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

# AGENDA

## MONDAY, MARCH 12, 2012 – 6:00 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

**Item 1.1:** Proclaiming the Month of April as DMV/Donate Life Month.

**Item 1.2:** Proclaiming March 2012 American Red Cross Month.

## 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:** Clerk's Report of Posting. The agenda for the regular March 12, 2012, City Council meeting was posted on the City Chamber bulletin board on March 7, 2012.

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

**Item 3.C:** Approval of the February 27, 2012, regular City Council Minutes.

**Item 3.D:** Resolution Approving the Warrant Registers for 02/16/2012, 02/23/2012, and 03/01/2012 for the City of Riverbank.

**Item 3.E:** **Resolution** to Assign and Authorize Representation on Community Development Block Grant Signature Card.

**Item 3.F:** Acceptance of the CNG Maintenance Facility and File Notice of Completion.

**Item 3.G:** Resolution Affirming the Appointment of Planning Commissioners Joan Stewart and Clint Bray.

**Recommendation:** Approval by roll call vote of Consent Calendar.

## 4. UNFINISHED BUSINESS: None

## 5. PUBLIC HEARINGS

**Item 5.1:** **Resolution** Authorizing the Approval of an Application for Funding from the 2012 Super NOFA Allocation of the State CDBG Program.

**Recommendation:** 1) Open public hearing, presentation, public comment, and close public hearing. 2) Authorize the approval of an application for funding and execution of a grant agreement from the 2012 Super NOFA Allocation of the State CDBG fund.

**Item 5.2** **Resolution** Approving Amendments to the Housing Rehabilitation Program Participation Guidelines.

**Recommendation:** 1) Open public hearing, receive public input, and close public hearing. 2) Adopt Resolution approving amendment of Housing Rehabilitation Program Participation Guidelines by roll call vote.

## 6. NEW BUSINESS

**Item 6.1:** Request to Conduct a Farmer's Market on Saturdays from June through September, 2012.

**Recommendation:** Review and approve the event, including conditions for limited sponsorship and fee waivers.

## 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: City of Riverbank v. County of Tuolumne, Jack and Tricia Gardella, and Resources Exploration and Drilling, LLC, *Real Parties in Interest.*
Sacramento County Superior Court No. 34-2011-80000950

**Item 8.2:** **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

**Item 8.3:** **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

**Item 8.4:** **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Government Code § 54956.9(a)
Name of Case: Barham Construction, Inc. v. City of Riverbank
Court of Appeals of California, Fifth District
Case No. F058692 and Case No. F059499

**Recommendation:** Council to give direction to Staff.

## 9. REPORT FROM CLOSED SESSION

**Item 9.1:** Report from Closed Session on Item 8.1 - **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** City of Riverbank v. County of Tuolumne, Jack and Tricia Gardella, and Resources Exploration and Drilling, LLC, *Real Parties in Interest.*

**Item 9.2:** Report from Closed Session Item 8.2 - **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** Danise Huey v. City of Riverbank.

**Item 9.3:** Report from Closed Session Item 8.3 - **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** Andrea Allen and Frances Allen v. City of Riverbank.

**Item 9.4:** Report from Closed Session Item 8.4 - **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** Name of Case: Barham Construction, Inc. v. City of Riverbank.

## ADJOURNMENT

## UPCOMING EVENTS:

| | |
|---|---|
| March 26 (Mon) | ▪ **Next regular City Council Meeting, Council Chambers @ 6:00 p.m.** |

| AFFIDAVIT OF POSTING | | | |
|---|---|---|---|
| **DATE:** | 03/07/12 | **TIME:** | 6:15 p.m. |
| **NAME:** | Annabelle Aguilar, CMC | **TITLE:** | Deputy 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. |
| Questions: | Contact the City Clerk at (209) 863-7122. |

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.1

## SECTION 3: CONSENT CALENDAR

**Meeting Date:** March 12, 2012

**Subject/ Title:** Proclaiming the Month of April as DMV/Donate Life Month

**Submitted by:** Annabelle Aguilar, CMC, Deputy City Clerk

**City Manager Approval:** _____

**RECOMMENDATION:**

Mayor to publicly read the Proclamation; no one will be present to receive, staff will mail.

**STAFF SUMMARY:**

Donate Life California has partnered with the League of California Cities to assist them in recognizing the need to increase the number of organ and tissue donors in California by having City Councils proclaim the month of April as DMV/Donate Life month. Because of these efforts and also in partnership with the Department of Motor Vehicles, 100 million potential donors signed up across American last year during April. Support of this cause will help the thousands of Californians on the organ transplant waiting list.

**FINANCIAL IMPACT:**

None

**ATTACHMENT:**

1. Proclamation

# Proclamation

## PROCLAIMING APRIL DMV/DONATE LIFE MONTH

**WHEREAS,** organ, tissue, marrow and blood donation are life-giving acts recognized worldwide as expressions of compassion to those in need; and

**WHEREAS,** more than 110,000 individuals nationwide and more than 21,000 in California are currently on the national organ transplant waiting list, and every 90 minutes one person dies while waiting due to the shortage of donated organs; and

**WHEREAS,** at any given time, 6,000 patients are in need of volunteer marrow donors; and

**WHEREAS,** a single individual's donation of their organs can save up to eight lives, their donation of tissue can save and heal up to 50 other lives, and a single blood donation can help three people in need; and

**WHEREAS,** during the month of April, state donor registries across the United States celebrate National Donate Life Month, a celebration set by the U.S. Department of Health and Human Services; and

**WHEREAS,** nearly nine million Californians have signed up with the state-authorized Donate Life California Registry to ensure their wishes to be organ and tissue donors are honored; and

**WHEREAS,** California residents can sign up with the Donate Life California Registry when applying for or renewing their driver's license or ID card at the California Department of Motor Vehicles.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Riverbank recognizes April 2012 as National Donate Life Month and hereby proclaims **DMV/Donate Life California Month** in the City of Riverbank, and in doing so, encourages all citizens to sign up at www.donateLIFEcalifornia.org or www.doneVIDAcalifornia.org or when visiting your local DMV.

**IN WITNESS THEREOF,** I have hereto set my hand and caused the Seal of the City of Riverbank to be affixed this 12th day of March, 2012.

Virginia Madueño, Mayor

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.2

## SECTION 3: CONSENT CALENDAR

**Meeting Date:** March 12, 2012

**Subject/ Title:** Proclaiming March 2012 American Red Cross Month

**Submitted by:** Annabelle Aguilar, CMC, Deputy City Clerk

**City Manager Approval:** _____

**RECOMMENDATION:**

Mayor to present proclamation to the local American Red Cross.

**STAFF SUMMARY:**

The American Red Cross has been the nation's premier emergency response organization offering humanitarian care to victims of war and distinguishing itself by also aiding victims of devastating natural disasters. The organization has also expanded over the years in helping to prevent and relieve suffering.

The American Red Cross is an organization of people mobilizing to help others across the street, across the country, and across the world in emergencies. The month of March is a time to recognize their efforts and value in helping the most vulnerable people by restoring their hope and dignity.

**FINANCIAL IMPACT:**

None

**ATTACHMENT:**

1. Proclamation

# Proclamation

## PROCLAIMING MARCH 2012
## AMERICAN RED CROSS MONTH

**WHEREAS,** the American Red Cross has touched many lives in the City of Riverbank and fulfills a vital role in our community, preventing and alleviating suffering in the face of disaster and is a true reflection of the humanitarian and volunteer spirit of the American people; and;

**WHEREAS,** during American Red Cross Month, we thank those who contribute to the mission of the Red Cross, whether through their generosity of time, money or blood, and we invite others to support the Red Cross in helping people in need down the street, across the country and around the world; and

**WHEREAS,** the American Red Cross is synonymous with helping people, and has been doing so for more than 130 years. Throughout the past year, the American Red Cross launched hundreds of disaster relief operations in the United States to help people affected by fires, floods, hurricanes and tornadoes. The American Red Cross also supported major international disasters, including the Japan earthquake and tsunami response, while continuing its work on the 2010 Haiti earthquake response and recovery; and

**WHEREAS,** the Red Cross works tirelessly through its employees and volunteers to support us when disaster strikes, when someone needs life-saving blood, or the comfort of a helping hand. It provides 24-hour support to those impacted by home fire, to our members of the military, veterans and their families, and provides training in CPR, aquatics safety, and first aid; and

**WHEREAS,** for nearly 100 years, United States presidents have called on the American people to support the Red Cross and its humanitarian mission. Our community depends on the American Red Cross and because it is not a government agency, the Red Cross depends on support from the public to continue its humanitarian work. This is especially important in these challenging economic times – which impact the Red Cross and many people in our community and across the nation.

**NOW, THEREFORE BE IT RESOLVED,** that the City Council of the City of Riverbank do hereby proclaim March 2012 as American Red Cross Month and encourage all Americans to support this organization and its noble humanitarian mission.

**IN WITNESS THEREOF,** I have hereto set my hand and caused the Seal of the City of Riverbank to be affixed this 12th day of March, 2012.

Virginia Madueño, Mayor

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.A

## SECTION 3: CONSENT CALENDAR

| | |
|---|---|
| **Meeting Date:** | March 12, 2012 |
| **Subject/ Title:** | Clerk's Report of Posting |
| **Submitted by:** | Annabelle Aguilar, CMC, Deputy City Clerk |

**RECOMMENDATION:**

Approval by roll call vote of Consent Calendar.

**STAFF SUMMARY:**

Clerk's Report of Posting. The agenda for the March 12, 2012, regular City Council meeting was posted on the City Council Chamber bulletin board as per the Affidavit of Posting.

**FINANCIAL IMPACT:**

N/A

**ATTACHMENT:**

None

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.B

## SECTION 3: CONSENT CALENDAR

| | |
|---|---|
| **Meeting Date:** | March 12, 2012 |
| **Subject/ Title:** | Waive Readings |
| **Submitted by:** | Annabelle Aguilar, CMC, Deputy City Clerk |

**RECOMMENDATION:**

Approval by roll call vote of Consent Calendar.

**STAFF SUMMARY:**

Waive Readings. All readings of Ordinances and Resolutions, except by title, are waived.

**FINANCIAL IMPACT:**

N/A

**ATTACHMENT:**

None

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.C

## SECTION 3: CONSENT CALENDAR

**Meeting Date:** March 12, 2012

**Subject/ Title:** Approval of the February 27, 2012, Regular City Council Minutes

**Submitted by:** Annabelle Aguilar, CMC, Deputy City Clerk

**City Manager Approval:** _____

**RECOMMENDATION:**

Approval by roll call vote of Consent Calendar.

**SUMMARY:**

The Minutes of the February 27, 2012, regular City Council meeting are prepared and attached for City Council's review and approval.

**FINANCIAL IMPACT:**

N/A

**ATTACHMENT:**

1. February 27, 2012, regular City Council Minutes

# CITY OF RIVERBANK
# CITY COUNCIL
# MINUTES
# MONDAY, FEBRUARY 27, 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***

***Absent:*** ***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. |

*No one spoke.*

**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.

***Ross Hoesman spoke in regards to his personal experience with a drunk driver, his concern with Councilmember White's behavior in reference to the recent drunk driving charge, and the inability to remove him from office.***

***Ramon Bermudez, read an article published in the Modesto Bee referring to Councilmember White's behavior and the drunk driving charge, and expressed his concerns with the Councilmember holding office; requesting that he resign and seek treatment.***

***City Attorney, Tom Hallinan, stated Councilmember White's legal counsel informed him that Councilmember White has entered an inpatient treatment program for alcoholism, that he would not be resigning from his Council seat, and that he had no statement as to the status as a Councilmember in the future. Also unless Councilmember White is convicted or pleads guilty to a felony or commits any offense relating to misconduct in office, he cannot be removed from office.***

***Councilmember Nygard spoke in regards to her personal experience with a drunk driver incident, recognizing that alcoholism is a disease and its rampant existence in the community; she hoped Councilmember White would listen to his constituents and take care of himself and his family.***

***Daryl Daniel referred to Councilmember White's medical absence as a positive impact and hoped he would continue to seek help and provide his letter of resignation to concentrate on his recovery.***

***Councilmember O'Brien echoed Councilmember Nygard's comments and hoped that Councilmember White succeeded with his treatment. He called for Councilmember White's resignation, stating that the remaining Council members worked very well together.***

***Mayor Madueño spoke in regards to the difficulty of responding to the public's concerns and inquiries in reference to Councilmember White's drunk driving accident, the inability of Riverbank as a General Law city to remove Councilmember White from office, how the majority of the City Council had asked that he step down as this incident was his third offense, reminding everyone of the two previous attempts to recall Councilmember White, and that the removal from office through a recall was up to the people of Riverbank as the June Election was approaching.***

***City Attorney, Tom Hallinan confirmed that due to being absent for medical reasons, his absences would be considered excused and the city's practice was to continue to compensate a Council Member during an excused absence.***

## 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:** Clerk's Report of Posting. The agenda for the regular February 27, 2012, City Council meeting was posted on the City Chamber bulletin board on February 23, 2012.

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

**Item 3.C:** Approval of the February 13, 2012, regular City Council Minutes.

**Item 3.D:** ***Resolution No. 2012-012*** Approving the Warrant Registers for 01/26/2012, 02/04/2012, and 02/09/2012 for the City of Riverbank.

**Item 3.E:** ***Resolution No. 2012-013*** Authorizing the Director of Finance to Execute New Signature Cards & Facsimile Signatures with WestAmerica Bank, Wells Fargo Bank, and Bank of America.

**Item 3.F** ***Resolution No. 2012-014*** Authorizing the Designation of the Signatories for the City of Riverbank Local Agency Investment Fund (LAIF) Account.

**Item 3.G:** Investment & Cash Report.

**Recommendation:** Approval by roll call vote of Consent Calendar.

*ACTION:* ***By motion (White / Nygard / passed 4-0) to approve Consent Calendar Items 3.A through 3.G as presented; motion carried by unanimous roll call vote.***
***ABSENT: Councilmember White***

## 4. UNFINISHED BUSINESS: None.

## 5. PUBLIC HEARINGS:

**Item 5.1:** ***Resolution No. 2012-015*** to Adopt the Spring/Summer Recreation Program and Park Use Fees.

**Recommendation:** Open Public Hearing, hear comments.
Close Public Hearing.
Adopt **Resolution** by roll call vote.

*Sue Fitzpatrick, Director of Parks and Recreation, presented the staff report; Council and Staff discussed the item.*

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

- *No one spoke for or against the item.*

*Mayor Madueño closed the Public Hearing at 6:25:31 p.m.*

*ACTION:* *By motion (Tucker / Nygard / passed 4-0) to adopt Resolution No. 2012-015 as presented; motion carried by unanimous roll call vote.*
*ABSENT: Councilmember White*

## 6. NEW BUSINESS

**Item 6.1:** Car Show Special Event Request.

**Recommendation:** Council to review proposal and approve the event, including limited sponsorship and fee wavier.

*Sue Fitzpatrick, Director of Parks and Recreation, explained how this request would be the first test to begin using a new special event permit packet and proceeded to present the staff report, clarifying the item was before Council due to a request for a fee waiver and partial City sponsorship. Recommendation was made to approve implementation of a $200 refundable deposit to cover the loss or damage of city barricades as well as presenting Council with a fee schedule should the City not provide sponsorship. She also requested that discussion of the Farmer's Market event take place at the next City Council meeting as it would occur in conjunction with the Car Show event.*

*Council and staff discussed the item.*

*Mayor Madueño and Ms. Fitzpatrick requested that the Farmer's Market event be placed on the next City Council agenda; no one objected.*

*ACTION:* *By motion (Nygard / O'Brien / passed 4-0) to approve Item 6.1 as presented; motion carried by unanimous roll call vote.*
*ABSENT: Councilmember White*

**Item 6.2:** **Resolution** Approving the Foundation for Youth Investment Fund Grant submittal.

**Recommendation:** Council to review the project proposed and adopt the Resolution to approve by roll call vote the submittal of the grant proposal.

***Sue Fitzpatrick, Director of Parks and Recreation, presented the staff report; Council and staff discussed the item.***

***City Manager, Jill Anderson, clarified that the 50% match would be obtained by receiving credit for the staff time spent on the program (salaries of the Director and Supervisor paid by the City and hourly staff time already allocated).***

***ACTION:*** ***By motion (Tucker / Nygard / passed 4-0) to approve Item 6.2 as presented; motion carried by unanimous roll call vote.***
***ABSENT: Councilmember White***

**Item 6.3:** Council Policy for Boards, Commissions, Committees and Ad hoc Task Forces.

**Recommendation:** Discuss policy concerning City representatives on Boards, Commissions, Committees and Ad hoc Task Forces and take action to allow reappointments to advisory bodies.

***City Manager, Jill Anderson, opened the item for discussion and thanked former Interim City Manager, Pam Carder, for her assistance. Ms. Carder presented the staff report.***

***Council and Staff discussed the item.***

***Public Comment:***

- ***Mr. Scott McRitchie agreed with incumbents reapplying if interested in continuing to serve and in the future board members be aware of when their term expires and what to expect (with a policy and procedure in place).***
- ***Mr. John Degele, Housing Authority, spoke in regards to how the former process of selection consisted of a small committee that included city staff and requested that process remain in some form, and was also in agreement with the competitive process.***

***Mayor Madueño requested to table the item and have Staff research best practices to filling vacancies, what other cities are doing (policies and procedures), and provide suggestions to achieve consistency for all appointments to the boards, commissions, and committees. Councilmember O'Brien suggested having a committee review [applicants]***

***prior to Council consideration. No one objected and all were in agreement to table the item.***

***Action:*** ***Council agreed to table the item for further staff research.***

**Item 6.4:** Make Appointment to the Housing Authority Board.

**Recommendation:** Appoint Linda Herron to the Housing Authority Board and accept Scott McRitchie's withdrawal of his resignation allowing him to finish out his term.

***Pam Carder, former Interim City Manager, presented the staff report.***

***ACTION:*** ***By motion (Nygard / Tucker / passed 4-0) to approve the appointment of Linda Herron to the Housing Authority Board and accept the withdrawal of Scott McRitchie's resignation; motion carried by unanimous roll call vote.***
***ABSENT: Councilmember White***

***MAYOR MADUEÑO RECESSED FOR A BRIEF BREAK AT 6:55 P.M.***
***MAYOR MADUEÑO RECONVENED THE MEETING AT 6:58 P.M.***

**Item 6.5:** Choose Not To Appoint Two Members To The Oversight Board Of The Designated Local Authority and Take Action on Request to Provide Staff for Meetings of the Designated Local Authority.

**Recommendation:** Choose NOT to appoint two members to the Oversight Board of the Designated Local Authority and decline providing services to the Designated Local Authority.

