to those conditions established by Resolution No. 2023-XXX and to be built as illustrated in **Exhibit A** to this Resolution entitled VTM dated September 13, 2023.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 14th day of November 2023; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:
NAYS:
ABSENT:
ABSTAIN:

ATTEST:

Gabriela Hernandez
City Clerk

APPROVED:

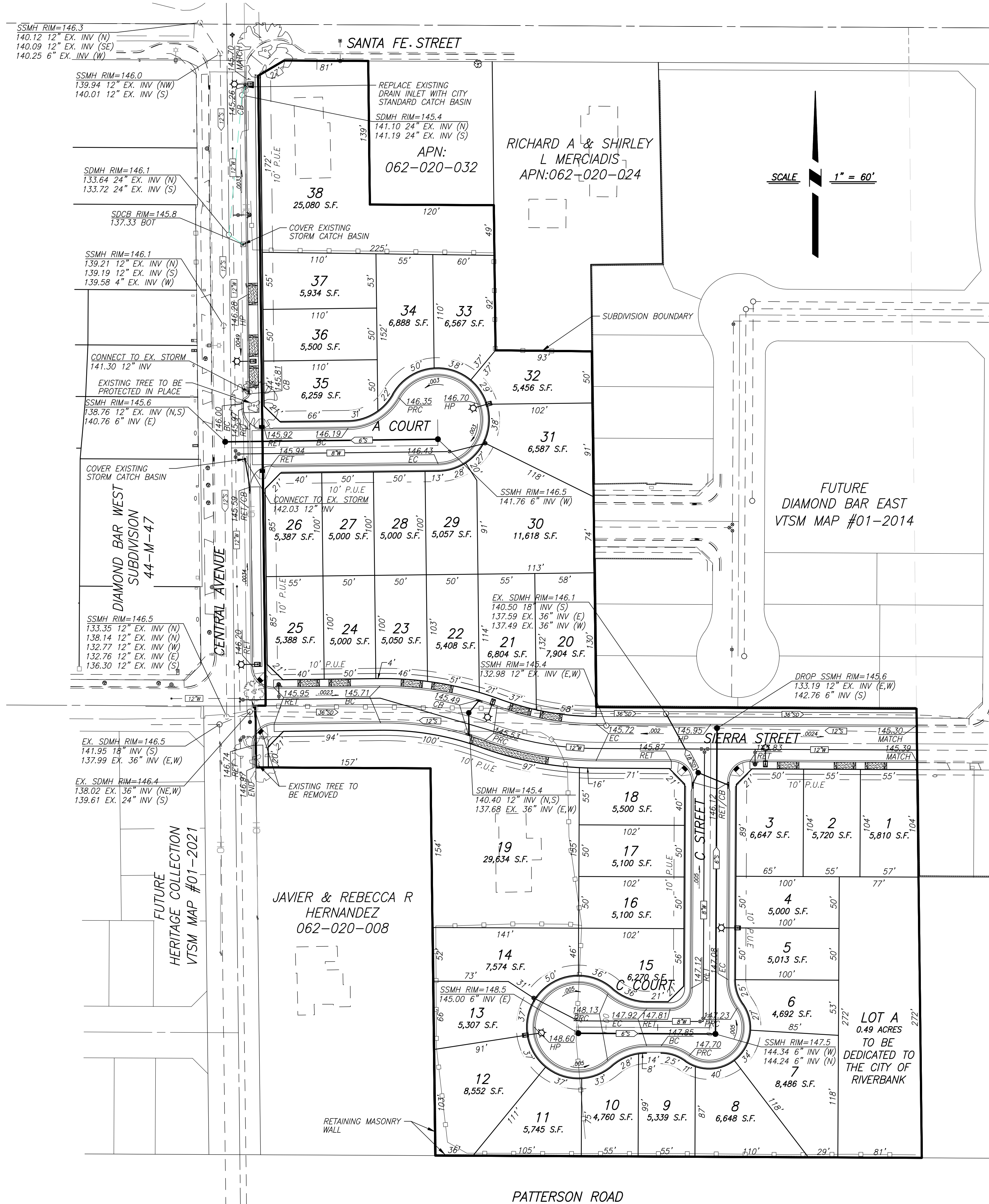
Richard D. O'Brien
Mayor

Exhibit A – Vesting Tentative Map 02-2023

VESTING TENTATIVE SUBDIVISION MAP FOR:

**RIVERS EDGE
RIVERBANK, CALIFORNIA**

BEING A DIVISION OF PORTION OF LOTS 265 AND 271 AS SHOWN ON THAT MAP OF "RIVERBANK IRRIGATED FARMS" FILED IN VOLUME 7 OF MAPS AT PAGE 23, STANISLAUS COUNTY RECORDS, LYING WITHIN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 10 EAST, MOUNT DIABLO BASE AND MERIDIAN CITY OF RIVERBANK, STANISLAUS COUNTY, STATE OF CALIFORNIA.

EXHIBIT A

OWNERS
HECTOR E GARCIA
6472 CENTRAL AVENUE
RIVERBANK, CA 95367

DANIEL VIDAL
6612 CENTRAL AVENUE
RIVERBANK, CA 95367

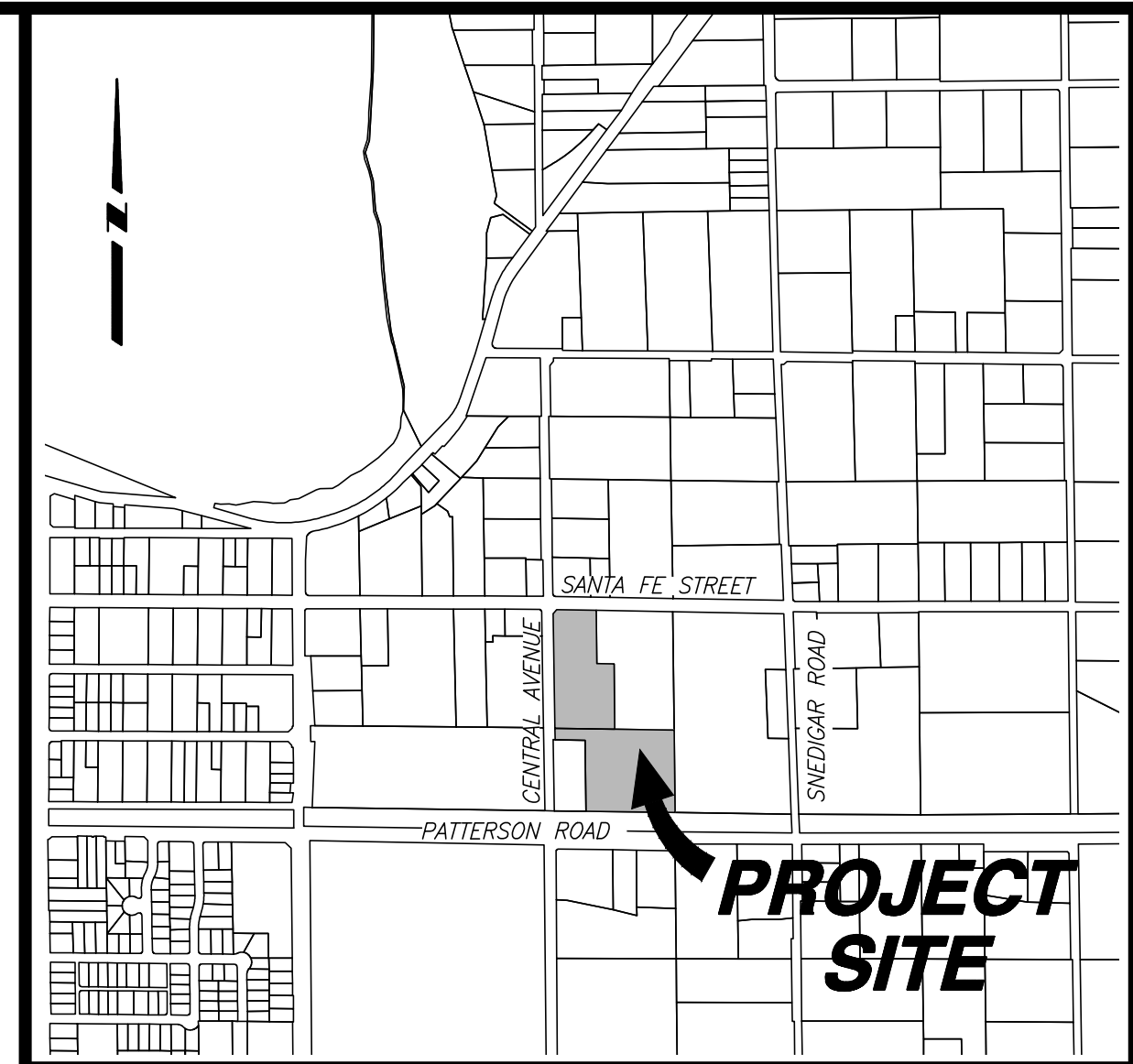
SUBDIVIDER
McROY-WILBUR COMMUNITIES, INC.
2909 COFFEE ROAD, SUITE 12A
MODESTO, CA 95355

STATEMENT OF SUBDIVIDER

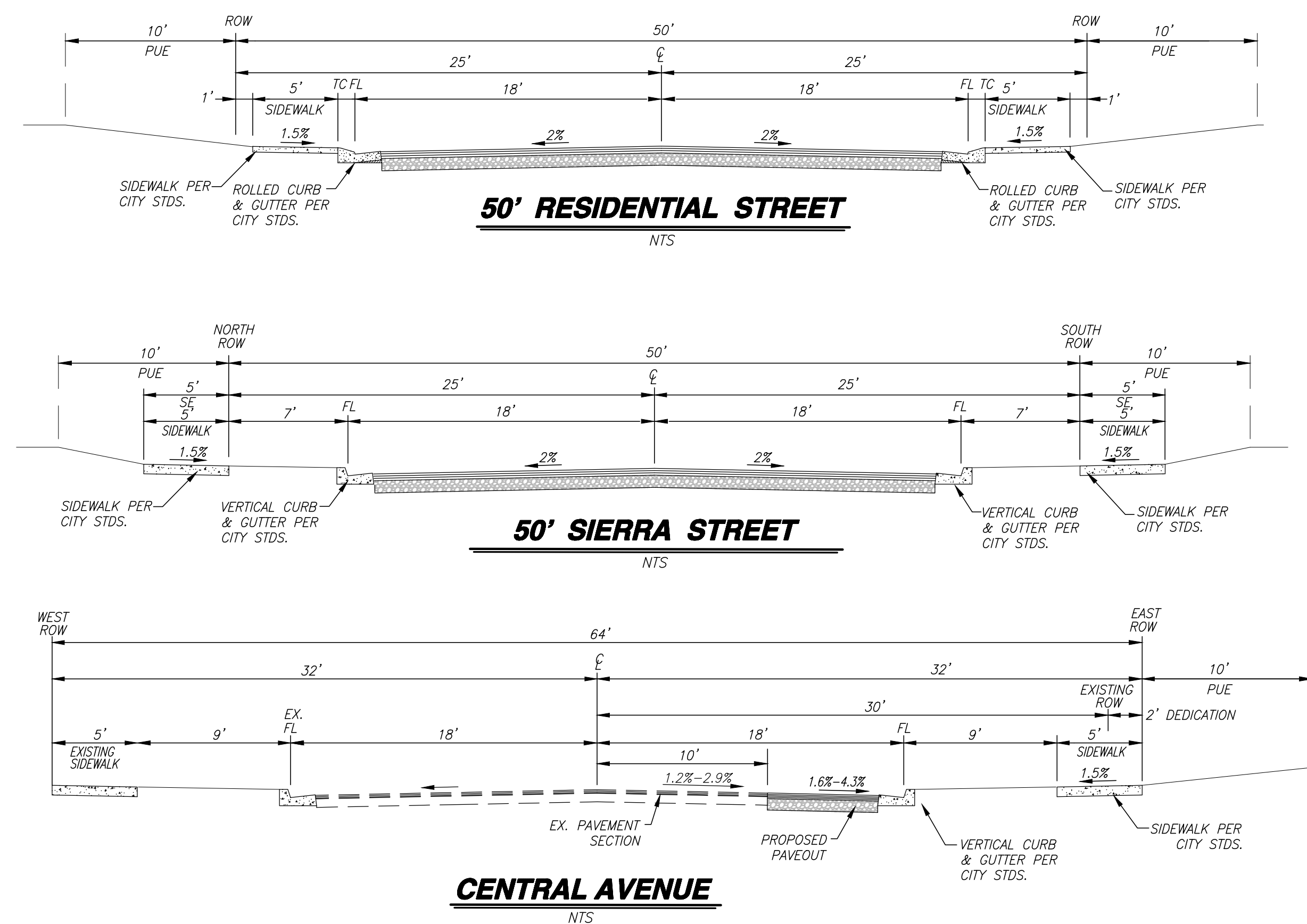
- 1 ASSESSORS PARCEL NO: 062-020-018, 062-020-031
- 2 EXISTING ZONING: R-1
- 3 PROPOSED ZONING: PD
- 4 EROSION CONTROL PER CASQA STANDARDS AND CITY OF RIVERBANK ORDINANCES AND STANDARDS
- 5 FRONT YARD DEPTHS AND BUILDING SETBACK LINES PER CITY OF RIVERBANK ORDINANCES AND STANDARDS
- 6 WATER SUPPLY: BY CITY OF RIVERBANK.
- 7 SEWAGE DISPOSAL: BY CITY OF RIVERBANK.
- 8 STORM DRAINAGE: BY CITY OF RIVERBANK.
- 9 TREE TYPE AND LOCATION SHALL BE DETERMINED BY CITY OF RIVERBANK.
- 10 ALL IMPROVEMENTS AND PUBLIC FACILITIES WILL BE INSTALLED OR CONSTRUCTED AT THE TIME OF DEVELOPMENT. ALL IMPROVEMENTS SHALL BE CONSTRUCTED IN COMPLIANCE WITH THE MUNICIPAL CODE, REGULATIONS, AND RIVERBANK CITY STANDARDS.
- 11 A REZONE APPLICATION HAS BEEN FILED CONCURRENTLY WITH THIS MAP.
- 12 LOT A IS INTENDED TO BE USED TO EXPAND THE EXISTING BASIN. IT SHALL BE DEDICATED TO THE CITY OF RIVERBANK.

NOTES:

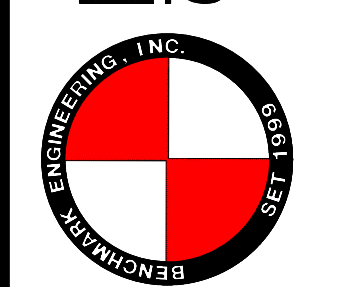
- 1 STREET IMPROVEMENTS SHALL BE INSTALLED PER CITY OF RIVERBANK STANDARD SPECIFICATIONS.
- 2 ALL EXISTING WELLS AND SEPTIC TANKS SHALL BE REMOVED AND/OR ABANDONED AS PER STANISLAUS COUNTY ENVIRONMENTAL RESOURCES DEPT. STANDARDS
- 3 THE SITE RISES TO THE SOUTH TO MEET RAILROAD GRADE. THE REST OF THE SITE IS RELATIVELY FLAT WITH SOME MOUNDING.
- 4 EXISTING IMPROVEMENTS SHOWN WERE ACQUIRED FROM RECORD INFORMATION AND SHALL BE VERIFIED IN THE FIELD.
- 5 TOTAL AREA OF THIS SUBDIVISION IS 8.5 ACRES± (5.36 UNITS/NET ACRE) CONTAINING 36 RESIDENTIAL LOTS WITH 4 ADDITIONAL LOTS (LOTS A-D).
- 6 THE SUBDIVIDER HERBY RESERVES THE RIGHT TO FILE MULTIPLE SUBDIVISION MAPS AS SET FORTH BY THE SUBDIVISION MAP ACT, ARTICLE 4, SECTION 66456.1.

