CITY OF RIVERBANK
CITY COUNCIL MEETING
City Hall Council Chambers
6707 Third Street • Riverbank • CA 95367

choose civility

AGENDA

MONDAY, JULY 9, 2012 – 12:00 P.M.

CALL TO ORDER: Mayor Virginia Madueño

FLAG SALUTE: Mayor Virginia Madueño

INVOCATION: Riverbank Ministerial Association

ROLL CALL: Mayor Virginia Madueño
Vice Mayor Dotty Nygard
Councilmember Richard O'Brien
Councilmember Jeanine Tucker
Councilmember Jesse James White

CONFLICT OF INTEREST
Declaration by Council Members and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered.

1. PRESENTATIONS **None.**

2. PUBLIC BUSINESS FROM THE FLOOR (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. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time. Time cannot be yielded to another person. Under State Law, matters presented under this item cannot be discussed or acted upon at this time by the City Council. The public will be invited to make comments on agenda items when the item comes up for Council consideration. For Closed Session items, the public will be invited to make comments before the meeting is recessed to Closed Session. For record purposes, you must step up to the podium, state your name, and speak into the microphone when addressing the City Council.

3. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council unless otherwise requested by an individual Councilmember for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 3.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 3.B: Approval of the June 25, 2012, Regular City Council Meeting Minutes.

Item 3.C: **Resolution** to Adopt Warrant Registers for 06/21/2012.

Recommendation: It is recommended that City Council approve the Consent Calendar items by roll call vote.

4. UNFINISHED BUSINESS

None.

5. PUBLIC HEARINGS

None.

6. NEW BUSINESS

Item 6.1: **Resolution Electing to Retain Responsibility for Performing Housing Functions Previously Performed by the Riverbank Redevelopment Agency** – It is recommended that the City Council adopt a Resolution electing to become the Successor Housing Agency for the former Riverbank Redevelopment Agency.

7. COMMENTS

Item 7.1: Staff Comments: (Information Only – No Action)

Item 7.2: Council Comments: (Information Only – No Action)

Item 7.3: Mayor's Comments: (Information Only – No Action)

8. CLOSED SESSION

Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Government Code § 54956.9(a)
Name of Case: Andria Allen and Frances Allen v. City of Riverbank
Stanislaus Court Case No. 670739

Recommendation: It is recommended that City Council give direction to Staff on the Closed Session items.

9. REPORT FROM CLOSED SESSION

Item 9.1: Report from Closed Session Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

ADJOURNMENT

UPCOMING EVENTS:

July 16 – July 20 (Monday) (Friday)	▪ **Science Fun & Fun in the Sun Camp: 9am-5pm at the Teen Center, Pool, & Community Center. Contact the Parks and Recreation Department at 863-7150**
July 16 – Aug 10 (Monday) (Friday)	▪ **Elections: Nomination period to complete papers for the offices of Mayor (4-year term) and Councilmember (2) seats (4-year term).** Appointment required. **Visit www.riverbank.org for more information or call the City Clerks office at 863-7198 to schedule an appointment.**
October 22 (Monday)	▪ **Last day to register to vote: Visit www.stanvote.com for more information or obtain a registration form from the City Clerk's Office.**
November 6 (Tuesday)	▪ **Consolidated General Municipal Election Day: Polling sites are open from 7:00 a.m. to 8:00 p.m. Visit www.stanvote.com to find your polling place or contact the City Clerk's office.** *Your vote decides Riverbank's future!*

Any documents produced by the City and distributed to a majority of the City Council regarding any item on this agenda will be made available at the City Clerk's counter at City Hall located at 6707 Third Street, Riverbank, CA

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California, that the foregoing agenda was posted on the City Hall bulletin board 72 hours prior to the meeting.

Dated this 5th day of July, 2012
Annabelle Aguilar, CMC, City Clerk

Notice Regarding Americans with Disabilities Act:

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (209) 863-7122. Notification 48-hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

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 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.

General Information:	The Riverbank City Council meets in the Council Chambers on the second and fourth Mondays of each month at 6:00 p.m., and at 12:00 Noon for every first meeting of the month of each quarter (January, April, July, and October); unless otherwise noticed.
Council Agendas:	The City Council agenda is now available for public review at the City's website at www.riverbank.org and City Clerk's Office, 6707 Third Street, Riverbank, California on the Friday, prior to the scheduled meeting. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk's Office.
Public Hearings:	In general, a public hearing is an open consideration within a regular meeting of the City Council, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.
Questions:	Contact the City Clerk at (209) 863-7122 or aaguilar@riverbank.org

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.A

SECTION 3: CONSENT CALENDAR

Meeting Date:	July 9, 2012
Subject/ Title:	Waiver of Readings
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION:

Recommendation is to have City Council approve the waiver of readings of Ordinances and Resolutions, except by title.

SUMMARY:

The approval of the waiver of readings will allow Ordinances and Resolutions to be introduced by title only and acted upon without the need to read the entire text of the item into the public record. The documents related to proposed Ordinances and Resolutions are available for review by the public on the City's website and in the City Clerk's office at City Hall (North).

FINANCIAL IMPACT:

There is no financial impact.

ATTACHMENTS:

There are no attachments

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.B

SECTION 3: CONSENT CALENDAR

Meeting Date: July 9, 2012

Subject/ Title: Approval of the June 25 2012, Regular City Council Minutes

Submitted by: Annabelle Aguilar, CMC, City Clerk

City Manager Approval: _____

RECOMMENDATION:

Recommendation is to have City Council approve the Regular City Council Meeting Minutes as presented.

SUMMARY:

The Draft Minutes of the June 25, 2012, regular City Council meeting have been prepared for the City Council's review and approval.

FINANCIAL IMPACT:

There is no financial impact.

ATTACHMENT:

1. June 25, 2012, Minutes

CITY OF RIVERBANK
CITY COUNCIL
MINUTES
MONDAY, JUNE 25, 2012

CALL TO ORDER:

The City Council of the City of Riverbank met this date in a regular session at 6:00 p.m. at the Riverbank City Council Chamber, 6707 Third Street, Riverbank, California with Mayor Madueño presiding.

FLAG SALUTE: ***Mayor Virginia Madueño***

INVOCATION: ***None***

ROLL CALL:

Present: ***Mayor Virginia Madueño***
Vice Mayor Dotty Nygard
Councilmember Richard O'Brien
Councilmember Jeanine Tucker
Councilmember Jesse James White

CONFLICT OF INTEREST
Declaration by Council Members and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered.

Councilmembers Tucker and O'Brien stated they had a conflict with Public Hearing Item 5.2.

1. PRESENTATIONS

Item 1.1: Proclamation Supporting the Stanislaus Elder Abuse Prevention Alliance.

Mayor Madueño read the proclamation.

Item 1.2: Update on Stanislaus Consolidated Fire Protection District Board.

Michelle Guzman, Riverbank's representative on the District Board, provided an update. Ms. Guzman was invited to return for a future update.

2. PUBLIC BUSINESS FROM THE FLOOR (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. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time. Time cannot be yielded to another person. Under State Law, matters presented under this item cannot be discussed or acted upon at this time by the City Council. The public will be invited to make comments on agenda items when the item comes up for Council consideration. For Closed Session items, the public will be invited to make comments before the meeting is recessed to Closed Session. For record purposes, you must step up to the podium, state your name, and speak into the microphone when addressing the City Council.

Edward L. Jones, Riverbank, spoke in regards to the city of Riverbank receiving bad press from the Modesto Bee.

3. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council unless otherwise requested by an individual Councilmember for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 3.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 3.B: Approval of the June 4, 2012, Special City Council, Budget Workshop, Minutes.

Item 3.B-1: Approval of the June 11, 2012, Special City Council, Study Session, Minutes.

Item 3.B-2: Approval of the June 11, 2012, Regular City Council Meeting Minutes.

Item 3.C: ***Resolution No. 2012-053*** to Adopt Warrant Registers for 06/07/12 and 06/14/2012 and Credit Card Statements for 05/22/12.