***Marisela Hernandez, Finance Director, presented the staff report; Council and staff discussed the item.***

***City Attorney, Tom Hallinan, explained his legal view of the potential liability by appointing members and providing staff assistance.***

***Councilmember O'Brien disagreed with the potential liability and expressed concern with not providing assistance to a situation created by the Riverbank RDA and the appearance of being uncooperative.***

*City Manager, Jill Anderson, explained from the staff perspective of liability, a new committee with limited experience would require outlining the staff's role and could lead to considerable responsibility to provide consultant/legal/financial support; she recommended staff be limited to solely providing all required information.*

*Ms. Hernandez stated she prepared and posted the Committee's first agenda, but subsequent meeting preparations (agendas, minutes, etc.) would be their responsibility.*

***ACTION:*** *By motion (Nygard / Tucker / passed 3-1) to choose not to appoint two members to the Oversight Board of the Designated Local Authority and decline providing staff services to the Designated Local Authority; motion carried by roll call vote.*
*NAY: Councilmember O'Brien*
*ABSENT: Councilmember White*

## 7. COMMENTS

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

*Jill Anderson, City Manager, thanked Council for the opportunity to serve and thanked staff for a warm welcome.*

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

*Councilmember Tucker welcomed Ms. Anderson and stated she looked forward to working with her.*

*Councilmember O'Brien welcomed Ms. Anderson and reported out on the StanCOG policy Board: 1) suggesting review of the Cal Transportation Security Grant Program which ROTA should be applying for to lower operating costs; 2) suggesting review of the calculus on the State Transit Systems Fund based on population and the potential "double-dipping" in counting people twice; 3) discussion of using advertising funds for local buses as the fare box ratio of which he disagreed with. He concluded stating that although he disagreed with the last vote, everyone is acting in the best interest of the city.*

*Vice Mayor Nygard welcomed Ms. Anderson and stated she looked forward to a good working relationship. She spoke in regards to Councilmember White's unfortunate incident wishing him and his family the best and agreed with Councilmember O'Brien in requesting Councilmember White to resign so that he could address his personal situation.*

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

***Mayor Madueño spoke in regards to: 1) welcoming Ms. Anderson and thanking her for the opportunity to take on the challenges and moving past the negative, working towards building a team and building a community; 2) reminding Council their public display of behaviors and attitudes reflect on the entire Council and community; 3) being misquoted in the Modesto Bee in regards to the Mayors Committee, explaining the positive role of the Committee and the unity of its members to work and collaborate together, and stated the agendas would be publicly posted in the future; and 4) thanked J.D. Hightower, Development Services Director, for arranging a trip to Lindsay, California, to view their CDBG funded project in which they converted an old nut company into a sports/recreation complex that is successfully operating; indicating that there is local interest in opening up a soccer arena, which will be pursued.***

*MAYOR MADUEÑO ANNOUNCED THE CLOSED SESSION ITEMS AND RECESSED TO CLOSED SESSION 7:22 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.

**Item 8.2:** **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Government Code § 54956.9(a)
Name of Case: City of Riverbank v. County of Tuolumne, Jack and Tricia Gardella, and Resources Exploration and Drilling, LLC, *Real Parties in Interest.*
Sacramento County Superior Court No. 34-2011-80000950

**Recommendation:** Council to give direction to Staff.

*MAYOR MADUEÑO RECONVENED FROM CLOSED SESSION AND REPORTED OUT AT 7:38 P.M.*

## 9. REPORT FROM CLOSED SESSION

**Item 9.1:** Report from Closed Session on Item 8.1 - **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** Danise Huey v. City of Riverbank

***ACTION:*** ***Direction was given to staff.***

**Item 9.2:** Report from Closed Session on Item 8.2 - **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** City of Riverbank v. County of Tuolumne, Jack and Tricia Gardella, and Resources Exploration and Drilling, LLC, *Real Parties in Interest.*

***ACTION:*** ***Direction was given to staff.***

**ADJOURNMENT**

**There being no further business, Mayor Madueño adjourned the meeting at 7:39 p.m.**

**ATTEST:**

_____

**Annabelle Aguilar, CMC**
**Deputy City Clerk**

**APPROVED:**

_____

**Virginia Madueño**
**Mayor**

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.D

## SECTION 3: CONSENT CALENDAR

**Meeting Date:** March 12, 2012

**Subject/ Title:** **Resolution** Approving the Warrant Registers for 02/16/2012, 02/23/2012, and 03/01/2012 for the City of Riverbank

**Submitted by:** Marisela Hernandez, Finance Director

**City Manager Approval:** _____

**RECOMMENDATION:**

Approve **Resolution** by roll call vote of Consent Calendar.

**SUMMARY:**

The Warrant Register provides for the approval of the Warrants as presented.

**FINANCIAL IMPACT:**

Reductions in various funds for payments of expenses.

**ATTACHMENTS:**

1. Resolution
2. Warrant Registers: 02/16/2012; 02/23/2012; 03/01/2012

**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
Finance Director

**PASSED AND ADOPTED** by the City Council of the City of Riverbank at a regular meeting held on the 12th day of March, 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:**

_____
**Katie Lemons, Interim City Clerk**

Attachments: Warrant Registers: 02/16/2012; 02/23/2012; 03/01/2012

| CHECK # | GL NUMBER | VENDOR # | VENDOR NAME | DESCRIPTION | Time: | AMOUNT |
|---|---|---|---|---|---|---|
| 36495 | 101-408.000-703.025 | 01115 | ALPHA NUMERIC | COPY COUNT | | 64.43 |
| 36495 | 101-401.000-703.025 | 01115 | ALPHA NUMERIC | COPY COUNT | | 29.01 |
| 36495 | 101-402.000-703.025 | 01115 | ALPHA NUMERIC | COPY COUNT | | 10.79 |
| 36495 | 101-403.000-703.025 | 01115 | ALPHA NUMERIC | COPY COUNT | | 35.77 |
| 36495 | 101-405.000-703.025 | 01115 | ALPHA NUMERIC | COPY COUNT | | 8.69 |
| 36495 | 125-448.000-703.025 | 01115 | ALPHA NUMERIC | COPY COUNT | | 27.69 |
| 36495 | 101-408.000-703.025 | 01115 | ALPHA NUMERIC | COPY COUNT | | 30.76 |
| 36495 | 101-439.000-702.031 | 01115 | ALPHA NUMERIC | COPY COUNT | | 0.08 |
| | | | | | | 207.22 |
| 36496 | 197-439.000-706.029 | 01700 | ARAMARK UNIFORM SERV | UNIFORM CLEANING SERVI | | 152.85 |
| | | | | | | 152.85 |
| 36497 | 106-424.000-706.026 | 99450 | ARROWHEAD | BOTTLED WATER | | 67.23 |
| 36497 | 197-439.000-706.029 | 99450 | ARROWHEAD | BOTTLED WATER | | 39.31 |
| | | | | | | 106.54 |
| 36498 | 125-448.000-704.022 | 99815 | AT&T-CALNET 2 | COMMUNICATIONS | | 18.34 |
| 36498 | 134-459.000-704.022 | 99815 | AT&T-CALNET 2 | COMMUNICATIONS | | 15.81 |
| 36498 | 101-407.000-704.022 | 99815 | AT&T-CALNET 2 | COMMUNICATIONS | | 14.56 |
| 36498 | 119-442.000-704.022 | 99815 | AT&T-CALNET 2 | COMMUNICATIONS | | 10.40 |
| 36498 | 101-412.000-704.022 | 99815 | AT&T-CALNET 2 | COMMUNICATIONS | | 16.02 |
| | | | | | | 75.13 |
| 36499 | 101-401.000-702.032 | 104705 | AVERY ASSOCIATES | RECRUITMENT OF CITY MAN | | 530.60 |
| | | | | | | 530.60 |
| 36500 | 201-000.000-200.080 | 100550 | BLUE SHIELD OF CALIFORNI | HEALTH INSURANCE | | 28,418.00 |
| | | | | | | 28,418.00 |
| 36501 | 135-000.000-200.175 | 22039 | CATHCART FINELINE STRIP | STREET STRIPING | | 1,945.49 |
| 36501 | 102-418.000-706.029 | 22039 | CATHCART FINELINE STRIP | STREET STRIPING | | 4.51 |
| | | | | | | 1,950.00 |
| 36502 | 101-408.000-702.034 | 102990 | CHARTER COMMUNICATION | COMMUNICATIONS - NORTH | | 18.36 |
| 36502 | 101-409.000-706.026 | 102990 | CHARTER COMMUNICATION | COMMUNICATIONS - POLICE | | 12.26 |
| | | | | | | 30.62 |

| CHECK # | GL NUMBER | VENDOR # | VENDOR NAME | DESCRIPTION | Time: | AMOUNT |
|---|---|---|---|---|---|---|
| 36503 | 101-411.000-702.034 | 36200 | CITY OF OAKDALE | ANIMAL CONTROL SERVICE | | 24,498.48 |
| | | | | | | 24,498.48 |
| 36504 | 106-423.000-706.036 | 103512 | CWEA | RENEWAL | | 73.00 |
| | | | | | | 73.00 |
| 36505 | 101-401.000-703.025 | 95220 | DE LAGE LANDEN FINANCIA | COPIER LEASE & MAINTENAN | | 50.38 |
| 36505 | 101-402.000-703.025 | 95220 | DE LAGE LANDEN FINANCIA | COPIER LEASE & MAINTENAN | | 18.73 |
| 36505 | 101-403.000-703.025 | 95220 | DE LAGE LANDEN FINANCIA | COPIER LEASE & MAINTENAN | | 62.10 |
| 36505 | 101-405.000-703.025 | 95220 | DE LAGE LANDEN FINANCIA | COPIER LEASE & MAINTENAN | | 15.10 |
| 36505 | 125-448.000-703.025 | 95220 | DE LAGE LANDEN FINANCIA | COPIER LEASE & MAINTENAN | | 48.07 |
| 36505 | 101-408.000-703.025 | 95220 | DE LAGE LANDEN FINANCIA | COPIER LEASE & MAINTENAN | | 53.41 |
| 36505 | 101-439.000-703.025 | 95220 | DE LAGE LANDEN FINANCIA | COPIER LEASE & MAINTENAN | | 0.13 |
| 36505 | 197-439.000-702.053 | 95220 | DE LAGE LANDEN FINANCIA | COPIER LEASE & MAINTENAN | | 0.02 |
| 36505 | 101-401.000-702.031 | 95220 | DE LAGE LANDEN FINANCIA | COPIER LEASE & MAINTENAN | | 96.29 |
| 36505 | 101-402.000-702.031 | 95220 | DE LAGE LANDEN FINANCIA | COPIER LEASE & MAINTENAN | | 35.80 |
| 36505 | 101-403.000-702.031 | 95220 | DE LAGE LANDEN FINANCIA | COPIER LEASE & MAINTENAN | | 112.62 |
| 36505 | 101-405.000-702.031 | 95220 | DE LAGE LANDEN FINANCIA | COPIER LEASE & MAINTENAN | | 27.52 |
| 36505 | 125-448.000-702.031 | 95220 | DE LAGE LANDEN FINANCIA | COPIER LEASE & MAINTENAN | | 87.16 |
| 36505 | 101-408.000-702.031 | 95220 | DE LAGE LANDEN FINANCIA | COPIER LEASE & MAINTENAN | | 102.07 |
| 36505 | 101-439.000-702.031 | 95220 | DE LAGE LANDEN FINANCIA | COPIER LEASE & MAINTENAN | | 0.24 |
| 36505 | 197-439.000-702.053 | 95220 | DE LAGE LANDEN FINANCIA | COPIER LEASE & MAINTENAN | | 0.04 |
| | | | | | | 709.68 |
| 36506 | 101-000.000-200.220 | 40043 | DEPARTMENT OF CONSERV | STRONG MOTION | | 59.75 |
| | | | | | | 59.75 |
| 36507 | 101-408.000-706.014 | 22045 | DEPARTMENT OF JUSTICE | FINGERPRINT APPS | | 32.00 |
| | | | | | | 32.00 |
| 36508 | 102-418.000-704.021 | 95280 | DEPARTMENT OF TRANSPO | SIGNALS & LIGHTING OCT-D | | 894.60 |
| | | | | | | 894.60 |
| 36509 | 197-439.000-706.029 | 99422 | DEPT. OF PUBLIC HEALTH | ANNUAL FEE - #5000211 | | 456.00 |
| | | | | | | 456.00 |
| 36510 | 197-439.000-702.032 | 104609 | DL WHITE LAW GROUP | LEGAL SERVICES | | 1,380.01 |

| CHECK # | GL NUMBER | VENDOR # | VENDOR NAME | DESCRIPTION | Time: AMOUNT |
|---|---|---|---|---|---|
| | | | | | 1,380.01 |
| 36511 | 114-437.000-707.010 | 104765 | EQUARIUS WATERWORKS | WATER METERS | 6,003.86 |
| 36511 | 114-437.000-707.010 | 104765 | EQUARIUS WATERWORKS | WATER METERS | 7,700.39 |
| | | | | | 13,704.25 |
| 36512 | 197-439.000-706.029 | 13010 | FAR WEST | WATER SAMPLES | 120.00 |
| | | | | | 120.00 |
| 36513 | 102-418.000-706.029 | 103284 | FASTENAL COMPANY | BUILDING MAINTENANCE | 58.28 |
| | | | | | 58.28 |
| 36514 | 101-000.000-600.090 | 13300 | FEDEX | POSTAGE | 96.04 |
| 36514 | 197-439.000-702.053 | 13300 | FEDEX | POSTAGE | 30.87 |
| 36514 | 101-000.000-600.090 | 13300 | FEDEX | POSTAGE | 30.89 |
| | | | | | 157.80 |
| 36515 | 106-423.000-702.030 | 104817 | FLO-LINE TECHNOLOGY, IN | EQUIPMENT MAINTENANCE | 1,088.68 |
| | | | | | 1,088.68 |
| 36516 | 114-000.000-200.171 | 104830 | FORKS/MARIA ELIZABETH// | DEPOSIT REFUND | 60.00 |
| | | | | | 60.00 |
| 36517 | 106-423.000-706.038 | 103897 | GCVCSC | EDUCATION & TRAINING | 50.00 |
| 36517 | 106-424.000-706.038 | 103897 | GCVCSC | EDUCATION & TRAINING | 55.00 |
| | | | | | 105.00 |
| 36518 | 197-439.000-702.063 | 104543 | GEIL ENTERPRISES, INC. | SECURITY SERVICES | 11,408.16 |
| | | | | | 11,408.16 |
| 36519 | 102-418.000-706.029 | 101020 | GEORGE REED, INC. | BUILDING MAINTENANCE | 987.44 |
| | | | | | 987.44 |
| 36520 | 102-418.000-702.036 | 17801 | GILTON SOLID WASTE MGMT | STREET SWEEPING - JAN 201 | 6,919.96 |
| 36520 | 197-439.000-704.021 | 17801 | GILTON SOLID WASTE MGMT | BIN SERVICE | 83.35 |
| | | | | | 7,003.31 |
| 36521 | 101-414.000-706.056 | 102788 | GORDON B. FORD | PROPERTY TAX 2011-2012 | 62.68 |
| | | | | | 62.68 |
| 36522 | 138-461.000-707.003 | 99588 | GROVER LANDSCAPE SERV | LANDSCAPE MAINTENANCE | 851.93 |

| CHECK # | GL NUMBER | VENDOR # | VENDOR NAME | DESCRIPTION | Time: | AMOUNT |
|---|---|---|---|---|---|---|
| 36522 | 220-590.000-706.029 | 99588 | GROVER LANDSCAPE SERV | LANDSCAPE MAINTENANCE | | 278.69 |
| | | | | | | 1,130.62 |
| 36523 | 119-442.000-705.040 | 01035 | HOLT OF CALIFORNIA | VEHICLE MAINTENANCE | | 323.33 |
| | | | | | | 323.33 |
| 36524 | 102-418.000-706.029 | 100312 | HOME DEPOT CREDIT SERVI | BUILDING MAINTENANCE | | 64.92 |
| 36524 | 102-418.000-706.029 | 100312 | HOME DEPOT CREDIT SERVI | BUILDING MAINTENANCE | | 13.38 |
| | | | | | | 78.30 |
| 36525 | 101-409.000-702.030 | 95169 | HONDA KAWASAKI | EQUIPMENT MAINTENANCE | | 1,059.47 |
| | | | | | | 1,059.47 |
| 36526 | 197-439.000-706.029 | 104510 | HOUSTON CONTROL | BUILDING MAINTENANCE | | 1,109.63 |
| 36526 | 197-439.000-706.029 | 104510 | HOUSTON CONTROL | BUILDING MAINTENANCE | | 2,716.47 |
| | | | | | | 3,826.10 |
| 36527 | 106-423.000-706.026 | 19690 | HOWK SYSTEMS | BUILDING MAINTENANCE | | 170.00 |
| | | | | | | 170.00 |
| 36528 | 151-477.000-707.101 | 104440 | INTERWEST CONSULTING GR | CONSULTING SERVICES | | 110.00 |
| | | | | | | 110.00 |
| 36529 | 208-467.000-707.086 | 99125 | KLEINFELDER, INC. | CENTRAL AVE. REHAB | | 2,680.00 |
| | | | | | | 2,680.00 |
| 36530 | 102-418.000-706.029 | 104828 | L & W METALS MANUFACTUR | BUILDING MAINTENANCE | | 242.72 |
| | | | | | | 242.72 |
| 36531 | 151-477.000-707.091 | 104213 | MENGHETTI CONSTRUCTIO | CNG BUILDING | | 95,208.00 |
| | | | | | | 95,208.00 |
| 36532 | 114-433.000-703.025 | 32615 | MO - CAL | COPY COUNT - HIGH | | 4.84 |
| 36532 | 106-423.000-703.025 | 32615 | MO - CAL | COPY COUNT - HIGH | | 4.83 |
| 36532 | 106-424.000-702.031 | 32615 | MO - CAL | COPY COUNT - PW | | 31.42 |
| 36532 | 101-412.000-702.031 | 32615 | MO - CAL | COPY COUNT - PW | | 31.42 |
| 36532 | 114-433.000-702.031 | 32615 | MO - CAL | COPY COUNT - PW | | 31.42 |
| 36532 | 101-409.000-702.031 | 32615 | MO - CAL | COPY COUNT - POLICE | | 554.37 |
| 36532 | 101-409.000-702.031 | 32615 | MO - CAL | COPY COUNT - POLICE | | 223.15 |
| | | | | | | 881.45 |