**VICINITY MAP****LEGEND**

	EXISTING	PROPOSED
WATER VALVE		
FIRE HYDRANT		
DRAIN INLET		
STANDARD MANHOLE		
WATER LINE		
SANITARY SEWER		
STORM DRAIN		
53W STREET LIGHT		
63W STREET LIGHT		
DIRECTION OF FLOW		
TOP OF CURB ELEVATION		
GROUND CONTOURS		
CURB, GUTTER AND SIDEWALK		
TYPICAL RETURN WITH HANDICAP RAMP		



BENCHMARK ENGINEERING, INC.
CIVIL ENGINEERING & LAND SURVEYING
915 17th STREET • MODESTO, CALIFORNIA • 95354
(209) 548-9300
FAX: (209) 548-9300



VESTING TENTATIVE SUBDIVISION MAP

VESTING TENTATIVE SUBDIVISION MAP:
RIVERS EDGE
RIVERBANK, CALIFORNIA

JOB NO. 141610
DATE: 7/27/2023
DR BY: IG
CK BY: MR
SCALE: AS SHOWN

SHEET NUMBER

1
OF 1 SHEETS

**City of Riverbank
Planning Commission
Resolution No. 2023-013**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF RIVERBANK, CALIFORNIA RECOMMENDING TO THE
CITY COUNCIL THE APPROVAL OF GENERAL PLAN AMENDMENT
01-2023 TO REDESIGNATE 8.55 ACRES LOCATED AT 6612 AND
6472 CENTRAL AVENUE (APN 062-020-018 AND 062-020-031) TO
LOW DENSITY RESIDENTIAL (LDR)**

WHEREAS, an application from McRoy Wilbur Communities, Inc requests a General Plan Amendment to change the current designation of 6612 and 6472 Central Avenue (APN 062-020-018 and 062-020-031) from Medium Density Residential (MDR, which allows for a net density of 8-16 dwelling units per net acre), to Low Density Residential (LDR, which allows for a net density of 0-8 units per net acre); and

WHEREAS, the project site is currently zoned Single Family Residential (R-1) and the application includes a request to rezone the property to Planned Development (PD); and

WHEREAS, the project also includes a request for a Vesting Tentative Map; and

WHEREAS, Government Code Section 65353 requires the Planning Commission to hold at least one noticed, public hearing on any proposed General Plan Amendment; and

WHEREAS, the Government Code further requires that the City Council receive input from the Planning Commission on any proposed General Plan Amendment; and

WHEREAS, the notice of the public hearing on the General Plan Amendment was published in the *Riverbank News*, a newspaper of general circulation, on October 4, 2023; and

WHEREAS, the notices of the public hearing on the General Plan Amendment were mailed to all property owners within 300 feet of the property on October 2, 2023, according to the most recent assessor's roll; and

WHEREAS, the Planning Commission has reviewed the General Plan Amendment and conducted a public hearing on October 17, 2023 in the manner prescribed by law; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RECOMMENDS TO THE CITY COUNCIL THE CONDITIONAL APPROVAL OF GENERAL PLAN AMENDMENT NO. 01-2023, BASED ON THE FOLLOWING FINDINGS:

1. General Plan Amendment Findings: That pursuant to California Government Code section 65358 and the Riverbank General Plan, the Planning Commission finds as follows:
 - a. The General Plan Amendment is in the public interest because the General Plan Amendment will change the General Plan Land Use Map to comply with the proposed multi-family housing zoning.
 - b. The General Plan Amendment is consistent and compatible with the goals and majority of the policies of the General Plan.
 - c. The General Plan Amendment is exempt from additional environmental analysis pursuant to CEQA Guidelines Section 21159.21 (a-j) Exemption for Qualified Housing Projects.
 - d. The proposed amendment has been processed in accordance with the California Government Code, the Riverbank Municipal Code, and the California Environmental Quality Act.
2. That, based on the findings set forth in this resolution, the evidence in the City Staff Report, and such other evidence as received at the public hearings on this matter before the Planning Commission, the Planning Commission hereby recommends approval of the General Plan Amendment.
3. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.
4. The City finds that the General Plan Amendment is exempt from additional environmental analysis pursuant to CEQA Guidelines Section 21159.21 (a-j) Exemption for Qualified Housing Projects.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a meeting held on the 17th of October, 2023; motioned by Commissioner Dinan, seconded by Commissioner Zamora, and upon roll call was carried by the following vote of 5-0:

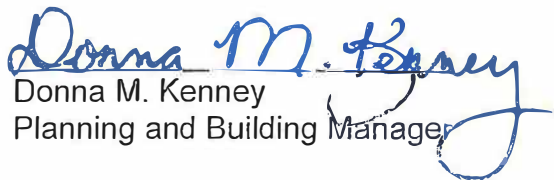
AYES: Commissioners Basso, Dinan, Stewart, Zamora, and Reuben

NOES:

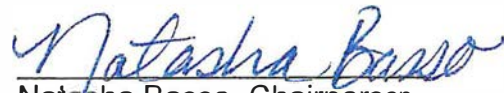
ABSENT:

ABSTAIN:

Attest:


Donna M. Kenney
Planning and Building Manager

Approved:


Natasha Basso, Chairperson
Planning Commission

**City of Riverbank
Planning Commission
Resolution No. 2023-014**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
RIVERBANK, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL
THE APPROVAL OF AN ORDINANCE TO REZONE 8.55± ACRES,
KNOWN AS RIVER'S EDGE TO PLANNED DEVELOPMENT (PD),
LOCATED AT 6612 AND 6472 CENTRAL AVENUE, APN: 062-020-018
AND 062-020-031**

WHEREAS, an application has been received from McRoy-Wilbur Communities, Inc., with a proposal to subdivide approximately 8.55± acres into thirty-six (36) single family lots and a remainder lot; and

WHEREAS, the project site is currently zoned Single Family Residential (R-1) with a General Plan Land Use designation of Medium Density Residential (MDR); and

WHEREAS, the applicant is proposing to rezone the property to Planned Development (PD) from Single Family Residential (R-1); and

WHEREAS, the application also includes a request for a General Plan Amendment to designate the property as Lower Density Residential (LDR); and

WHEREAS, the project also includes a request for a Vesting Tentative Map; and

WHEREAS, the Planning Commission held a public hearing on October 17, 2023, to consider Rezone 01-2023; and

WHEREAS, notice of the public hearing on the Rezone was published in the *Riverbank News*, a newspaper of general circulation on October 4, 2023; and

WHEREAS, notices of the public hearing on the Rezone were mailed to all property owners within three hundred (300) feet of the property, according to the most recent assessor's roll, on October 2, 2023; and

WHEREAS, the Planning Commission has reviewed the proposed Rezone and conducted a public hearing on October 17, 2023 in the manner prescribed by law; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RECOMMENDS CITY COUNCIL APPROVAL OF AN ORDINANCE TO REZONE 8.55± ACRES TO PLANNED DEVELOPMENT, ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN BY THIS REFERENCE, BASED ON THE FOLLOWING FINDINGS:

1. Pursuant to California Government Code Section 65855, the recommendation to City Council shall include the relationship to the applicable general or specific plan.
 - a. The property identified in this action has a General Plan Land Use Designation of Medium Density Residential (MDR) and is zoned Single Family Residential (R-1). The project proposes a Rezone to Planned Development (PD).
 - b. The proposed Rezone to PD will continue the consistency between the General Plan and Zoning Code, pursuant to Government Code Section 65860.
2. Each individual unit of the development can be built in stages, as well as the total development, and can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development.
3. The uses proposed will not be a detriment to the present and proposed surrounding land uses, but will enhance the desirability of the area and have a beneficial effect.
4. Deviations from the standard ordinance requirements is warranted and additional amenities are incorporated in the development which offer certain redeeming features to compensate for any deviations that may be permitted.
5. The principles incorporated in the proposed development identify unique characteristics which could not otherwise be achieved under other zoning districts.
6. The PD rezone was not initiated by the City, so the findings above are required.

Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

The City finds that the proposed project is exempt from further analysis pursuant to CEQA Guidelines Section 21159.21 (a-j) Exemption for Qualified Housing Projects. The project is consistent with the (a) General Plan and its (b) EIR, (c) existing utility services are available to serve the project, (d) the project has no wetlands or value as wildlife habitat, (e) the project site is not on any environmental clean-up list, (f) the site and surrounding properties do not have the potential of exposure to future residents of hazardous substances, (g) the project will not have a significant effect on historical resources, (h) the site is not within an earthquake fault zone or subject to wildland fires, landslides or flooding, (i) the site is not within a developed open space area, and (j) the site is not located within the boundaries of a state conservancy.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a meeting held on the 17th of October, 2023; motioned by Commissioner Dinan, seconded by Commissioner Zamora, and upon roll call was carried by the following vote of 5-0:

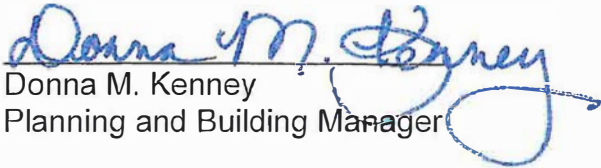
AYES: Commissioners Basso, Dinan, Stewart, Zamora, and Reuben

NOES:

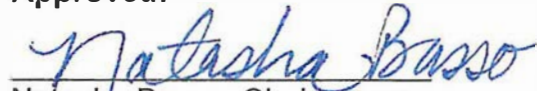
ABSENT:

ABSTAIN:

Attest:


Donna M. Kenney
Planning and Building Manager

Approved:


Natasha Basso, Chairperson
Planning Commission

Attachment: Exhibit A – Ordinance No. 2023-XXX

**City of Riverbank
Planning Commission
Resolution No. 2023-015**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF RIVERBANK APPROVING VESTING TENTATIVE MAP 02-2023
TO SUBDIVIDE 8.55 ACRES INTO 36 PLANNED DEVELOPMENT
SINGLE FAMILY RESIDENTIAL LOTS, LOCATED AT
6612 AND 6472 CENTRAL AVENUE APN: 062-020-018 AND 062-020-031**

WHEREAS, a vesting tentative map application has been received from McRoy-Wilbur Communities, Inc., to divide a parcel (APNs 062-020-018, -031) of 8.55 acres, into 36 Planned Development single family residential lots, residential streets and a basin; and

WHEREAS, the project site is currently zoned Single Family Residential (R-1) and the application includes a request to rezone the property to Planned Development (PD); and

WHEREAS, the property has a General Plan Land Use designation of Medium Density Residential (MDR) and the application also includes a request for a General Plan Amendment to redesignate the property as Lower Density Residential (LDR); and

WHEREAS, the City Subdivision Ordinance, Section 152.037 states that as a condition of approval of a tentative map, the Subdivider shall dedicate and develop parkland, pay a fee in lieu thereof, or both, at the option of the City. In this case the City has chosen to accept the payment of an in-lieu fee for parkland dedication based on values of land at the time the Final Map is recorded. The obligation for this project is the value of 0.31 acres; and

WHEREAS, the proposed tentative map is consistent with the following General Plan policies discussed at length in the staff report: Policy Design 1.6, Policy Design 3.2, and Policy Design 5.1; and

WHEREAS, Vesting Tentative Map 02-2023 was reviewed by the Riverbank Planning Commission at a regular meeting held on October 17, 2023 in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a proposed Exemption pursuant to the California Environmental Quality Act and considers this to be the appropriate level of environmental review in this case. The Planning Commission finds that the proposed project is exempt from further analysis pursuant to CEQA Guidelines Section 21159.21 (a-j) Exemption for Qualified Housing Projects.; and

WHEREAS, the Riverbank Planning Commission recommends approval of the requested Vesting Tentative Map date-stamped September 13, 2023, prepared by Benchmark Engineering, Inc., modified by adopted Conditions of Approval, and incorporated herein as a part of this Planning Commission Resolution; and

WHEREAS, the Planning Commission of the City of Riverbank hereby finds and adopts the following findings:

- A. The project is consistent with the General Plan with modification by the adopted Conditions of Approval.
- B. Notice to the general public and adjoining neighbors in the time and in the manner required by State Law and City Code was provided.
- C. Pursuant to the California Environmental Quality Act, the proposed project is exempt from further analysis pursuant to CEQA Guidelines Section 21159.21 (a-j) Exemption for Qualified Housing Projects.
- D. The approval of Vesting Tentative Map 02-2023 to divide parcels APN 062-020-018 AND 062-020-031 of 8.55 acres, into 36 single family lots will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood in that the project is similar to, and compatible with, neighboring uses in the area.

WHEREAS, the request for the Vesting Tentative Map is hereby recommended for conditional approval by the Planning Commission of the City of Riverbank, subject to and modified by the following conditions:

- 1. Applicant shall comply with the City of Riverbank Standard Conditions as contained in Planning Commission Resolution 2013-014, including annexing into Community Facilities District 2016-01 (currently in process), or receive confirmation from the Community Development Director that a specific condition or conditions does not apply to the subject project; and
- 2. All wells and septic tanks shall be abandoned as a condition of map approval; and
- 3. Three (3) sets of landscape and irrigation plans conforming to the state's MWELo requirements shall be prepared and submitted with fee for review and approval by the City's contract landscape architect before Final Map; and
- 4. The City's Post Construction Standards Plan needs to be followed including DMA's LID standards, and the required worksheets located in the Appendix of the document. The document is available on the City's website; and
- 5. The location of any OID facilities shall be shown and any proposed relocation or improvements including easements; and
- 6. All existing overhead electrical shall be placed underground; and
- 7. Applicant shall pay an in-lieu fee for parkland dedication based on values of land at the time the Final Map is recorded. The obligation for this project is the value of 0.3 acres; and

8. All wet utilities are to be cleaned, tested, and videotaped prior to acceptance by the City of Riverbank; and
9. Street names shall be approved by City Council on the Final Map; and
10. An automatic fire system shall be provided for all Group R occupancies. **CFC 903.2.8**; and
11. Buildings shall be provided with proper address identification in accordance with the California Fire Code as amended by the Stanislaus Consolidated Fire Protection District. **CFC 505.1**; and
12. Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into the jurisdiction. All fire apparatus access roads shall meet the design requirements of the California Fire Code. **CFC 503.1.1**; and
13. During construction, Fire apparatus access roads shall be clearly marked with notices or markings that include the words NO PARKING – FIRE LANE. The markings shall be clean and legible at all times. **CFC 503.3**; and
14. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to the site. **CFC 507.1**; and
15. Fire apparatus access roads and a water supply for fire protection shall be installed and made serviceable prior to and during the time of construction. **CFC 501.4**; and
16. All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two (2) times per day; and
17. All haul trucks transporting soil, sand, or other loose material off-site shall be covered; and
18. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; and
19. All vehicle speeds on unpaved roads shall be limited to fifteen (15) miles per hour; and
20. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binding are used; and
21. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes. Clear signage shall be provided for construction workers at all access points; and
22. All construction equipment shall be maintained and properly tuned in accordance with manufacture's specifications. All equipment shall be checked by a certified visible emissions evaluator; and

23. Post a publicly visible sign with the telephone number and person to contact at the Air District regarding dust complaints. The Air District shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations; and
24. Applicant shall comply with San Joaquin Valley Air Pollution Control District's Rule 9510 Indirect Source Review; and
25. If potential human remains are encountered, the construction contractor shall halt work in the vicinity (within 100 feet) of the find and contact the City of Riverbank. The project applicant and/or contractor shall be required to contact the Stanislaus County Coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the coroner determines the remains are Native American, the coroner would contact the Native American Heritage Commission (NAHC). As provided in Public Resources Code Section 5097.98, the NAHC would identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendent makes recommendations for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; and
26. Consistent with the requirements of the City of Riverbank Municipal Code, the National Pollutant Discharge Elimination System (NPDES) Construction General Permit, the project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts on surface water quality through the project construction period. The SWPPP shall be designed to address the following objectives:
 - a. All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity, are controlled using source control and treatment control best management practices (BMPs).
 - b. Where not otherwise permitted by the Regional Water Quality Control Board, all non-stormwater discharges are identified and eliminated.
 - c. BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity in accordance with the Construction General Permit; and
27. The project applicant shall fully comply with the City of Riverbank Municipal Code and all Regional Water Quality Control Board stormwater permit requirements, including Provision C.3 of the Municipal Regional Permit (MRP). This will require preparation and implementation of a complete Stormwater Control Plan (SCP) for the project, which shall be submitted to the City Engineer for review and approval prior to any construction activity. The SCP shall act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project and shall be designed to comply with both MRP and City of Riverbank requirements. At a minimum, the SCP for the project shall include the following:
 - a. An inventory and accounting of existing and proposed impervious areas.
 - b. Low Impact Development (LID) design details incorporated into the project. Specific LID

design details may include but are not limited to rain gardens, bio retention areas, pervious pavements, harvesting and reuse of stormwater, dispersal of runoff to landscaped areas, and/or routing of runoff swales and other small-scale facilities distributed throughout the site.