Item 3.D: Authorize the Provision of City Insurance and the Waiver of the Community Center Rental Fees for the retirement part of a long-time City Employee.

Item 3.E: **Resolution** Electing to Retain Responsibility for Performing Housing Functions Previously Performed by the Riverbank Redevelopment Agency.

Item 3.F: ***Resolution No. 2012-155*** – Approving the Transportation Development Act Local Transportation Fund (LTF) Non-Transit Claim for Fiscal Year 2011/2012 and Amending the Budget for the City of Riverbank to Conform to Said Claim.

Recommendation: It is recommended that City Council approve the Consent Calendar items by roll call vote.

Reference Item 3.D: *Jill Anderson, City Manager, stated the Employee's Association has agreed to pay for the janitorial fees.*

Reference Item 3.E: *Mayor Madueño announced that this item was pulled from the agenda to be scheduled for presentation in July.*

ACTION: *By motion (Tucker / O'Brien / passed 5-0) to approve to pull Item 3.E from the agenda; motion carried by unanimous roll call vote.*

ACTION: *By motion (O'Brien / Tucker / passed 4-0) to approve Consent Calendar Items 3.A through 3.D and 3.F as presented; motion carried by roll call vote.*
ABSTAINED: Councilmember White

4. UNFINISHED BUSINESS: None.

5. PUBLIC HEARINGS

Item 5.1: Consolidated Landscaping & Lighting District:

1) **Resolution No. 2012-054** of the City Council of the City of Riverbank, California, Amending and/or Approving the Engineer's Report for the Riverbank Consolidated Landscaping and Lighting District; and the Levy and Collection of Annual Assessments Related Thereto for Fiscal Year 2012/2013.

2) **Resolution No. 2012-055** of the City Council of the City of Riverbank, California Ordering the Levy and Collection of Annual Assessments for the Riverbank Consolidated Landscaping and Lighting District for Fiscal Year 2012/2013.

It is recommended that the City Council open the public hearing, receive comments, close public hearing, and adopt the resolutions by roll call vote.

Mayor Madueño opened the Public Hearing at 6:20:13 p.m.

- *No one spoke for or against Item 5.1.*

Mayor Madueño closed the Public Hearing at 6:20:20 p.m.

ACTION: ***By motion (O'Brien / Nygard / passed 4-0) to adopt Resolution No. 2012-054 and Resolution No. 2012-055 as presented; motion carried by roll call vote.***
ABSTAINED: Councilmember White

Item 5.2: Crossroads Landscaping & Lighting District:

1) **Resolution No. 2012-056** of the City Council of the City of Riverbank Amending and/or Approving the Engineer's Report for the Riverbank Crossroads Landscaping and Lighting District; and the Levy and Collection of Annual Assessments Related Thereto for Fiscal Year 2012/2013.

2) **Resolution No. 2012-057** of the City Council of the City of Riverbank, California Ordering the Levy and Collection of Annual Assessments for the Riverbank Crossroads Landscaping and Lighting District for Fiscal Year 2012/2013.

It is recommended that the City Council open public hearing, receive comments, close public hearing, and adopt Resolutions by roll call vote.

Due to a conflict of interest, Councilmembers O'Brien and Tucker left the chambers at 6:21 p.m.

Mayor Madueño opened the Public Hearing at 6:22:21 p.m.

- ***No one spoke for or against Item 5.2.***

Mayor Madueño closed the Public Hearing at 6:22:27 p.m.

ACTION: ***By motion (Nygard / White / passed 3-0) to adopt Resolution No. 2012-056 and Resolution No. 2012-057 as presented; motion carried by unanimous roll call vote.***

Councilmembers O'Brien and Tucker returned to the dais at 6:23 p.m.

Item 5.3: Riverbank Storm Drain Maintenance District No. 2006-01 (Heartlands):

1) **Resolution No. 2012-058** of the City Council of the City of Riverbank, County of Stanislaus, State of California, Ordering the Levy and Collection of Assessments Within the Riverbank Storm Drain Maintenance District No. 2006-01 (Heartlands) for Fiscal Year 2012/2013.

DRAFT

It is recommended that City Council open public hearing, receive comments, close public hearing, Council to adopt Resolutions by roll call vote.

Mayor Madueño opened the Public Hearing at 6:23:01 p.m.

- ***No one spoke for or against Item 5.3.***

Mayor Madueño closed the Public Hearing at 6:23:07 p.m.

ACTION: ***By motion (Nygard / Tucker / passed 4-0) to adopt Resolution No. 2012-058 as presented; motion carried by roll call vote.***
ABSTAINED: Councilmember White

Item 5.4: **Ridgewood Place Landscaping & Lighting District:**

1) **Resolution No. 2012-059** of the City Council of the City of Riverbank, California, Amending and/or Approving the Engineer's Report for the Ridgewood Place Landscaping and Lighting District; and the Levy and Collection of Annual Assessments related thereto for Fiscal Year 2012/2013.

2) **Resolution No. 2012-060** of the City Council of the City of Riverbank, California Ordering the Levy and Collection of Annual Assessments for the Ridgewood Place Landscaping and Lighting District; for Fiscal Year 2012/2013.

It is recommended that City Council open public hearing, receive comments, close public hearing; Council to adopt Resolutions by roll call vote.

Mayor Madueño opened the Public Hearing at 6:24:14 p.m.

- ***No one spoke for or against Item 5.4.***

Mayor Madueño closed the Public Hearing at 6:24:22 p.m.

ACTION: ***By motion (O'Brien / Nygard / passed 4-0) to adopt Resolution No. 2012-059 and Resolution No. 2012-060 as presented; motion carried by roll call vote.***
ABSTAINED: Councilmember White

Item 5.5: **River Cove Landscaping & Lighting District:**

1) **Resolution No. 2012-061** of the City Council of the City of Riverbank California, Amending and/or Approving the Engineer's Report

for the Landscaping and Lighting District No. 01, River Cove Subdivision; and the Levy and Collection of Annual Assessments Related Thereto for Fiscal Year 2012/2013.

2) **Resolution No. 2012-062** of the City Council of the City of Riverbank, California Ordering the Levy and Collection of Annual Assessments for the Landscaping and Lighting District No. 1, River Cove Subdivision; for Fiscal Year 2012/2013.

It is recommended that City Council open public hearing, receive comments, close public hearing Council to adopt Resolutions by roll call vote.

Mayor Madueño opened the Public Hearing at 6:25:13 p.m.

- ***No one spoke for or against Item 5.5.***

Mayor Madueño closed the Public Hearing at 6:25:22 p.m.

ACTION: ***By motion (Nygard / Tucker / passed 4-0) to adopt Resolution No. 2012-061 and Resolution No. 2012-062 as presented; motion carried by roll call vote.***
ABSTAINED: Councilmember White

Item 5.6: Sierra Vista Estates Landscaping & Lighting District:

1) **Resolution No. 2012-063** of the City Council of the City of Riverbank, California, Amending and/or Approving the Engineer's Report for the Sierra Vista Estates Landscaping and Lighting District; and the Levy and Collection of Annual Assessments Related Thereto for Fiscal Year 2012/2013.

2) **Resolution No. 2012-064** of the City Council of the City of Riverbank, California Ordering the Levy and Collection of Annual Assessments for the Sierra Vista Estates Landscaping and Lighting District; for Fiscal Year 2012/2013.

It is recommended that the City Council open public hearing, receive comments, close public hearing Council to adopt Resolutions by roll call vote.

Mayor Madueño opened the Public Hearing at 6:26:05 p.m.

- ***No one spoke for or against Item 5.6.***

Mayor Madueño closed the Public Hearing at 6:26:12 p.m.

ACTION: ***By motion (Tucker / Nygard / passed 4-0) to adopt Resolution No. 2012-063 and Resolution No. 2012-064 as presented; motion carried by roll call vote.***
ABSTAINED: Councilmember White

Item 5.7: **Sterling Ridge Storm Drain Maintenance District:**

1) **Resolution no. 2012-065** of the City Council of the City of Riverbank, County of Stanislaus, State of California, Ordering the Levy and Collection of Assessments Within the Sterling Ridge Benefit Assessment District for Fiscal Year 2012/2013.