| CHECK # | GL NUMBER | VENDOR # | VENDOR NAME | DESCRIPTION | Time: | AMOUNT |
|---|---|---|---|---|---|---|
| 36533 | 101-457.000-702.032 | 100560 | MODESTO IRRIGATION DIS | ENGINEERING DEPOSIT | | 2,000.00 |
| | | | | | | 2,000.00 |
| 36534 | 134-459.000-703.027 | 34300 | NASCO | RECREATIONAL SUPPLIES | | 107.27 |
| | | | | | | 107.27 |
| 36535 | 124-450.000-707.002 | 104592 | NORTH STAR ENGINEERING G | TRUCK DUMP STATION | | 2,952.40 |
| | | | | | | 2,952.40 |
| 36536 | 101-408.000-706.014 | 38880 | OAK VALLEY DIST. HOSPITA | CLINIC FEES | | 116.00 |
| | | | | | | 116.00 |
| 36537 | 114-433.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | | 5,114.23 |
| 36537 | 175-590.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | | 226.66 |
| 36537 | 101-414.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | | 1,005.42 |
| 36537 | 101-409.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | | 2,416.45 |
| 36537 | 106-423.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | | 1,771.84 |
| 36537 | 106-424.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | | 210.04 |
| 36537 | 102-418.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | | 8,680.34 |
| 36537 | 101-407.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | | 1,488.93 |
| 36537 | 118-441.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | | 1,743.60 |
| | | | | | | 22,657.51 |
| 36538 | 106-424.000-702.031 | 102848 | PACIFIC MOBILE STRUCTURE | OFFICE RENTAL | | 488.56 |
| | | | | | | 488.56 |
| 36539 | 197-439.000-702.053 | 45073 | PETTY CASH | LRA | | 20.00 |
| 36539 | 197-439.000-706.037 | 45073 | PETTY CASH | LRA | | 80.72 |
| | | | | | | 100.72 |
| 36540 | 102-418.000-706.029 | 10000115 | RADIO SHACK CORP. CREDIT | BUILDING MAINTENANCE | | 13.95 |
| | | | | | | 13.95 |
| 36541 | 114-433.000-702.030 | 44290 | RAY'S RADIO SHOP | EQUIPMENT MAINTENANCE | | 113.64 |
| | | | | | | 113.64 |
| 36542 | 101-414.000-706.029 | 48850 | RESOURCE BUILDING MATER | BUILDING MAINTENANCE | | 38.66 |
| 36542 | 114-433.000-706.029 | 48850 | RESOURCE BUILDING MATER | BUILDING MAINTENANCE | | 96.41 |
| | | | | | | 135.07 |

| CHECK # | GL NUMBER | VENDOR # | VENDOR NAME | DESCRIPTION | Time: | AMOUNT |
|---|---|---|---|---|---|---|
| 36543 | 114-433.000-702.032 | 102932 | SJVAPCD | PERMITS TO OPERATE | | 117.00 |
| | | | | | | 117.00 |
| 36544 | 106-424.000-703.049 | 100701 | STANISLAUS FARM SUPPLY | CHEMICALS | | 612.04 |
| | | | | | | 612.04 |
| 36545 | 101-401.000-709.001 | 104829 | STRONG/CARLA// | REIMBURSEMENT | | 120.39 |
| | | | | | | 120.39 |
| 36546 | 106-424.000-702.030 | 100120 | TILBURY AUTO PARTS | EQUIPMENT MAINTENANCE | | 65.46 |
| 36546 | 106-424.000-702.030 | 100120 | TILBURY AUTO PARTS | EQUIPMENT MAINTENANCE | | 23.04 |
| 36546 | 106-424.000-702.030 | 100120 | TILBURY AUTO PARTS | EQUIPMENT MAINTENANCE | | 37.40 |
| 36546 | 106-424.000-702.030 | 100120 | TILBURY AUTO PARTS | EQUIPMENT MAINTENANCE | | 27.52 |
| 36546 | 106-424.000-702.030 | 100120 | TILBURY AUTO PARTS | EQUIPMENT MAINTENANCE | | 36.52 |
| 36546 | 106-424.000-702.030 | 100120 | TILBURY AUTO PARTS | EQUIPMENT MAINTENANCE | | 32.15 |
| | | | | | | 222.09 |
| 36547 | 101-401.000-706.026 | 100557 | TORRES-MANRIQUEZ/NORM | REIMBURSEMENT | | 31.88 |
| 36547 | 101-401.000-706.033 | 100557 | TORRES-MANRIQUEZ/NORM | REIMBURSEMENT | | 39.65 |
| | | | | | | 71.53 |
| 36548 | 156-000.000-010.008 | 100490 | UNION BANK, N.A. | 2005 AGENCY BOND | | 18,367.16 |
| 36548 | 170-000.000-010.008 | 100490 | UNION BANK, N.A. | 2005 AGENCY BOND | | 8,924.32 |
| | | | | | | 27,291.48 |
| | | | | **CHECK RUN TOTAL** | | **257,159.72** |

| CHECK # | GL NUMBER | VENDOR # | VENDOR NAME | DESCRIPTION | Time: | AMOUNT |
|---|---|---|---|---|---|---|
| 36549 | 114-000.000-200.171 | 103856 | MARRAD GROUP | DEPOSIT REFUND | | 60.00 |
| | | | | | | 60.00 |
| 36550 | 101-403.000-708.009 | 95260 | NATIONAL INDUSTRIAL | PENSION CONTRIBUTIONS | | 906.40 |
| 36550 | 101-405.000-708.009 | 95260 | NATIONAL INDUSTRIAL | PENSION CONTRIBUTIONS | | 362.56 |
| 36550 | 101-407.000-708.009 | 95260 | NATIONAL INDUSTRIAL | PENSION CONTRIBUTIONS | | 181.28 |
| 36550 | 101-408.000-708.009 | 95260 | NATIONAL INDUSTRIAL | PENSION CONTRIBUTIONS | | 906.40 |
| 36550 | 101-412.000-708.009 | 95260 | NATIONAL INDUSTRIAL | PENSION CONTRIBUTIONS | | 618.00 |
| 36550 | 101-413.000-708.009 | 95260 | NATIONAL INDUSTRIAL | PENSION CONTRIBUTIONS | | 362.56 |
| 36550 | 101-414.000-708.009 | 95260 | NATIONAL INDUSTRIAL | PENSION CONTRIBUTIONS | | 725.12 |
| 36550 | 102-418.000-708.009 | 95260 | NATIONAL INDUSTRIAL | PENSION CONTRIBUTIONS | | 362.56 |
| 36550 | 106-423.000-708.009 | 95260 | NATIONAL INDUSTRIAL | PENSION CONTRIBUTIONS | | 362.56 |
| 36550 | 106-424.000-708.009 | 95260 | NATIONAL INDUSTRIAL | PENSION CONTRIBUTIONS | | 543.84 |
| 36550 | 114-433.000-708.009 | 95260 | NATIONAL INDUSTRIAL | PENSION CONTRIBUTIONS | | 543.84 |
| 36550 | 117-411.000-708.009 | 95260 | NATIONAL INDUSTRIAL | PENSION CONTRIBUTIONS | | 181.28 |
| 36550 | 119-442.000-708.009 | 95260 | NATIONAL INDUSTRIAL | PENSION CONTRIBUTIONS | | 181.28 |
| 36550 | 125-448.000-708.009 | 95260 | NATIONAL INDUSTRIAL | PENSION CONTRIBUTIONS | | 362.56 |
| 36550 | 134-459.000-708.009 | 95260 | NATIONAL INDUSTRIAL | PENSION CONTRIBUTIONS | | 403.76 |
| 36550 | 136-598.000-708.009 | 95260 | NATIONAL INDUSTRIAL | PENSION CONTRIBUTIONS | | 148.32 |
| 36550 | 198-439.000-708.009 | 95260 | NATIONAL INDUSTRIAL | PENSION CONTRIBUTIONS | | 362.56 |
| 36550 | 213-438.000-708.009 | 95260 | NATIONAL INDUSTRIAL | PENSION CONTRIBUTIONS | | 181.28 |
| | | | | | | 7,696.16 |
| 36551 | 106-424.000-702.031 | 88025 | A & A PORTABLES INC. | HOLDING TANK | | 214.22 |
| | | | | | | 214.22 |
| 36552 | 101-407.000-702.030 | 103129 | ACTION PLUMBING, LLC | EQUIPMENT MAINTENANCE | | 185.00 |
| | | | | | | 185.00 |
| 36553 | 101-407.000-702.030 | 103370 | AIR TECH SERVICES | EQUIPMENT MAINTENANCE | | 172.29 |
| | | | | | | 172.29 |
| 36554 | 101-403.000-702.030 | 100796 | AP TECHNOLOGY | EZ SIGNER RENEWAL | | 193.28 |
| | | | | | | 193.28 |
| 36555 | 119-442.000-702.030 | 100817 | BAGLEY ENTERPRISES, INC. | MONTHLY INSPECTION - FEB | | 300.00 |

| CHECK # | GL NUMBER | VENDOR # | VENDOR NAME | DESCRIPTION | Time: | AMOUNT |
|---|---|---|---|---|---|---|
| | | | | | | 300.00 |
| 36556 | 197-439.000-706.029 | 01013 | BOARD OF EQUALIZATION | 2011 SALES & USE TAX | | 475.53 |
| 36556 | 101-412.000-709.001 | 01013 | BOARD OF EQUALIZATION | 2011 SALES & USE TAX | | 158.27 |
| 36556 | 134-459.000-703.027 | 01013 | BOARD OF EQUALIZATION | 2011 SALES & USE TAX | | 91.42 |
| 36556 | 118-441.000-706.029 | 01013 | BOARD OF EQUALIZATION | 2011 SALES & USE TAX | | 76.98 |
| 36556 | 101-407.000-702.030 | 01013 | BOARD OF EQUALIZATION | 2011 SALES & USE TAX | | 77.00 |
| 36556 | 196-496.000-707.003 | 01013 | BOARD OF EQUALIZATION | 2011 SALES & USE TAX | | 229.47 |
| 36556 | 106-423.000-706.029 | 01013 | BOARD OF EQUALIZATION | 2011 SALES & USE TAX | | 39.70 |
| 36556 | 138-461.000-707.003 | 01013 | BOARD OF EQUALIZATION | 2011 SALES & USE TAX | | 85.76 |
| 36556 | 101-412.000-706.026 | 01013 | BOARD OF EQUALIZATION | 2011 SALES & USE TAX | | 9.97 |
| 36556 | 197-439.000-702.053 | 01013 | BOARD OF EQUALIZATION | 2011 SALES & USE TAX | | 4.43 |
| 36556 | 126-449.000-706.029 | 01013 | BOARD OF EQUALIZATION | 2011 SALES & USE TAX | | 14.58 |
| 36556 | 101-409.000-702.030 | 01013 | BOARD OF EQUALIZATION | 2011 SALES & USE TAX | | 6.64 |
| 36556 | 140-463.000-707.003 | 01013 | BOARD OF EQUALIZATION | 2011 SALES & USE TAX | | 416.98 |
| 36556 | 151-477.000-707.091 | 01013 | BOARD OF EQUALIZATION | 2011 SALES & USE TAX | | 18.29 |
| 36556 | 114-433.000-706.026 | 01013 | BOARD OF EQUALIZATION | 2011 SALES & USE TAX | | 21.98 |
| | | | | | | 1,727.00 |
| 36557 | 101-412.000-704.021 | 102990 | CHARTER COMMUNICATION | COMMUNICATIONS | | 6.67 |
| 36557 | 101-408.000-706.026 | 102990 | CHARTER COMMUNICATION | COMMUNICATIONS | | 53.31 |
| 36557 | 101-402.000-703.025 | 102990 | CHARTER COMMUNICATION | COMMUNICATIONS | | 53.31 |
| 36557 | 101-403.000-702.032 | 102990 | CHARTER COMMUNICATION | COMMUNICATIONS | | 53.32 |
| | | | | | | 166.61 |
| 36558 | 106-424.000-706.038 | 100854 | CRWA | EDUCATION & TRAINING | | 250.00 |
| | | | | | | 250.00 |
| 36559 | 101-404.000-702.033 | 104609 | DL WHITE LAW GROUP | LEGAL SERVICES | | 29,611.03 |
| | | | | | | 29,611.03 |
| 36560 | 119-442.000-705.041 | 104435 | E.R. VINE & SONS, INC. | VEHICLE FUEL | | 603.34 |
| 36560 | 119-442.000-705.041 | 104435 | E.R. VINE & SONS, INC. | VEHICLE FUEL | | 1,688.10 |
| | | | | | | 2,291.44 |
| 36561 | 114-433.000-702.032 | 13010 | FAR WEST | WATER SAMPLES | | 1,090.00 |

| CHECK # | GL NUMBER | VENDOR # | VENDOR NAME | DESCRIPTION | Time: AMOUNT |
|---|---|---|---|---|---|
| | | | | | 1,090.00 |
| 36562 | 114-433.000-706.050 | 103284 | FASTENAL COMPANY | SAFETY EQUIPMENT | 32.26 |
| 36562 | 102-418.000-706.029 | 103284 | FASTENAL COMPANY | BUILDING MAINTENANCE | 26.46 |
| 36562 | 102-418.000-706.029 | 103284 | FASTENAL COMPANY | BUILDING MAINTENANCE | 15.26 |
| | | | | | 73.98 |
| 36563 | 114-000.000-200.170 | 104831 | GARCIA/TRAE// | OVERPAYMENT REFUND | 206.46 |
| | | | | | 206.46 |
| 36564 | 102-418.000-706.029 | 101020 | GEORGE REED, INC. | BUILDING MAINTENANCE | 216.02 |
| 36564 | 102-418.000-706.029 | 101020 | GEORGE REED, INC. | BUILDING MAINTENANCE | 122.49 |
| | | | | | 338.51 |
| 36565 | 210-467.000-702.032 | 95266 | GOLDEN VALLEY AWARDS | PLAQUES FOR VETERANS' WA | 1,627.68 |
| | | | | | 1,627.68 |
| 36566 | 106-424.000-706.029 | 100164 | GRAINGER | BUILDING MAINTENANCE | 344.47 |
| | | | | | 344.47 |
| 36567 | 114-433.000-702.030 | 17950 | GROENIGER & COMPANY | EQUIPMENT MAINTENANCE | 383.85 |
| | | | | | 383.85 |
| 36568 | 175-590.000-706.029 | 99588 | GROVER LANDSCAPE SERV | LANDSCAPE MAINTENANCE | 450.00 |
| | | | | | 450.00 |
| 36569 | 101-407.000-706.029 | 100459 | HILLYARD-SACRAMENTO | JANITORIAL SUPPLIES | 32.07 |
| 36569 | 101-407.000-706.029 | 100459 | HILLYARD-SACRAMENTO | JANITORIAL SUPPLIES | 727.26 |
| | | | | | 759.33 |
| 36570 | 106-424.000-706.029 | 100312 | HOME DEPOT CREDIT SERVI | BUILDING MAINTENANCE | 1,170.67 |
| 36570 | 114-433.000-706.029 | 100312 | HOME DEPOT CREDIT SERVI | BUILDING MAINTENANCE | 309.25 |
| | | | | | 1,479.92 |
| 36571 | 138-461.000-707.003 | 104823 | MACINNES/SUZANNE// | SEWER SPILL REIMBURSEMEN | 627.32 |
| | | | | | 627.32 |
| 36573 | 220-590.000-704.021 | 32627 | MID | UTILITIES | 15.85 |
| 36573 | 173-590.000-704.021 | 32627 | MID | UTILITIES | 104.39 |
| 36573 | 220-590.000-704.021 | 32627 | MID | UTILITIES | 158.04 |
| 36573 | 220-590.000-704.021 | 32627 | MID | UTILITIES | 31.70 |

| CHECK # | GL NUMBER | VENDOR # | VENDOR NAME | DESCRIPTION | Time: | AMOUNT |
|---|---|---|---|---|---|---|
| 36573 | 114-433.000-704.021 | 32627 | MID | UTILITIES | | 1,648.77 |
| 36573 | 101-413.000-704.021 | 32627 | MID | UTILITIES | | 587.88 |
| 36573 | 173-590.000-704.021 | 32627 | MID | UTILITIES | | 11.27 |
| 36573 | 101-412.000-704.021 | 32627 | MID | UTILITIES | | 262.58 |
| 36573 | 101-407.000-704.021 | 32627 | MID | UTILITIES | | 377.20 |
| 36573 | 102-418.000-704.021 | 32627 | MID | UTILITIES | | 42.96 |
| 36573 | 119-442.000-704.021 | 32627 | MID | UTILITIES | | 2,017.00 |
| 36573 | 171-590.000-704.021 | 32627 | MID | UTILITIES | | 15.85 |
| 36573 | 173-590.000-704.021 | 32627 | MID | UTILITIES | | 168.54 |
| 36573 | 220-590.000-704.021 | 32627 | MID | UTILITIES | | 3,076.57 |
| 36573 | 223-590.000-704.021 | 32627 | MID | UTILITIES | | 24.09 |
| 36573 | 101-412.000-704.021 | 32627 | MID | UTILITIES | | 12.37 |
| 36573 | 171-590.000-704.021 | 32627 | MID | UTILITIES | | 12.37 |
| 36573 | 101-407.000-704.021 | 32627 | MID | UTILITIES | | 12.37 |
| 36573 | 173-590.000-704.021 | 32627 | MID | UTILITIES | | 12.37 |
| 36573 | 102-418.000-704.021 | 32627 | MID | UTILITIES | | 12.37 |
| 36573 | 220-590.000-704.021 | 32627 | MID | UTILITIES | | 12.37 |
| 36573 | 119-442.000-704.021 | 32627 | MID | UTILITIES | | 12.37 |
| 36573 | 223-590.000-704.021 | 32627 | MID | UTILITIES | | 12.36 |
| 36573 | 114-433.000-704.021 | 32627 | MID | UTILITIES | | 1,640.83 |
| 36573 | 220-590.000-704.021 | 32627 | MID | UTILITIES | | 29.58 |
| 36573 | 173-590.000-704.021 | 32627 | MID | UTILITIES | | 24.09 |
| 36573 | 220-590.000-704.021 | 32627 | MID | UTILITIES | | 83.40 |
| 36573 | 119-442.000-704.021 | 32627 | MID | UTILITIES | | 105.85 |
| 36573 | 101-414.000-704.021 | 32627 | MID | UTILITIES | | 410.45 |
| 36573 | 114-433.000-704.021 | 32627 | MID | UTILITIES | | 857.34 |
| | | | | | | 11,793.18 |
| 36574 | 101-401.000-706.033 | 104832 | NATIONAL ARCHIVES & REC | ORDER FOR ARCHIVAL REC | | 20.00 |
| | | | | | | 20.00 |
| 36575 | 102-418.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | | 11.28 |
| 36575 | 119-442.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | | 346.12 |