- c. Measures to address potential stormwater contaminants. These may include measures to address potential sources of stormwater pollutants at the project site, covering trash collection and parking areas.
- d. A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which shall include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan shall be finalized prior to the issuance of any building permits for the project; and

28. Construction equipment shall be well maintained to be as quiet as possible. The following measures, when applicable, shall be implemented to reduce noise from construction activities:

- a. All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment.
- b. "Quiet" models of air compressors and other stationary noise sources shall be used, where technology exists.
- c. Stationary noise-generating equipment shall be located as far as feasible from sensitive receptors (neighboring dwellings).
- d. Unnecessary idling of internal combustion engines shall be prohibited.
- e. Staging areas and construction material storage areas shall be located as far away as possible from adjacent sensitive land uses (neighboring dwellings).
- f. Construction-related traffic shall be routed along major roadways (Claus Road and Kentucky Avenue) and as far as feasible from sensitive receptors.
- g. Residences or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. The construction contractor shall designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison shall determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and shall institute reasonable measures to correct the problem. The construction contractor shall conspicuously post a telephone number for the liaison at the construction site.
- h. The construction contractor shall hold a pre-construction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and construction liaison) are completed.

NOW THEREFORE, BE IT RESOLVED by the City of Riverbank Planning Commission approves Vesting Tentative Map No. 02-2023, subject to the above Conditions of Approval established by this Resolution and to be recorded as modified.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a meeting held on the 17th of October, 2023; motioned by Commissioner pinan, seconded by Commissioner zamora, and upon roll call was carried by the following vote of 5-0

AYES: Commissioners Basso, Dinan, Stewart, Zamora, and Reuben

NOES:

ABSENT:

ABSTAIN:

Attest:

Approved:


Donna M. Kenney
Planning and Building Manager


Natasha Basso, Chairperson
Planning Commission

Attachment: Exhibit A – Vesting Tentative Map 02-2023

RIVERBANK CITY COUNCIL/ LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 10.2

SECTION 10: PUBLIC HEARING

Meeting Date:	November 14, 2023
Subject:	Resolution Accepting the Fiscal Year 2022-23 Annual AB 1600 Report of System Development Fee Activity
From:	Marisela H. Garcia, City Manager
Submitted by:	Tammy Alcantor, Assistant City Manager/Finance Director

RECOMMENDATION

It is recommended that the City Council adopt a Resolution accepting the Fiscal Year 2022-23 Annual AB 1600 Report of System Development Fee Activity.

SUMMARY

In accordance with the provisions of the State of California Government Code Section 66001 and 66006, the City is required to publish an annual report to provide an accounting of System Development Fees (also known as public facilities fees or development impact fees).

BACKGROUND

The purpose of a System Development Fee is to provide a rational and equitable basis for the expansion of capital facilities to accommodate the impacts created by new development. For many years, traditional sources of infrastructure funding have been inadequate to maintain the existing systems and this has left no revenue available to expand the system to meet growing needs. Development fees provide a mechanism where new development cumulatively mitigates their total impact on the city's systems on a proportionate basis to their individual impact by paying fees to expand the systems based on the relative size of the development.

In 1987, the Governor signed AB 1600 thereby setting forth specific requirements as to how local government imposed, collected and reported various aspects of the System Development Fee program. These requirements went into effect on January 1, 1989. AB 1600 was subsequently codified as Section 66001 of the California Government Code.

The reporting requirements were subsequently developed and codified as Section 66006 of the Government Code. Pursuant to Subdivision (b) (1) of Section 66006, the following

information must be made available to the public within 180 days after the last day of each fiscal year:

- (A) A brief description of the type of fee in the account or fund.
- (B) The amount of the fee.
- (C) The beginning and ending balance of the account or fund.
- (D) The amount of the fees collected and the interest earned.
- (E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.
- (F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.
- (G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an intrafund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.
- (H) The amount of refunds made pursuant to subdivision (e) of Section 66001 and any allocations pursuant to subdivision (f) of Section 66001.

This information is formally documented and provided in the attached FY 2022-23 Annual AB 1600 Report of System Development Fee Activity. Pursuant to legislation, the report was made available to the public via the City's website on October 26, 2023.

The following funds are considered **inactive** accounts due to the fact that they are no longer receiving development fee revenue:

1. System Development Bridges/Roads Fund 140
2. System Development Overpasses Fund 145
3. System Development Railroad Crossing Fund 146
4. System Development Crossroads Streets/Public Works Fund 214
5. System Development Crossroads Storm Drainage Fund 217
6. System Development Crossroads Police & General Government Fund 219

The following **active** accounts are being presented:

1. System Development Streets/Public Works Fund 205
2. System Development Water Fund 206
3. System Development Waste Water Fund 207
4. System Development Storm Drainage Fund 208
5. System Development Parks & Recreation Fund 209
6. System Development Police & General Government Fund 210

STRATEGIC PLAN

This report has been prepared to accomplish the Strategic Plan Goal to “Ensure Financial Stability”

FINANCIAL IMPACT

There is no financial impact associated with the approval and acceptance of this report.

ATTACHMENT

1. Resolution 2023-
Exhibit A: FY 2022-23 Annual AB 1600 Report of System Development Fee Activity

CITY OF RIVERBANK

RESOLUTION 2023-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
RIVERBANK ACCEPTING THE FISCAL YEAR 2022-23 ANNUAL AB 1600 REPORT
OF SYSTEM DEVELOPMENT FEE ACTIVITY**

**THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS THE
“CITY COUNCIL”) DOES HEREBY RESOLVE THAT:**

WHEREAS, the City of Riverbank imposes fees to mitigate the impact of development pursuant to Government Code Section 66000 et seq.; and

WHEREAS, said fees collected are deposited into special and separate capital funds for each type of improvement funded by development fees; and

WHEREAS, the City maintains separate funds for Streets/Public Works development, Water, Waste Water, Storm Drainage, Recreation & Parks, and Police & General Government fees; and

WHEREAS, the City is required within 180 days after the last day of each fiscal year to make available to the public information for the fiscal year regarding these fees under Government Code Section 66006; and

WHEREAS, the Finance Department has prepared a report (“AB 1600 Report”) that contains the information required by Government Code Section 66006, a copy of which is attached hereto as Exhibit “A”; and

WHEREAS, there were no refunds of development impact fees collected pursuant to Government Code Section 66001(e), nor were there any allocations of unexpended revenues collected pursuant to Government Code Section 66001(f); and

WHEREAS the AB 1600 Report was made available for review on October 26, 2023 which is at least fifteen (15) days prior to the date that the Council considered the AB 1600 Report; and

WHEREAS, interested persons have requested notice of the AB 1600 Report; consequently notices of the availability of the AB 1600 Report were mailed.

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

Section 1:

- A. In accordance with Government Code Section 66006, the City has conducted an annual review of its development impact fees and capital infrastructure programs and the City Council has reviewed the AB 1600 Report attached hereto as Exhibit "A" and incorporated herein by this reference.
- B. The City Council hereby approves, accepts, and adopts its AB 1600 Report for Fiscal Year 2022-23.
- C. The AB 1600 report is available for public review on the City's internet website, and upon request.

Section 2. Effective Date. The resolution shall take effect immediately upon adoption.

Section 3: Severability. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution.

Section 4: The City Council hereby authorizes the Finance Department to continue maintaining separate funds for Streets/Public Works, Water, Waste Water, Storm Drainage, Recreation & Parks, and Police & General Government System Development Fees.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 14th day of November, 2023; 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:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

Attachments:

Exhibit A: FY 2022-2023 Annual AB 1600 Report of System Development Fee Activity

EXHIBIT A

CITY OF RIVERBANK

FY 2022-2023



ANNUAL AB 1600

REPORT OF SYSTEM DEVELOPMENT FEE ACTIVITY

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LETTER OF TRANSMITTAL

October 25, 2023

The Honorable Mayor, Members of the City Council, and Residents of the City Riverbank
City of Riverbank
Riverbank, CA 95367

Dear Mayor, Members of the City Council, and Residents of the City of Riverbank:

California Government Code requires reporting of the usage of Development Fees (also known as System Development Fees). Therefore, in accordance with the provisions of the State of California and Government Code Section 66006(b) and 66001(d), as amended by AB 518 and SB 1693, I hereby submit the Annual AB 1600 System Development Fee Report for the City of Riverbank, CA for the fiscal year ended June 30, 2023.

Development Fees, otherwise known as System Development Fees (SDF), are a monetary exaction, other than a tax or special assessment, which is charged by a local governmental agency to an applicant in connection with approval of a development project. The purpose of these fees is to defray all or a portion of the cost of public facilities related to the development project. The legal requirements for enactment of a system development fee program are set forth in Government Code section's 66000-66025 (the "Mitigation Fee Act"), the bulk of which was adopted as 1987's Assembly Bill (AB) 1600 and those are commonly referred to as "AB 1600" requirements.

The System Development Fee program has been in effect in Riverbank since 1967. Riverbank Municipal Code §150.30, titled "System Development Fees", establishes the authority for imposing and charging system development fees. §150.31 (b) of the Municipal Code states the following as reasons for adopting said fee:

- 1) To provide an adequate and constant method for the financing of the unfunded portion of needed systems development costs throughout the city, reasonably related to projected community growth.
- 2) To promote the orderly and efficient expansion of public improvements to adequately meet the domestic and economic needs of the community and to minimize adverse fiscal and environmental impacts of new development.
- 3) To insure the continuation of necessary services including, but not limited to, police and general administrative services.
- 4) To establish equitable methods for minimizing public facility and service costs to the city associated with new development.

Fees are collected at the time a building permit is issued; unless a developer, through a development agreement, is allowed to defer payment until a certificate of occupancy is granted, for the purpose of mitigating the impacts caused by new development on certain public facilities. They are used to finance the acquisition, construction and improvement of public facilities needed as a result of this new development. A separate fund has been established to account for the impact of new development on each of the following types of public facilities: Streets/Public Works, Water, Waste Water, Storm Drainage, Parks/Recreation, and Police/General Government.

State law requires the City prepare and make available to the public an annual report for each fund established to account for System Development fees. The report must include the beginning and ending balances by system development type for the fiscal year as well as any changes. The report must also present the amount of fees, interest, and other income, expenditures and the amount of any required refunds made during the fiscal year.

The City Council must review the annual report at a regularly scheduled public meeting not less than fifteen days after the information is made available to the public. This report was filed with the City Clerk's office and available for public review on October 25, 2023.

Respectfully submitted,

Tammy Alcantor

Tammy Alcantor
Assistant Finance Director

LEGAL REQUIREMENTS

A. REQUIREMENTS FOR SYSTEM DEVELOPMENT FEES

State law (California Government Code Section 66006) requires each local agency that imposes AB 1600 system development fees to prepare an annual report providing specific information about those fees. Within the AB 1600 legal requirements, it stipulates that fees imposed on new development have the proper nexus to any project on which they are imposed. In addition, AB 1600 imposes certain accounting and reporting requirements with respect to the fees collected. The fees, for accounting purposes, must be segregated from the general funds of the city and from other funds or accounts containing fees collected for other improvements. Interest on each development fee fund or account must be credited to that fund or account and used only for the purposes for which the fees were collected.

Current California Government Code Section 66006(b) requires that for each separate fund the local agency shall, within 180 days after the last day of each fiscal year, make available to the public the following information for the fiscal year:

- A brief description of the type of fee in the account or fund.
- The amount of the fee.
- The beginning and ending balance of the account or fund.
- The amount of the fees collected and interest earned.
- An identification of each public improvement on which fees were expended and the amount of expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.
- An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement.
- A description of each inter-fund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an inter-fund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.
- The amount of refunds made due to sufficient funds being collected to complete financing on incomplete public improvements, and the amount of reallocation of funds made due to administrative costs of refunding unexpended revenues exceeded the amount to be refunded.

LEGAL REQUIREMENTS

California Government Code Section 66001(d) requires the local agency make all of the following findings every fifth year with respect to that portion of the account remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the fee is to be put.
- Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.
- Identify all sources and amounts of funding anticipated to complete financing on incomplete improvements.
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.
- In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

B. ADDITIONAL NOTES

The State of California Government Code Section 66002 requires local agencies that have developed a fee program to adopt a Capital Improvement Plan (CIP) indicating the approximate location, size and timing of projects, plus an estimate for the cost of all facilities or improvements to be financed by fees. A formal CIP is recommended, at a minimum, as a five-year plan. The City annually produces a five-year CIP which helps to maintain and update the City's General Plan. The CIP serves to identify situations where infrastructure is needed to accommodate the planned development.

The CIP relates the City's annual capital expenditures to a long-range plan for public improvements. By relating the plan for public improvements to the City's capacity for funding, and scheduling expenditures over a period of years, the CIP helps to maximize the funds available. This type of fiscal management is important during periods, such as the current one, that are typified by budgetary demands exceeding financial resources.

C. ESTABLISHING A REASONABLE RELATIONSHIP BETWEEN THE FEE AND THE PURPOSE FOR WHICH IT IS CHARGED

The City of Riverbank's current program, the City of Riverbank Nexus Fee Study, was adopted March 24, 2015. The program sets forth the relationship between contemplated future development, facilities needed to serve future development and the estimated costs of those improvements based on the current General Plan for build-out.

LEGAL REQUIREMENTS

The City's CIP projects are financed in part by the capital improvement fees outlined in the System Development fee program. The City's capital improvements provide infrastructure to the residents and businesses in Riverbank in order to keep pace with ongoing development in, and adjacent to, the community. Estimated project costs and, the summary of fee apportionment to each development fee type, are detailed within Section 4 of the Nexus Fee Study.

D. FUNDING OF INFRASTRUCTURE

The 2022-2027 CIP identifies all funding sources and amounts for individual projects through 2027. The CIP is updated annually to reflect the current infrastructure & equipment needs of the City. As a CIP project is identified, the project is evaluated to determine the portion of the project that will service existing residents and businesses versus new development. Once the determination of use is made, the percentage of use attributable to new development is then funded by the appropriate development fee, based on the type of project. The percentage of use associated with existing residents or business are funded from other appropriate sources as identified on the CIP. All future planned infrastructure needs are outlined in the System Development Fee program. The funding and commencement dates for projects are adjusted, as needed, to reflect the needs of the community.

DESCRIPTION OF ACTIVE SYSTEM DEVELOPMENT FEES

Transportation Improvement Fee – Formerly known as Streets/Public Works. The purpose of this fee is to finance the improvements needed for the street and traffic safety needs of the citizens.

Water Fee - The purpose of this fee is to finance the water improvements needed for the citizens.

Waste Water Fee - The purpose of this fee is to finance the waste water improvements needed for the citizens.

Storm Drainage Fee - The purpose of this fee is to finance the storm drain improvements needed for the citizens.

Parks & Recreation Fee - The purpose of this fee is to finance the park improvements needed for the citizens.

Police & General Government - The purpose of this fee is to finance the public safety and general government improvements needed for the citizens.

SYSTEM DEVELOPMENT FEE REPORTS

Fund 140

System Development Bridges/Roads Fund

For Purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Bridges/Roads Fund - The purpose of this fee was to finance the construction of bridges and roads and improvements needed to maintain traffic movement and safety on City streets. These fees provide the above described project funding to accommodate traffic generated by future development within the City.