It is recommended that City Council open public hearing, receive comments, close public hearing, Council to adopt Resolutions by roll call vote.

Mayor Madueño opened the Public Hearing at 6:27:40 p.m.

- ***No one spoke for or against Item 5.7.***

Mayor Madueño closed the Public Hearing at 6:27:47 p.m.

ACTION: ***By motion (O'Brien / Nygard / passed 4-0) to adopt Resolution No. 2012-065 as presented; motion carried by roll call vote.***
ABSTAINED: Councilmember White

Item 5.8: **Resolution No. 2012-066 Adopting the FY 2012-2013 Budget** – It is recommended that the City Council open the public hearing, receive public comment, close the public hearing, and approve the resolution adopting the FY 2012-13 Annual Operating and Capital Budget for the City of Riverbank.

Marisela Hernandez, Finance Director presented the staff report and PowerPoint presentation; Council and Staff discussed the item. (Attachment of PowerPoint presentation for the record).

Council agreed to approve the purchase of a CNG vehicle instead of a gas vehicle under the CIP Projects and increase the appropriated amount from $10,000.00 to $15,000.00.

Mayor Madueño opened the Public Hearing at 7:04 p.m.

- ***Mr. Scott McRitchie questioned whether there would be enough in the Reserve Fund to respond to an emergency.***

Mayor Madueño closed the Public Hearing at 7:06 p.m.

DRAFT

ACTION: ***By motion (O'Brien / Tucker / passed 4-0) to adopt Resolution No. 2012-066 as presented; motion carried by roll call vote.***
ABSTAINED: Councilmember White

6. NEW BUSINESS

Item 6.1: **Lease Agreement with the Riverbank Unified School District for Use of Property Located at the Northwest Corner of Kentucky Avenue and Eleanor Avenue for Agricultural Education** – Based on previous City Council direction, it is recommended that the City Council authorize the City Manager to execute a lease agreement, substantively consistent with the attached draft agreement, with the Riverbank Unified School District for use of 10 acres of real property located at the northwest corner of Kentucky Ave and Eleanor Avenue for the sole purpose of agricultural education. It is further recommended that the City Council express its intent to consider purchasing the interest in the property controlled by the Riverbank Oakdale Transit Authority (ROTA) within the next five years consistent with a requirement set forth by CALTRANS.

Jill Anderson, City Manager, presented the staff report.

ACTION: ***By motion (Tucker / Nygard / passed 4-0) to approve authorizing the City Manager to execute a lease agreement with an end date of January 1, such to the approval of the RUSD, with the intent to consider purchasing the interest in the property in five years or less, with no definite obligation of the City to purchase the property; motion carried by roll call vote.***
ABSTAINED: Councilmember White

Item 6.2: **Resolution No. 2012-067 Authorizing an Additional Appropriation of $59,700 for Legal Expenditures made through April 2012 for the Employee Discrimination Matter** – It is recommended that the City Council adopt Resolution authorizing an additional appropriation of $59,700 in General Fund Reserves for Legal Services, which will be partially reimbursed to the City of Riverbank from the Employment Risk Management Authority (ERMA).

Marisela Hernandez, Finance Director, presented the staff report.

ACTION: ***By motion (O'Brien / Nygard / passed 4-0) to adopt Resolution No. 2012-067 as presented; motion carried by roll call vote.***
ABSTAINED: Councilmember White

MAYOR MADUEÑO RECESSED TO THE LOCAL REDEVELOPMENT AUTHORITY MEETING AT 7:24 P.M.

MAYOR MADUEÑO RECOVENED THE CITY COUNCIL MEETING AT 9:08 P.M.

7. COMMENTS

Item 7.1: Staff Comments: (Information Only – No Action)

Jill Anderson, City Manager, provided an update on Staff's work addressing the feral cat issues.

Item 7.2: Council Comments: (Information Only – No Action)

Councilmember O'Brien provided an update on the new management of ROTA.

Vice Mayor Nygard commented on the need to take precautions when entering the river, life jackets are provided free of charge by the local fire station, and wished everyone a safe 4th of July honoring all Veterans.

Item 7.3: Mayor's Comments: (Information Only – No Action)

Mayor Madueño introduced Yaser Herrera, a recent law graduate of U.C. Berkley, who would like to volunteer for the City; she spoke in regards to considering a request made by the visiting Delegation from Shanxi Province of China to form a Sister City relationship; and the tour of Riverbank Project Action, commending the Riverbank Unified School District and Project Action for their efforts.

MAYOR MADUEÑO ANNOUNCED THE CLOSED SESSION ITEMS AND RECESSED TO CLOSED SESSION AT 9:15 P.M.

8. CLOSED SESSION

Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Government Code § 54956.9(a)
Name of Case: Danise Huey v. City of Riverbank
Stanislaus Court Case No. 664604

Recommendation: Council to give direction to Staff.

MAYOR MADUEÑO RECOVENED THE CITY COUNCIL MEETING AT 9:23 P.M.

9. REPORT FROM CLOSED SESSION

Item 9.1: Report from Closed Session Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

ACTION: ***Mayor Madueño announced by roll call vote of 4-0; Councilmember White – Abstained, City Council agreed to settle the case for $61,000.00 plus $4,025.00 for mediation fees.***

ADJOURNMENT

There being no further business, Mayor Madueño adjourned the meeting at 9:24 p.m.

ATTEST:

_____

Annabelle Aguilar, CMC
City Clerk

APPROVED:

_____

Virginia Madueño
Mayor

DRAFT

City of Riverbank

FY 2012-2013
Annual Budget

Presentation Outline

- ☐ General Fund Overview
- ☐ Gas Tax Overview
- ☐ Sewer Fund Overview
- ☐ Water Fund Overview
- ☐ Capital Projects Fund Overview
- ☐ System Development Fee Fund Overview

Attachment to 06/25/12 CC Minutes
(Item 5.8)

General Fund

Attachment to 06/25/12 CC Minutes
(Item 5.8)

FY 2012-13
Significant Budget Impacts

- Stan. County Sheriff's Contract Increase of 10%
- Building & Construction Inspector Salaries returning to General Fund
- Increase in salaries due to hiring of vacant positions
- Increase in Worker's Compensation Premium – 4.17%

Attachment to 06/25/12 CC Minutes
(Item 5.8)

Mitigating Factors

- FY 2011-12 Sheriff Contract Savings
  - $116,000 anticipated due to salary savings, supply savings, etc.
  - Increased initial reserve projection from 8.6% to 10.2%.
- City-Wide Departmental Reductions
- Reorganization of Administrative Services
- Prop 84 Grant Administration Reimbursement of Planning & Finance Salaries of $40,200.
- Increase in Transfer In of Management Fees to offset Building Inspector Salaries.