| CHECK # | GL NUMBER | VENDOR # | VENDOR NAME | DESCRIPTION | Time: | AMOUNT |
|---|---|---|---|---|---|---|
| 36575 | 114-433.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | | 8,136.19 |
| 36575 | 106-424.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | | 140.06 |
| 36575 | 101-414.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | | 310.76 |
| | | | | | | 8,944.41 |
| 36576 | 106-424.000-702.031 | 102848 | PACIFIC MOBILE STRUCTURE | OFFICE RENTAL | | 488.56 |
| | | | | | | 488.56 |
| 36577 | 101-000.000-600.090 | 40725 | PACIFIC PLAN REVIEW | PLAN CHECK FEE | | 1,074.76 |
| 36577 | 101-000.000-600.090 | 40725 | PACIFIC PLAN REVIEW | PLAN CHECK FEE | | 1,033.70 |
| 36577 | 101-000.000-600.090 | 40725 | PACIFIC PLAN REVIEW | PLAN CHECK FEE | | 449.10 |
| 36577 | 101-000.000-600.090 | 40725 | PACIFIC PLAN REVIEW | PLAN CHECK FEE | | 187.50 |
| | | | | | | 2,745.06 |
| 36578 | 106-424.000-706.029 | 12015 | STAPLES CREDIT PLAN | OFFICE SUPPLIES | | 309.21 |
| 36578 | 134-459.000-703.025 | 12015 | STAPLES CREDIT PLAN | OFFICE SUPPLIES | | 91.84 |
| 36578 | 101-401.000-703.025 | 12015 | STAPLES CREDIT PLAN | OFFICE SUPPLIES | | 152.07 |
| 36578 | 101-408.000-703.025 | 12015 | STAPLES CREDIT PLAN | OFFICE SUPPLIES | | 54.36 |
| 36578 | 106-424.000-703.025 | 12015 | STAPLES CREDIT PLAN | OFFICE SUPPLIES | | 6.74 |
| 36578 | 198-439.500-702.053 | 12015 | STAPLES CREDIT PLAN | OFFICE SUPPLIES | | 91.08 |
| 36578 | 101-407.000-706.029 | 12015 | STAPLES CREDIT PLAN | OFFICE SUPPLIES | | 71.91 |
| 36578 | 101-401.000-706.033 | 12015 | STAPLES CREDIT PLAN | OFFICE SUPPLIES | | 53.12 |
| 36578 | 101-405.000-706.037 | 12015 | STAPLES CREDIT PLAN | OFFICE SUPPLIES | | 53.65 |
| 36578 | 114-433.000-703.025 | 12015 | STAPLES CREDIT PLAN | OFFICE SUPPLIES | | 347.72 |
| 36578 | 101-408.000-703.025 | 12015 | STAPLES CREDIT PLAN | OFFICE SUPPLIES | | 2.52 |
| 36578 | 198-439.500-702.053 | 12015 | STAPLES CREDIT PLAN | OFFICE SUPPLIES | | 2.52 |
| 36578 | 101-407.000-706.029 | 12015 | STAPLES CREDIT PLAN | OFFICE SUPPLIES | | 2.52 |
| 36578 | 101-401.000-706.033 | 12015 | STAPLES CREDIT PLAN | OFFICE SUPPLIES | | 2.52 |
| 36578 | 101-405.000-706.037 | 12015 | STAPLES CREDIT PLAN | OFFICE SUPPLIES | | 2.52 |
| 36578 | 114-433.000-703.025 | 12015 | STAPLES CREDIT PLAN | OFFICE SUPPLIES | | 2.52 |
| 36578 | 106-424.000-706.029 | 12015 | STAPLES CREDIT PLAN | OFFICE SUPPLIES | | 2.52 |
| 36578 | 134-459.000-703.025 | 12015 | STAPLES CREDIT PLAN | OFFICE SUPPLIES | | 2.52 |
| 36578 | 101-401.000-703.025 | 12015 | STAPLES CREDIT PLAN | OFFICE SUPPLIES | | 2.52 |
| 36578 | 101-408.000-703.025 | 12015 | STAPLES CREDIT PLAN | OFFICE SUPPLIES | | 2.52 |

| CHECK # | GL NUMBER | VENDOR # | VENDOR NAME | DESCRIPTION | Time: AMOUNT |
|---|---|---|---|---|---|
| | | | | | 1,256.90 |
| 36579 | 101-414.000-706.073 | 104056 | TELLO'S EMBROIDERY | EMBROIDERY | 56.71 |
| | | | | | 56.71 |
| 36580 | 118-441.000-703.030 | 103393 | TORRES/DAISY E.// | BALLET FOLKLORICO | 455.00 |
| | | | | | 455.00 |
| 36581 | 101-409.000-702.031 | 11011 | US BANCORP | LANIER COPIER-POLICE,HOU | 358.10 |
| 36581 | 118-441.000-706.026 | 11011 | US BANCORP | LANIER COPIER-POLICE,HOU | 90.60 |
| 36581 | 101-414.000-702.031 | 11011 | US BANCORP | LANIER COPIER-POLICE,HOU | 90.60 |
| 36581 | 213-597.040-702.053 | 11011 | US BANCORP | LANIER COPIER-POLICE,HOU | 96.63 |
| 36581 | 106-424.000-702.031 | 11011 | US BANCORP | LANIER COPIER - PW | 117.15 |
| 36581 | 114-433.000-702.031 | 11011 | US BANCORP | LANIER COPIER - PW | 117.15 |
| 36581 | 101-412.000-702.031 | 11011 | US BANCORP | LANIER COPIER - PW | 117.16 |
| | | | | | 987.39 |
| 36582 | 220-590.000-702.032 | 33010 | WILLDAN FINANCIAL SERVI | LANDSCAPE & LIGHTING | 578.27 |
| 36582 | 177-590.000-702.032 | 33010 | WILLDAN FINANCIAL SERVI | LANDSCAPE & LIGHTING | 236.20 |
| 36582 | 178-590.000-702.032 | 33010 | WILLDAN FINANCIAL SERVI | LANDSCAPE & LIGHTING | 186.65 |
| 36582 | 175-590.000-702.032 | 33010 | WILLDAN FINANCIAL SERVI | LANDSCAPE & LIGHTING | 281.32 |
| 36582 | 179-590.000-702.032 | 33010 | WILLDAN FINANCIAL SERVI | LANDSCAPE & LIGHTING | 224.21 |
| 36582 | 171-590.000-702.032 | 33010 | WILLDAN FINANCIAL SERVI | LANDSCAPE & LIGHTING | 181.42 |
| 36582 | 172-590.000-702.032 | 33010 | WILLDAN FINANCIAL SERVI | LANDSCAPE & LIGHTING | 173.49 |
| 36582 | 177-590.000-702.032 | 33010 | WILLDAN FINANCIAL SERVI | LANDSCAPE & LIGHTING | 1,500.00 |
| 36582 | 171-590.000-702.032 | 33010 | WILLDAN FINANCIAL SERVI | LANDSCAPE & LIGHTING | 1,500.00 |
| | | | | | 4,861.56 |
| 36583 | 125-448.000-703.025 | 99195 | ZEE MEDICAL SERVICE CO. | SAFETY SUPPLIES | 11.41 |
| 36583 | 101-412.000-703.025 | 99195 | ZEE MEDICAL SERVICE CO. | SAFETY SUPPLIES | 11.41 |
| 36583 | 101-403.000-703.025 | 99195 | ZEE MEDICAL SERVICE CO. | SAFETY SUPPLIES | 11.41 |
| 36583 | 101-405.000-703.025 | 99195 | ZEE MEDICAL SERVICE CO. | SAFETY SUPPLIES | 11.40 |
| 36583 | 101-408.000-706.042 | 99195 | ZEE MEDICAL SERVICE CO. | SAFETY SUPPLIES | 46.55 |
| | | | | | 92.18 |
| | | | | **CHECK RUN TOTAL** | **81,949.50** |

| CHECK # | GL NUMBER | VENDOR # | VENDOR NAME | DESCRIPTION | Time: | AMOUNT |
|---|---|---|---|---|---|---|
| 36584 | 106-424.000-706.036 | 100512 | STATE WATER RESOURCES C | CERTIFICATION RENEWAL | | 180.00 |
| | | | | | | 180.00 |
| 36585 | 197-439.000-704.021 | 88025 | A & A PORTABLES INC. | PORTABLE RESTROOM | | 49.74 |
| | | | | | | 49.74 |
| 36586 | 145-468.000-702.032 | 104272 | AECOM INC. | DOWNTOWN SPECIFIC PLAN | | 1,288.08 |
| 36586 | 145-468.000-702.032 | 104272 | AECOM INC. | DOWNTOWN SPECIFIC PLAN | | 3,423.96 |
| | | | | | | 4,712.04 |
| 36587 | 101-408.000-706.037 | 103135 | AGUILAR/ANNABELLE// | REIMBURSEMENT | | 36.00 |
| | | | | | | 36.00 |
| 36588 | 101-407.000-704.022 | 99815 | AT&T-CALNET 2 | COMMUNICATIONS | | 75.94 |
| 36588 | 101-409.000-704.021 | 99815 | AT&T-CALNET 2 | COMMUNICATIONS | | 20.62 |
| 36588 | 101-405.000-704.022 | 99815 | AT&T-CALNET 2 | COMMUNICATIONS | | 89.24 |
| 36588 | 125-448.000-704.022 | 99815 | AT&T-CALNET 2 | COMMUNICATIONS | | 29.75 |
| 36588 | 101-407.000-704.022 | 99815 | AT&T-CALNET 2 | COMMUNICATIONS | | 237.98 |
| 36588 | 101-409.000-704.022 | 99815 | AT&T-CALNET 2 | COMMUNICATIONS | | 208.23 |
| 36588 | 101-412.000-704.022 | 99815 | AT&T-CALNET 2 | COMMUNICATIONS | | 59.50 |
| 36588 | 101-414.000-704.022 | 99815 | AT&T-CALNET 2 | COMMUNICATIONS | | 29.75 |
| 36588 | 106-423.000-704.022 | 99815 | AT&T-CALNET 2 | COMMUNICATIONS | | 59.50 |
| 36588 | 119-442.000-704.022 | 99815 | AT&T-CALNET 2 | COMMUNICATIONS | | 29.75 |
| 36588 | 134-459.000-704.022 | 99815 | AT&T-CALNET 2 | COMMUNICATIONS | | 59.49 |
| 36588 | 198-439.500-702.053 | 99815 | AT&T-CALNET 2 | COMMUNICATIONS | | 329.54 |
| | | | | | | 1,229.29 |
| 36589 | 114-000.000-200.171 | 104833 | BANUELOS/GRACIELA// | DEPOSIT REFUND | | 5.22 |
| | | | | | | 5.22 |
| 36590 | 101-407.000-702.032 | 103079 | BAY ALARM COMPANY | ALARM SERVICE | | 855.98 |
| 36590 | 101-407.000-702.032 | 103079 | BAY ALARM COMPANY | ALARM SERVICE | | 345.00 |
| 36590 | 101-407.000-702.032 | 103079 | BAY ALARM COMPANY | ALARM SERVICE | | 240.00 |
| 36590 | 101-407.000-702.032 | 103079 | BAY ALARM COMPANY | ALARM SERVICE | | 144.90 |
| 36590 | 101-407.000-702.032 | 103079 | BAY ALARM COMPANY | ALARM SERVICE | | 184.80 |
| 36590 | 101-407.000-702.032 | 103079 | BAY ALARM COMPANY | ALARM SERVICE | | 243.60 |
| 36590 | 101-407.000-702.032 | 103079 | BAY ALARM COMPANY | ALARM SERVICE | | 380.63 |

| CHECK # | GL NUMBER | VENDOR # | VENDOR NAME | DESCRIPTION | Time: | AMOUNT |
|---|---|---|---|---|---|---|
| 36590 | 101-407.000-702.032 | 103079 | BAY ALARM COMPANY | ALARM SERVICE | | 141.75 |
| 36590 | 101-407.000-702.032 | 103079 | BAY ALARM COMPANY | ALARM SERVICE | | 117.00 |
| 36590 | 101-407.000-702.032 | 103079 | BAY ALARM COMPANY | ALARM SERVICE | | 234.47 |
| | | | | | | 2,888.13 |
| 36591 | 198-439.500-702.053 | 10000243 | BAY REPROGRAPHIC & SUPP | OFFICE SUPPLIES | | 152.67 |
| | | | | | | 152.67 |
| 36592 | 101-407.000-706.029 | 11123 | BILLS SAFE & LOCK | DUPLICATE KEYS | | 21.95 |
| 36592 | 106-424.000-702.030 | 11123 | BILLS SAFE & LOCK | DUPLICATE KEYS | | 12.89 |
| | | | | | | 34.84 |
| 36593 | 101-414.000-706.079 | 104770 | BURNS/DAVID// | LAUNDRY & CELL PHONE ST | | 70.00 |
| | | | | | | 70.00 |
| 36594 | 101-414.000-706.029 | 100877 | CENTRAL SANITARY SUPPL | JANITORIAL SUPPLIES | | 140.40 |
| 36594 | 101-414.000-706.029 | 100877 | CENTRAL SANITARY SUPPL | JANITORIAL SUPPLIES | | 78.77 |
| | | | | | | 219.17 |
| 36595 | 101-413.000-702.030 | 100317 | CITY OF MODESTO | TRAFFIC SIGNALS | | 2,567.70 |
| | | | | | | 2,567.70 |
| 36596 | 119-442.000-705.040 | 102446 | CNH CAPITAL | VEHICLE MAINTENANCE | | 155.64 |
| | | | | | | 155.64 |
| 36597 | 101-404.000-702.033 | 1000082 | COSTANZO & ASSOCIATES | LEGAL SERVICES | | 786.67 |
| | | | | | | 786.67 |
| 36598 | 197-439.000-702.053 | 103004 | DCE | WEBSITE LAUNCH & MAINTE | | 12.00 |
| | | | | | | 12.00 |
| 36599 | 101-407.000-702.032 | 99912 | DEHART PLUMBING, HEATI | QUARTERLY MAINTENANCE | | 450.00 |
| | | | | | | 450.00 |
| 36600 | 118-441.000-703.030 | 103664 | ENOS/DIANA// | ZUMBA INSTRUCTOR | | 221.20 |
| | | | | | | 221.20 |
| 36601 | 119-442.000-704.021 | 103284 | FASTENAL COMPANY | BUILDING MAINTENANCE | | 28.64 |
| | | | | | | 28.64 |
| 36602 | 101-000.000-600.090 | 13300 | FEDEX | POSTAGE | | 19.89 |

| CHECK # | GL NUMBER | VENDOR # | VENDOR NAME | DESCRIPTION | Time: | AMOUNT |
|---|---|---|---|---|---|---|
| 36602 | 114-433.000-703.024 | 13300 | FEDEX | POSTAGE | | 58.11 |
| | | | | | | 78.00 |
| 36603 | 151-477.000-707.101 | 10028 | GIULIANI & KULL, INC. | OAKDALE & MORRILL RD | | 7,050.00 |
| 36603 | 151-477.000-707.091 | 10028 | GIULIANI & KULL, INC. | CNG BUILDING | | 937.50 |
| 36603 | 206-474.000-707.085 | 10028 | GIULIANI & KULL, INC. | CENTRAL,PATTERSON,CALI P | | 8,395.00 |
| 36603 | 101-457.000-702.032 | 10028 | GIULIANI & KULL, INC. | STORM DRAIN IMPROVEMEN | | 910.00 |
| 36603 | 101-457.000-702.032 | 10028 | GIULIANI & KULL, INC. | SENIOR APARTMENTS | | 2,285.00 |
| | | | | | | 19,577.50 |
| 36604 | 101-401.000-703.025 | 95266 | GOLDEN VALLEY AWARDS | NAME PLATES | | 64.96 |
| | | | | | | 64.96 |
| 36605 | 101-405.000-706.037 | 100447 | HIGHTOWER/JEFFREY D.// | TRAVEL ALLOWANCE | | 134.13 |
| | | | | | | 134.13 |
| 36606 | 101-407.000-706.029 | 100459 | HILLYARD-SACRAMENTO | BUILDING MAINTENANCE | | 45.35 |
| | | | | | | 45.35 |
| 36607 | 197-439.000-706.029 | 104510 | HOUSTON CONTROL | BUILDING MAINTENANCE | | 75.00 |
| | | | | | | 75.00 |
| 36608 | 106-423.000-702.030 | 19690 | HOWK SYSTEMS | EQUIPMENT MAINTENANCE | | 313.54 |
| | | | | | | 313.54 |
| 36609 | 118-441.000-706.035 | 104013 | HUB INTERNATIONAL INSUR | RENTAL INSURANCE | | 409.04 |
| | | | | | | 409.04 |
| 36610 | 220-590.000-706.029 | 104369 | JOHN LOPES ELECTRIC | BUILDING MAINTENANCE | | 1,550.00 |
| | | | | | | 1,550.00 |
| 36611 | 118-000.000-200.150 | 104834 | KAMERS/CARRIE// | DEPOSIT REFUND | | 375.00 |
| | | | | | | 375.00 |
| 36612 | 101-404.000-702.033 | 99440 | LIEBERT CASSIDY WHITMOR | LEGAL SERVICES | | 6,208.65 |
| | | | | | | 6,208.65 |
| 36613 | 114-000.000-200.171 | 104835 | LOPEZ-SOLANO/MIGUEL ANG | DEPOSIT REFUND | | 0.23 |
| | | | | | | 0.23 |
| 36614 | 173-590.000-704.021 | 32627 | MID | UTILITIES | | 80.30 |

| CHECK # | GL NUMBER | VENDOR # | VENDOR NAME | DESCRIPTION | Time: AMOUNT |
|---|---|---|---|---|---|
| | | | | | 80.30 |
| 36615 | 132-457.000-702.032 | 10009 | MODESTO SAND AND GRAV | BORDONA PROP CLEAN UP | 2,960.00 |
| | | | | | 2,960.00 |
| 36616 | 198-439.500-706.037 | 104836 | NADO | REGISTRATION | 675.00 |
| | | | | | 675.00 |
| 36617 | 114-433.000-702.032 | 100615 | NCBPA | MEMBERSHIP RENEWAL | 30.00 |
| | | | | | 30.00 |
| 36618 | 102-418.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | 6.28 |
| 36618 | 101-407.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | 18.00 |
| 36618 | 118-441.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | 35.22 |
| 36618 | 101-409.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | 436.80 |
| 36618 | 119-442.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | 212.76 |
| 36618 | 118-441.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | 190.68 |
| 36618 | 197-439.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | 3,869.25 |
| 36618 | 197-439.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | 8.66 |
| 36618 | 102-418.000-704.021 | 39021 | PACIFIC GAS & ELECTRIC | UTILITIES | 28.59 |
| | | | | | 4,806.24 |
| 36619 | 101-412.000-703.025 | 04023 | PRINTING SOLUTIONS | TIME CARDS | 171.33 |
| 36619 | 101-403.000-703.025 | 04023 | PRINTING SOLUTIONS | TIME CARDS | 171.33 |
| | | | | | 342.66 |
| 36620 | 114-433.000-703.025 | 11009 | PRINTING SYSTEMS, INC. | DELINQUENT NOTICES | 180.11 |
| 36620 | 106-423.000-703.025 | 11009 | PRINTING SYSTEMS, INC. | DELINQUENT NOTICES | 180.11 |
| 36620 | 101-403.000-703.025 | 11009 | PRINTING SYSTEMS, INC. | DELINQUENT NOTICES | 180.11 |
| | | | | | 540.33 |
| 36621 | 114-000.000-200.171 | 104753 | REAL PROPERTY INVESTMEN | DEPOSIT REFUND | 20.16 |
| | | | | | 20.16 |
| 36622 | 114-000.000-200.171 | 104837 | ROCHA/HEIBERTO// | DEPOSIT REFUND | 26.97 |
| | | | | | 26.97 |
| 36623 | 197-439.000-702.063 | 104535 | SAN JOAQUIN ENGINEERING | BUILDING MAINTENANCE | 33,707.98 |
| 36623 | 197-439.000-702.053 | 104535 | SAN JOAQUIN ENGINEERING | BUILDING MAINTENANCE | 2,141.39 |