(B) The Amount of the current System Development Fee:

This System Development Fee is no longer actively collecting revenue.

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

This Fund is now inactive and no new revenues are anticipated. Existing funds will be allocated towards future ADA Projects.

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2022-23 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 140

System Development Bridges/Roads Fund

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Beginning Fund Balance	34,422.59	35,090.76	35,673.66	35,835.00	35,946.05
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	0.00	0.00	0.00	0.00	0.00
Interest	668.17	582.90	161.34	111.05	677.98
Total Revenues	<u>668.17</u>	<u>582.90</u>	<u>161.34</u>	<u>111.05</u>	<u>677.98</u>
Expenditures					
Projects	0.00	0.00	0.00	0.00	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Administration	0.00	0.00	0.00	0.00	0.00
Total Expenditures	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Transfers In/(Out)	0.00	0.00	0.00	0.00	0.00
Ending Fund Balance	<u>35,090.76</u>	<u>35,673.66</u>	<u>35,835.00</u>	<u>35,946.05</u>	<u>36,624.03</u>

Total Activity Cost	% Funded with Fee	Fund 140 Total
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No Activity Noted.

Fund 145

System Development Overpasses Fund

For Purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Overpasses Fund - The purpose of this fee was to finance the construction and improvements needed to provide a second crossing over the railroad tracks at Kentucky Ave. These fees provide the above described project funding to accommodate the needs generated by future development within the City. Council has determined that a second crossing at Kentucky is no longer feasible, therefore the funds have been re-allocated to a second crossing at Santa Fe Street.

(B) The Amount of the current System Development Fee:

This System Development Fee is no longer actively collecting revenue.

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

No Projects are anticipated at this time. Additional funding for the second crossing is being collected via the Streets/Public Works System Development Fee.

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2022-23 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 145

System Development Overpasses Fund

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Beginning Fund Balance	180,381.14	184,771.04	188,600.59	189,660.55	190,390.10
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	0.00	0.00	0.00	0.00	0.00
Interest	4,389.90	3,829.55	1,059.96	729.55	4,454.30
Total Revenues	<u>4,389.90</u>	<u>3,829.55</u>	<u>1,059.96</u>	<u>729.55</u>	<u>4,454.30</u>
Expenditures					
Projects	0.00	0.00	0.00	0.00	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Administration	0.00	0.00	0.00	0.00	0.00
Total Expenditures	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Transfers In/(Out)	0.00	0.00	0.00	0.00	0.00
Ending Fund Balance	<u>184,771.04</u>	<u>188,600.59</u>	<u>189,660.55</u>	<u>190,390.10</u>	<u>194,844.40</u>

Activity Cost	% Funded with Fee	Fund 145 Total
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No Activity Noted.

Fund 146

System Development Railroad Crossing Fund

For Purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Railroad Crossing Fund - The purpose of this fee was to finance the improvements needed for the railroad crossing safety needs of the citizens. These fees provide the above described project funding to accommodate needs generated by future development within the City.

(B) The Amount of the current System Development Fee:

This System Development Fee is no longer actively collecting revenue.

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

Funds have been appropriated towards the Patterson/Roselle Traffic Signal Project.

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2022-23 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 146

System Development Railroad Crossing Fund

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Beginning Fund Balance	398.89	398.89	398.89	398.89	398.89
Adjust Beg. Balance Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	0.00	0.00	0.00	0.00	0.00
Interest	0.00	0.00	0.00	0.00	0.00
Total Revenues	0.00	0.00	0.00	0.00	0.00
Expenditures					
Projects	0.00	0.00	0.00	0.00	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Administration	0.00	0.00	0.00	0.00	0.00
Total Expenditures	0.00	0.00	0.00	0.00	0.00
Transfers In/(Out)	0.00	0.00	0.00	0.00	0.00
Ending Fund Balance	398.89	398.89	398.89	398.89	398.89

Total Activity Cost	% Funded with Fee	Fund 146 Total
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No Activity Noted.

Fund 205

System Development Streets/Public Works Transportation Improvements

For Purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Streets/Public Works Fund - The purpose of this fee is to finance the improvements needed for the traffic safety needs of the citizens. These fees provide the above described project funding to accommodate needs generated by future development within the City.

(B) The Amount of the current System Development Fee:

<u>Land Use</u>	<u>Dev. Unit*</u>	<u>Fee Per Unit</u>
Clustered Rural (RR)	DW	\$4,555
Lower Density (LDR)	DW	\$3,826
Medium Density (MDR)	DW	\$3,371
Highter Density (HDR)	DW	\$2,869
Mixed Use (MU)	DW	\$4,555
Community Commercial (CC)	Sq. Ft	\$7.14
Mixed Use Commercial (MU)	Sq. Ft	\$7.42
Industrial/Business Park	Sq. Ft	\$7.39
Office	Sq. Ft	\$4.50

* DW = Dwelling Unit; Sq. Ft. = Square Foot

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

<u>Project</u>	<u>Est. Date</u>
Oakdale Rd Improvements - MID Canal to North of Westgate	1/1/2024
Signal Patterson @ Roselle/Ped Crossing	1/1/2025
Roselle & Morrill Intersection Improvements	7/1/2025
RR Xing - Patterson Rd. near Terminal Ave.	7/1/2025
RR Xing - & Intersection Improvements First near Patterson	7/1/2026
RR Xing Improvements Third Street near Patterson	7/1/2027
RR Xing Improvements Eighth Street near Patterson	7/1/2027

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

The Sewer Fund borrowed \$608,542.57 from the Streets/PW System Development Fee Fund in accordance with Resolution 2011-021. The Sewer Fund paid \$72,397.63 FY 2022-23 towards this loan.

An interfund transfer of \$38,824.23 was made to the General Fund for Management Fee expenses.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 205

System Development Streets/Public Works

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Beginning Fund Balance	3,141,362.39	3,262,224.33	3,396,733.19	3,562,139.01	3,614,893.31
Adjust Beg. Balance					
Per Auditors	-49,766.81	37,435.84	42,668.61	-8,732.65	-61,475.89
Revenues					
Developer Fees	65,779.77	35,810.53	97,137.88	320,825.53	50,093.96
Interest	58,126.31	49,192.42	30,080.29	21,564.46	38,096.25
Loan Repayment	73,140.24	71,319.99	71,677.41	72,036.62	72,397.63
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Total Revenues	197,046.32	156,322.94	198,895.58	414,426.61	160,587.84
Expenditures					
Projects	0.00	30,022.00	52,625.00	328,540.00	327,445.23
Miscellaneous	0.00	0.00	5.65	0.00	0.00
Administration	0.00	0.00	0.00	0.00	0.00
Total Expenditures	0.00	30,022.00	52,630.65	328,540.00	327,445.23
Transfers In/(Out)	-26,417.57	-29,227.92	-23,527.72	-24,399.66	-38,824.23
Ending Fund Balance	3,262,224.33	3,396,733.19	3,562,139.01	3,614,893.31	3,347,735.80

*Revised

	Total Activity Cost	% Funded with Fee	Fund 205 Total
FY 2017-18 Activity			
Patterson & Roselle Traffic Signal	1,849,541.00	0.4%	7,758.58
Claribel & Roselle Traffic Signal	2,387,815.00	8.3%	198,851.64
FY 2019-20 Activity			
Patterson & Roselle Traffic Signal	1,849,541.00	1.6%	30,022.00
FY 2020-21 Activity			
Oakdale Rd-Morrill to Westgate	267,700.00	19.7%	52,625.00
FY 2021-22 Activity			
Oakdale Rd-MID Canal to Northerly limits	1,904,914.00	17.2%	328,540.00
FY 2022-23 Activity			
Oakdale Rd-MID Canal to Northerly limits	1,904,914.00	17.2%	327,445.23

Fund 206

System Development Water

For Purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Water Fund - The purpose of this fee is to finance the water improvements needed for the citizens. These fees provide the above described project funding to accommodate needs generated by future development within the City.

(B) The Amount of the current System Development Fee:

<u>Land Use</u>	<u>Dev. Unit*</u>	<u>Fee Per Unit</u>
Clustered Rural (RR)	DW	\$17,300
Lower Density (LDR)	DW	\$9,011
Medium Density (MDR)	DW	\$8,650
Higher Density (HDR)	DW	\$6,272
Mixed Use (MU)	DW	\$6,272
Community Commercial (CC)	Sq. Ft	\$2.65
Mixed Use Commercial (MU)	Sq. Ft	\$2.66
Industrial/Business Park	Sq. Ft	\$2.64
Office	Sq. Ft	\$2.60

* DW = Dwelling Unit; Sq. Ft. = Square Foot

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

<u>Project</u>	<u>Est. Date</u>
Test Well #13	7/1/2023

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2022-23 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 206 System Development Water

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Beginning Fund Balance	555,974.31	598,413.61	193,332.74	328,795.37	879,312.00
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	37,327.88	69,676.84	163,227.99	549,659.45	98,149.78
Interest	5,111.42	4,460.29	1,241.96	857.18	5,175.98
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Total Revenues	<u>42,439.30</u>	<u>74,137.13</u>	<u>164,469.95</u>	<u>550,516.63</u>	<u>103,325.76</u>
Expenditures					
Projects	0.00	479,218.00	29,007.32	0.00	1,411.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Administration	0.00	0.00	0.00	0.00	0.00
Total Expenditures	<u>0.00</u>	<u>479,218.00</u>	<u>29,007.32</u>	<u>0.00</u>	<u>1,411.00</u>
Transfers In/(Out)	0.00	0.00	0.00	0.00	0.00
Ending Fund Balance	<u>598,413.61</u>	<u>193,332.74</u>	<u>328,795.37</u>	<u>879,312.00</u>	<u>981,226.76</u>

	Total Activity Cost	% Funded with Fee	Fund 206 Total
FY 2017-18 Activity			
Well #11 Land Purchase	172,737.00	100.0%	172,737.00
FY 2019-20 Activity			
Well #12 Developer Reimbursement	2,175,000.00	22.0%	479,218.00
FY 2020-21 Activity			
Well #12 Developer Reimbursement	2,175,000.00	1.3%	29,007.32
FY 2021-22 Activity			
Well #12 Developer Reimbursement	2,175,000.00	0.0%	0.00
FY 2021-22 Activity			
Well #13 Test Well	400,000.00	0.4%	1,411.00

Fund 207

System Development Waste Water

For purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Waste Water Fund - The purpose of this fee is to finance the waste water improvements needed for the citizens. These fees provide the above described project funding to accommodate needs generated by future development within the City.

(B) The amount of the current System Development Fee:

<u>Land Use</u>	<u>Dev. Unit*</u>	<u>Fee Per Unit</u>
Clustered Rural (RR)	DW	\$6,444
Lower Density (LDR)	DW	\$3,929
Medium Density (MDR)	DW	\$3,282
Higher Density (HDR)	DW	\$4,029
Mixed Use (MU)	DW	\$1,220
Community Commercial (CC)	Sq. Ft	\$2.12
Mixed Use Commercial (MU)	Sq. Ft	\$2.13
Industrial/Business Park	Sq. Ft	\$1.80
Office	Sq. Ft	\$1.66

* DW = Dwelling Unit; Sq. Ft. = Square Foot

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

<u>Project</u>	<u>Est. Date</u>
Roselle/Crawford Sewer Project	Completed FY 2021-22

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2022-23 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 207

System Development Waste Water

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Beginning Fund Balance	808,976.57	851,301.98	685,837.61	598,825.21	-77,333.90
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	38,010.85	31,392.79	85,559.01	66,912.39	18,762.04
Interest	4,314.56	3,763.84	1,041.78	717.03	4,377.85
Total Revenues	<u>42,325.41</u>	<u>35,156.63</u>	<u>86,600.79</u>	<u>67,629.42</u>	<u>23,139.89</u>
Expenditures					
Projects	0.00	200,621.00	173,613.19	743,788.53	1,190.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Loan Payment	0.00	0.00	0.00	0.00	0.00
Total Expenditures	<u>0.00</u>	<u>200,621.00</u>	<u>173,613.19</u>	<u>743,788.53</u>	<u>1,190.00</u>
Transfers In/(Out)	0.00	0.00	0.00	0.00	0.00
Ending Fund Balance	<u>851,301.98</u>	<u>685,837.61</u>	<u>598,825.21</u>	<u>-77,333.90</u>	<u>-55,384.01</u>

	Total Activity Cost	% Funded with Fee	Fund 207 Total
FY 2019-20 Activity			
California Sewer Line Extension	200,621.00	100.0%	200,621.00
FY 2020-21 Activity			
Roselle/Crawford Sewer Project	600,000.00	28.9%	173,613.19
FY 2021-22 Activity			
Roselle/Crawford Sewer Project	750,000.00	99.2%	743,788.53
FY 2022-23 Activity			
Roselle/Crawford Sewer Project	750,000.00	0.2%	1,190.00

Fund 208 System Development Storm Drainage

For purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Storm Drainage Fund - The purpose of this fee is to finance the storm drain improvements needed for the citizens. These fees provide the above described project funding to accommodate needs generated by future development within the City.

(B) The amount of the current System Development Fee:

<u>Land Use</u>	<u>Dev. Unit*</u>	<u>Fee Per Unit</u>
Clustered Rural (RR)	DW	\$9,791
Lower Density (LDR)	DW	\$8,880
Medium Density (MDR)	DW	\$3,585
Higher Density (HDR)	DW	\$4,046
Mixed Use (MU)	DW	\$2,618
Community Commercial (CC)	Sq. Ft	\$5.45
Mixed Use Commercial (MU)	Sq. Ft	\$5.42
Industrial/Business Park	Sq. Ft	\$5.34
Office	Sq. Ft	\$5.23

* DW = Dwelling Unit; Sq. Ft. = Square Foot

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

<u>Project</u>	<u>Est. Date</u>
Storm Drain Outfall Improvements Candlewood	7/1/2024
Study of Eighth Street Storm Drain System	7/1/2024
Connect OID Snedigar Pipeline to Storm Drain	7/1/2025
First Street Basin Reconstruction/Improvements	7/1/2026

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2022-23 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 208

System Development Storm Drainage

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Beginning Fund Balance	595,434.24	852,668.47	987,678.72	1,172,927.92	1,737,013.33
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	251,008.24	129,578.89	183,745.44	563,050.28	76,546.44
Interest	6,225.99	5,431.36	1,503.76	1,035.13	6,316.72
Total Revenues	<u>257,234.23</u>	<u>135,010.25</u>	<u>185,249.20</u>	<u>564,085.41</u>	<u>82,863.16</u>
Expenditures					
Projects	0.00	0.00	0.00	0.00	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Total Expenditures	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Transfers In/(Out)	0.00	0.00	0.00	0.00	0.00
Ending Fund Balance	<u>852,668.47</u>	<u>987,678.72</u>	<u>1,172,927.92</u>	<u>1,737,013.33</u>	<u>1,819,876.49</u>

Total Activity Cost	% Funded with Fee	Fund 208 Total
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No Activity Noted.

Fund 209

System Development Parks & Recreation

For purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Parks & Recreation Fund - The purpose of this fee is to finance the park improvements needed for the citizens. These fees provide the above described project funding to accommodate needs generated by future development within the City.

