

1. City Council And LRA Meetings Agenda

Documents: [CC-LRA AGENDA_02-24-15.PDF](#)

2. City Council And LRA Meetings Agenda/Reports

Documents: [CC-LRA AGENDA_02-24-15_W-REPORTS.PDF](#)



CITY OF RIVERBANK
**REGULAR CITY COUNCIL AND THE
LOCAL REDEVELOPMENT AUTHORITY MEETINGS**
(The City Council also serves as the LRA Board)
City Hall North • Council Chambers
6707 Third Street • Suite B • Riverbank • CA • 95367

AGENDA

TUESDAY, FEBRUARY 24, 2015 – 6:00 P.M.

(THE AGENDA PACKET IS POSTED AT THE CITY CLERK'S OFFICE AND AT WWW.RIVERBANK.ORG)

- CALL TO ORDER:** Mayor/Chair Richard D. O'Brien
- FLAG SALUTE:** Mayor/Chair Richard D. O'Brien
- INVOCATION:** Riverbank Ministerial Association
- ROLL CALL:** Mayor/Chair Richard D. O'Brien
Vice Mayor/Chair Darlene Barber-Martinez
Council/Authority Member Cal Campbell
Council/Authority Member Leanne Jones Cruz
Council/Authority Member Jeanine Tucker

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

1. PRESENTATIONS

- Item 1.1:** Presentation to Lana Clayton of Farmers Insurance.
- Item 1.2:** Recognition of Years of Service for Retiring Deputy Jay Bennett.
- Item 1.3:** Introduction of Nextdoor.com to Promote Citywide Information Sharing.

2. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 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 during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the City Council/LRA Board

3. CONSENT CALENDAR

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

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

Item 3.B: Approval of the January 13, 2015, regular City Council and Local Redevelopment Minutes as Amended.

Item 3.B-1: Approval of the January 27, 2015, regular City Council and Local Redevelopment Minutes as Amended.

Item 3.C: **Review and Consider the Approval of Continued Emergency Action on the 7th Street Storm Drain Outfall Line Destabilized Embankment -**
In accordance with Public Contract Code Section 22050(c)(1) the City Council shall review and approve the continuance of the emergency action, approved under City Council Resolution No. 2015-002, every fourteen (14) days, until such time as the emergency action no longer exists and is therefore terminated. It is recommended that the City Council review and consider the information provided in the report and approve the continued emergency action by a four-fifths roll call vote.

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

4. UNFINISHED BUSINESS

Item 4.1: **Second Reading by Title Only and Adoption of Ordinance No. 2015-001 of the City Council of the City of Riverbank, California, Adding Chapter 125: Tattoo and Body Art Establishments to Title XI: Business Regulations and Amending Title XV: Zoning, Amending 1) Section 153.076: Uses Permitted in the Neighborhood Commercial District C-1 Zone, 2) Section 153.092: Uses Permitted in the General Commercial District C-2 Zone and 3) Section 153.106: Uses Permitted in the Commercial-Industrial C-M Zone of the City's Municipal Code –**
It is recommended that the City Council conduct the second reading by title only of Ordinance No. 2015-001 and consider its adoption, as recommended and amended by Planning Commission Resolution No. 2014-018.

Item 4.2: **Second Reading by Title Only and Adoption of Ordinance No. 2015-002 of the City of Riverbank, California, Amending Title XV, Chapter 153: Zoning, Amending 1) Section 153.003: Definitions, 2) Section 153.061: Uses Permitted in the Multiple Family Residential District R-3 Zone, 3) Section 153.077: Uses Permitted with a Use Permit in the**

Neighborhood Commercial District C-1 Zone, 4) Section 153.093: Uses Permitted with a Use Permit In The General Commercial District C-2 Zone, and 5) Section 153.107: Uses Permitted with a Use Permit In The Commercial-Industrial C-M Zone of the City's Municipal Code – It is recommended that the City Council conduct the second reading by title only of Ordinance No. 2015-002 and consider its adoption as recommended by Planning Commission Resolution No. 2014-019.

Item 4.3: **Second Reading by Title Only and Adoption of Ordinance No. 2015-003 of the City of Riverbank, California, Amending Title XV: Land Usage, Chapter 153: Zoning, Section 153.185: Density Bonus Requirements of the City's Municipal Code** – It is recommended that the City Council conduct the second reading by title only of Ordinance No. 2015-003 and consider its adoption as recommended by Planning Commission Resolution No. 2014-017.

Item 4.4: **Second Reading by Title Only and Adoption of Ordinance No. 2015-004 of the City Council of the City of Riverbank, California Adding Sections 153.221 Through 153.229 To Title XV: Land Usage, Chapter 153: Zoning of the City's Municipal Code** – It is recommended that the City Council conduct the second reading by title only of Ordinance No. 2015-004 and consider its adoption as recommended by Planning Commission Resolution No. 2014-016.