| CHECK # | GL NUMBER | VENDOR # | VENDOR NAME | DESCRIPTION | Time: | AMOUNT |
|---|---|---|---|---|---|---|
| 36623 | 197-439.000-706.029 | 104535 | SAN JOAQUIN ENGINEERING | BUILDING MAINTENANCE | | 8,470.63 |
| | | | | | | 44,320.00 |
| 36624 | 114-000.000-200.171 | 104838 | SANDOVAL/ANDY// | DEPOSIT REFUND | | 9.04 |
| | | | | | | 9.04 |
| 36625 | 118-441.000-703.030 | 103555 | SHEWMAKER/RON// | TAI CHI INSTRUCTOR | | 60.90 |
| | | | | | | 60.90 |
| 36626 | 101-409.000-702.034 | 102745 | STANISLAUS CO. SHERIFF'S D | VEHICLE MILEAGE - JAN 20 | | 9,070.67 |
| | | | | | | 9,070.67 |
| 36627 | 209-000.000-200.195 | 99170 | STANISLAUS COUNTY | REPAYMENT OF MASTER SE | | 70,000.00 |
| | | | | | | 70,000.00 |
| 36628 | 201-000.000-200.082 | 1000039 | STANISLAUS FOUNDATION | DENTAL LIABILITY | | 1,375.10 |
| | | | | | | 1,375.10 |
| 36629 | 106-424.000-702.030 | 104225 | STRAND ACE HARDWARE IN | EQUIPMENT MAINTENANCE | | 16.15 |
| 36629 | 106-424.000-706.029 | 104225 | STRAND ACE HARDWARE IN | BUILDING MAINTENANCE | | 8.17 |
| 36629 | 106-424.000-706.053 | 104225 | STRAND ACE HARDWARE IN | BUILDING MAINTENANCE | | 46.06 |
| 36629 | 106-424.000-706.029 | 104225 | STRAND ACE HARDWARE IN | BUILDING MAINTENANCE | | 6.82 |
| | | | | | | 77.20 |
| 36630 | 101-402.000-702.040 | 104829 | STRONG/CARLA// | REIMBURSEMENT | | 155.69 |
| | | | | | | 155.69 |
| 36631 | 101-414.000-703.049 | 95028 | SUNRISE ENVIRONMENTAL | CHEMICALS | | 172.53 |
| | | | | | | 172.53 |
| 36632 | 101-408.000-706.036 | 102523 | THE MODESTO BEE | SUBSCRIPTION RENEWAL | | 88.60 |
| | | | | | | 88.60 |
| 36633 | 132-457.000-702.032 | 104749 | VAUGHN PROPERTY PRESE | BOARD UP PRO. & TRASH RE | | 1,500.00 |
| | | | | | | 1,500.00 |
| 36634 | 201-000.000-200.084 | 56390 | VISION SERVICE PLAN | VISION PREMIUM | | 710.79 |
| | | | | | | 710.79 |
| 36635 | 114-000.000-200.171 | 104839 | WASARE/VAN BARRY// | DEPOSIT REFUND | | 60.00 |
| 36635 | 114-000.000-200.170 | 104839 | WASARE/VAN BARRY// | OVERPAYMENT REFUND | | 134.11 |

| CHECK # | GL NUMBER | VENDOR # | VENDOR NAME | DESCRIPTION | Time: | AMOUNT |
|---|---|---|---|---|---|---|
| | | | | | | 194.11 |
| 36636 | 101-414.000-706.079 | 104814 | WESSON/JACQUES// | LAUNDRY & CELL PHONE ST | | 70.00 |
| | | | | | | 70.00 |
| 36637 | 106-424.000-706.029 | 37515 | WFCB-OSH COMMERCIAL S | BUILDING MAINTENANCE | | 48.31 |
| | | | | | | 48.31 |
| 36638 | 198-439.501-707.003 | 10000258 | XERALUX | EQUIPMENT PROJECTS | | 54,788.09 |
| | | | | | | 54,788.09 |
| 36639 | 114-000.000-200.171 | 104840 | YODER/DAN & CINDY// | DEPOSIT REFUND | | 60.00 |
| 36639 | 114-000.000-200.170 | 104840 | YODER/DAN & CINDY// | OVERPAYMENT REFUND | | 149.07 |
| | | | | | | 209.07 |
| | | | | **CHECK RUN TOTAL** | | **234,962.11** |

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.E

## SECTION 3: CONSENT CALENDAR

**Meeting Date:** March 12, 2012

**Subject/ Title:** **Resolution** to Assign and Authorize Representation on Community Development Block Grant Signature Card

**Submitted by:** Marisela Hernandez, Finance Director

**City Manager Approval:** _____

**RECOMMENDATION:**

1) Assign and authorize signature cards to request drawdown of funds for Community Development Block Grants. 2) Approve the City Manager, Finance Director, and Development Services Director as authorized signees for CDBG Signature Card.

**SUMMARY:**

The State of California Community Development Block Grant (CDBG) Program has made revisions to the grant procedures administrated by them. Among their revisions is the set up of a signature card that will be kept on file to confirm the signatures received on reports and supporting documentations such as fund drawdown requests. The purpose for this requirement is to expand at the local level the scope of control over the approval process so that no one individual shall have complete control over all phases of any transaction.

Attached is the Authorization Signature Card for Funds which has been provided to each jurisdiction to complete and submit to CDBG. The grantee is to use this card to identify the individuals who are authorized or designated to sign on behalf of the grantee. CDBG recommends that grantees authorize up to four individuals to sign on their behalf. This authorization will allow the grantee to exercise flexibility whenever it needs signatures on any funds request and the principal authorized signee is absent for a period of time. Grantees will be required to update a new signature card whenever there is a change in the individuals who are authorized to sign CDBG supporting documents.

**FINANCIAL IMPACT:**

Availability to draw down funds from present and future grant funds.

**ATTACHMENTS:**

1. CDBG Signature Card

**CITY OF RIVERBANK**
**RESOLUTION**

**A RESOLUTION OF THE CITY OF RIVERBANK CITY COUNCIL TO ASSIGN AND AUTHORIZE REPRESENTATION ON COMMUNITY DEVELOPMENT BLOCK GRANT SIGNATURE CARD**

---

**WHEREAS**, the council acknowledges the use of the Community Development Block Grant Signature Card for all present and future grants; and

**WHEREAS**, the council authorizes the City Manager as signee; and

**WHEREAS**, the council authorizes the Finance Director as signee; and

**WHEREAS**, the council authorizes the Development Services Director as signee;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Riverbank hereby assigns and authorizes representation on Community Development Block Grant Signature Card for present and future grants.

**PASSED AND ADOPTED** by the City Council of the City of Riverbank at a regular meeting held on the 12th day of March, 2011; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ___:

**AYES:**
**NAYS:**
**ABSENT:**
**ABSTAIN:**

**ATTEST:** **APPROVED:**

_____ _____
**Katie Lemons, Interim City Clerk** **Virginia Madueño, Mayor**

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

| **Authorized Signature Card for Request for Funds** | |
|---|---|
| CDBG Grant Number:<br>10-STBG-6735 | |
| Grantee Name:<br>City of Riverbank<br>6707 Third Street<br>Riverbank, CA 95367 | Issued By:<br>California Dept. of Housing and Community Development<br>1800-3rd Street, Suite #330<br>Sacramento, CA 95811 |
| (1) Typed Name of Signer, Signature and Title:<br>Jill Anderson, City Manager | (2) Typed Name of Signer, Signature and Title:<br>Marisela Hernandez, Finance Director |
| (3) Typed Name of Signer, Signature and Title:<br>J.D. Hightower, Development Services Director | (4) Typed Name of Signer, Signature and Title: |
| I certify that the signatures above are of the individuals authorized to request payment of funds under the grant cited above.<br><br>_Jill Anderson<br>Typed or Printed Name of Authorizing Official (Grantee)<br><br>_____<br>Signature of Authorizing Official (Grantee)* | City Manager<br>Title<br><br>_____<br>Date |

Instructions

Funds requests require two signatures--the preparer and any one of the authorized signers listed on the signature card.

The name and/or title of the **authorizing official** must be identified in the resolution passed by the city council or governing body. **The resolution must be submitted along with the signature card.**

The authorizing official is certifying that persons listed on the signature card are authorized to sign the funds request.

A signature card must be completed for each grant. A new signature card must be submitted when there is a change in the name and/or title of the authorizing official. No erasures or corrections may appear on this signature card.

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.F

## SECTION 3: CONSENT CALENDAR

| | |
|---|---|
| **Meeting Date:** | **March 12, 2012** |
| **Subject/ Title:** | Acceptance of the CNG Maintenance Facility and File Notice of Completion |
| **Submitted by:** | JD Hightower, Development Services Director |
| **City Manager Approval:** | _____ |

**RECOMMENDATION:**

Accept the completion of the CNG Maintenance Facility and authorize staff to file a Notice of Completion, by roll call vote.

**SUMMARY:**

Menghetti Construction has completed the construction of the CNG Maintenance Facility and City's Construction and Building Inspectors have completed a final inspection. All construction has been completed per the plans and specifications.

It is recommended that the City Council accept the CNG Maintenance Facility as complete and authorize the Project Coordinator to record the Notice of Completion.

Contract was awarded on March 22, 2010 to Menghetti Construction in the amount of $1,405,714.00. Cost of construction totalled $1,583,187, which came in under the 15% contingency expected for this type of project.

**FISCAL IMPACT:**

Congestion Mitigation Air Quality (CMAQ) - $1,451,273
System Development Fees - $131,914

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

1. Notice of Completion.

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME
STREET ADDRESS
CITY & STATE

City of Riverbank
Attn: Development Services
6707 Third Street
Riverbank, CA 95367

SPACE ABOVE THIS LINE FOR RECORDER'S USE

# 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:
   - [X] 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/A
7. A work of improvement on the property described below was completed on March 14, 2012 .
(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.

Cowdery's Form No. 34809 • NOTICE OF COMPLETION (Civil Code Section 3093) • (Revised 12.03) • © Cowdery's 2005

www.CowderyForms.com

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") Menghetti Construction

**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 construction of CNG Maintenance Building.
(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:

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

10. The street address of the said property is

(Address, City, State, Zip, or if No Official Street Address, Insert the Word 'None')

Dated this 12th (Day) day of March (Month), 2012 (Year).

(Owner's Signature)

City of Riverbank
JD Hightower, Development Services Director
(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 12th (Day) day of March (Month), 2012 (Year).

(Signature of Person Signing Notice of Completion)

JD Hightower, Development Services Director
City of Riverbank

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 that 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).

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.G

# SECTION 3: CONSENT CALENDAR

**Meeting Date**: March 12, 2012

**Subject**: **Resolution** Affirming the Appointment of Planning Commissioners Joan Stewart and Clint Bray

**Submitted by**: J.D. Hightower, Development Services Director

**City Manager Approval**: _____

## RECOMMENDATION:

Approve the resolution affirming the appointment of Joan Stewart and Clint Bray to the City of Riverbank Planning Commission.

## SUMMARY:

During a recent file review related to the Planning Commission, it was determined that there was a lack of documentation related to the current appointment of Chairperson Joan Stewart and Vice Chairperson Clint Bray. The administrative record may be incomplete because of a filing error or changes in the administrative process related to the reappointment of commissioners. In an effort to complete the file, it is requested that the City Council affirm the appointments of Ms. Stewart and Mr. Bray. The recommended action would not extend the current terms, it would only clarify for the record that the City Council has appointed these individuals to serve on the Planning Commission to fulfill the current term, which will end on August 31, 2012.

A resolution affirming the Planning Commission appointments has been prepared for consideration by the City Council.

## BACKGROUND:

Commissioner Joan Stewart has been a Planning Commissioner since 2001 and Clint Bray has been a Planning Commissioner since 2007. Both individuals have been dedicated members of the Commission, while demonstrating that they have the knowledge and ability to serve effectively. The other members of the Planning Commission have acknowledged these attributes by electing Ms. Stewart and Mr. Bray to the positions of Chairperson and Vice-Chairperson respectively.

## PLANNING COMMISSIONER RESPONSIBILITIES:

Planning Commissioners play an important role within the community. The Municipal Code enables the Planning Commission to act in the following capacity:

(A) To cause to be prepared and recommend for adoption a comprehensive long term general plan for the physical development of the city, and of any land outside its boundaries, as provided for by the conservation and planning laws of the state. Such plan shall be known as the general plan of the city, and may comprise any, all or any combination of the plans specified in Cal. Gov't Code §§ 65300 *et seq*.

(B) To cause to be prepared plans based on the general plan and drafts of such regulations, programs and legislation as may in its judgment be required for the systematic execution of the general plan and to recommend such plans and measures to the Council for adoption.

(C) To act as the advisory agency for the city in connection with the administration of the Subdivision and Map Act of the state.

(D) To investigate and recommend to the Council plans for the improvement and beautification of the city, such as the opening, straightening, widening, closing or parking of public streets; the location and improvement of public buildings and public works.

(E) To perform the duties of Planning Commission required under Cal. Gov't Code §§ 65000 *et seq.* and the city code.

(F) To perform such other duties as may be imposed upon it by the Council by ordinance or resolution.

## FISCAL IMPACT:

There is no fiscal impact associated with the proposed action.

## ATTACHMENT:

1. Resolution

**CITY OF RIVERBANK**

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK AFFIRMING THE APPOINTMENT OF JOAN STEWART AS PLANNING COMMISSION CHAIR PERSON AND CLINT BRAY AS PLANNING COMMISSION VICE-CHAIRPERSON**

---

**WHEREAS**, Section 32.37 of the Municipal Code states that, "The terms of the Planning Commission members shall be established by resolution of the City Council and may be changed from time to time in the same manner"; and

**WHEREAS,** Joan Stewart and Clint Bray have demonstrated the knowledge, skills and abilities as Planning Commissioners; and

**WHEREAS**, Joan Stewart has been elected Chairperson of the Planning Commission and Clint Bray has been elected the Vice-Chairperson of the Planning Commission; and

**WHEREAS,** the City Council seeks to affirm the appointment of both Commissioners for the current term ending August 31, 2012.

**NOW, THEREFORE BE IT DETERMINED**, that both Joan Stewart and Clint Bray be affirmed as Planning Commissioners until August 31, 2012.

**PASSED AND ADOPTED** by the City Council of the City of Riverbank at a regular meeting held on the 12th day of March, 2012; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ___:

**AYES:**
**NAYS:**
**ABSENT:**
**ABSTAIN:**

**ATTEST:**

_____
**Katie Lemon**
**Interim City Clerk**

**APPROVED:**

_____
**Virginia Madueño**
**Mayor**

**RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.1**

**SECTION 5: PUBLIC HEARING**

| | |
|---|---|
| **Meeting Date:** | March 12, 2012 |
| **Subject/ Title:** | **Resolution** Authorizing the Approval of an Application for Funding from the 2012 Super NOFA Allocation of the State CDBG Program |
| **Submitted by:** | Marisela Hernandez, Finance Department/ Debbie Olson, LRA Executive Director |
| **City Manager Approval:** | _____ |

## RECOMMENDATION:

1) Open public hearing, presentation, public comment, and close public hearing. 2) Authorize the approval of an application for funding and execution of a grant agreement from the 2012 Super NOFA Allocation of the State CDBG fund.

## SUMMARY:

The Finance Department and Local Redevelopment Authority of the City of Riverbank has prepared an application to be submitted to the Community Development Block Grant (CDBG) for available funding under the 2012 Super Notice of Funding Available (NOFA) funding cycle.

The grant application has been completed as Combination Housing Rehabilitation Program and First Time Home Buyers Program grant for $1,000,000 and a Planning Technical Assistance (PTA) grant for a Fire Suppression Study for $75,000.

The following breakdown will illustrate both the Housing Rehabilitation and First Time Home Buyers Programs grant funding request of $1,000,000.

Eighty two interested applicants remain on the Home Buyers interest list in search of an affordable property. Approximately eleven to thirteen additional loans remain available with the remaining 69% HOME and CDBG grant funds. The additional funding from the 2012 Super NOFA funds would provide assistance for an estimated eight (8) additional home purchases.

The City's Housing Rehabilitation program has been dormant during the last year due to the shortfall of funds. Funding for this program usually is received from the CDBG and

Program Income Revolving Loan Accounts. The last CDBG Standard Agreement with the Housing Rehabilitation funding was the 04-STBG-1966 which carried an expiration date of December 31, 2010. During 2011 there was an increasing interest in the Housing Rehabilitation program. Currently there are 21 City residents requesting Housing Rehabilitation assistance. It is anticipated that seven (7) dwellings could be rehabilitated if the grant funds are awarded to the City.

Below is the grant funding breakdown and description of private and City fund match:

Combination Housing Grant

| | | |
|---|---|---|
| Housing grant General Administration | | $ 75,000 |
| Housing Rehabilitation Program Activities | $374,625 | |
| Housing Rehabilitation Activity Delivery | $ 87,875 | |
| Total Housing Rehabilitation funding | | $412,125 |
| | | |
| Home Buyers Program Activities | $425,500 | |
| Home Buyers Activity Delivery | $ 37,000 | |
| Total Home Buyers funding | | $463,000 |
| | | |
| PTA-Fire Suppression Study | | $ 75,000 |
| Total SUPER NOFA Funding | | **$1,075,000** |

City/Private Leverage

| | |
|---|---|
| Housing Rehabilitation Program: | |
| Program Income | $20,000 |
| General Funds - in kind | $ 5,000 |
| Fee Waiver | $ 7,000 |
| Home Buyers Program: | |
| General Funds – in kind | $ 5,000 |
| Buyer 1% Private Contribution | $10,000 |
| | |
| 10% Match – Leasehold Revenue | $ 7,500 |

## FISCAL IMPACT:

Grant application for $1,075,000. City leverage of $17,000, consisting of General Funds in kind of $5,000 for Housing Rehabilitation program and an additional $5,000 for Homebuyers Program, and Housing Rehabilitation program fee waivers of $7,000. Loan Portfolio Program income of $20,000. Home buyers private contribution of $10,000. Fire Suppression Study 10% match from leasehold revenues of $7,500.