(B) The amount of the current System Development Fee:

<u>Land Use</u>	<u>Dev. Unit*</u>	<u>Fee Per Unit</u>
Clustered Rural (RR)	DW	\$4,415
Lower Density (LDR)	DW	\$5,019
Medium Density (MDR)	DW	\$4,301
Higher Density (HDR)	DW	\$3,585
Mixed Use (MU)	DW	\$3,128

* DW = Dwelling Unit; Sq. Ft. = Square Foot

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

<u>Project</u>	<u>Est. Date</u>
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Future neighborhood Parks	
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(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2022-23 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 209

System Development Parks & Recreation

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Beginning Fund Balance	672,873.65	824,795.77	804,152.71	867,908.18	728,622.75
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	150,703.30	81,419.96	84,816.48	303,675.78	57,644.66
Interest	1,218.82	1,067.24	317.73	225.83	1,205.38
Grant	0.00	0.00	0.00	0.00	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Total Revenues	151,922.12	82,487.20	85,134.21	303,901.61	58,850.04
Expenditures					
Projects	0.00	103,130.26	21,378.74	443,187.04	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Total Expenditures	0.00	103,130.26	21,378.74	443,187.04	0.00
Transfers In/(Out)	0.00	0.00	0.00	0.00	0.00
Ending Fund Balance	824,795.77	804,152.71	867,908.18	728,622.75	787,472.79

	Total Activity Cost	% Funded with Fee	Fund 209 Total
FY 2016-17 Activity			
Skate Park Project Legal Settlement	150,000.00	100.0%	150,000.00
FY 2019-20 Activity			
Park Master Plan	116,000.00	74.7%	86,671.26
Dog Park Improvements	30,000.00	54.9%	16,459.00
FY 2020-21 Activity			
Park Master Plan	108,050.00	19.8%	21,378.74
FY 2021-22 Activity			
Countryside Park Developer Reimbursement	443,187.04	100.0%	443,187.04
FY 2022-23 Activity			
No Activity Noted.			

Fund 210

System Development Police & General Government

For purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Police & General Government Fund - The purpose of this fee is to finance the public safety and general government improvements needed for the citizens. These fees provide the above described project funding to accommodate needs generated by future development within the City.

(B) The amount of the current System Development Fee:

<u>Land Use</u>	<u>Dev. Unit*</u>	<u>Fee Per Unit</u>
Clustered Rural (RR)	DW	\$1,599
Lower Density (LDR)	DW	\$1,817
Medium Density (MDR)	DW	\$1,556
Higher Density (HDR)	DW	\$1,296
Mixed Use (MU)	DW	\$1,133
Community Commercial (CC)	Sq. Ft	\$0.47
Mixed Use Commercial (MU)	Sq. Ft	\$0.47
Industrial/Business Park	Sq. Ft	\$0.35
Office	Sq. Ft	\$0.66

* DW = Dwelling Unit; Sq. Ft. = Square Foot

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

<u>Project</u>	<u>Est. Date</u>
Spatial Analysis - City Hall	In Progress

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2022-23 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 210

System Development Police & General Government

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Beginning Fund Balance	471,422.30	454,190.97	373,277.39	399,071.06	565,792.40
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	59,504.43	31,123.18	34,114.01	166,709.36	89,147.81
Interest	13.05	13.05	13.01	11.98	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Total Revenues	<u>59,517.48</u>	<u>31,136.23</u>	<u>34,127.02</u>	<u>166,721.34</u>	<u>89,147.81</u>
Expenditures					
Projects	76,748.81	112,049.81	8,333.35	0.00	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Total Expenditures	<u>76,748.81</u>	<u>112,049.81</u>	<u>8,333.35</u>	<u>0.00</u>	<u>0.00</u>
Transfers In/(Out)	0.00	0.00	0.00	0.00	0.00
Ending Fund Balance	<u>454,190.97</u>	<u>373,277.39</u>	<u>399,071.06</u>	<u>565,792.40</u>	<u>654,940.21</u>

	Total Activity Cost	% Funded with Fee	Fund 210 Total
FY 2017-18 Activity			
Animal Control Transportation Unit	18,966.00	100.0%	18,966.00
FY 2018-19 Activity			
Spatial Analysis	110,000.00	21.3%	23,448.68
Vehicle - Parks Department	33,025.12	100.0%	33,025.12
Animal Control Vehicle - Payment #1	20,000.00	100.0%	20,000.00
FY 2019-20 Activity			
Spatial Analysis	110,000.00	84.3%	92,755.02
Animal Control Vehicle - Payment #2	20,000.00	96.5%	19,294.79
FY 2020-21 Activity			
Animal Control Vehicle - Payment #3 (Final)	8,350.00	99.8%	8,333.35
FY 2021-22 Activity			
No Activity Noted.			
FY 2022-23 Activity			
No Activity Noted.			

Fund 214

System Development Crossroads Streets/Public Works

For purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Crossroads Streets/Public Works Fund - The purpose of this fee was to finance the Streets and Public Works improvements needed for the Crossroads Subdivision. These fees provide the above described project funding to accommodate needs generated by the future development within this area.

(B) The amount of the current System Development Fee:

	Dev. Unit*	Fee Per Unit
Residential - Single Family	DW	\$1,899
Residential - Multi Family	DW	\$1,899

* DW = Dwelling Unit; Sq. Ft. = Square Foot

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

There are currently no projects anticipated.

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2022-23 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 214

System Development Crossroads Streets/Public Works

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Beginning Fund Balance	0.00	0.00	0.00	0.00	0.00
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	0.00	0.00	0.00	0.00	0.00
Interest	0.00	0.00	0.00	0.00	0.00
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Expenditures					
Projects	0.00	0.00	0.00	0.00	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Total Expenditures	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Transfers In/(Out)	0.00	0.00	0.00	0.00	0.00
Ending Fund Balance	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

Total Activity Cost	% Funded with Fee	Fund 214 Total
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No Activity Noted.

Fund 217

System Development Crossroads Storm Drain

For purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Crossroads Storm Drainage Fund - The purpose of this fee was to finance the Storm Drain infrastructure improvements needed for the Crossroads Subdivision. These fees provide the above described project funding to accommodate needs generated by the future development within this area.

(B) The amount of the current System Development Fee:

	Dev. Unit*	Fee Per Unit
Residential - Single Family	DW	\$2,970
Residential - Multi Family	DW	\$2,121

* DW = Dwelling Unit; Sq. Ft. = Square Foot

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

There are currently no projects anticipated.

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2022-23 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 217

System Development Crossroads Storm Drainage

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Beginning Fund Balance	0.00	0.00	0.00	0.00	0.00
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	0.00	0.00	0.00	0.00	0.00
Interest	0.00	0.00	0.00	0.00	0.00
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Expenditures					
Projects	0.00	0.00	0.00	0.00	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Total Expenditures	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Transfers In/(Out)	0.00	0.00	0.00	0.00	0.00
Ending Fund Balance	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

Total	% Funded	Fund 217
Activity Cost	with Fee	Total

No Activity Noted.

Fund 219

System Development Crossroads Police & General Government

For purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Crossroads Police & General Government Fund - The purpose of this fee was to finance the public safety & general government improvements needed for the Crossroads Subdivision. These fees provide the above described project funding to accommodate needs generated by the future development within this area.

(B) The amount of the current System Development Fee:

	Dev. Unit*	Fee Per Unit
Residential - Single Family	DW	\$2,232
Residential - Multi Family	DW	\$2,297

* DW = Dwelling Unit; Sq. Ft. = Square Foot

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

There are currently no projects anticipated.

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2022-23 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 219

System Development Crossroads Police & General Government

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Beginning Fund Balance	0.00	0.00	0.00	0.00	0.00
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	0.00	0.00	0.00	0.00	0.00
Interest	0.00	0.00	0.00	0.00	0.00
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Expenditures					
Projects	0.00	0.00	0.00	0.00	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Total Expenditures	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Transfers In/(Out)	0.00	0.00	0.00	0.00	0.00
Ending Fund Balance	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

Total Activity Cost	% Funded with Fee	Fund 219 Total
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No Activity Noted.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.1

SECTION 11: NEW BUSINESS

Meeting Date:	November 14, 2023
Subject:	Resolution to Reimburse SCM Hearthstone LLC for Additional Work at The Heritage Subdivision
From:	Marisela H. Garcia, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

It is recommended that the City Council consider and approve the Resolution (Attachment 1) to reimburse SCM Hearthstone LLC for the construction of additional staff-requested improvements in The Heritage subdivision.

SUMMARY

This item has been brought forward to the City Council for consideration because SMC Hearthstone LLC was requested by staff to construct additional improvements during the construction and inspection process of The Heritage subdivision (Exhibit A). Soil conditions were not as expected and additional excavation was required in Claus Road. In addition to that work, an agreement was recently reached with the property owner to the north of the project (York), enabling the developer to construct full curb, gutter, and sidewalk on the new section of Sierra Street.

BACKGROUND

On June 13, 2023, staff brought an item before the City Council to waive or reduce system development fees assessed on The Heritage subdivision and Council approved it. Since that time, the developer has been completing the subdivision's improvements, including some additional work required by the City's Inspectors while out in the field.

Some of the tasks include the following:

- Over-excavate subgrade due to high moisture in Claus Road.
- Widening Sierra Street at Claus Road on the northeast corner.

- Replacement of fencing on the York property on the north side of Sierra Street at Claus Road.
- Irrevocable easement on York property at Sierra Street and Claus Road.
- Replace a discovered electrical box with a traffic-rated electrical box.
- Abandon a discovered dry well.
- Procure and install crosswalk equipment at Claus Road and Sierra Street.
- Remove existing concrete sidewalk and asphalt pavement along the east side of Claus Road, north of the railroad tracks.

ANALYSIS

The City Engineer, Public Works Director, Development Services Administration Manager, and Planning and Building Manager analyzed the request received from SCM Hearthstone, LLC (Attachment 2). An evaluation of the additional work occurred and the following determinations were made:

- 1) The developer has constructed or is currently constructing items listed above which were unknown at project approval (Attachment 3).
- 2) The developer is constructing off-site frontage and crosswalk improvements on Sierra Street and Claus Road which are in the System Development Fee Program.
- 3) If Public Works had a project at Claus Road and Sierra Street, the funding for these items would be from the System Development Fee Program.

FINANCIAL IMPACT

The total amount requested for reimbursement is \$304,498.52 (Exhibit A). Careful evaluation of each proposed project is necessary to understand potential funding shortfalls which might be created as a result of paying for unanticipated costs. In the case presented above, the developer should be reimbursed for these unanticipated improvements.

ATTACHMENT

- 1.) Attachment 1 - City Council Resolution 2023-XXX
Exhibit A - SCM Hearthstone LLC Summary of Actual Costs
- 2.) Attachment 2 – SCM Hearthstone LLC Request
- 3.) Attachment 3 – Exhibit of Improvements

CITY OF RIVERBANK

RESOLUTION 2023-XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
REIMBURSING ADDITIONAL WORK FOR
SCM HEARTHSTONE LLC FOR THE HERITAGE SUBDIVISION**

**THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS
THE "CITY COUNCIL") DOES HEREBY RESOLVE THAT:**

WHEREAS, SCM Hearthstone LLC is constructing the on- and off-site improvements for The Heritage subdivision; and

WHEREAS, conditions in the field during construction occasionally require change orders to accommodate soil conditions, new easements, and discovered facilities like dry wells and electrical boxes which were previously unknown to City Staff; and

WHEREAS, at times field inspectors will require the developer to remedy a situation with change orders and the developer will comply with the requests in order to complete their project; and

WHEREAS, City Staff has reviewed the change orders and have determined reimbursement is warranted.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves and reimburses SCM Hearthstone LLC for the additional costs they incurred due to the change orders in the amount of \$304,498.52 and as documented in attached **Exhibit A**.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 14th day of November, 2023; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Gabriela Hernandez
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

SUMMARY OF ACTUAL COSTS TO BE REIMBURSED
The Heritage Collection
RIVERBANK, CALIFORNIA
October 11, 2023

CLAUS ROAD STREET IMPROVEMENTS (AS PER 1/6/23 SUMMARY)

ITEM	DESCRIPTION	QTY.	UNITS	UNIT PRICE	TOTAL PRICE
1.	Sawcut Existing Asphalt Pavement	477	L.F.	\$1.50	\$715.50
2.	Remove Existing Concrete Sidewalk	2,425	S.F.	\$0.80	\$1,940.00
3.	Remove Existing Asphalt Pavement	1,957	S.F.	\$0.80	\$1,565.60
4.	2 x 4 Headerboard	53	L.F.	\$8.00	\$424.00
5.	6" Vertical Curb and Gutter	434	L.F.	\$21.00	\$9,114.00
6.	Sidewalk	2,733	S.F.	\$5.20	\$14,211.60
7.	Handicap Ramp (Labor Only)	3	EA.	\$1,280.00	\$3,840.00
8.	Truncated Domes Tile	36	S.F.	\$42.00	\$1,512.00
9.	0.45' A.C. & 1.10' A.B.	14,202	S.F.	\$6.70	\$95,153.40
10.	LED Electrolier (25' Standard)	1	EA.	\$7,140.00	\$7,140.00
11.	Striping and Signage	1	L.S.	\$5,000.00	\$5,000.00
				SUBTOTAL:	\$140,616.10

ADDITIONAL ITEMS FOR REIMBURSEMENT (AS PER 9/13/23 SUMMARY)

ITEM	DESCRIPTION	VENDOR/CONTRACTOR	DATE	PRICE
1.	Procure RRFB crosswalk equipment	TAPCO, Sales Quote	6/3/2022	\$16,544.49
2.	Install RRFB crosswalk equipment	Collins Electrical Company, Proposal	6/23/2023	\$12,850.00
3.	Over-excavate subgrade due to high moisture in Claus Road (1300 SF); stockpile material	Ross F. Carroll, Change Order #6	6/23/2023	\$4,420.00
4.	Over-excavate subgrade due to high moisture in Claus Road (1300 SF); remove and import 2' of base rock	Ross F. Carroll, Change Order #7	6/26/2023	\$10,530.00
5.	Over-excavate subgrade due to high moisture in Claus Road (300 SF)	Ross F. Carroll, Change Order #8	6/26/2023	\$2,430.00
6.	Add offset on 12" water main to avoid conflict with discovered utilities at Claus Road connection	Ross F. Carroll, Change Order #9	7/7/2023	\$9,610.00
7.	Abandon discovered drywell in Claus Road	Ross F. Carroll, Change Order #10	7/12/2023	\$15,370.00
8.	Sierra Street widening on north side (excluding replacement fencing)	Ross F. Carroll, Change Order #12	7/12/2023	\$24,725.00
9.	Replace fencing on the York property to complete Sierra Street widening	Hensel Fencing, Proposal	7/28/2023	\$13,680.00
10.	Replace discovered electrical box in Claus Road with traffic-rated box	Haley Underground, Invoice #8454	8/17/2023	\$6,250.00
11.	Remove and replace concrete for crosswalk equipment installation (60 SF)	Ernie's Quality Concrete, Estimate #12	8/25/2023	\$1,250.00
12.	Summary of engineering and accounting support services for evaluation of reimbursable items	Associated Engineering Group	Varies	\$12,041.25
13.	Lot Line Adjustment consulting and fees (estimated)	Associated Engineering Group	TBD	\$6,500.00
			SUBTOTAL:	\$136,200.74
			TOTAL:	\$276,816.84
			10% OVERHEAD:	\$27,681.68
			GRAND TOTAL:	\$304,498.52

Donna M. Kenney

From: Ryan Carrel <ryan@assoceng.com>
Sent: Wednesday, September 13, 2023 9:53 AM
To: Bill Kull
Cc: Donna M. Kenney; Kathleen Cleek; Steve Mothersell; Terry Whitsitt; Mark Trinta
Subject: Heritage Collection - Reimbursement Request
Attachments: Reimb-docs-230913.pdf

Bill:

Enclosed for your review is a summary of costs for various public improvement construction items (near the Claus Road and Sierra Street intersection) and related services for which SCM Hearthstone, LLC is seeking reimbursement from the City of Riverbank. You'll recall that we had negotiated various shared items with you earlier this year. Now that construction is nearing completion, we have a more accurate accounting of the true costs for these items. Various documents have been assembled and are attached as a single PDF in support of this request.

These items are in addition to what was negotiated with City staff earlier this year with the exception of the pedestrian crosswalk equipment and installation. Earlier this year we had represented an estimated cost of \$36,000 for the RRFB crossing items; the actual cost was \$29,394.49 (Items 1 and 2, below). Additionally, engineering support services are included with this request: actual consulting time expended (Item 12, below) and an estimated cost for the forthcoming Lot Line Adjustment on the north side of Sierra Street (Item 13, below).