Attachment to 06/25/12 CC Minutes
(Item 5.8)

General Fund Future Impacts

- Impacts from the State Budget
- Health Insurance Changes
- Extraordinary Legal Expenditures
- Housing Authority Fire Assessment Issues
- ED Bank Loan Modification for Downtown Beautification Project

Attachment to 06/25/12 CC Minutes
(Item 5.8)

Changes to General Fund Budget

- Addition of first modified payment for the ED Bank Loan: $35,000
- Adjustment for anticipated Health Insurance Savings

Attachment to 06/25/12 CC Minutes
(Item 5.8)

General Fund Revenues

- FY 2012-2013 Projected Revenues: $7,849,458
  - 4.88% increase from the current fiscal year
- Major Revenue Sources
  - Sales Tax (32%)
  - Property Tax (14%)
  - Property Tax In-Lieu of VLF (17%)
  - Transfer In of Management Fees (15%)

Attachment to 06/25/12 CC Minutes
(Item 5.8)

General Fund Expenditures

- FY 11-12 Budget: $7,810,341
- FY 11-12 Expenditures to Date: $6,308,290
  - General Fund Subsidies to the Recreation Fund & Neighborhood Improvement Fund will be completed at year end.
  - Savings anticipated from vacant positions & professional services (i.e. PIO & ED Assistance)
- FY 12-13 Recommended Budget: $7,790,775

Attachment to 06/25/12 CC Minutes
(Item 5.8)

With this Budget…

- Approving hiring freeze
  - Administrative Services Director
  - Administrative Clerk
- Reclassification of Acting City Clerk to City Clerk
- Creation of Part-Time Personnel Manager Position
- Reclassification of Administrative Clerk in Development Services to Administrative Assistant
- Reclassification of a WWTP Operator II to Sr. WWTP Operator

Attachment to 06/25/12 CC Minutes
(Item 5.8)

General Fund Overview

Est. Beginning Reserve 07/01/12	$665,868
Add: Estimated Revenues	+$7,849,458
Less: Estimated Expenditures	-$7,831,075
Est. Ending Reserve 06/30/13	$684,251
% of Revenues	8.72%
10% Required Reserve	$784,946
Reserve Deficit	$-100,695
Structural Surplus	$18,383

Attachment to 06/25/12 CC Minutes
(Item 5.8)

Gas Tax

Attachment to 06/25/12 CC Minutes
(Item 5.8)

Gas Tax

- Revenue Sources
  - Gas Tax (79%): $580,513
  - Transfer In of Management Fees (20%): $142,293
- Expenditures
  - Salaries & Benefits (41%): $341,253
  - Maintenance & Operations (39%): $326,150
  - CIP Projects (16%): $135,000
  - Transfer Out of Management Fees (3%): $23,605
- EECBG Grant - electrical & maintenance savings from updated street light fixtures.

Attachment to 06/25/12 CC Minutes
(Item 5.8)

Gas Tax CIP Projects

Project	Amount Requested
ADA Improvements-Terminal Ave	$50,000
Corp Yard-Bay Enclosure for Storage	$25,000
Vehicle Purchase	$10,000*
Storm Drain-California Ave.	$30,000
Storm Drain-Panorama	$20,000
Total CIP Projects	$135,000

*Shared cost for total budget of $30,000 for a Gas vehicle. If Council recommends a CNG vehicle, budget increases to $45,000.

Gas Tax Overview

Est. Beginning Reserve 07/01/12	$132,312
Add: Estimated Revenues	+$726,965
Less: Estimated Expenditures	-$826,008
Est. Ending Reserve 06/30/13	$33,269

Attachment to 06/25/12 CC Minutes
(Item 5.8)

Sewer Fund

Attachment to 06/25/12 CC Minutes
(Item 5.8)

Sewer Fund (106)

- Revenue Sources
  - Sewer Service Charges (85%): $1,858,940
  - Industrial Permits Revenue (7%):$156,534
  - Miscellaneous Income (1.7%):$38,774
  - Transfer In of Management Fee (2%): $47,943
- Expenditures
  - Salaries & Benefits (18%): $453,516
  - Maintenance & Operations (28%):$702,245
  - SRF Loan Interest (1%):$14,960
  - Transfers Out of Mgmt Fees (20%): $505,408
  - CIP Projects (2%): $50,000
  - Loan Projects (12%): $300,000

Attachment to 06/25/12 CC Minutes
(Item 5.8)

Sewer Fund Projects

CIP Projects	Amount Requested
Smart Covers-Lift Station	$15,000
Corp Yard-Bay Enclosure	$25,000
Vehicle Purchase	$10,000

Loan Projects	Amount Approved
Lift Station SCADA Sys.	$40,000
Robotic Video Assessment	$200,000
WWTP Monitoring Wells	$60,000

Attachment to 06/25/12 CC Minutes
(Item 5.8)

Sewer Fund Overview

Est. Beginning Reserve 07/01/12	$403,348
Add: Estimated Revenues	+$2,467,754
Less: Estimated Expenditures	-$2,546,129
Est. Ending Reserve 06/30/13	$324,973
% of Revenues	13.2%

Attachment to 06/25/12 CC Minutes
(Item 5.8)

Water Fund

Attachment to 06/25/12 CC Minutes
(Item 5.8)

Water Fund (114)

- Revenue Sources
  - Water Service Charges (97%): $1,690,494
  - Fines & Penalties (2%): $51,025
  - Miscellaneous Income (1%): $4,500
- Expenditures
  - Salaries & Benefits (21%): $439,922
  - Maintenance & Operations (29%): $600,950
  - Capital Expenditures (3%): $55,000
  - CIP Projects (10%): $210,000
  - Bond Expenditures (11%): $225,781 (Final Pymt.)
  - Transfer out of Mgmt Fee (24%): $505,408

Attachment to 06/25/12 CC Minutes
(Item 5.8)

Water Fund CIP Projects

Project	Amount Requested
Water Conservation: DMM	$50,000
Security System: Wells/Storage Tank	$40,000
Storage Tanks: SCADA & VFD	$70,000
Roselle & Turpin Valve Install	$20,000
JM Park: Water Meter/Backflow	$10,000
Safreno Park: Water Meter & Backflow	$10,000
Vehicle Purchase	$10,000
Total CIP Projects	$210,000

Attachment to 06/25/12 CC Minutes
(Item 5.8)

Water Fund Overview

Est. Beginning Reserve 07/01/12	$576,008
Add: Estimated Revenues	+$1,746,019
Less: Estimated Expenditures	-$2,087,061
Est. Ending Reserve 06/30/13	$234,966
% of Revenues	13%

Attachment to 06/25/12 CC Minutes
(Item 5.8)

Capital Project Funds

Attachment to 06/25/12 CC Minutes
(Item 5.8)

S.W. Sewer Fund (124)

- Formerly accounted for revenues related to the south west Riverbank area.
- Funds have not been used in several fiscal years.
- Expenditures
  - **Vactor Truck Dump Station Project** at the WWTP - $174,282

Attachment to 06/25/12 CC Minutes
(Item 5.8)

S.W. Sewer Fund Overview

Est. Beginning Reserve 07/01/12	**$241,323**
Add: Estimated Revenues	**+$500**
Less: Estimated Expenditures	**-$174,282**
Est. Ending Reserve 06/30/13	**$67,541**

Attachment to 06/25/12 CC Minutes
(Item 5.8)

Water Connection Fund (157)

- Accounts for all water connection fees paid by new development
- Revenues:
  - Connection fees: $5,000
  - Interest Income: $4,900
- Expenditures
  - CIP Projects: $627,571

Attachment to 06/25/12 CC Minutes
(Item 5.8)

Water Connection Fund CIP Projects

Project	Amount Requested
8th St. Well Improvements	$36,334
Jackson Well Improvements	$37,930
Pioneer Well Improvements	$46,582
Pioneer Well-Pump to Waste	$37,525
Jackson Ave. Gate Valves	$6,835
Jackson @ Ward Ave Gate Valve	$12,365
Water Meter Retrofit Project (P 1)	$450,000
Total CIP Projects	$627,571

Attachment to 06/25/12 CC Minutes
(Item 5.8)

Water Connection Fund Overview

Est. Beginning Reserve 07/01/12	$1,143,352
Add: Estimated Revenues	+$9,900
Less: Estimated Expenditures	-$627,571
Est. Ending Reserve 06/30/13	$525,681

Attachment to 06/25/12 CC Minutes
(Item 5.8)

System Development Fee Funds

Attachment to 06/25/12 CC Minutes
(Item 5.8)

SDF: Bridges & Roads Fund (140)

- Established to account for former bridges/roads revenue paid by new development
- Activity in this fund consist of streets & sidewalk projects
  - Sidewalk Infill - FY 00-01 & 02-03
  - ADA Sidewalks on Terminal – FY 11-12
  - Pedestrian Crosswalk Audible Signals – FY 11-12

SDF: Bridges & Roads Fund

- Revenues
  - Interest Income: $300
- Expenditures
  - CIP Project – Jackson Ave. Sidewalk @ Morrill Rd: $64,788