## ATTACHMENTS:

1. Resolution

**CITY OF RIVERBANK**

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK AUTHORIZING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2012 SUPER NOFA ALLOCATION OF THE STATE CDBG PROGRAM**

---

**Be It Resolved** that the City Council of City of Riverbank approves the following:

SECTION 1:
The City of Riverbank has reviewed and hereby approves an application for up to $1,075,000 for the following activities:

| | |
|---|---|
| General Program Administration | $ 75,000 |
| Housing Rehabilitation Program | $462,500 |
| Homebuyers Assistance Program | $462,500 |
| PTA-Fire Suppression Study | $ 75,000 |

SECTION 2:
The City has determined that federal Citizen Participation requirements were met during the development of this application.

SECTION 3:
The City of Riverbank hereby approves the use of Local Leverage Funding Sources in the amount $27,000 to be used as the City's leverage for this application

| | |
|---|---|
| In-kind Staff | $10,000 |
| Fee Waiver | $ 7,000 |
| Private Contributions | $10,000 |
| LRA Leasehold Revenue | $ 7,500 |

SECTION 4:
The City of Riverbank hereby approves the commitment of Program Income in the amount of $20,000 during the grant term to the following activities:

| | |
|---|---|
| Housing Rehabilitation Program | $20,000 |

SECTION 5:
The City of Riverbank authorizes and directs Jill Anderson, the City Manager, or her designees, to sign this application and act on the City's behalf in all matters pertaining to this application.

SECTION 6:
If the application is approved, Jill Anderson, City Manager, or her designees, is authorized to enter into and sign the grant agreement and any subsequent amendments with the State of California for the purposes of this grant.

SECTION 7:
If the application is approved, Jill Anderson, City Manager, or her designees, is authorized to sign Funds Requests and other required reporting forms.

**PASSED AND ADOPTED** by the City Council of the City of Riverbank at a regular meeting held on the 12th day of March, 2012; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ___:

**AYES:**
**NAYS:**
**ABSENT:**
**ABSTAIN:**

| | |
|---|---|
| **Attest:** | **Approved:** |
| _____ | _____ |
| **Katie Lemons** | **Virginia Madueño** |
| **Interim City Clerk** | **Mayor** |

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.2

## SECTION 5: PUBLIC HEARING

**Meeting Date:** March 12, 2012

**Subject/ Title:** **Resolution** Approving Amendments to the Housing Rehabilitation Program Participation Guidelines

**Submitted by:** Marisela Hernandez, Finance Director

**City Manager Approval:** _____

**RECOMMENDATION:**

1) Open public hearing, receive public input, and close public hearing. 2) Adopt **Resolution** approving amendment of Housing Rehabilitation Program Participation Guidelines by roll call vote.

**SUMMARY:**

The Housing Rehabilitation Program has been very successful in assisting City of Riverbank residents with the rehabilitation or reconstruction of their homes. Under the 2012 Super NOFA the City will request $500,000 of CDBG funding for the continuation of the City Housing Rehabilitation Program with 21 residents on the Program Interest List. The current Housing Rehabilitation guidelines were last updated in 2008 and need to be revised to improve the City's readiness to utilize available funding. Therefore, it is proposed that the following revisions be made:

- Removal of "Income Inclusions and Exclusions" section was replaced with the State suggested "Annual Household Income Definition" page and 2012 Stanislaus County Income Limit chart.

- Amend the "Foreclosure Policy section of the rehabilitation guidelines to new state requirements.

- Update of the Housing Rehabilitation Guideline Attachment A "Residential Anti-displacement and Relocation Assistance Plan", last updated in 2004.

**FINANCIAL IMPACT:**

There are no direct costs associated with the implementation of the proposed amendments.

**ATTACHMENTS:**

1. Resolution
2. Housing Rehabilitation Program Guidelines

**CITY OF RIVERBANK**

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK APPROVING THE AMENDED CITY OF RIVERBANK HOUSING REHABILITATION PROGRAM PARTICIPATION GUIDELINES**

---

**WHEREAS**, The City Council of the City of Riverbank has adopted Housing Rehabilitation Program Participation Guidelines; and

**WHEREAS**, The City Council of the City of Riverbank hereby implements modifications to the existing Participation Guidelines for the Housing Rehabilitation Program dated March 12, 2012, as outlined in Exhibit "A", attached hereto and by reference incorporated herein; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of City of Riverbank hereby adopts the amended Housing Rehabilitation Program Participation Guidelines.

**PASSED AND ADOPTED** by the City Council of the City of Riverbank at a regular meeting held on the 12th day of March, 2012; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ___:

**AYES:**
**NAYS:**
**ABSENT:**
**ABSTAIN:**

**ATTEST:**

_____
**Katie Lemons**
**Interim City Clerk**

**APPROVED:**

_____
**Virginia Madueño**
**Mayor**

Attachment: Exhibit A

Deleted: 10

## I. APPLICANT ELIGIBILITY

### A. Conflict of Interest

No member of the governing body of the locality and no other official, employee, or agent of the City government who exercises policy, decision-making functions, or responsibilities in connection with the planning and implementation of the program shall directly or indirectly be eligible for this program, unless the application for assistance has been reviewed and approved according to applicable California Department of Housing and Community Development (HCD) guidelines. This ineligibility shall continue for one year after an individual's relationship with the City ends.

A contractor with a vested interest in the property cannot bid on a rehabilitation job. Such a contractor may act as owner/builder, subject to standard construction procedures. (Owner/builders are reimbursed for materials purchased which are verified by invoice/receipt and used on the job. Reimbursement occurs after the installation is verified by the Construction Supervisor to be part of the scope of work. Owner/builders are not reimbursed for labor.) The City of Riverbank reserves the right to determine if the owner is capable of owner/builder rehabilitation work.

### B. Income

1. Owner Occupant - To be eligible, household income must be equal to, or less than, the applicable HCD income guidelines. Owner will be required to provide income documentation. (See attached Income Inclusions and Exclusions/Income Limits).

2. Owner Investor - There are no restrictions on the income of the owner investor unless the owner investor is a member of the very low to low income group ~~(TIG)~~ and is interested in qualifying for a Deferred Payment Loan ~~(see III.B.2.c.).~~

3. Tenant - If a rental is currently occupied, the tenant's household income must be equal to, or less than, the applicable HCD income guidelines. Tenant will be asked to cooperate by providing income documentation. (See attached Annual Household Income ~~Inclusions and Exclusions~~ Definition/Income Limits).

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Deleted: Targeted Income Group

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### C. Occupancy

No unit to be rehabilitated will be eligible if it is currently occupied by an HCD ineligible household. Rental households occupying such units will be allowed to remain in the units. To prevent owners from evicting ineligible tenants before applying for the program, the owner must certify that no tenant has been forced to move without cause during the previous six months.

### D. Fair Housing

This program will be implemented in ways consistent with the City's commitment to Fair Housing. No person shall be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity funded in whole or in part with

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Community Development Block Grant (CDBG) funds on the basis of his or her religion or religious affiliation, age, race, color, ancestry, national origin, sex, marital status, familial status (children), physical or mental disability, sexual orientation, or other arbitrary cause.

E. Temporary Relocation

Tenants will be informed of their eligibility for temporary relocation benefits if occupancy during rehabilitation constitutes a danger to health and safety of tenant or public danger or is otherwise undesirable because of the nature of the project. Relocated tenants will receive increased housing costs, payment for moving and related expenses and appropriate advisory services, ~~benefits~~ as detailed in the City~~'s~~ of Riverbank "Residential Antidisplacement and Relocation Assistance Plan", attached to these guidelines.

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Owner occupants are not eligible for temporary relocation benefits, unless health and safety threats are determined to exist by the project coordinator/construction supervisor.

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## II. PROPERTY ELIGIBILITY

A. Location

Units to be rehabilitated must be located within current Riverbank City limits.

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B. Rehabilitation Standards

All repair work will meet Uniform Building Code standards. The priority will be the elimination of health and safety hazards.

C. Property Improvements

All improvements must be physically attached to the property and permanent in nature. ~~An allocation of 15% maybe allowed for property improvement with proper approval of the City of Riverbank~~. General property improvements should be limited to 15% of the rehabilitation loan amount. ~~Request improvements to other than the residence shall be secondary to the needed improvements to the residence in meeting needed health and safety improvements~~. Luxury items are not permitted.

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D. Lead –Based Paint

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Program participants rehabilitating homes constructed prior to January 1, 1978 must be provided with the proper disclosure notification concerning lead-based paint (LBP) hazards. Whenever pre-1978 houses are rehabilitated under CDBG, please refer to Chapter 20, Lead-Based Paint Requirements for guidance. The costs associated with meetings these requirements are eligible to be paid for with CDBG funds, and should be considered during program design.

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## III. REHABILITATION FINANCING

A. Owner Occupant

Limits - An eligible owner may qualify for the full cost of rehabilitation work needed to comply with Uniform Building Code standards. Maximum assistance with CDBG funds is $100,000. Total indebtedness against property will not exceed 100 percent of after rehabilitation value. Rehabilitation costs for CDBG funded jobs may be supplemented with personal financing or with other loan or grant programs, which are sources of leverage for the City.

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The City will request additional funds to be presented as a grant for compliance with CDBG Lead Base Paint mandate. The request will be initiated with the conform testing of lead base paint found on Housing Rehabilitation Program project dwelling. The grant will be subject to a $10,000 project cap limited, a fifth to be forgiven per year. ~~Any additional funds need to perform lead base paint compliance will be subject to be included to original Housing Rehabilitation loan~~. Any funds over and beyond the grant cap limit will be subject to be funded by Housing Rehabilitation grant.

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B. Types of Financing and Terms

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Below Market Interest Rate Loan (BMIR) – Participants, whose monthly housing costs are less than 30% of gross monthly income, shall receive a BMIR at 3% annual interest, for 15 years, with a minimum payment of $20 per month. The total face value of the BMIR shall not exceed the ability of the participant to repay. If the total cost of rehabilitation exceeds the face amount of the BMIR, the excess shall be in the form of a deferred payment loan.

Deferred Payment Loans (DPL) - ~~Participants, whose monthly housing costs are at least 30% of gross monthly income, shall receive~~ a Non-interest bearing loan ~~DPL~~, secured by a deed of trust, ~~with deferred payments for 15 years or until the participant sells, transfers title, or discontinues residence in the dwelling, unless sold or transferred to a targeted income group household (see IV.A.2), or becomes ineligible for the DPL (see c., below).~~ With no payback required until the participant sells or transfers title or discontinues residence in the swelling, unless sole or transferred to a very low to low income group household (see V.A.2). Payments may be made voluntarily on a DPL.

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~~The income of participants who have been granted a DPL shall be reviewed every two years. If such review reveals the participant's monthly housing costs ate less than 30%, the DPL shall be converted to a BMIR in accordance with above.~~

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~~Grants – Participants, whom are issued a grant will be limited to $6,000.00 per household for relocation. All grants will be on a 5 year amortized period, in which 1/5 of the loan will be forgiven each year. If the house is sold, transferred, refinanced within the expiration date of the grant, the remaining amount of the grant is due and payable.~~

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Grants are limited, with a maximum $_____ per household. Total CDBG program funds distributed as grants shall not exceed $_____.

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Prepayment of a loan **will not** undergo any prepayment penalty at any time during the term of the loan.

C. Determining Eligibility

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Every targeted income group owner occupants who is determined to be eligible for the CDBG program may receive DPL financing.

A limited number of $7,500 grants are available as follows:

- Senior Citizen – at least 62 years old.
- Handicapped – only for handicap modifications to a house with one or more physically handicapped occupants who would function more independently if such modifications were installed.
- Lowest Targeted Income Group – with gross annual income less than 50 percent of county median income.

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~~4 Maintenance Agreement~~

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~~As specified in the Rehabilitation Loan Agreement, an owner investor who participates in the program must maintain the property at post rehabilitation conditions for the life of the loan. Should the property not be maintained interior and exterior accordingly to compliance with local city ordinances, such as trash, unauthorized vehicles, and other debris at residences, the loan will become due and payable, and if necessary, foreclosure proceedings will be instituted. Inspections will be preformed annually.~~

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B. Owner Investor

Limits - An owner investor may qualify for the full cost of the rehabilitation work needed to comply with Uniform Building Code standards. Maximum assistance from CDBG funds is to be determined by the local jurisdiction. ~~$85,000.00~~ Two underwriting variables to consider are the loan to value ratio (does the property constitute sufficient value compared to the size of the loan the borrower is requesting to adequately secure the debt) and the debt-to-income ratio (the ability of the borrower to repay the debt). ~~The maximum encumbrance will normally be limited to~~ Total indebtedness against property will not exceed 100 percent of after rehabilitation value. Rehabilitation costs for CDBG funded jobs may be supplemented with personal financing or with other sources of leverage.

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a. ~~All subsidized cost on resale of owner investor shall be recovered, such as a building permits, which will be amortized over a 5 year period. One fifth of the subsidized costs forgiven each year.~~

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C. Maximum Loan-to-Value

The maximum encumbrance will normally be limited to 100% if the property's after-rehabilitated value.

When the ratio is at or above 100% the city may require an appraisal.

D. Debt-to-Income Ratio

~~The city does not consider~~ Applicants whose debt-to-value ratio exceeds % may be considered ~~in determining~~ ineligible to participate in the program.

E. Types and Terms of Financing

Amortized loan - Below Market Interest Rate (BMIR) loan at 5 percent interest, secured by a deed of trust and with a maximum term of 15 years.

Combined financing - % percent of rehabilitation costs as a BMIR loan and % percent as a DPL. A DPL is a non-interest bearing loan secured by a deed of trust with a no payment payback required until the owner investor sells or otherwise transfers title to the rehabilitated property, unless sold or transferred to a targeted income group household. Payments may be made voluntarily on a DPL.

DPL for TIG owner investor who agrees to comply with standard investor restrictions (i.e. Maintenance Agreement for minimum five years and recorded Rent Limitation Agreement for life of the loan), as outlined below. Same terms as described in previous paragraph above.

F. Restrictions

Rent Limitation Agreement (RLA) - An owner investor who elects to rehabilitate a rental unit with CDBG financing must sign an RLA, which will be recorded. This agreement will specify:

In no instance shall rents exceed the U.S. Department of Housing and Urban Development (HUD) Fair Market Rent (FMR) schedule while the RLA is in effect.

Base Rent -- Vacant Unit

If the house is vacant, rent charges shall not exceed 30 percent of 80 percent City median income for the appropriate household size in that unit. Owner investor shall affirmatively seek TIG households by contacting the local housing authority. Where such contact does not result in eligible TIG tenants, the owner investor shall contact the City for guidance.

Base Rent -- Occupied Unit

If the house is occupied, rent charges shall not exceed 30 percent of the existing tenants' household income; or, where, before rehabilitation, rents already exceed 30 percent of the existing tenants' income, no rent increases shall be allowed which provide for rents plus utilities over 30 percent of the tenants' income.

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Terms

If financing is the combined BMIR/DPL (Below Market Interest Rate/Deferred Payment Loan), adherence to these rent limitations will be for ~~ten~~ five years from the date of Notice of Completion of construction.

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If financing is a DPL (Deferred Payment Loan), adherence to these rent limitations will be for the term of the loan.

Compliance -- Failure to comply with these terms and conditions will result in the loan becoming due and payable. If necessary, foreclosure proceedings will be instituted.

Lead Based Paint

Program participants, including tenants, rehabilitating homes constructed prior to January 1, 1978 must be provided with the proper disclosure notification concerning lead-based paint (LBP) hazards. Whenever pre-1978 houses are rehabilitated under CDBG, please refer to Chapter 20, Lead Based Paint Requirements for guidance. The costs associated with meeting these requirements are eligible to be paid for with CDBG funds, and should be considered during program design**.**

Maintenance Agreement

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As specified in the Rehabilitation Loan Agreement, an owner investor who participates in the program must maintain the property at post-rehabilitation conditions for the life of the loan. Should the property not be maintained interior and exterior accordingly to compliance with local city ordinances, such as trash, unauthorized vehicles, and other debris at residences, the loan will become due and payable, and if necessary, foreclosure proceedings will be instituted. Inspections will be preformed annually.

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## IV. RECONSTRUCTION FINANCING

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Limits

An eligible owner or owner investor may qualify for the full cost of reconstruction work needed. Maximum assistance with CDBG funds is $170,000. Total indebtedness against the property will not exceed 100 percent of after reconstruction value. Reconstruction costs for CDBG funded jobs may be supplemented with personal financing or with other **loan or grant programs**, which are sources of leverage for the City.

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Property Improvements

All improvements must be physically attached to the property and permanent in nature. An allocation of 15% maybe allowed for property improvement with proper approval of the City of

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Riverbank. Requested improvements to other than the residence shall be secondary to the needed improvements to the residence in meeting needed health and safety improvements.

Financing and Terms

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All terms and conditions are the same as identified in the Rehabilitation Financing section.

## V. RESIDENCY REQUIREMENTS

A. Owner Occupant

During the term of the loan, every year during January 1 to 15, owner occupants will be required to submit to the City the following:

- Proof of occupancy in the form of a copy of a current utility bill.
- Statement of unit's continued use as a residence.
- Declaration that other titleholders do not reside on the premises.

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In the event that an owner occupant sells, transfers title, or discontinue residence in the rehabilitated or purchased property for any reason; the loan is due and payable.

If the owner occupant sells or otherwise transfers title of the property to a targeted income group household, the City will consider subordinating the loan and continuing all or part of the lien as a DPL.

If the owner occupant dies, and if the heir to the property lives in the house and is income eligible, the heir may be permitted, upon approval of the City, to assume the loan at the rate and terms the heir qualifies for under current participation guidelines.

If the owner occupant dies and the heir is not income eligible, the loan is due and payable.

If the owner occupant dies and the heir is not income eligible, but he or she chooses to rent the unit to TIG households and agrees to comply with owner investor restrictions, the heir may be permitted, upon approval of the City, to assume the loan at the same rate and terms offered owner investors under current program guidelines. If the heir/owner investor does not comply with owner investor restrictions, the loan is due and payable.

If an owner occupant wants to convert the rehabilitated property to a rental unit, the owner must notify the City in advance. If the City approves the conversion of an owner occupied unit to a rental, the owner will be required to comply with the provisions of the owner investor guidelines, including rent limitation provisions and financing arrangements.

If an owner wants to convert the rehabilitated property to any commercial or non-residential use, the loan is due and payable.

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B. Owner Investor

If an owner investor sells or transfers title of the rehabilitated property for any reason, the loan is due and payable.

An owner investor may convert a rental property to his or her personal residence if all conditions below exist:

- He or she can prove that the previous tenant was not evicted without cause.
- He or she is income eligible.
- He or she requests approval from the City.

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If an owner investor converts a rental property, rehabilitated with CDBG funds, to his or her personal residence, but he or she is not income eligible, the loan is due and payable.

If an owner wants to convert the rehabilitated property to any commercial or non-residential use, the loan is due and payable.