ITEM	DESCRIPTION	VENDOR/CO
1.	Procure RRFB crosswalk equipment	TAPCO, Sales Q
2.	Install RRFB crosswalk equipment	Collins Electrica
3.	Over-excavate subgrade due to high moisture in Claus Road (1300 SF); stockpile material	Ross F. Carroll,
4.	Over-excavate subgrade due to high moisture in Claus Road (1300 SF); remove and import 2' of base rock	Ross F. Carroll,
5.	Over-excavate subgrade due to high moisture in Claus Road (300 SF)	Ross F. Carroll,
6.	Add offset on 12" water main to avoid conflict with discovered utilities at Claus Road connection	Ross F. Carroll,
7.	Abandon discovered drywell in Claus Road	Ross F. Carroll,
8.	Sierra Street widening on north side (excluding replacement fencing)	Ross F. Carroll,
9.	Replace fencing on the York property to complete Sierra Street widening	Hensel Fencing,
10.	Replace discovered electrical box in Claus Road with traffic-rated box	Haley Undergrc
11.	Remove and replace concrete for crosswalk equipment installation (60 SF)	Ernie's Quality t
12.	Summary of engineering and accounting support services for evaluation of reimbursable items	Associated Engi
13.	Lot Line Adjustment consulting and fees (estimated)	Associated Engi

As you know, it is the position of SCM Hearthstone, LLC that these costs would have been borne by the City of Riverbank had these tasks/improvements been completed by the City. In other words, while planning and constructing the negotiated "shared" improvements, these unforeseen items and tasks were necessary to complete the improvements to the satisfaction of your inspection staff.

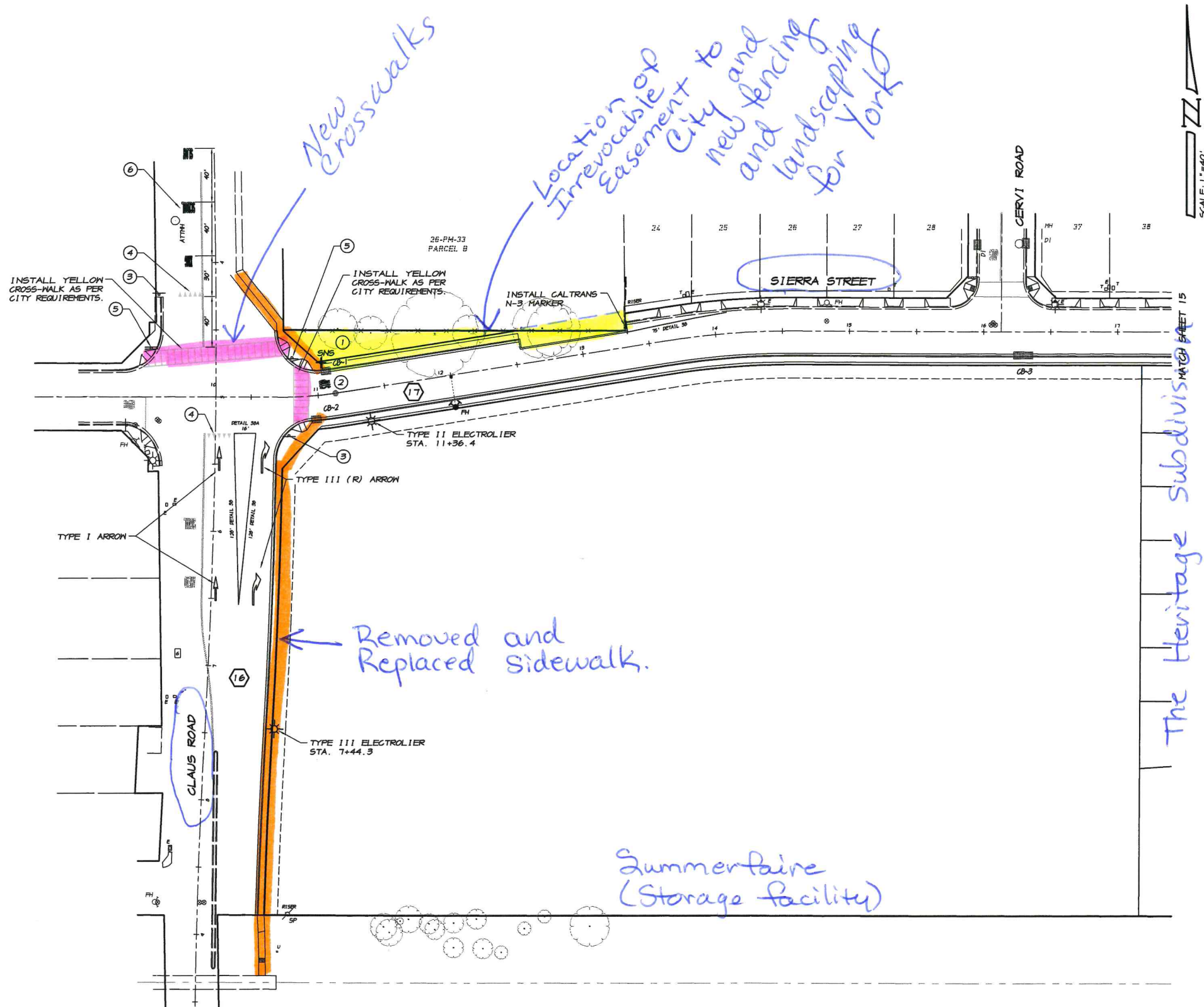
Please review this summary of contract change orders and contractor invoices and let me know if you have any questions about this request. Steve and I would be happy to meeting with you again to review these items in greater detail.

Thank you,

Ryan

Ryan Carrel, P.E.

Associated Engineering Group
4206 Technology Drive, Suite 4
Modesto, CA 95356
Office: (209) 545-3390 x105
Cell: (209) 614-6021
ryan@assoceng.com



- LEGEND**
- EX. CURB AND GUTTER
 - EX. EDGE OF PAVEMENT
 - EX. MANHOLE
 - EX. CLEAN-OUT
 - EX. CATCH BASIN DROP INLET
 - EX. WATER METER
 - EX. FIRE HYDRANT
 - EX. GATE VALVE
 - EX. POWER POLE
 - EX. JOINT POLE
 - EX. POLE WITH GUY ANCHOR
 - EX. SIGN
 - EX. TELEPHONE BOX
 - EX. ELECTRICAL BOX
 - EX. ELECTROLIER
 - EX. TREE, SPREAD DRAWN TO SCALE
 - PROP. CURB, GUTTER AND SIDEWALK
 - PROP. ACCESSIBLE RAMP
 - PROP. ELECTROLIER
 - PLAN AND PROFILE PAGE REFERENCE
 - PROP. STORM DRAIN CATCH BASIN
 - PROP. STORM DRAIN CATCH BASIN
 - PROP. LIGHTING STANDARD AS PER C.O.R. DRAWING NO. 401, 402 AND 403.
 - PROP. SIGN, TYPE AS NOTED.
 - P.U.E. 10' PUBLIC UTILITY EASEMENT
 - PROP. FIRE HYDRANT
 - BLUE REFLECTIVE MARKER AS PER THE CITY OF RIVERBANK DRAWING NO. 510.
 - SURVEY MONUMENT BOX, COORDINATE WITH FINAL MAP FOR EXACT LOCATIONS.
 - SNS + STREET NAME SIGN
- NOTE**
SEE SHEET 15 FOR GENERAL NOTES AND STRIPING NOTES.

- KEY NOTES**
- INSTALL R-1 STOP SIGN WITH WITH STREET NAME SIGN AS PER CITY OF RIVERBANK DRAWING NO. 202. LOCATION SHOWN SCHEMATICALLY FOR CLARITY.
 - INSTALL THERMOPLASTIC LEGEND AND LANE SEPARATOR STRIPE AS PER CITY OF RIVERBANK DRAWING NO. 201.
 - INSTALL R1-5 ON NEW 2"x2" UNISTRUT STEEL POLE, EXACT LOCATION TO BE APPROVED BY THE CITY PRIOR TO INSTALLATION.
 - INSTALL YIELD LINES PER FIGURE 3B-16 OF THE CALIFORNIA MUTCD.
 - INSTALL TAPCO WIRELESS SOLAR, LED RECTANGULAR RAPID FLASHING BEACON (RRFB) CROSSWALK SYSTEM OR APPROVED EQUAL. SYSTEM SHALL INCLUDE BUT NOT LIMITED TO: SOLAR PANEL CONTROLLER WITH RADIO COMMUNICATION CAPABILITY, FLASHING S1-1 SIGN AND M16-7 (BACK TO BACK DOUBLE SIDED), RRFB (BACK TO BACK DOUBLE SIDED) WITH PEDESTRIAN PUSH BUTTON. ALL COMPONENTS MUST COMPLY WITH CURRENT ADA REQUIREMENTS FOR ACCESSIBLE PEDESTRIAN SIGNALS WITH "CROSS WITH CAUTION" SIGNAGE. POLE AND FOUNDATION AS PER CALTRANS STANDARDS.
 - INSTALL "SLOW SCHOOL XING" PAVEMENT MARKINGS AS SHOWN.

BENCHMARK
STANISLAUS COUNTY BRASS DISK STAMPED 2510-30-2-C, LOCATED AT THE SOUTHEAST CORNER OF SANTA FE STREET AND CLAUS ROAD. ELEV. = 145.36, NAVD83



REVISION	DATE	DESCRIPTION

ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3975 WWW.AEGGROUP.COM

LIGHTING AND STRIPING PLAN
HERITAGE COLLECTION
RIVERBANK CALIFORNIA



DRAWN BY: J.T.S.
DATE: MAY 4, 2022
SCALE: 1"=40'
DWG: 303C-LIGHT
CHECKED: R.D.C.
JOB #: 303C-21

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.2

SECTION 11: NEW BUSINESS

Meeting Date:	November 14, 2023
Subject:	Resolution to Credit the LGI Homes LLC System Development Fees for Water, Storm Water, Waste Water and Parks for the Diamond Bar East Subdivision
From:	Marisela H. Garcia, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

It is recommended that the City Council consider and approve the Resolution providing credit to LGI Homes LLC ("LGI Homes") for System Development Fees for the water, storm water, waste water, and park fees assessed on the construction of 85 dwelling units in the Diamond Bar East subdivision.

SUMMARY

This item has been brought forward to the City Council for consideration because LGI Homes is asking to have system development fee credits for some of the infrastructure they have constructed. These credits affect the amount of fees on the building permits for the subdivision's homes when they are issued. There is currently no administrative process to consider this request at staff level and therefore, the request has been brought forward to the City Council for consideration.

BACKGROUND

The City currently collects System Development Fees at Building Permit issuance to defray the impact of new development as authorized by Government Code §66000-66025. The City's System Development Fee program is codified in §150.30 titled "System Development Fees" which establishes the authority for imposing and charging the fees. System Development fees are collected in order to:

- 1) To provide an adequate and constant method for the financing of the unfunded portion of need systems development costs throughout the city, reasonably related to projected community growth.

- 2) To promote the orderly and efficient expansion of public improvements to adequately meet the domestic and economic needs of the community and to minimize adverse fiscal and environmental impacts of new development.
- 3) To ensure the continuation of necessary services including, but not limited to, police and general administrative services.
- 4) To establish equitable methods for minimizing public facility and service costs to the city associated with new development.

As defined within Riverbank's municipal code, System Development Fees are ***charged to new construction, including the expansion of and/or the addition to an existing, nonresidential structure, to mitigate the unfunded portion of the determined impact of the development.***

According to the Diamond Bar East Development Agreement (adopted April 28, 2020), Section 4.02 states "...Fees adopted prior to the Effective Date of this Agreement applicable to the Project may be increased or reduced, provided that such revised fees (a) must be reasonable, (b) have direct nexus to development of the Property and Project, (c) apply generally to similar private projects or works within the City, and (d) the application of any such fee to the Property shall not require an amendment to this Agreement or any project Approvals."

Section 4.03 goes on to state "Updates to the City's SDF program fees must occur within two (2) years after the Effective Date of this Agreement to be applicable to the subject Property." Section 1.07 clarifies that "Effective Date" shall mean the earliest date on which the following have both occurred: (a) the thirtieth (30th) day following the adoption by the City Council of the ordinance approving this Agreement, and (b) execution of this agreement by both parties." The thirtieth (30th) day following the adoption of the ordinance was May 30, 2020 and the date the Agreement was executed was August 4, 2020. Therefore, the earliest date on which both have occurred (adoption of Agreement and execution of Agreement) would be August 4, 2020. On April 12, 2022 (less than two years after the Effective Date of this Agreement), the City Council adopted a resolution authorizing a 13.4% Inflationary Adjustment Increase to the City's SDF based on the Construction Cost Index to be effective May 1, 2022. Council approved another fee increase to be effective May 1, 2023, but it is the May 1, 2022 fees that apply to this Project.

On October 31, 2023, the City received a request from LGI Homes LLC (Attachment 2) to credit the System Development Fees for water, storm water, waste water, and parks at Building Permit issuance for the Diamond Bar East homes. This project is assessed the following May 1, 2022 low density fees on each of the 85 dwelling units:

System Development Fee Type	May 1, 2022 Amount Per Unit
Water	\$8,244.00
Waste Water	\$3,595.00
Storm Drain	\$8,124.00
Parks and Recreation	\$4,592.00

Police/General Government	\$1,662.00
Traffic	\$3,501.00
5% Administrative Fee	\$1,486.00
Total System Development Fees	\$31,204.00

LGI Homes LLC met several times with staff and proposes the following credits based on those discussions. Credits only apply to Riverbank's System Development Fees. They do not include building permit fees or any fees imposed by any other agencies such as the fire district, school districts, or Stanislaus County. The LGI Homes request is illustrated in the chart below. The credit request does not include Police/Gen Gov, Traffic, or Admin fees and the developer's costs were not provided to staff:

SDF Type	Total Developer Cost Per Lot	2022 SDF Assessed Fee / Unit	Proposed Fee Credit Per Lot	Total Assessed Fees (85 lots)	Total Proposed Fees
Water	\$11,035.84	\$8,244.00	\$8,244.00	\$700,740.00	\$0
Waste Water	\$7,849.05	\$3,595.00	\$3,595.00	\$305,575.00	\$0
Storm Water	\$9,116.27	\$8,124.00	\$8,124.00	\$690,540.00	\$0
Parks and Rec*	\$6,391.83	\$4,592.00	\$4,592.00	\$390,320.00	\$0
Police/Gen Gov	\$0	\$1,662.00	\$0	\$141,270.00	\$141,270.00
Traffic	\$0	\$3,501.00	\$0	\$297,585.00	\$297,585.00
5% Admin**	\$0	\$1,486.00	\$0	\$126,310.00	\$126,310.00
Total	\$34,393.44	\$31,203.00	\$24,555.00	\$2,652,340.00	\$565,165.00

*Note – A shade shelter and picnic tables are being provided by the developer at no cost to the City.

**Note – 5% Admin cost will be reduced depending on the amount of approved credits.

ANALYSIS

The City Engineer, Development Services Administration Manager, and Planning and Building Manager analyzed the request received from LGI Homes. An evaluation of the potential impacts of this project was considered and it was determined the credits are appropriate for the work that was done.

Based on the staff analysis performed using the developer's cost sheets, staff recommends that the City Council consider providing LGI Homes with credits for the water, storm water, sewer, and park System Development Fees to encourage construction and thereby, job growth.

FINANCIAL IMPACT

The System Development Fee program is designed as a mechanism to collect impact fees to build infrastructure necessary to support new growth City-wide. Careful evaluation of each proposed project is necessary to understand potential funding shortfalls which might be created as a result of granting credit requests. In the case presented above, the requested water, storm water, waste water, and park fee credits are deemed to be

appropriate. A Park-in-Lieu Fee is not required because the developer is dedicating and developing park land.