SDF: Bridges & Roads Fund Overview

Est. Beginning Reserve 07/01/12	$182,930
Add: Estimated Revenues	+$300
Less: Estimated Expenditures	-$64,788
Est. Ending Reserve 06/30/13	$118,442

Attachment to 06/25/12 CC Minutes
(Item 5.8)

SDF: Overpasses Fund (145)

- Established to account for former overpass revenue paid by new development for the Kentucky Ave Overpass
  - Funds reassigned to the exploration of an underpass at Santa Fe Ave.
- No expenditures anticipated for the 2012-13 year

Attachment to 06/25/12 CC Minutes
(Item 5.8)

SDF: Overpasses Fund Overview

Est. Beginning Reserve 07/01/12	$204,856
Add: Estimated Revenues	+$400
Less: Estimated Expenditures	$0
Est. Ending Reserve 06/30/13	$205,256

Attachment to 06/25/12 CC Minutes
(Item 5.8)

SDF: Railroad Crossing Fund (146)

- Established to account for former railroad crossing revenue paid by new development
  - Funds previously used for the railroad crossing at Claus Rd.
- No expenditures anticipated for the 2012-13 year

Attachment to 06/25/12 CC Minutes
(Item 5.8)

SDF: Railroad Crossing Fund Overview

Est. Beginning Reserve 07/01/12	$398
Add: Estimated Revenues	+$0
Less: Estimated Expenditures	$0
Est. Ending Reserve 06/30/13	$398

Attachment to 06/25/12 CC Minutes
(Item 5.8)

SDF: Streets/Public Works Fund (205)

- Accounts for fees received from new development for streets & public works related projects.
- Loan to the Sewer Fund for SSMP and NOV related projects for $990,000.
  - Majority of projects completed during FY 2011-12.

Attachment to 06/25/12 CC Minutes
(Item 5.8)

SDF: Streets & Public Works Sewer Loan Projects

Project	Amount Requested
Lift Station SCADA System	$40,000
Robotic Video Assessment	$200,000
WWTP Monitoring Wells	$60,000

Attachment to 06/25/12 CC Minutes
(Item 5.8)

SDF: Streets/Roads Fund Overview

Est. Beginning Reserve 07/01/12	**$2,795,047**
Add: Estimated Revenues	**+$65,000**
Less: Estimated Expenditures	**$320,013**
Est. Ending Reserve 06/30/13	**$2,540,034**

Attachment to 06/25/12 CC Minutes
(Item 5.8)

SDF: Water Fund (206)

- Accounts for fees received from new development for water related projects.
- Revenues
  - Developer Fees
  - Interest Income
- Expenditures
  - CIP Projects – Novi Drive Noise Attenuation Project: $40,000

Attachment to 06/25/12 CC Minutes
(Item 5.8)

SDF: Water Fund Overview

Est. Beginning Reserve 07/01/12	**$534,826**
Add: Estimated Revenues	**+$32,000**
Less: Estimated Expenditures	**$40,000**
Est. Ending Reserve 06/30/13	**$526,826**

Attachment to 06/25/12 CC Minutes
(Item 5.8)

FY 2012-2013 Budget Overview of All Fund

Est. Beginning Reserve 07/01/12	$12,460,384
Add: Estimated Revenues	+$15,190,996
Less: Estimated Expenditures	-$17,341,497
Est. Ending Reserve 06/30/13	$10,309,883

Attachment to 06/25/12 CC Minutes
(Item 5.8)

Recommendation

CITY COUNCIL TO ADOPT THE PROPOSED FISCAL YEAR 2012-13 ANNUAL BUDGET

Attachment to 06/25/12 CC Minutes
(Item 5.8)

City of Riverbank

FY 2012-2013
Annual Budget

Attachment to 06/25/12 CC Minutes
(Item 5.8)

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.C

SECTION 3: CONSENT CALENDAR

Meeting Date: July 9, 2012

Subject/ Title: **Resolution** to Adopt Warrant Registers for 06/21/2012.

From: Jill Anderson, City Manager

Submitted by: Marisela Hernandez, Finance Director

RECOMMENDATION:

It is recommended that City Council to approve the Resolution as presented.

SUMMARY:

The Warrant Register presented to the City Council is a listing of all expenditures paid during the week ending 06/21/2012. Major expenditures presented on the warrant registers include the following:

06/21/2012 Warrant

Vendor	Funding Source	Amount
City of Modesto: Annual Stanislaus Drug Enforcement Agency (SDEA) Contribution	General Fund: Police Services	$28,245.00
HLP Inc.: Annual Maintenance & Support for Animal Control Software	General Fund: Animal Services	$3,092.40
Riverbank Chamber of Commerce: Annual Membership Dues	General Fund: City Council	$175.00
The Red Automation: Electrical Surveys for Buildings at LRA	LRA	$28,133.30

FINANCIAL IMPACT:

There are reductions in various funds for payments of expenses.

ATTACHMENTS: **(List attachments in order of placement)**

1. Resolution
2. Warrant Register: 06/21/2012

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK APPROVING THE WARRANT REGISTER FOR THE CITY OF RIVERBANK.

WHEREAS, I, Marisela Hernandez, being duly sworn, do hereby certify and declare that I have authorized the demands as enumerated and referred to in the foregoing Warrant Register and that the same are accurate and are just claims against the City of Riverbank, and there are funds available for payment thereof in the City Treasury.

_____
Marisela Hernandez
Director of Finance

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 9th day of July 2012; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ___:

AYES:
NAYS:
ABSENT:
ABSTAIN:

APPROVED:

_____
Virginia Madueño
Mayor

ATTEST:

_____
Annabelle Aguilar, CMC
City Clerk

Attachment: Warrant Register: 06/21/2012

CHECK #	GL NUMBER	VENDOR #	VENDOR NAME	DESCRIPTION	Time:	AMOUNT
37502	114-433.000-706.028	99421	SEARS	SMALL TOOLS		625.58
						625.58
37503	114-433.000-702.032	10026	AMERICAN WATER WORKS A	BACKFLOW PREV. & CROSS C		405.50
						405.50
37504	118-000.000-200.150	104952	ANAYA/JOSEPHINE//	DEPOSIT REFUND		375.00
						375.00
37505	197-439.000-706.029	99450	ARROWHEAD	BOTTLED WATER		93.57
37505	106-424.000-706.026	99450	ARROWHEAD	BOTTLED WATER		14.18
37505	101-412.000-706.026	99450	ARROWHEAD	BOTTLED WATER		46.94
						154.69
37506	101-405.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		94.28
37506	125-448.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		31.43
37506	101-407.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		251.40
37506	101-409.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		219.98
37506	101-412.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		62.85
37506	101-414.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		31.43
37506	134-459.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		62.85
37506	106-423.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		62.85
37506	119-442.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		31.41
37506	198-439.500-702.053	99815	AT&T-CALNET 2	COMMUNICATIONS		330.08
						1,178.56
37507	118-000.000-680.025	104956	BABER/ANITA//	REFUND		80.00
						80.00
37508	119-442.000-702.030	100817	BAGLEY ENTERPRISES, INC.	MONTHLY INSPECTION - JU		300.00
						300.00
37509	106-424.000-702.032	103079	BAY ALARM COMPANY	ALARM SERVICES		162.80
						162.80
37510	201-000.000-200.080	100550	BLUE SHIELD OF CALIFORNI	HEALTH INSURANCE		35,978.00
						35,978.00
37511	101-412.000-704.021	102990	CHARTER COMMUNICATION	COMMUNICATIONS - PW		17.16