## VI. DEFAULT AND FORECLOSURE

If an owner defaults on a loan, and foreclosure procedures are instituted, they shall be carried out according to the CDBG Foreclosure Policy adopted by the City, and attached to these guidelines or located in Chapter 19.

## VII. INSURANCE

Fire Insurance

The applicant shall maintain fire insurance on the property for the duration of the loan(s). This insurance must be an amount adequate to cover all encumbrances on the property. The insurer must identify the City as Loss Payee for the amount of the loan(s). A binder shall be provided to the City.

In the event the applicant fails to make the fire insurance premium payments in a timely fashion, the City at its option may make such payments for a period not to exceed 60 days. The City may, in its discretion and upon the showing of special circumstances, make such premium payments for a longer period of time. Should the City make any payments, it may, in its sole discretion, add such payments to the principal amount that the applicant is obligated to repay the City under this program.

Flood Insurance

In areas designated by HUD as flood prone, the owner is required to maintain flood insurance in an amount adequate to secure the Rehabilitation Loan. This policy must designate the City as Loss Payee. ~~The Rehabilitation Loan applicant may pay~~ The premium may be paid by the Rehabilitation Loan for one year.

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~~**VIII. REFINANCE AND SUBORDINATION**~~

~~The City Manager a may approve a request to subordinate a CDBG loan, in order for the owner to refinance the property, under the following conditions:~~

~~a. The lien position of the City loan will remain the same or be advanced.~~

~~b. The new primary loan is no greater than the balance of the loan being refinanced.~~

c. ~~The purpose of the new primary loan is to reduce the interest rate being paid and/or reduces the owner's payment.~~

## VIII. LOAN OR GRANT APPROVAL

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All loans and grants must be approved by the CDBG Loan Review Committee. In order to obtain CDBG financing, applicants must meet all property and eligibility guidelines in effect at the time of loan approval. Applicants will be provided written notification of approval or denial. Reason for denial will be provided to the applicant in writing.

## IX. SWEAT EQUITY

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Participants who wish to perform sweat equity will sign a written commitment itemizing the work that they will perform and a time schedule for completion and a dollar value of the contribution.

Owners that contribute sweat equity that involves painting will not participate in activities that include the abatement or mitigation of lead paint hazards without first being trained on Safe Work Practices as required by HUD and provide documentation of such in the project file.

## X. CONTRACTING PROCEDURE

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A minimum of three contractors will be contacted for the bid opening and tour. The sealed bids need to be received in the office no later than two weeks after initial tour of potential property. The sealed bids will then be presented to the homeowner for review and selection.

- All housing rehabilitation work must be carried out using the CDBG adopted housing rehabilitation guidelines.
- The City will prepare, advertise the bid package and assist the homeowner in negotiating the contract.
- The homeowner will select the contractor.
- All contractors must be checked and cleared with HUD'S federal debarred list of contractors.
- All contractors must be actively licensed and bonded with the State of California.
- All contractors must have public liability insurance to the City required limits, Workmen's Compensation Insurance, unemployment and disability insurance.
- All contractors must comply with CDBG federal and state regulations.
- A Notice of Completion must be recorded with the County Recorder.

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## XI. REPAIR CALLBACKS

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In the event that a contractor must be called back to make corrections on rehabilitation work items that are not covered by the one year warranty, the City has the option to cover the costs through the current CDBG construction budget.

## XII. PROGRAM COMPLAINT AND APPEAL PROCEDURE

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Complaints concerning the CDBG Program should be made to the Project Contractor first. If unresolved in this manner, the complaint or appeal shall be made in writing and filed with the City. The City will then schedule a meeting with the CDBG Loan Review Committee. Their written response will be made within fifteen (15) working days. If the applicant is not satisfied with the committee's decision, a request for an appeal may be filed with the city council. Final appeal may be filed in writing with HCD within one year after denial or the filing of the Project Notice of Completion.

## XIII. GRIEVANCES BETWEEN PARTICIPANTS AND CONSTRUCTION CONTRACTOR

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Contracts signed by the contractor and the participant include the following clause, which provides a procedure for resolution of grievances:

Any controversy arising out of or relating to this Contract, or the breach thereof, shall be submitted to binding arbitration in accordance with the provisions of the California Arbitration Law, Code of Civil Procedure 1280 et seq., and the Rules of the American Arbitration Association. The arbitrator shall have the final authority to order work performed, to order the payment from one party to another, and to order who shall bear the costs of arbitration. Costs to initiate arbitration shall be paid by the party seeking arbitration. Notwithstanding, the party prevailing in any arbitration proceeding shall be entitled to recover from the other all attorney's fees and costs of arbitration.

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## ~~XIV. GRIEVANCES BETWEEN PARTICIPANTS JURISDICTION~~

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~~Contracts signed by the participant and jurisdiction include the following clause, which provides a procedure for resolution of grievances:~~

~~Grievance regarding a housing rehabilitation loan contract shall be presented within thirty (30) calendar days from the time matter comes to his/her attention. Such grievance shall be submitted in writing and filed with the Housing Department. The Housing Department Director shall attempt to resolve the grievance within ten (10) calendar days after it has been presented. If the Director cannot resolve the grievance, it shall be forwarded to the City Clerk for their consideration.~~

~~The City Clerk upon receiving a written and sign compliant, shall, within fifteen (15) calendar days determine if a grievance exists. If in their opinion no grievance exist, no further action is necessary. If a grievance does exist, they shall attempt to resolve it within seven (7) calendar days after it has been presented to him/her. The written grievance shall include a statement containing the program allegedly violated, the facts and remedy sought.~~

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~~If the recipient is not satisfied with the response of the City Clerk or Housing Director, the written grievance may be presented to the City Manager together with all pertinent materials by the petitioner within thirty (30) calendar days of receipt of the City Clerk response. The City Manager shall attempt to resolve the grievance within fifteen (15) calendar days.~~

## XIV. AMENDMENTS

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Amendments to these guidelines may be made by the City and submitted to HCD for approval.

## ~~XV. APPLICABILITY~~

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~~These guidelines shall be effective with the administration of the 2002 CDBG program~~.

## XV. EXCEPTIONS

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Exceptions to these guidelines will require City Council and HCD approval.

## XVI. HUD INCOME LIMITS 2012 ADJUTED FOR FAMILY SIZE FOR COUNTY

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## XVII. ATTACHMENTS

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The following documents are attached and form a part of these guidelines:

~~Income Inclusions and Exclusions/Income Limits~~

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Annual Household Income Definition/Income Limits
Residential Antidisplacement and Relocation Assistance Plan
CDBG Foreclosure Policy

## INCOME INCLUSIONS AND EXCLUSIONS

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### Income Inclusions

Note: When future legislative changes are made to the definition of annual income, the change will be published in the Federal Register and agencies will be given 60 (sixty) days from the date of publication to implement the changes.

1. The full amount, before any payroll deductions of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
2. The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;
3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as a deduction in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of $5,000, annual income shall include the greater of the actual income derived from net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;
4. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment;
5. Payments in lieu of earnings, such as unemployment, worker's compensation, and severance pay (but see paragraph (3) under Income Exclusions);
6. Welfare Assistance. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustments by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:
   (i) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
   (ii) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the families welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage;
7. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling;
8. All regular pay, special pay and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the family, spouse, or other person whose dependents are residing in the unit (but see paragraph (7) under Income Exclusions).
9. Relocation Payments.

### Income Exclusions

1. Income from employment of children (including foster children) under the age of 18 years;
2. Payments received for the care of foster children;
3. Lump-sum additions to family assets, such as inheritance, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (but see paragraph (3) of Income Inclusions);
4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses or any family member;
5. Income of a live-in aide;
6. Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the Government to a veteran, for use in meeting the costs of tuition, fees, books, equipment, materials, supplies, transportation, and miscellaneous personal expenses of the student. Any amounts of such scholarships or payments to a veteran not used for the above purposes that is available for subsistence are to be included in income;
7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
8. (i) Amounts received under training programs funded by HUD;
   (ii) Amounts received by a disabled person that are disregarded for a limited time for purposes of supplemental security income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS); or

(iii) Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;

9. Temporary, nonrecurring, or sporadic income (including gifts); or

10. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the 1937 Act. The following is a list of types of income that qualify for that exclusion (9/27/89 regulations);

(a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977;

(b) Payments to volunteers under the Domestic Volunteer Service act of 1973 (employment through VISTA, Retired Senior Volunteer Program, Foster Grandparents Program, youthful offenders incarceration alternatives, senior companions);

(c) Payments received under the Alaska Native Claims Settlement act (43 U.S.C. 1626(a));

(d) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 259)(e);

(e) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));

(f) Payments received under programs funded in whole or in part under the Job Training Partnership Act;

(g) Income derived from the disposition of funds of the Grand River Band of Ottawa Indians;

(h) The first $2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 U.S.C. 1407 1408) or from funds held in trust for an Indian tribe by the Secretary of Interior (25 U.S.C. 117);

(i) Amounts of scholarships funded under Title IV of the Higher Education Act of 1985 including awards under the Federal work study program or under the Bureau of Indian Affairs student assistance programs, that are made available to cover the costs of tuition fees, books, equipment, materials, supplies, transportation, and miscellaneous personal expenses of a student at an educational institution (20 U.S.C. 1087 uu);

(j) Payments received from programs funded under Title V of the Older Americans Act of 1965 (42 U.S.C. 3056(f));

(k) Any earned income tax credit to the extent it exceeds income tax liability;

(l) Payments received later January 1, 1989, from the Agent Orange Settlement Fund or any other funds established pursuant to the settlement in the In Re Agent Orange product liability litigation, MDL No. 381 (E.D.N.Y.);

(m) Payments received under the Main Indian Claims Settlement Act of 1980.111

INCOME LIMITS

80% of Stanislaus County Median Income **2007**
(Area Median Income **$56,000**)
**Income limits are subject to change adjusted annually by the Department of Housing and Urban Development

**1 Person - $31,350**

**2 Persons - $35,850**

**3 Persons - $40,300**

**4 Persons - $44,800**

**5 Persons - $48,400**

**6 Persons - $51,950**

**7 Persons - $55,550**

**8 Persons - $59,150**

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# ANNUAL HOUSHOLD INCOME DEFINITION

For the purposes of determining eligibility in accordance with HCD income guidelines, Annual Income will include, for all members of the household:

1. Gross wages and salary before deductions.
2. Net money income from self-employment.
3. Cash income received from such sources as rental units, Social Security benefits, pension, and perio income from insurance policy annuities.
4. Periodic cash benefits from public assistance and other compensation, including AFDC, SSI, Worker's Compensation, State Disability Insurance and Unemployment benefits.
5. Interest earned on savings and investments.

Annual Income will not include:

1. Non-cash income such as food stamps or vouchers received for the purpose of food or housing.
2. Capital gains or losses.
3. One time unearned income such as scholarship and fellowship grants; accident, health or casualty in proceeds; prizes or gift; inheritance.
4. Payments designated specifically for medical or other costs, foster children or their non-disposable income.
5. Income for employment of children under the age of 18.
6. Payment for the care of foster children.

This is not meant to be a complete list. Grantee will make the final decision in situations where the classification of income is not clear cut. Any exceptions or other deviations from this definition of annual income will be considered by Grantee.

2012 Median Family income for Stanislaus County

| Number of persons in Household | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 80% of AMI | $34,750 | $39,700 | $44,650 | $49,600 | $53,600 | $57,550 | $61,550 | $65,500 |

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~~The City of Riverbank will provide relocation assistance to displaced Target Income Group households and/or replace all occupied and vacant occupied Targeted Income Group dwelling units which are rehabilitated, reconstructed, demolished or converted to a use other than Targeted Income Group housing as a direct result of activities assisted with funds provide under the Housing and community development Act of 1974,~~

The Housing and Community Development Act of 1974, as amended, and the National Affordable Housing Act of 1990, requires all grantees of Community Development Block Grant (CDBG) funds or HOME Investment Partnership (HOME) funds to follow a written Residential Anti-displacement Plan of occupants whose property is receiving funds from these or other federal funding source. Having been developed in response to both aforesaid federal legislations, this Plan is intended to inform the public of the compliance of the City of Riverbank with the requirements of federal regulations 24CFR570.606 under state recipient requirements and Section 104(d) of the Housing and Community Development Act of 1974 and 24 CFR 92 of the HOME federal regulations. The Plan will outline reasonable steps, which the City will take, to minimize displacement and ensure compliance with all applicable federal and state relocation requirements. The City's governing body has adopted this plan via a formal resolution.

This plan will affect rehabilitation activities funded by the U.S. Department of Housing and Urban Development (HUD) under the following program titles: HOME, CDBG, Urban Development Action Grant (UDAG), Special Purpose Grants, Section 108 Loan Guarantee Program, and such other grants as HUD may designate as applicable, which take place within the city limits.

The City of Riverbank will provide permanent relocation benefits to all eligible "displaced" households either owner occupied or rental occupied units which are permanently displaced by the housing rehabilitation program **(see section E below)**. In addition, the City will replace all eligible occupied and vacant occupy able low income group dwelling units demolished or converted to a use other than low income group housing as a direct result of rehabilitation activities. This applies to all units assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in the Federal Register, 24 CFR 570.496(a), Relocation, Displacement and Acquisition; Final Rule dated July 18, 1990 (Section 104(d)) and 49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition Regulations Final Rule and Notice (URA) dated March 2, 1989.

~~This~~ All City programs/project will be implemented in ways consistent with the city's commitment to Fair Housing. Participants will not be discriminated against on the basis of race, color, religion, age, ancestry, national origin, sex, familial status, or handicap. The City will provide equal relocation assistance available 1) to each targeted income group household displaced by the demolition or rehabilitation of housing or by the conversion of a targeted income group dwelling to another use as a direct result of assisted activities; and 2) to each separate class of targeted income group persons temporarily relocated as a direct result of ~~CDBG~~

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~~assisted~~ activities funded by HUD programs.

A. Minimizing Permanent Displacement and Temporary Relocation Resulting from ~~during~~ Housing Rehabilitation or Reconstruction Activities;

Consistent with the goals and objectives of activities assisted under the Act, the city will take the a following steps to minimize the displacement of persons from their homes during housing rehabilitation or reconstruction funded by ~~the State of California's Community Development Block Grant (CDBG)~~ HUD program:

1. Provide proper notices with counseling and referral services to all tenants so that they understand their relocation rights and receive the proper benefits. When necessary assist permanently displaced persons to find alternate housing in the neighborhood.

2. Stage rehabilitation of assisted housing to allow owner occupants and/or tenants to remain during rehabilitation.

~~3. Encourage temporarily displaced owner occupants to move in with family or friends during the course of rehabilitation, since they are voluntarily participating and not entitled to relocation benefits, unless health and safety threats exist, as explained below.~~

4. Encourage owner investors to temporarily relocate tenants to available safe and sanitary vacant units on the project site area during the course of rehabilitation or pay expenses on behalf of replaced tenants.

~~5. Require owner investors who participate in assisted rehabilitation to agree to continue to rent to Targeted Income Group tenants and agree to rent limitations, for a period of at least 5 years.~~

~~6. Provide counseling and referral services to assist displaced persons to find alternate housing in the neighborhood.~~

7. Work with area landlords, real estate brokers, and/or hotel/motel managements to locate vacancies for households facing temporary relocation. ~~displacement~~.

8. When necessary, use public funds, such as CDBG funds, to pay moving costs and provide relocation/displacement payments to households permanently displaced by assisted activities.

**B.** Lead Based Paint Mitigation Which Causes Temporary Relocation: On September 15, 2000, the Final Rule for Lead Base Paint Hazard Control (LHC) went to effect. Among other things, it requires that federally –funded rehabilitation must use safe work practices so that occupants and workers can be protected from lead hazards. **At no time should the tenant-occupants(s) be present in work areas or designate adjacent areas while LHC activities**

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**are taking place in any dwelling unit interior, common area, or exterior.** As such, occupants may not be allowed to remain in their units during the time that lead-based paint hazards are being created or treated. Once work that causes lead hazards has been completed, and the unit passes clearance, the occupants can return. **The tenant-occupants may not reoccupy a work area or adjacent area until post-lead hazard reduction clearance standards have been achieved and verified with laboratory results.** The final rule allows for certain exceptions:

1. The work will not disturb lead-based paint, or create dust-lead or soil-lead hazard;
2. The work is on exterior only and openings are sealed to prevent dust from entering the home, the work area is clean after the work is completed, and the residents have alternative lead free entry; or
3. The interior work will be completed in one period of less than 8-daytime hours and the work site is contained to prevent the release of dust into other areas of the home; or
4. The interior work will be completed within five (5) calendar days, the work site is contained to prevent the release of dust, the worksite and areas within 10 feet of the worksite are cleaned at the end of each day to remove any visible dust and debris, and the residents have safe access to kitchen and bath and bedrooms.

If temporary relocation benefits are not provided because the City believes that the project meets one of the above criteria, then proper documentation must be that the project meets one of the above criteria, the proper document must be provided in the rehabilitation project file to show compliance. It is up to the City to ensure that the owner occupant or tenant in the project does not get impacted by lead pain mitigation efforts. In most cases where lead paint mitigation is taking place, occupants (tenants or owners) will be strongly encouraged to relocate even for just a few days until a final lead clearance can be issued by a certified lead based paint assessor. Occupants who are temporarily relocated because of the lead based paint mitigation are entitled to the same relocation benefits as those who are relocated because of substantial rehabilitation or reconstruction activities.

B. Temporary Relocation of Residential Tenants.

If continued occupancy during rehabilitation is judged to constitute a substantial danger to health and safety of the tenant or the public, or is otherwise undesirable because of the nature of the project, the tenant may be required to relocate temporarily. The program administrator or construction supervisor will make determination of the need for temporary relocation. The relocation period will not exceed ~~90~~ 180 days. All conditions of temporary relocation will be reasonable. Any tenant required to relocate temporarily will be helped to find another place to live which is safe, sanitary and of comparable value and they have the first right to move back into the original unit being rehabilitated at the same rent or lower. He or she may move in with family or friends and still receive full or partial temporary assistance based on eligible cost incurred. The housing rehabilitation loan specialist and/or

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the rehabilitation construction specialist will ensure that each tenant occupied unit under the program will receive a General Information Notice (GIN) (as soon as possible after a loan application is received) and the tenant will receive a Notice of Non-displacement (after loan approval), and each tenant occupied unit will have a temporary relocation benefits form completed for them. **(See Appendix C)**. These notices will document that each tenant understands what their relocation rights are, and if they must relocated during the course of construction, that they receive the proper counseling and temporary relocation benefits.