STRATEGIC PLAN

This item is indirectly related to the City's Strategic Plan through the System Development Fee program update.

ATTACHMENT

- 1.) Attachment 1-City Council Resolution 2023-XXX
- 2.) Attachment 2- Fee and Credit Request

CITY OF RIVERBANK**RESOLUTION 2023-XXX****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
APPROVING CREDITS FOR SYSTEM DEVELOPMENT FEES FOR
LGI HOMES LLC FOR THE DIAMOND BAR EAST SUBDIVISION**

**THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS THE
“CITY COUNCIL”) DOES HEREBY RESOLVE THAT:**

WHEREAS, it is necessary as established in the Riverbank Municipal Code for the proper and effective operation of City Government to establish, amend, or authorize fees for services in order to provide for the financial support of City Government; and

WHEREAS, from time to time, the City Council reviews the fees to ensure that they are adequately supporting the operation of City Government; and

WHEREAS, LGI Homes LLC has requested the City Council credit the System Development Fees for water, storm water, waste water, and parks assessed on the construction of the 85 Diamond Bar East dwelling units at Building Permit issuance.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves the System Development Fees and credits below:

SDF Type	Total Developer Cost Per Lot	2022 SDF Assessed Fee / Unit	Proposed Fee Credit Per Lot	Total Assessed Fees (85 lots)	Total Proposed Fees
Water	\$11,035.84	\$8,244.00	\$8,244.00	\$700,740.00	\$0
Waste Water	\$7,849.05	\$3,595.00	\$3,595.00	\$305,575.00	\$0
Storm Water	\$9,116.27	\$8,124.00	\$8,124.00	\$690,540.00	\$0
Parks and Rec*	\$6,391.83	\$4,592.00	\$4,592.00	\$390,320.00	\$0
Police/Gen Gov	\$0	\$1,662.00	\$0	\$141,270.00	\$141,270.00
Traffic	\$0	\$3,501.00	\$0	\$297,585.00	\$297,585.00
5% Admin**	\$0	\$1,486.00	\$0	\$126,310.00	\$126,310.00
Total	\$34,393.44	\$31,203.00	\$24,555.00	\$2,652,340.00	\$565,165.00

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 14th day of November, 2023; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Gabriela Hernandez
City Clerk

APPROVED:

Richard D. O'Brien
Mayor



November 1, 2023

Donna Kenney
Planning and Building Manager
City of Riverbank
dkenney@riverbank.org

RE: Diamond Bar East System Development Fee Credits

Dear Staff,

We would like to propose credits for each of the System Development Fee components listed below. These proposed credits are in connection with the improvements installed by LGI with the Diamond Bar East subdivision. If building permits at Diamond Bar East are pulled and fees are paid in full before the proposed fee credits below are in effect, we request a reimbursement for the fee credit amounts below for each building permit pulled.

Water

The "Water" component of the System Development Fees is allocated for the water improvements within the Diamond Bar East subdivision and the water improvements on Snedigar installed by LGI. As shown on Exhibit A of the attached Diamond Bar East – Fee Credit Calculation document, the water improvements total to \$938,046.00, or \$11,035.84 per lot at Diamond Bar East. Given this amount is above the \$8,244.00 water component of the System Development Fee, we are requesting the entire water component fee be credited and, if applicable, reimbursed for each water component fee already paid at building permit for the Diamond Bar East Subdivision.

Sewer

The "Sewer" component of the System Development Fees is allocated for the sewer improvements within the Diamond Bar East subdivision and the sewer improvements on Sante Fe and Snedigar installed by LGI. As shown on Exhibit B of the attached Diamond Bar East – Fee Credit Calculation document, the sewer improvements total to \$667,169.08, or \$7,849.05 per lot at Diamond Bar East. Given this amount is above the \$3,595.00 sewer component of the System Development Fee, we are requesting the entire sewer component fee be credited and, if applicable, reimbursed for each sewer component fee already paid at building permit for the Diamond Bar East Subdivision.

Storm Drainage

The "Storm Drainage" component of the System Development Fees is allocated for the drainage improvements within the Diamond Bar East subdivision, such as the basin, and the drainage improvements on Sante Fe and Snedigar installed by LGI. As shown on Exhibit C of the attached

Diamond Bar East – Fee Credit Calculation document, the sewer improvements total to \$774,882.88, or \$9,116.27 per lot at Diamond Bar East. Given this amount is above the \$8,124.00 storm drainage component of the System Development Fee, we are requesting the entire storm drainage component fee be credited and, if applicable, reimbursed for each storm drainage component fee already paid at building permit for the Diamond Bar East Subdivision.

Park & Recreation

The “Park & Recreation” component of the System Development Fees is allocated for the amenities around the basin within the Diamond Bar East subdivision installed by LGI. As shown on Exhibit D of the attached Diamond Bar East – Fee Credit Calculation document, the amenities costs total to \$543,305.50, or \$6,391.83 per lot at Diamond Bar East. Given this amount is above the \$4,592.00 park & recreation component of the System Development Fee, we are requesting the entire park & recreation component fee be credited and, if applicable, reimbursed for each park & recreation component fee already paid at building permit for the Diamond Bar East Subdivision.

Respectfully,



Jonathan Liesch
Land Acquisitions and Development
LGI Homes

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.3

SECTION 11: NEW BUSINESS

Meeting Date: November 14, 2023

Subject: A Resolution to Approve an Employment Agreement Between the City of Riverbank and Michael Patton as Director of Parks and Recreation and Authorize the City Manager to Execute the Agreement

From: Marisela H. Garcia, City Manager

RECOMMENDATION

It is recommended that the City Council consider adopting a Resolution which will approve an Employment Agreement with Michael Patton as the new Director of Parks and Recreation.

SUMMARY

After the successful recruitment by Mosaic Public Partners for the position of Director of Parks and Recreation Mr. Michael Patton was offered, and has accepted, the position. Mr. Patton's background in Recreation will be instrumental in allowing the City to move forward with several key projects. Pending Council approval of the contract, Mr. Patton's appointment will begin with the City on December 4, 2023.

BACKGROUND

After over 20 years of service the previous Director of Parks and Recreation, Sue Fitzpatrick, retired thus leaving a vacant position. In order to assist with the recruitment and selection of her successor, the City enlisted the services of Mosaic Public Partners. Mosaic was responsible for publicizing the recruitment, reaching out to potential candidates, screening applicants, and assisting with interviews and the subsequent background check of the selected applicant.

On September 28, 2023 the city held interviews with the qualified candidates for the position. Based on his qualifications, Mr. Michael Patton was selected as the City's next Director of Parks and Recreation. Mr. Patton currently serves as the Recreation Director for the city of Ephraim, UT and holds a Bachelor of Science in Recreation Management

from Brigham Young University and a Master of Public Administration from Idaho State University. Mr. Patton and his family are looking forward to relocating to California to be closer to his and his spouse's family.

Over the course of the past two weeks, city staff has been negotiating a contract with Mr. Patton and a conditional agreement has been reached.

TERMS OF THE AGREEMENT

Mr. Patton's proposed contract contains the following terms:

1. **Effective Date:** December 4, 2023.
2. **Term:** Three (3) years from the Effective Date.
3. **Base Salary:** \$142,574.88 or Step A of the new Director of Parks and Recreation Salary Range 253:

Range 253	A	B	C	D	E
Hourly	\$68.55	\$71.97	\$75.57	\$79.35	\$83.32
Bi-Weekly	\$5,483.65	\$5,757.83	\$6,045.72	\$6,348.01	\$6,665.41
Monthly	\$11,881.24	\$12,475.30	\$13,099.07	\$13,754.02	\$14,441.72
Annual	\$142,574.88	\$149,703.60	\$157,188.84	\$165,048.24	\$173,300.64

4. **Review and Evaluation:** To be conducted in December of each year. Will be eligible for a 5% Merit Increase for a Satisfactory review.
5. **Healthcare Benefits:** Employee to pay 15% of premium costs for medical insurance. If employee has medical insurance coverage via his spouse, employee may waive benefits, with proof of coverage, and be eligible for a taxable cash amount of \$250/month. City to pay full premium for vision and dental insurance.
6. **Life Insurance:** \$50,000
7. **Deferred Compensation:** City to match employee's contribution up to \$100 per pay period.
8. **Union Pension:** City to contribute towards the Union Pension Retirement Fund at the rate currently established for the City.
9. **Retirement:** City to pay employer costs of participation in CalPERS Retirement System. Employee to be enrolled in the 2% @ 62 PEPR Plan. Employee to contribute 7.75% employee contribution.
10. **Vacation:** Employee shall be entitled to 20 days of vacation and may not accumulate more than 400 hours of leave.

- 11. Sick Leave:** Employee shall earn sick leave at the rate of 1 working day for each month of service.
- 12. Holidays:** Employee shall be entitled to observe, with pay, 13 observed holidays, and 3 floating holidays.
- 13. Executive Leave:** Employee shall receive 80 hours of executive leave at the beginning of each fiscal year which may be cashed out if not used. Any unused leave expires on June 30 of each fiscal year.
- 14. Cell Phone Stipend:** \$65/month for use of personal phone or option of city-issued cell phone
- 15. Professional and Educational Development:** City will budget for reasonable costs of travel and business expenses for professional development and pay employee's annual membership dues to professional organizations.
- 16. Longevity:** Upon eligibility based on employee's tenure with the city, employee will become eligible for longevity pay.
- 17. Moving Expenses:** Reimbursement up to \$10,000 in moving expenses. City shall compensate employee for verified expenses.

STRATEGIC PLAN

This item, while not directly related to the City Council's Strategic Plan Goals, does allow for the City to continue working towards achieving said goals.

FINANCIAL IMPACT

Salary and benefit costs for the Director of Parks and Recreation position have been budgeted during the Annual Budget process and will not require any additional allocation. Mr. Patton will start at Step A of the new Director of Parks and Recreation Salary Range 253.

ATTACHMENTS

1. Resolution 2023-
2. Employment Agreement - DRAFT

CITY OF RIVERBANK**RESOLUTION 2023-****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, TO APPROVE AN EMPLOYMENT AGREEMENT BETWEEN THE
CITY OF RIVERBANK AND MICHAEL PATTON AS DIRECTOR OF PARKS AND
RECREATION AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE
AGREEMENT**

**THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS THE
“CITY COUNCIL”) DOES HEREBY RESOLVE THAT:**

WHEREAS, on September 8, 2023 the previous Director of Parks and Recreation officially retired from the City after 20 years of service to the community thus leaving a vacant position; and

WHEREAS, in order to ensure the continued oversight and operations of the Parks and Recreation Department the City Council authorized a contract for recruitment services with Mosaic Public Partners; and

WHEREAS, as a result of the successful recruitment process the City underwent interviews for said position; and

WHEREAS, based on his previous experience as Recreation Director an offer for the position was made to Mr. Michael Patton; and

WHEREAS, Mr. Patton has accepted the position and wishes to enter into an Employment Agreement, herein incorporated as Exhibit A, with the City of Riverbank; and

WHEREAS, effective December 4, 2023 Mr. Patton will assume the position of Director of Parks and Recreation, and

WHEREAS, the salary range for the Director of Parks and Recreation is set at Range 253 as follows:

Range 253	A	B	C	D	E
Hourly	\$68.55	\$71.97	\$75.57	\$79.35	\$83.32
Bi-Weekly	\$5,483.65	\$5,757.83	\$6,045.72	\$6,348.01	\$6,665.41
Monthly	\$11,881.24	\$12,475.30	\$13,099.07	\$13,754.02	\$14,441.72
Annual	\$142,574.88	\$149,703.60	\$157,188.84	\$165,048.24	\$173,300.64

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby approve the Employment Agreement between the City of Riverbank and Mr. Michael Patton as Director of Parks and Recreation.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Riverbank does hereby authorize the City Manager to execute said Agreement.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 14th day of November, 2023; 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:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

Attachment: Employment Agreement

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT ("Agreement") is made and entered into this ____ day of December, 2023, by and between the City of Riverbank, a California municipal corporation ("City"), and Michael Patton, an individual ("Employee"). The City and Employee may individually be referred to herein as "Party" or collectively as "Parties." There are no other parties to this Agreement.

RECITALS

- A. The City Manager is authorized to appoint City staff pursuant to the City Code of Riverbank ("City Code") section 31.03(H)(12).
- B. The City desires to employ the services of Employee on the terms and conditions set forth herein as Director of Parks and Recreation.
- C. The Director of Parks and Recreation is the head of the Parks and Recreation Department and provides responsible and complex staff support to the City Council, City Manager, and Assistant City Manager, and performs other related duties as assigned.
- D. The Parties agree that this Agreement shall be the sole agreement between the Parties regarding the employment of Employee as Director of Parks and Recreation.
- E. The Parties desire to execute this Agreement pursuant to the authority of and subject to the provisions of California Government Code ("Government Code") sections 36505 and 53260 *et seq.*

NOW, THEREFORE, in consideration of the mutual covenants entered into between the Parties and in consideration of the benefits that accrue to each, it is agreed as follows:

AGREEMENT

Section 1. Recitals. The recitals set forth above ("Recitals") are incorporated herein by this reference and made a part of this Agreement. In the event of any inconsistencies between the Recitals and Sections 1 through 10 of this Agreement, Sections 1 through 10 will prevail.

Section 2. Effective Date. This Agreement shall become effective on December 4, 2023, which is Employee's first day of employment with the City ("Effective Date").

Section 3. Appointment of Director of Parks and Recreation, Duties, and Term.

Section 3.1. Appointment of Director of Parks and Recreation and Duties. Employee shall serve as the Director of Parks and Recreation of the City, and shall be vested with the powers, duties, and responsibilities set forth in City Code, California law, ordinances, and resolutions, and such other duties and functions as the City Manager may from time-to-time assign.

No modification or change in Employee's responsibilities, duties or position shall otherwise change or revoke any other provision of this Agreement.

Section 3.2. No Secondary Employment. Employee further agrees that Employee shall devote Employee's productive time, abilities, and attention as necessary to the full accomplishment of his duties and the City's business needs. Accordingly, Employee shall not hold secondary employment or engage in activities which conflict with, or present the appearance or possibility of conflicting with, City's legitimate business interests. As such, Employee agrees that Employee will notify the City Manager in writing if Employee wishes to accept secondary employment sufficiently in advance to allow the City Manager to determine whether there is the appearance of, or an actual conflict or potential conflict with the satisfactory performance of Employee's duties and/or the best interest of the City. Should the City Manager make such a determination, Employee agrees that Employee will forgo the proposed secondary employment. Notwithstanding the foregoing, Employee has the right to volunteer for such nonprofit organizations as he may see fit and further provided that such volunteer services shall not interfere with his duties as Director of Parks and Recreation.

Section 3.3. Exempt Employee. The general business hours for City employees are Monday through Friday, 7:30 A.M. to 5:30 P.M. However, it is recognized by the Parties that Employee is an exempt employee for purposes of the Fair Labor Standards Act of 1938 (29 U.S.C. § 201 *et seq.*). As such, Employee acknowledges and agrees that he shall not receive overtime or extra compensation for hours worked outside of the City's general business hours, which are necessary to fulfill the duties of the Director of Parks and Recreation position, unless otherwise provided in this Agreement.

Section 3.4. Schedule. The Director of Parks and Recreation's daily and weekly work schedule shall vary in accordance with the work required to be performed. The Director of Parks and Recreation position may include frequent attendance at evening meetings and frequent irregular hours as necessary to meet deadlines and achieve objectives. The City Council and the City Manager recognize that the Director of Parks and Recreation must devote a great deal of his time outside normal office hours to business of the City and, to that end, will be allowed to take Executive Leave, as defined in Section 5.11 of this Agreement, as he shall deem appropriate during said normal office hours.

Section 3.5. Term. The term of this Agreement ("Term") shall commence on the Effective Date and shall expire on December 3, 2026. No later than three (3) months prior to the expiration of the Term, the City Manager will provide written notice to Employee as to whether the City Manager intends to extend the Term. Termination of this Agreement prior to the expiration of the Term shall be in accordance with Section 6 below.