CHECK #	GL NUMBER	VENDOR #	VENDOR NAME	DESCRIPTION	Time:	AMOUNT
37511	101-403.000-702.032	102990	CHARTER COMMUNICATION	COMMUNICATIONS		49.33
37511	101-408.000-706.026	102990	CHARTER COMMUNICATION	COMMUNICATIONS		49.33
37511	101-402.000-703.025	102990	CHARTER COMMUNICATION	COMMUNICATIONS		49.33
						165.15
37512	101-413.000-702.032	104953	CHARTER COMMUNICATION	BUILDING MAINTENANCE		3,099.05
						3,099.05
37513	101-409.000-706.072	100317	CITY OF MODESTO	SDEA CONTRIBUTION		28,245.00
						28,245.00
37514	101-411.000-702.034	36200	CITY OF OAKDALE	ANIMAL CONTROL SERVICE		13,170.42
						13,170.42
37515	102-418.000-706.029	22051	CUNNINGHAM & SONS INC	BUILDING MAINTENANCE		1,800.00
						1,800.00
37516	197-439.000-702.032	104609	DL WHITE LAW GROUP	LEGAL SERVICES - LRA		1,820.41
						1,820.41
37517	114-433.000-702.032	13010	FAR WEST	WATER SAMPLES		875.00
37517	197-439.000-706.029	13010	FAR WEST	WATER SAMPLES		870.00
37517	197-439.000-706.029	13010	FAR WEST	WATER SAMPLES		120.00
						1,865.00
37518	101-000.000-600.090	13300	FEDEX	POSTAGE		26.04
						26.04
37519	119-442.000-705.040	103365	FLORY INDUSTRIES, INC.	VEHICLE MAINTENANCE		110.80
						110.80
37520	197-439.000-702.063	104543	GEIL ENTERPRISES, INC.	SECURITY SERVICES		11,971.44
						11,971.44
37521	101-457.000-702.032	10028	GIULIANI & KULL, INC.	FIRST ST. STORM BASIN		9,600.00
37521	101-457.000-702.032	10028	GIULIANI & KULL, INC.	TERMINAL AVE. OVERLAY		940.00
						10,540.00
37522	106-424.000-702.030	100164	GRAINGER	EQUIPMENT MAINTENANCE		118.16
37522	106-424.000-702.030	100164	GRAINGER	EQUIPMENT MAINTENANCE		8.12
37522	106-424.000-702.030	100164	GRAINGER	EQUIPMENT MAINTENANCE		306.89

CHECK #	GL NUMBER	VENDOR #	VENDOR NAME	DESCRIPTION	Time:	AMOUNT
37522	106-424.000-702.030	100164	GRAINGER	EQUIPMENT MAINTENANCE		30.89
37522	106-424.000-702.030	100164	GRAINGER	EQUIPMENT MAINTENANCE		133.97
37522	106-424.000-702.030	100164	GRAINGER	EQUIPMENT MAINTENANCE		19.41
						617.44
37523	132-457.000-702.032	99588	GROVER LANDSCAPE SERV	LANDSCAPE MAINTENANCE		880.00
						880.00
37524	134-000.000-672.000	104954	HATZIGEORGIOU/RACHEL//	REFUND		45.00
						45.00
37525	101-411.000-702.034	01107	HLP, INC	ANNUAL SUPPORT & MAINT		3,092.40
						3,092.40
37526	106-423.000-702.030	100312	HOME DEPOT CREDIT SERVI	BUILDING MAINTENANCE		99.01
37526	101-412.000-706.029	100312	HOME DEPOT CREDIT SERVI	BUILDING MAINTENANCE		10.57
37526	114-433.000-706.029	100312	HOME DEPOT CREDIT SERVI	BUILDING MAINTENANCE		21.44
37526	114-433.000-702.030	100312	HOME DEPOT CREDIT SERVI	BUILDING MAINTENANCE		30.12
37526	114-433.000-706.029	100312	HOME DEPOT CREDIT SERVI	BUILDING MAINTENANCE		39.60
37526	102-418.000-706.026	100312	HOME DEPOT CREDIT SERVI	BUILDING MAINTENANCE		7.40
37526	102-418.000-703.062	100312	HOME DEPOT CREDIT SERVI	BUILDING MAINTENANCE		87.68
						295.82
37527	197-439.000-706.029	104510	HOUSTON CONTROL	BUILDING MAINTENANCE		160.00
						160.00
37528	106-423.000-702.030	19690	HOWK SYSTEMS	EQUIPMENT MAINTENANCE		544.13
						544.13
37529	101-409.000-702.030	10000185	IMAGE UNIFORMS	MOTOR PANTS		476.72
						476.72
37530	106-424.000-702.032	81036	J L ANALYTICAL SERVICES, I	WATER SAMPLES		77.00
						77.00
37531	118-000.000-680.025	104957	KEYS/SANDY//	REFUND		80.00
						80.00
37532	197-439.000-702.053	104710	KKI CORPORATION	HARDWARE/SOFTWARE SUP		718.75
						718.75

CHECK #	GL NUMBER	VENDOR #	VENDOR NAME	DESCRIPTION	Time:	AMOUNT
37533	114-433.000-706.036	100503	MCCROMETER, INC.	MEMBERSHIP DUES		572.89
						572.89
37534	173-590.000-704.021	32627	MID	UTILITIES		105.17
						105.17
37535	101-413.000-702.032	32627-1	MID	BUILDING MAINTENANCE		2,300.00
						2,300.00
37536	197-439.000-702.053	32615	MO - CAL	COPY COUNT - LRA		1,019.29
37536	114-433.000-702.031	32615	MO - CAL	COPY COUNT - PW		367.01
37536	106-424.000-702.031	32615	MO - CAL	COPY COUNT - PW		367.01
37536	101-412.000-702.031	32615	MO - CAL	COPY COUNT - PW		367.02
						2,120.33
37537	101-000.000-400.050	103000	MUNISERVICES, LLC	SUTA SERVICE		1,661.86
						1,661.86
37538	177-590.000-706.029	10000176	MY BARK CO.	BUILDING MAINTENANCE		1,825.38
37538	220-590.000-706.029	10000176	MY BARK CO.	BUILDING MAINTENANCE		1,905.91
37538	175-590.000-706.029	10000176	MY BARK CO.	BUILDING MAINTENANCE		456.35
37538	220-590.000-706.029	10000176	MY BARK CO.	BUILDING MAINTENANCE		1,369.03
						5,556.67
37539	101-403.000-702.030	100911	NEOPOST USA INC.	EQUIPMENT MAINTENANCE		137.43
						137.43
37540	101-414.000-706.029	33900	NORMAC	BUILDING MAINTENANCE		16.94
						16.94
37541	124-450.000-707.002	104592	NORTH STAR ENGINEERING G	VACTOR TRUCK DUMP STA		340.00
						340.00
37542	118-000.000-680.025	104958	PACHECO/MICHELLE//	REFUND		160.00
						160.00
37543	102-418.000-704.021	39021	PACIFIC GAS & ELECTRIC	UTILITIES		14.85
37543	106-424.000-704.021	39021	PACIFIC GAS & ELECTRIC	UTILITIES		196.46
37543	101-414.000-704.021	39021	PACIFIC GAS & ELECTRIC	UTILITIES		4.44
						215.75

CHECK #	GL NUMBER	VENDOR #	VENDOR NAME	DESCRIPTION	Time:	AMOUNT
37544	101-000.000-600.170	104955	PADILLA/MARY M.//	REFUND FOR PARKING CITA		93.00
						93.00
37545	101-401.000-706.036	05915	RIVERBANK CHAMBER OF CO	MEMBERSHIP DUES		175.00
						175.00
37546	118-441.000-706.026	104594	SHIRTWORLD	OUTDOOR CAMP T-SHIRTS		199.76
						199.76
37547	114-433.000-706.027	99606	SMITH/CHRIS//	BOOT ALLOWANCE		104.99
						104.99
37548	106-424.000-706.026	100701	STANISLAUS FARM SUPPLY	BUILDING MAINTENANCE		245.41
						245.41
37549	201-000.000-200.082	1000039	STANISLAUS FOUNDATION	DENTAL LIABILITY		607.80
						607.80
37550	196-496.000-707.003	103655	STORER COACHWAYS	TEEN TRIP		67.46
						67.46
37551	198-439.500-702.032	104901	THE RED AUTOMATION CO.	BUILDING MAINTENANCE		5,626.66
37551	198-439.500-702.032	104901	THE RED AUTOMATION CO.	BUILDING MAINTENANCE		5,626.66
37551	198-439.500-702.032	104901	THE RED AUTOMATION CO.	BUILDING MAINTENANCE		5,626.66
37551	198-439.500-702.032	104901	THE RED AUTOMATION CO.	BUILDING MAINTENANCE		5,626.66
37551	198-439.500-702.032	104901	THE RED AUTOMATION CO.	BUILDING MAINTENANCE		5,626.66
						28,133.30
37552	106-424.000-702.030	100120	TILBURY AUTO PARTS	EQUIPMENT MAINTENANCE		7.50
37552	106-424.000-702.030	100120	TILBURY AUTO PARTS	EQUIPMENT MAINTENANCE		4.50
						12.00
37553	118-000.000-680.025	104959	VAN HOUTEN/MIA//	REFUND		160.00
						160.00
37554	134-000.000-672.000	104960	WALLANCE/ALYSSA//	REFUND		40.00
						40.00
37555	156-555.000-706.061	33010	WILLDAN FINANCIAL SERVI	LOCAL IMPROVEMENT DIST.		731.45
37555	170-555.000-706.061	33010	WILLDAN FINANCIAL SERVI	LOCAL IMPROVEMENT DIST.		516.71