A tenant receiving temporary relocation shall receive the following:

1. Increased housing costs (e.g. rent increase, security deposits) and

2. Payment for moving and related expenses, as follows:

   a. Transportation of the displaced persons and personal property within 50 miles, unless the grantee determines that farther relocation is justified;

   b. Packing, crating, unpacking, and uncrating of personal property;

   c. Storage of personal property, not to exceed 12 months, unless the grantee determines that a longer period is necessary;

   d. Disconnection, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property;

   e. Insurance for the replacement value of personal property in connection with the move and necessary storage;

   f. The replacement value of property lost, stolen or damaged in the process of moving (not through the fault of the displaced person, his or her agent, or employee) where insurance covering such loss, theft or damage is not reasonably available.

   g. Reasonable and necessary costs of security deposits required to rent the replacement dwelling;

   h. Any costs of credit checks required to rent the replacement dwelling;

   i. Other moving related expenses as the grantee determines to be reasonable and necessary, except the following ineligible expenses;

   ~~j. The following are ineligible expenses:~~

      1) Interest on a loan to cover moving expenses; or

      2) Personal injury; or

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3) Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the Grantee; or

4) Costs for storage of personal property on real property already owned or leased by the displaced person before the initiation of negotiations.

C. Temporary Relocation of Owner Occupied.

Owner occupants are not allowed to stay in units which are hazardous environments during Lead based paint mitigation. When their home is having lead based paint mitigation work done which will not make it safe to live in, then they are eligible for temporary relocation benefits up to $500, which will be provided as a grant. In the same way, a unit requiring substantial rehabilitation (with or without lead based paint mitigation) which will not allow the family to access a bath or kitchen facility, or if the unit is being demolished and reconstructed, then the family will be eligible for temporary relocation benefits up to $500, which will be provided as a grant. In no case shall the grant for temporary relocation exceed $500 for any one owner occupant.

Owner occupants will be encouraged to move in with family or friends during the course of rehabilitation, since they are voluntarily participating in the program. The housing rehabilitation loan specialist and/or the rehabilitation construction specialist will complete a temporary relocation benefits form **(see appendix C)** to document that the owner occupant understands that they must relocate during the course of reconstruction and what benefits they wished to be reimbursed for as part of their relocation.

~~Since all rehabilitation work for owner occupants is voluntary, an owner occupant may only be eligible for temporary relocation benefits when his or her residential unit is approved for reconstruction or during rehabilitation that would endanger the health and safety of occupants if they remained in the house during rehabilitation. The program administrator or construction supervisor will make determination of the need for temporary relocation. Allowable temporary relocation expenses are limited to the security deposit of rental dwelling and a cap of 5 months rent. Maximum payments which can be made are based on the Section 8 Fair Market Rent Rates for Stanislaus County established under the Department of Housing and Urban Development. In no event should the payment exceed the actual rent for a particular unit. In addition, if two or more rental units are available which would reasonably fit the family to be relocated, then the rent of the least expensive of the units will determine the maximum rent payment which can be made within the other limitations established in this policy, although the family may choose to relocate to the more expensive unit. Upon completion of project and final inspection the owner occupant will have 7 days to vacate rental property and return keys to rental property management or owner.~~

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~~D. Displacement Activities Requiring Long-Term Relocation Assistance~~

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~~Persons displaced by projects assisted in whole or in part with funds provided under the Housing and Community Development Act of 1974, as amended, are eligible for permanent relocation assistance and benefits under either section 104(d) or URA, depending on which relocation assistance regulations are applicable. Persons within the Targeted Income Group are eligible to receive assistance and benefits under section 104(d) and have the option of choosing~~

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~~benefits under URA. Persons who are outside the Targeted Income Group may receive assistance and benefits only under URA. There is no income or needed criterion. However, the city's CDBG funded residential rehabilitation program is targeted to low and very low income households and temporary relocation will be needed.~~

~~All replacement housing will be provided within three years of the commencement of the demolition or conversion. Before obligating or expending funds that will directly result in the demolition of conversion, the city will make public and submit to the California Department of Housing and Community Development the following information in writing:~~

~~1. A description of the proposed assisted activity;~~

~~2. The location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than Targeted Income Group dwelling units as a direct result of the assisted activity;~~

~~3. A time for the commencement and completion of the demolition or conversion;~~

~~4. The location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data are not available at the time of the general submission, the city will identify the size general location on an area map and the approximate number of dwelling units by size and provide information identifying the specific location and number of dwelling units by size as soon as it is available;~~

~~5. The source of funding and a time schedule for the provision of replacement dwelling units;~~

~~6. The basis for concluding that each replacement dwelling unit will remain a Targeted Income Group dwelling unit for at least 10 years from the date of initial occupancy; and~~

~~7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units) is consistent with the housing needs of Targeted Income Group households in the city.~~

~~The City of Riverbank is responsible for tracking the replacement of housing and ensuring that it is provided within the required period. The City of Riverbank is responsible for ensuring requirements are met for notification and provision of relocation assistance, as described in §570.496, to any Targeted Income Group displaced by the~~

~~demolition of any dwelling unit or the conversion of a Targeted Income Group dwelling unit to another use in connection with an assisted activity.~~

E. Rehabilitation Activities Requiring Permanent Displacement: The City rehabilitation program will not typically trigger permanent displacement and permanent displacement activities fall outside of the scope of this plan. If a case of permanent displacement is encountered, then the staff responsible for the rehabilitation program will consult with City legal counsel to decide if they have the capacity to conduct the permanent displacement activity. If local staff does not have the capacity then a professional relocation consultant will be hired to do the counseling and benefit determination and implementation. If local staff does wish to do the permanent displacement activity then they will consult and follow the HUC relocation Handbook 1378.

F. Rehabilitation Which Triggers Replacement Housing: If the City Rehabilitation program assists a property where one or more units are eliminated then under Section 104(d) of the Housing and Community Act of 1974, as amended applies and the City is required to replace those lost units. An example of this would be a duplex unit which is converted into a single family unit. In all cases where rehabilitation activities will reduce the number of housing units in the jurisdiction, the City must document that any lost units are replaced and any occupants of the reduced units are given permanent relocation benefits. (This does not apply to reconstruction or replacement housing done under a rehabilitation program where the existing unit(s) is demolished and replaced with a structure equal in size without any lost number of units or bedrooms.)

Replacement housing will be provided within three years after the commencement of the demolition or conversion. Before entering into a contract committing the City to provide funds for an activity that will directly result in such demolition or conversion, the City will make this activity public (through a notice public hearing and/or publication in a newspaper of general circulation) and submit to the California Department of Housing and Community Development or the appropriate federal authority the following information in writing:

1. A description of the proposed assisted activity;
2. The location on a map and the approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as targeted income group dwelling units as a direct result of the assisted activity:
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The location on a map and the approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of the replacement dwelling units;

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6. The basis for concluding that each replacement dwelling unit will remain a targeted income group dwelling unit for a least 10 years from the date of initial occupancy; and,

7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (e.g., a two-bedroom unit with two one-bedroom units) is consistent with the housing needs of targeted income group households in the jurisdiction.

The Grant's Coordinator at the City is responsible for tracking the replacement of housing and ensuring that it is provided within the required period. The City is responsible for ensuring requirements are met for notification and provision of relocation assistance, as described in Section 570.606, to any targeted income group displaced by the demolition of any dwelling unit or the conversion of a targeted income group dwelling unit to another use in connection with a an assisted activity.

G. Record Keeping

The City of Riverbank will maintain records of occupants of Federally funded rehabilitated, reconstructed or demolished property from the start to completion of the project to demonstrate compliance with section 104(d), URA and applicable program regulations. Each rehabilitation project, which dictates temporary or permanent or replacement activities, will have a project description and documentation of assistance provided. (See sample forms in HUD Relocation Handbook 1378, Chapter 1, Appendix 11, and form HUD-40054.

Appropriate advisory services will include reasonable advance written notice of (a) the date and approximate duration of the temporary relocation; (b) the address of the suitable, decent, safe, and sanitary dwelling to be made available for the temporary period; (c) the terms and conditions under which the tenant may lease and occupy a suitable, decent, safe, and sanitary dwelling.

Notices shall be written in plain, understandable, primary language of the persons involved. Persons who are unable to read and understand the notice (e.g., illiterate, foreign language, or impaired vision or other disability) will be provided with appropriate translation/communication. Each notice will indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help. The notices and processes below are only for temporary relocation. If permanent relocation is involved then another set of notices and noticing processes and relocation benefits must be applied (See HUD relocation handbook 1378 for those forms and procedures). The Temporary Relocation Advisory Notices to be provided are as follows:

**1.** General Information Notice: As soon as feasible when an owner investor is applying for Federal financing for rehabilitation, reconstruction, or demolition, the tenant of a housing unit will be mailed or hand delivered a General

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Information Notice that the project has been proposed and that the tenant will be able to occupy his or her present house ~~(or another owned by the owner investor)~~ upon completion of rehabilitation. The tenant will be informed that rent after rehabilitation will not exceed current or 30 percent of his or her average monthly gross household income. The tenant will be informed that if he or she is required to move temporarily so that rehabilitation can be completed, suitable housing will be made available and he or she will be reimbursed for all reasonable extra expenses. The tenant will be cautioned that he or she will not be provided relocation assistance if he or she decided to move for personal reasons. **See Appendix A for sample notice to be delivered personally or by certified mail.**

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2. Notice of Non Displacement: As soon as feasible when the rehabilitation application has been approved, the tenant will be informed that they will not be permanently displaced and that they are eligible for temporary relocation benefits because of lead based paint mitigation or substantial rehabilitation, or reconstruction of their unit. The tenant will also again be cautioned not to move for personal reasons during rehabilitation, or risk losing relocation assistance. **See Appendix B for sample notice to be delivered personally or by certified mail.**

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3. Disclosure to Occupants of Temporary Relocation Benefits: This form is completed to document that the City is following its adopted temporary relocation plan for owner occupants and tenants. **See Appendix C for a copy of the disclosure form.**

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4. Other Relocation/Displacement Notices: The above three notices are required for temporary relocation. If the City is attempting to provide permanent displacement benefits then there are a number of other forms which are required. Staff will consult HUD'S Relocation Handbook 1378 an ensure that all the proper notices are provided for persons who are permanently displaced as a result of housing rehabilitation activities funded by CDBG or other federal programs.

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~~5. Notice at Time of "Initiation of Negotiations": As soon as feasible when the rehabilitation application has been approved, the tenant of a housing unit scheduled for rehabilitation, reconstruction, or demolition will be informed of~~

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~~6. the Initiation of Negotiations and again informed of the above reasonable terms and conditions under which the person may lease and occupy the property upon~~

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~~7. completion of the project. Then tenant will also again be cautioned not to move for personal reasons during rehabilitation, or risk losing relocation assistance.~~

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~~8. Notice for Persons to be Displaced: After a comparable replacement dwelling has been made available, the tenant will be given a 90 day advance written notice of~~

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~~the earliest date he or she may be required to move. If the tenant's continued occupancy of the property would constitute a substantial danger to health and safety, less than 90 days' advance notice may be provided. Justification of such an urgent need will be documented in the participant's job file. Another instance where the 90 day notice is not required is if the tenant makes an informed decision to relocate and vacates the property without prior notice.~~

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# FORECLOSURE POLICY

## City As Junior Lien holder

It is the City's policy to prepare and record a "Request for Notice" on all junior liens (any lien after the first position) placed on properties financed by a loan or loans through publicly funded program(s).

This document requires any senior lien holder to notify the lender (City) of initiation (recordation of a "Notice of Default") of a foreclosure only. This is to alert the junior lien holder that they are to monitor the foreclosure with the senior lien holder. When the City is in a third position and receives notification of foreclosure from only one senior lien holder, it would be in their best interest to contact both senior lien holders regarding the status of their loans.

Upon any condition of loan default: 1) non payment; 2) lack of insurance or property tax payment; 3) violation of rent limitation agreement; 4) change in title or use without approval; 5) default on senior loans, the City will send out a letter to the Borrower notifying them of the default situation. If the default situation continues then the City may start a formal process of foreclosure.

When a senior lien holder starts a foreclosure process and the City is notified via a Request for Notice of Default, the City, who is the junior lien holder, may cancel the foreclosure proceedings by "reinstating" the senior lien holder. The reinstatement amount, or payoff amount, must be obtained by contacting the senior lien holder. This amount will include all delinquent payments, late charges and fees to date. City must confer with Borrower to determine if, upon paying the senior lien holder in full, the Borrower can provide future payments. If this is the case then the City may cure the foreclosure and add the cots to the balance of the loan with a Notice of Additional Advance on the existing note., ~~advances (fire insurance premiums, property taxes, property protection costs, etc.), and foreclosure costs (fees for legal counsel, recordings, certified mail, etc.)~~

If ~~Once~~ the City determines, based on ~~has the~~ information on the reinstatement amount and status of the borrower, that bringing the loan current will not preserve the loan, then staff must then determine if it is cost effective to protect their position by ~~reinstating~~ paying off the senior lien holder in total and restructure the debt such that the unit is made affordable to the Borrower. If the City does not have sufficient funds to pay the senior lien holder in full, then they may choose to cure the senior lien holder and foreclose on the property them selves. As long as there is sufficient value in the property, the City can afford to pay for the foreclosure process and pay off the senior lien holder and retain some or all of their investment., ~~keeping them current by submitting a monthly payment thereafter, foreclosing on the property possibly resulting in owning the property at the end of foreclosure, protecting the property against vandalism, and paying marketing costs (readying the home for marketing, paying for yard maintenance, paying a real estate broker a sales commission).~~

If the City decides to reinstate, the senior lien holder will accept the amount to reinstate the loan up until five (5) days prior to the set "foreclosure sale date." This "foreclosure sale date" usually occurs about four (4) to six (6) months from the date of recording of the "Notice of Default." If the City fails to reinstate the senior lien holder before five (5) days prior to the foreclosure sale date, the senior lien holder would then require a full pay off of the balance, plus costs, to cancel foreclosure. If the City determines the reinstatement and maintenance of the property not to be cost effective and allows the senior lien holder to complete foreclosure, the City's lien may be eliminated due to insufficient sales proceeds.

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City As Senior Lien holder

When the City is in a first position, or the senior lien holder, active collection efforts will begin on any loan that is 31 or more days in arrears. Attempts will be made to assist the homeowner in bringing and keeping the loan current. These attempts will be conveyed in an increasingly urgent manner until loan payments have reached 90 days in arrears, at which time the City may consider foreclosure. City staff will consider the following factors before initiating foreclosure:

A. Can the loan be cured (brought current or paid off) by the owner and the rates and terms be adjusted to allow for affordable payments such as that ~~without~~ foreclosure is not necessary?

B. Can the owner refinance with a commercial lender and pay off the City?

C. Can the owner sell the property and pay off the City?

D. Does the balance warrant foreclosure? (If the balance is under $5,000, the expense to foreclose may not be worth pursuing.)

E. Will the sales price of home "as is" cover the principal balance owing, necessary advances, (maintain fire insurance, maintain or bring current delinquent property taxes, monthly yard maintenance, periodic inspections of property to prevent vandalism, etc.) foreclosure, and marketing costs?

If the balance is substantial and all of the above factors have been considered, the City may opt to initiate foreclosure. The owner must receive, by certified mail, a thirty-day notification of foreclosure initiation. This notification must include the exact amount of funds to be remitted to the City to prevent foreclosure (such as, funds to bring a delinquent BMIR current or pay off a DPL).

At the end of thirty days, the City should contact a reputable foreclosure service or local title company to prepare and record foreclosure documents and will make all necessary notifications to the owner and junior lien holders. The service will advise the City of all required documentation to initiate foreclosure (Note and Deed of Trust usually) and funds required from the owner to cancel foreclosure proceedings. The service will keep the City informed of the progress of the foreclosure proceedings.

When the process is completed, and the property has "reverted to the beneficiary" at the foreclosure sale, the City would then ~~contact a real estate broker to market the home~~.sell the home themselves under a homebuyer program or use it for an affordable rental property managed by a local housing authority or use it for transitional housing facility or other eligible use. The City could contract with a local real broker to list and sell the home and use those funds for program income eligible uses.

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# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

## SECTION 6: NEW BUSINESS

**Meeting Date:** March 12, 2012

**Subject/ Title:** Request to Conduct a Farmer's Market on Saturdays from June through September, 2012

**Submitted by:** Sue Fitzpatrick, Director of Parks & Recreation

**City Manager Approval:** _____

**RECOMMENDATION:**

Review and approve the event, including conditions for limited sponsorship and fee waivers.

**SUMMARY:**

The Riverbank Community Garden Committee and the Riverbank Chamber of Commerce have submitted a special event permit application for a Saturday Farmer's Market to be located in front of the Plaza Del Rio Park. The request would involve a street closure at Topeka (Alley) to Santa Fe St. (not closing the intersection). The Plaza Del Rio Park would be used for entertainment. This event is expected to bring a steady flow of people to the downtown area. The Farmer's Market would begin June 2, 2012 and run every Saturday through September, 2012 from 9:00 a.m. to Noon.

Insurance for this event would be provided by the Riverbank Chamber of Commerce. The special event application includes a request for limited City Sponsorship that would include the following services:

- Use of City barricades to close the streets
- Approval from Development Services Dept. and Parks and Recreation Department for a park aide to set up the barricades at 7am and remove them at 12:30pm. During the event volunteers from the FFA would wear orange safety vests and monitor the barricades to be sure they are not moved and cars are not driving through the closed street. These volunteers would be trained by the

Development Services Department as to the importance of monitoring the barricades for safety. Once signed off these volunteers would need to be the ones that cover this responsibility.
- Wavier of Plaza Del Rio Park electricity and rental fee

The event organizers would provide access to restrooms at one of the local businesses. And provide clean up of the City streets and Plaza Del Rio after the event each Saturday. The organizers are not requesting security or Sheriff coverage and Chief Pooley has determined that it is not necessary. There will be no alcohol sold or consumed at this event. All applications and paperwork will be handled at the Chamber office.

The event organizers understand that a Car Show has been approved for June 23rd and they will partner with this group to run the events simultaneously.

It is recommended that the event be approved with the following conditions:

- All vendors submit insurance verification and special event business license fee ($15) to the City prior to setting up at the Market. A complete list that is updated as new vendors are approved is submitted by each Friday prior to the Market the following day.
- That any food booths have proper permits and copies of these be submitted to the City prior to set up.
- Insurance from the Chamber be provided to the City by June 1st that includes an endorsement and all events that the organizers plan to hold within the Farmer's Market permit (ie. Bike races, Car Show etc.).

The event organizers conducted a Saturday Farmer's Market throughout the summer of 2011 and expect that the energy surrounding the event will continue to grow throughout the summer of 2012 as more people visit the downtown. There were positive comments from the community in a survey done last year at the end of the Saturday Farmer's Market season and there are plans to again survey those that attend the event.

## FINANCIAL IMPACT:

The waiver of fees and costs associated with staff time required to support the events is approximately $1,000.

## ATTACHMENTS:

1. Street Closure Map

City Council Meeting: 03/12/12

Attachment to Item 6.1:  Street closure map

will be provided on the evening of the meeting.