Section 4. At-Will Employment. Employee is an at-will employee serving at the pleasure of the City Council and City Manager, as provided in Government Code section 36506 and City Code section 31.01. Accordingly, the City Manager may terminate Employee's employment at any time, with or without cause. Only if Employee is terminated by the City without Good Cause, as defined in Section 6.4 of this Agreement, shall Employee be entitled to a Severance, as defined in Section 6.3 of this Agreement.

Unless otherwise specified in this Agreement, Employee shall be bound by all the policies, rules, and regulations of City now in force and effect applicable to Employee's position, and by all such other applicable policies, rules, and regulations as may be hereafter implemented and called to Employee's notice and will faithfully observe and abide by the same, provided they are not in conflict with the provisions of this Agreement. No such policy, rule, or regulation shall alter, modify, or revoke Employee's status as an at-will employee or any other provision of this Agreement.

Section 5. Compensation and Evaluations.

Section 5.1. Base Salary. City agrees to pay Employee an annual salary of One Hundred Forty-Two Thousand Five Hundred Seventy-Four Dollars and Eight-Eight Cents (\$142,574.88) ("Base Salary"), which is Step A of Employee's established Salary Range, Range 253. Employee's Base Salary will be payable in installments at the same time as other City employees are paid. If Employee receives a satisfactory performance evaluation as described in Section 5.3, Employee may receive a merit increase up to five percent (5%) annually at the City Manager's discretion.

Section 5.2. Pro-rata Decrease. Employee acknowledges that the Base Salary may be subject to a pro-rata decrease based on the City Council's adoption of an unpaid Mandatory Furlough Program adopted as a budgetary measure.

Section 5.3. Review and Evaluation. The City Manager agrees to review and evaluate Employee's performance of his duties as Director of Parks and Recreation, pursuant to the terms of this Agreement ("Review and Evaluation"), on not less than an annual basis and to provide Employee with a written performance review. The annual Review and Evaluation shall be conducted in December of each year, or at the City Manager's discretion.

Section 5.4. Healthcare Benefits. City provides medical benefits to its employees. Effective January 2024, Employee shall contribute fifteen percent (15%) of the total cost of medical premium benefits for Employee and any covered dependents and the City will contribute the remainder. The City will pay the full premium for Employee and family dental and vision coverage during the Term of this Agreement. If Employee has medical insurance coverage through their spouse or has medical insurance coverage as an eligible dependent of a person employed elsewhere, employee may waive the medical insurance coverage from the City and Employee shall be eligible to receive taxable cash in the amount of Two Hundred Fifty Dollars (\$250.00) per month. Employee must sign a waiver, provided by the City, and provide proof of other medical insurance coverage on an annual basis to the Human Resources Department. Once coverage is waived, Employee may only re-enroll in the City medical insurance plan during open enrollment or as allowed by law.

Section 5.5. Life Insurance. City will provide Employee with life insurance in the amount of Fifty Thousand Dollars (\$50,000).

Section 5.6. Deferred Compensation. City shall establish and maintain a deferred compensation plan and match Employee's contribution to the deferred compensation plan in an amount not to exceed One Hundred Dollars (\$100.00) each pay period. City will also contribute to the LiUNA National Industrial Union Pension Retirement Fund at the rate of one hundred seventy-three (173) hours worked multiplied by the negotiated rate for any given year each month (e.g., $173 \times 2.26 = \$390.98$). Employee shall receive any adjustment to this program granted to all other Department Heads.

Section 5.7. Retirement. City shall pay the employer cost of participation in the California Public Employees Retirement System ("CalPERS"). Employee will be enrolled in the CalPERS 2% @ 62 Classic plan. Employee shall pay the seven and three quarters percent (7.75%) employee contribution as amended by CalPERS from time to time.

Section 5.8. Vacation. Employee shall be entitled to twenty (20) days of vacation annually (or one hundred sixty (160) hours). Employee may not accumulate more than four hundred hours (400) of vacation leave.

Section 5.9. Sick Leave. Employee shall earn sick leave at the rate of one (1) working day for each month of service.

Section 5.10. Holidays. Employee shall be entitled to observe, with pay, the thirteen (13) observed holidays and three (3) floating holidays as outlined in the City's Personnel Rules.

Section 5.11. Executive Leave. It is recognized that Employee must devote a great deal of time outside the normal office hours to City business. To that end, Employee shall receive eighty (80) hours of executive leave ("Executive Leave") at the beginning of each fiscal year, which may be cashed out if not used. Any unused Executive Leave expires on June 30 of each fiscal year.

Section 5.12. City Vehicle. Employee may have the use of a City vehicle for travel on all City-related business.

Section 5.13. Cell Phone Allowance. Pursuant to the City's Mobile Device Policy, Employee shall be eligible to receive a Sixty-Five Dollar (\$65.00) per month cell phone allowance for the use of their personal cell phone, or may use a City-issued cell phone.

Section 5.14. Professional and Educational Development. City agrees to budget for reasonable costs of travel and business expenses for Employee to attend professional and official travel, meetings, and occasions adequate to continue the professional development of Employee and to adequately pursue necessary official and other functions for the City, including, but not limited to, annual conferences of the League of California Cities, and such other regional and local government groups and committees thereof on which Employee serves as a member, provided such travel and business expenses are included within the annual budget. City agrees to pay Employee's annual membership dues to professional organizations that benefit the Employee and the City as designated and approved in the final budget.

Section 5.15. Longevity Benefits. Upon eligibility based on Employee's years of continuous service with the City, Employee will receive a longevity benefit of two and a half percent (2.5%) of Base Salary after ten (10) years of service, which will increase to five percent (5%) of Base Salary after thirteen (13) years of service, which will increase to seven and one-half percent (7.5%) of Base Salary after twenty (20) years of service, and will increase to ten percent (10%) of Base Salary after twenty-five (25) years of service, paid bi-weekly with Base Salary.

Section 5.16. Moving Expenses. City agrees to provide an allowance to Employee of up to Ten Thousand Dollars (\$10,000.00) for expenses involved in relocating to the State of California for purposes of their employment with the City. Employer shall compensate Employee for verified expenses, subject to required statutory deductions.

Section 6. Termination of Employment and Severance.

Section 6.1. Voluntary Resignation. Employee may resign at any time and agrees to give the City at least thirty (30) days advance written notice of the effective date of Employee's resignation, unless the Parties otherwise agree in writing. If Employee retires from full time public service with the City, Employee shall provide three (3) months advance written notice. Employee's actual retirement date will be mutually established between the Parties. During the notice period, all rights and obligations of the Parties under this Agreement shall remain in full force and effect. Promptly after the effective date of resignation, the City shall pay to Employee all salary and benefit amounts, both accrued and owing, under this Agreement. However, in the event of voluntary resignation, Employee shall not be entitled to Severance, as set forth in Section 6.3 of this Agreement.

Section 6.2. Termination by City Manager. The City Manager may terminate this Agreement and remove Employee from his position as Director of Parks and Recreation at any time, with or without cause, subject to ratification by the City Council. If Employee's termination is based on charges of misconduct that publicly stigmatizes Employee's reputation or impairs his ability to earn a living, or might damage his standing in a community, Employee may, within five (5) business days of the City Manager's notice to Employee of his or her intent to terminate Employee's employment, make a written request for a "name-clearing" hearing (as described in *Lubey v. City and County of San Francisco* (1979) 98 Cal.App.3d 340 and its progeny) before the City Council. The "name-clearing" hearing is solely to provide Employee the opportunity to clear his name. The hearing shall take place at a regularly scheduled City Council meeting or closed session in accordance with the City's Municipal Code, Personnel Rules, or standard practice, if applicable, and any applicable provisions of state law. The City Council may determine whether the allegations contained in the notice of termination are supported. If the City Council determines that the allegations are not supported, a decision shall be issued to reflect that Employee's termination was without fault. This decision will not, however, require that Employee be reinstated. In the event Employee does not request a "name-clearing" hearing before the City Council, the City Manager's decision to terminate will be effective by the close of business on the fifth (5th) day after the City Manager provided notice to Employee of his or her intent to terminate Employee's employment.

Section 6.3. Termination Without Good Cause. In the event the City terminates this Agreement without Good Cause, as defined in Section 6.4 below, the City shall pay Employee a sum equal to four (4) months Base Salary ("Severance"). This Severance is subject to the restrictions of Government Code section 53260, including, without limitation, the maximum amount of Severance pay that Employee may receive shall be the lesser of (a) four (4) months base salary, or (b) if the unexpired term of the contract is greater than eighteen (18) months, the maximum cash settlement shall be an amount equal to the monthly salary of the Employee multiplied by eighteen (18). Any cash settlement related to the termination of this Agreement received by Employee from the City shall be fully reimbursed to the City if Employee is convicted of a crime involving an abuse of his office or position while employed with the City, pursuant to Government Code section 53243.2. In the event the City terminates this Agreement, Employee shall be entitled to continued medical and dental benefits at his cost pursuant to the provisions of the federal Consolidated Omnibus Budget Reconciliation Act ("COBRA").

Section 6.4. Termination For Good Cause. The City may at any time immediately terminate this Agreement and Employee's employment for Good Cause, as defined in this Section 6.4. If Employee is terminated for Good Cause, the City shall not be required to pay any Severance under this Agreement, and the City shall have no obligation to Employee beyond those wages and benefits accrued as of Employee's last day of employment and those the City is obligated to provide under federal or state law.

"Good Cause," for purposes of this Agreement, means a fair and honest cause or reason for termination. These reasons include, but are not limited to:

1. Conviction of a felony;
2. Disclosing confidential information of City;
3. Gross carelessness or misconduct;
4. Unjustifiable and willful neglect of the duties described in this Agreement;
5. Mismanagement;
6. Continued failure to perform Employee's duties to the standard set by the City;
7. Any conduct which violates the City's Personnel Rules and for which a City employee may be terminated;
8. Repeated and protracted unexcused absences from the Director of Parks and Recreation's office and duties as defined under this Agreement;
9. Willful destruction or misuse of City property;
10. Conduct that in any way has a direct, substantial, and adverse effect on the City's reputation;
11. Willful violation of federal, state, or City discrimination laws;
12. Continued substance abuse which adversely affects performance of Employee's duties as the Director of Parks and Recreation;
13. Refusal to take or subscribe any oath or affirmation which is required by law;

14. Disability that renders Employee unable to perform the essential functions of his job, which City is unable to reasonably accommodate without placing an undue burden on City;
15. Dishonesty; and
16. Engaging in other employment or activities which conflict with, or present the appearance or possibility of conflicting with, City's legitimate business interests.

Notwithstanding any provision in this Agreement to the contrary, the City Manager may suspend Employee with full pay and benefits at any time during the Term of this Agreement.

Section 7. Indemnification. The City shall defend, hold harmless, and indemnify Employee against any tort, personnel, civil rights, or professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as Director of Parks and Recreation in accordance with California's Tort Claims Act (Government Code section 825 *et seq.*), and shall provide a defense to Employee in accordance with Government Code sections 995-996.5. The City may decline to defend or indemnify Employee only as permitted by the Government Code. The City may compromise and settle any such claim or suit and pay the amount of any resulting settlement or judgment; provided, however, that the City's duty to defend and indemnify shall be contingent upon Employee's good faith cooperation with such defense. In the event the City provides funds for legal criminal defense pursuant to this Section, Employee shall reimburse the City for such legal criminal defense funds if Employee is convicted of a crime involving an abuse of office or position, as provided by Government Code sections 53243-53243.4.

Section 8. Bonding. City shall bear the full cost of any fidelity or other bonds required of Employee under any law or ordinance.

Section 9. Notices. Any notice or communication required hereunder between the City and Employee must be in writing and may be given either personally, by facsimile (with original forwarded by regular U.S. Mail), by registered or certified mail (return receipt requested), or by Federal Express, UPS, or other similar couriers providing overnight delivery. If personally delivered, a notice shall be deemed to have been given when delivered to the Party to whom it is addressed. If given by facsimile transmission, a notice or communication shall be deemed to have been given and received upon actual physical receipt of the entire document by the receiving Party's facsimile machine. Notices transmitted by facsimile after 5:00 p.m. on a normal business day, or on a Saturday, Sunday or holiday shall be deemed to have been given and received on the next normal business day. If given by registered or certified mail, such notice or communication shall be deemed to have been given and received on the first to occur of (a) actual receipt by any of the addressees designated below as the Party to whom notices are to be sent, or (b) five (5) days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If given by Federal Express or similar courier, a notice or communication shall be deemed to have been given and received on the date delivered, as shown on a receipt issued by the courier. Any Party hereto may at any time, by giving ten (10) days written notice to the other Party hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at their addresses set forth below:

If to City: City of Riverbank
Attn: City Clerk
6707 Third Street
Riverbank, CA 95367

and White Brenner, LLP
Attn: Thomas P. Hallinan
1414 K Street, 3rd Floor
Sacramento, CA 95814

If to Employee: City of Riverbank
Attn: Michael Patton
6707 Third Street
Riverbank, CA 95367
w/cc: home address on file

Section 10. General Provisions.

10.1. Modification of Agreement. This Agreement may be supplemented, amended, or modified only by a writing signed by the City and Employee.

10.2. Entire Agreement. This Agreement constitutes the final, complete, and exclusive statement of the terms of the agreement between the Parties and supersedes all other prior or contemporaneous oral or written understandings and agreements of the Parties. No Party has been induced to enter into this Agreement by, nor is any Party relying on, any representation or warranty except those expressly set forth in this Agreement.

10.3. Severability of Agreement. If a court or an arbitrator of competent jurisdiction holds any section of this Agreement to be illegal, unenforceable, or invalid for any reason, the validity and enforceability of the remaining sections of this Agreement shall not be affected.

10.4. Authority. All Parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement and the names, titles, and capacities herein stated on behalf of any entities, persons, states, or firms represented or purported to be represented by such entities, persons, states, or firms and that all former requirements necessary or required by state or federal law in order to enter into this Agreement had been fully complied with. Further, by entering into this Agreement, neither Party hereto shall have breached the terms or conditions of any other contract or agreement to which such Party is obligated, which such breach would have a material effect hereon.

10.5. Headings. The headings in this Agreement are included for convenience only and neither affect the construction or interpretation of any section in this Agreement nor affect any of the rights or obligations of the Parties to this Agreement.

10.6. Necessary Acts and Further Assurances. The Parties shall, at their own cost and expense, execute and deliver such further documents and instruments and shall take such other actions as may be reasonably required or appropriate to evidence or carry out the intent and purposes of this Agreement.

10.7. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of California.

10.8. Waiver. No covenant, term, or condition, or the breach thereof, shall be deemed waived, except by written consent of the Party against whom the waiver is claimed and any waiver of the breach of any covenant, term, or condition shall not be deemed to be a waiver of any preceding or succeeding breach of the same or any other covenant, term, or condition.

10.9. Counterparts. This Agreement may be executed in counterparts, and all so executed shall constitute an agreement which shall be binding upon the Parties hereto, notwithstanding that the signatures of all Parties and Parties' designated representatives do not appear on the same page.

10.10. Venue. Venue for all legal proceedings shall be in the Superior Court in and for the County of Stanislaus in the State of California.

10.11. Attorney's Fees and Costs. If any action at law or in equity, including action for declaratory relief, is brought to enforce or interpret sections of this Agreement, the prevailing Party shall be entitled to reasonable attorney's fees and costs, which may be set by the court in the same action or in a separate action brought for that purpose, in addition to any other relief to which such Party may be entitled.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, this Agreement has been entered into by and between EMPLOYEE and CITY as of the date of the Agreement set forth above.

CITY:

City of Riverbank, a municipal corporation
of the State of California

EMPLOYEE:

Michael Patton, an individual

By: _____
Marisela H. Garcia, City Manager

By: _____
Michael Patton

Date Signed: _____

Date Signed: _____

By: _____
Gabriela Hernandez, City Clerk

Date Signed: _____

Approved as to Form and Content:

By: _____
Thomas P. Hallinan, City Attorney