CHECK #	GL NUMBER	VENDOR #	VENDOR NAME	DESCRIPTION	Time:	AMOUNT
						1,248.16
				CHECK RUN TOTAL		**163,334.62**

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date:	July 9, 2012
Subject/ Title:	**Resolution** Electing to Retain Responsibility for Performing Housing Functions Previously Performed by the Riverbank Redevelopment Agency
From:	Jill Anderson, City Manager
Submitted by:	Marisela Hernandez, Director of Finance & Housing

RECOMMENDATION

It is recommended that the City Council adopt a **Resolution** electing to become the Successor Housing Agency for the former Riverbank Redevelopment Agency.

LEGISLATIVE BACKGROUND

On June 29, 2011 the Governor of the State of California signed into law ABX1 26 which eliminated all redevelopment agencies throughout the State and took effect as of February 1, 2012. This law includes a provision in which the City may elect to retain the housing assets and functions previously performed by the Riverbank Redevelopment Agency. Section 34176 (a) of the Health & Safety Code states the following:

> "The city, county, or city and county that authorized the creation of a redevelopment agency may elect to retain the housing assets and functions previously performed by the redevelopment agency. If a city, county, or city and county elects to retain the responsibility for performing housing functions previously performed by a redevelopment agency, all rights, powers, duties, and obligations, excluding any amounts on deposit in the Low and Moderate Income Housing Fund, shall be transferred to the city, county, or city and county."

In the event that the City should elect not to become the Successor Housing Agency, Section 34176 (b) of the Health & Safety Code stipulates that they following shall occur:

> "if a city, county, or city and county does not elect to retain the responsibility for performing housing function previously performed by a redevelopment agency, all rights, power, assets, liabilities, duties, and obligations associated with the housing activities of the agency, excluding

any amounts in the Low and Moderate Income Housing fund, shall be transferred as follows:

(1) Where there is no local housing authority in the territorial jurisdiction of the former redevelopment agency, to the Department of Housing and Community Development.
(2) Where there is one local housing authority in the territorial jurisdiction of the former redevelopment agency, to that local housing authority.
(3) Where there is more than one local housing authority in the territorial jurisdiction of the former redevelopment agency, to the local housing authority selected by the city, county, or city and county that authorized the creation of the redevelopment agency."

The Law clearly sets forth a succession plan options that insure that the funds initially designated for affordable housing continue to be used for affordable housing.

LOW TO MODERATE INCOME HOUSING FUND

The former Riverbank Redevelopment Agency Low to Moderate Income Housing Fund was established to account for the required 20% set-aside of Tax Increment Revenues that are required to be used towards low to moderate income housing.

The only current asset of the Housing Fund is a $3.2 million loan issued to Pacific West Communities as assistance for the construction of the Riverbank Family Apartments, a 65-unit apartment complex located on the corner of Patterson & Claus Rd. The following funding sources were used as the financing mechanism for this loan:

1. RDA Tax Increment Housing Set-Aside Revenues: $ 800,000.00
2. City of Riverbank General Fund Loan: $2,400,000.00

The loan from the General Fund to the RDA Housing Fund was fully repaid with the bond proceeds received from the 2007 Series B Bonds on October 9, 2009.

This loan was issued as a deferred loan payable in full in 30 years with 3% simple interest accruing annually. Pacific West must make an annual interest-only payment should their annual audit deem that they have sufficient surplus cash. Audits are submitted to the City so that it can be verified whether or not Pacific West will be in the financial position of making such payment. As a result, the revenue from this payment varies from year to year.

In addition, the Riverbank Family Apartments is required to make a Payment In Lieu of Taxes (PILOT) to offset the loss of property tax revenue that was experienced when the property became tax exempt. This payment is approximately $27,000 a year.

No bond funds were used for the issuance of the loan, so proceeds from Riverbank Family Apartments are not repayment sources for the Redevelopment Agency's 2007

Series B Bond. Official documents of the bond clearly state that the repayment source is to be Tax Increment Revenue, thereby making this bond an obligation of the Designated Local Authority, which is currently the recipient of these revenues.

Can Housing Funds Be Used for Bond Repayment?

In response to the question of whether or not the housing funds could be used to pay the outstanding bond debt of the former Riverbank Redevelopment Agency, redevelopment legal counsel has indicated that it would be very problematic for the following reasons:

- The law clearly intends for housing funds to be used for housing purposes.
- Terms of the loan do not generate significant income until repayment of the loan in approximately 27 years.
- Housing funds are not identified as a revenue source for the bonds, so the use of that money, even if legally feasible, creates legal questions.
- The City of Riverbank is not the successor agency for the former Redevelopment Agency, so in the event that it became the Successor Housing Agency and wanted to designate funds to the Designated Local Authority (the successor agency for the Redevelopment Agency), it could create an unintended assumption of financial responsibility, in the event that it was legally feasible.
- There would be legal costs to pursue whether or not the City acting as the Successor Housing Agency could even use the funds for bond repayment and those costs would likely exceed one-year of the PILOT fee that the City receives.

CONCLUSION

The initial law that required redevelopment agencies to set aside funds for affordable housing and ABX1 26, the law that caused the dismantling of redevelopment agencies, make definite distinctions between housing funds and other redevelopment agency assets. ABX1 26 is clearly written to limit the transfer of housing funds for other purposes. Therefore, it is recommended that the City Council elect to become the Successor Housing Agency as it would potentially provide the City with a small annual revenue source to provide some housing assistance to low income residents.

FINANCIAL IMPACT

Assets of the fund include a $3.2 million loan receivable from the Riverbank Family Apartments located on Claus Road. Repayment of this loan would potentially provide funding for continued housing assistance. In addition, the Successor Housing Agency will be the recipient of the future PILOT payments from the Riverbank Family Apartments, which are currently estimated at $27,000 per year.

ATTACHMENTS

1. Health & Safety Code Section 34176
2. Resolution

34176. (a) (1) The city, county, or city and county that authorized the creation of a redevelopment agency may elect to retain the housing assets and functions previously performed by the redevelopment agency. If a city, county, or city and county elects to retain the authority to perform housing functions previously performed by a redevelopment agency, all rights, powers, duties, obligations, and housing assets, as defined in subdivision (e), excluding any amounts on deposit in the Low and Moderate Income Housing Fund and enforceable obligations retained by the successor agency, shall be transferred to the city, county, or city and county.

(2) The entity assuming the housing functions of the former redevelopment agency shall submit to the Department of Finance by August 1, 2012, a list of all housing assets that contains an explanation of how the assets meet the criteria specified in subdivision (e). The Department of Finance shall prescribe the format for the submission of the list. The list shall include assets transferred between February 1, 2012, and the date upon which the list is created. The department shall have up to 30 days from the date of receipt of the list to object to any of the assets or transfers of assets identified on the list. If the Department of Finance objects to assets on the list, the entity assuming the housing functions of the former redevelopment agency may request a meet and confer process within five business days of receiving the department objection. If the transferred asset is deemed not to be a housing asset as defined in subdivision (e), it shall be returned to the successor agency and the provision of Section 34178.8 may apply. If a housing asset has been previously pledged to pay for bonded indebtedness, the successor agency shall maintain control of the asset in order to pay for the bond debt.

(b) If a city, county, or city and county does not elect to retain the responsibility for performing housing functions previously performed by a redevelopment agency, all rights, powers, assets, duties, and obligations associated with the housing activities of the agency, excluding enforceable obligations retained by the successor agency and any amounts in the Low and Moderate Income Housing Fund, shall be transferred as follows:

(1) If there is no local housing authority in the territorial jurisdiction of the former redevelopment agency, to the Department of Housing and Community Development.

(2) If there is one local housing authority in the territorial jurisdiction of the former redevelopment agency, to that local housing authority.

(3) If there is more than one local housing authority in the territorial jurisdiction of the former redevelopment agency, to the local housing authority selected by the city, county, or city and county that authorized the creation of the redevelopment agency.

(c) Commencing on the operative date of this part, the entity that assumes the housing functions formerly performed by the redevelopment agency and receives the transferred housing assets may enforce affordability covenants and perform related activities pursuant to applicable provisions of the Community Redevelopment Law (Part 1 (commencing with Section 33000)), including, but not limited to, Section 33418.

(d) Except as specifically provided in Section 34191.4, any funds transferred to the city, county, or city and county or designated entity pursuant to this section, together with any funds generated from housing assets, as defined in subdivision (e), shall be maintained in a separate Low and Moderate Income Housing Asset Fund which is hereby created in the accounts of the entity assuming the housing functions pursuant to this section. Funds in this account

shall be used in accordance with applicable housing-related provisions of the Community Redevelopment Law (Part 1 (commencing with Section 33000)).

(e) For purposes of this part, "housing asset" includes all of the following:

(1) Any real property, interest in, or restriction on the use of real property, whether improved or not, and any personal property provided in residences, including furniture and appliances, all housing-related files and loan documents, office supplies, software licenses, and mapping programs, that were acquired for low- and moderate-income housing purposes, either by purchase or through a loan, in whole or in part, with any source of funds.

(2) Any funds that are encumbered by an enforceable obligation to build or acquire low- and moderate-income housing, as defined by the Community Redevelopment Law (Part 1 (commencing with Section 33000)) unless required in the bond covenants to be used for repayment purposes of the bond.

(3) Any loan or grant receivable, funded from the Low and Moderate Income Housing Fund, from homebuyers, homeowners, nonprofit or for-profit developers, and other parties that require occupancy by persons of low or moderate income as defined by the Community Redevelopment Law (Part 1 (commencing with Section 33000)).

(4) Any funds derived from rents or operation of properties acquired for low- and moderate-income housing purposes by other parties that were financed with any source of funds, including residual receipt payments from developers, conditional grant repayments, cost savings and proceeds from refinancing, and principal and interest payments from homebuyers subject to enforceable income limits.

(5) A stream of rents or other payments from housing tenants or operators of low- and moderate-income housing financed with any source of funds that are used to maintain, operate, and enforce the affordability of housing or for enforceable obligations associated with low- and moderate-income housing.

(6) (A) Repayments of loans or deferrals owed to the Low and Moderate Income Housing Fund pursuant to subparagraph (G) of paragraph (1) of subdivision (d) of Section 34171, which shall be used consistent with the affordable housing requirements in the Community Redevelopment Law (Part 1 (commencing with Section 33000)).

(B) Loan or deferral repayments shall not be made prior to the 2013-14 fiscal year. Beginning in the 2013-14 fiscal year, the maximum repayment amount authorized each fiscal year for repayments made pursuant to this paragraph and subdivision (b) of Section 34191.4 combined shall be equal to one-half of the increase between the amount distributed to taxing entities pursuant to paragraph (4) of subdivision (a) of Section 34183 in that fiscal year and the amount distributed to taxing entities pursuant to that paragraph in the 2012-13 base year. Loan or deferral repayments made pursuant to this paragraph shall take priority over amounts to be repaid pursuant to subdivision (b) of Section 34191.4.

(f) If a development includes both low- and moderate-income housing that meets the definition of a housing asset under subdivision (e) and other types of property use, including, but not limited to, commercial use, governmental use, open space, and parks, the oversight board shall consider the overall value to the community as well as the benefit to taxing entities of keeping the entire development intact or dividing the title and control over the property between the housing successor and the successor agency or other public or private agencies. The disposition of those assets may be accomplished by a revenue-sharing arrangement as approved by the

oversight board on behalf of the affected taxing entities.

(g) (1) (A) The entity assuming the housing functions pursuant to this section may designate the use of and commit indebtedness obligation proceeds that remain after the satisfaction of enforceable obligations that have been approved in a Recognized Obligation Payment Schedule and that are consistent with the indebtedness obligation covenants. The proceeds shall be derived from indebtedness obligations that were issued for the purposes of affordable housing prior to January 1, 2011, and were backed by the Low and Moderate Income Housing Fund. Enforceable obligations may be satisfied by the creation of reserves for the projects that are the subject of the enforceable obligation that are consistent with the contractual obligations for those projects, or by expending funds to complete the projects.

(B) The entity assuming the housing functions pursuant to this section shall provide notice to the successor agency of any designations of use or commitments of funds specified in subparagraph (A) that it wishes to make at least 20 days before the deadline for submission of the Recognized Obligation Payment Schedule to the oversight board. Commitments and designations shall not be valid and binding on any party until they are included in an approved and valid Recognized Obligation Payment Schedule. The review of these designations and commitments by the successor agency, oversight board, and Department of Finance shall be limited to a determination that the designations and commitments are consistent with bond covenants and that there are sufficient funds available.

(2) Funds shall be used and committed in a manner consistent with the purposes of the Low and Moderate Income Housing Asset Fund. Notwithstanding any other law, the successor agency shall retain and expend the excess housing obligation proceeds at the discretion of the succeeding housing entity, provided that the successor agency ensures that the proceeds are expended in a manner consistent with the indebtedness obligation covenants and with any requirements relating to the tax status of those obligations. The amount expended shall not exceed the amount of indebtedness obligation proceeds available and such expenditure shall constitute the creation of excess housing proceeds expenditures to be paid from the excess proceeds. Excess housing proceeds expenditures shall be listed separately on the Recognized Obligation Payment Schedule submitted by the successor agency.

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY OF RIVERBANK CITY COUNCIL ELECTING TO RETAIN RESPONSIBILITY FOR PERFORMING HOUSING FUNCTIONS PREVIOUSLY PERFORMED BY THE RIVERBANK REDEVELOPMENT AGENCY

WHEREAS, on June 29, 2011, Governor Brown signed State of California Assembly Bill ABX1 26 which dissolved redevelopment agencies throughout the state of California; and

WHEREAS, Part 1.85, Chapter 2, Section 34176(b)(2) of the Health and Safety Code as enacted in ABX1 26 states that *if a city, county, or city and county does not elect to retain the responsibility for performing housing functions previously performed by a redevelopment agency, all rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the agency, excluding any amounts in the Low and Moderate Income Housing Fund,* that responsibility shall be transferred to the local housing authority in the territorial jurisdiction of the former redevelopment agency when there is on local housing authority; and

WHEREAS, pursuant to the provisions of ABX1 26, the City of Riverbank does hereby elect to retain responsibility for performing the housing functions previously performed by the Riverbank Redevelopment Agency.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby elects to retain the responsibility for performing housing functions previously performed by the Riverbank Redevelopment Agency including all rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the agency, excluding any amounts in the Low and Moderate Income Housing Fund to the City of Riverbank.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 9th day of July, 2012; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ___:

AYES:
NAYS:
ABSENT:
ABSTAIN:

ATTEST:

_____
Annabelle Aguilar, CMC
City Clerk

APPROVED:

_____
Virginia Madueño
Mayor