5. PUBLIC HEARINGS

The Public Hearing Notices for Items 5.1 and 5.2 were published in the local newspaper of general circulation on Jan. 14, 2015. On Jan. 28, 2015, a Notice of Continuance was posted for both Items. Item 5.1 was again noticed on Feb. 14, 2015, due to changes. The Public Hearing Notices for Item 5.3 was published on Feb. 4 and Feb. 11, 2015; For Item 5.4 on Feb. 4, 2015; and for Items 5.5 and 5.6 on Feb. 11, 2015.

Item 5.1: **An Ordinance of the City Council of the City of Riverbank, California, Amending Title XI: Business Regulations, Chapter 110: Business License Tax, by Repealing Section 110.08: Exceptions and Section 110.18: Business License Tax Fees, and Substituting in its Place New Sections 110.08 and 110.18 of the City of Riverbank Code of Ordinances** – It is recommended that the City Council conduct the first reading and introduction by title only of the proposed ordinance and consider its approval as presented for a seconding reading by title only to consider its adoption at the March 10, 2015, regular City Council meeting.

Item 5.2: **Table the First Reading and Introduction by Title Only of an Ordinance of the City Council of the City of Riverbank Amending Title IX: General Regulations; Chapter 91: Animals and Chapter 94: Park Regulations, of the City of Riverbank Code of Ordinances** – It is recommended that the City Council:

1. Open the Public Hearing,
2. Receive comments,
3. Close the Public Hearing, and
4. By roll call vote, motion to table the first reading and introduction of the Ordinance until further notice.

Item 5.3: **A Resolution of the City Council of the City of Riverbank, California, to Establish, Amend, or Authorize Fees for the City of Riverbank Recreation Programs, Parks and Facility Use** – It is recommended that the City Council consider approval of the proposed fees as presented.

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Item 5.5: **A Resolution of the City Council of the City of Riverbank, California, Approving the Fiscal Year 2014-2015 Mid-Year Budget Amendments** – It is recommended that City Council consider 1) Approval of the Fiscal Year 2014-15 Mid-Year Budget Amendments, and 2) Provide Guidance on One-Time Capital Expenditures that will impact the City Budget.

LRA Item 5.6: **A Resolution of the Local Redevelopment Authority of the City of Riverbank, California, Approving Mid-Year Budget Adjustments and Accepting the Second Quarter Revenue Expenditure Report** – It is recommended that the Local Redevelopment Authority (“LRA”) Board of Directors (“Board”) accept the second quarter revenue and expenditure report (September 1, 2014 through December 31, 2014) and adopt the attached resolution approving mid-year budget adjustments to the Fiscal Year (“FY”) 2014/15 Local Redevelopment Authority Budget.

6. NEW BUSINESS

Item 6.1: **A Resolution of the City Council of the City of Riverbank, California, to Waive the Requested Fees by the Riverbank Chamber of Commerce for the Operation of the Farmer’s Market** – It is recommended that the City Council review and consider the waiver request presented, and provide direction as deemed necessary.

7. COMMENTS (Information only – No action)

Item 7.1: Staff Comments

Item 7.2: Council/Authority Member Comments

Item 7.3: Mayor/Chair Comments

8. CLOSED SESSION

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing into Closed Session.

Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: (2) potential case

Item 8.2: **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code § 54957.6
Agency representative: Jill Anderson, City Manager
Employee organizations: Riverbank Miscellaneous Employees

LRA Item 8.3: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: (1) potential case

Recommendation: It is recommended that City Council /LRA Board provide direction to Staff on the Closed Session item(s).

9. REPORT FROM CLOSED SESSION

Item 9.1: Report on Closed Session Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION; (2) POTENTIAL CASES**

Item 9.2: Report on Closed Session on Item 8.2: **CONFERENCE WITH LABOR NEGOTIATORS**

LRA Item 9.3: Report on Closed Session Item LRA 8.3: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION; (1) POTENTIAL CASES**

10. INFORMATIONAL ITEMS (Information Only – No Action)

Item 10.1: Warrant Registers for 01/28/2015 and 02/05/2015.

ADJOURNMENT (The next regular City Council meeting –**Tuesday**, March 10 @ 6:pm)

UPCOMING EVENTS:

Open Until Filled	▪ Budget Advisory Committee: Applications are currently being accepted. Visit www.riverbank.org or Contact Marisela Garcia at 863-7110.
Open Until Filled	▪ Housing Authority Commission: Applications are currently being accepted for two openings. Visit www.riverbank.org or Contact the City Clerk's office at 863-7198.
February 27 March 13	▪ City Offices are Closed Alternating Fridays: - o Friday, February 20 and March 6; open 8:00 am – 5:00 pm - o Friday, February 27 and March 13; CLOSED
March 14	▪ Special City Council (Town Hall) Meeting – District Elections - The citizens of Riverbank are invited to review and provide their input on the proposed District Elections System Boundaries - o 10:00 a.m. at the Riverbank Teen Center, 3600-A Santa Fe Street, Riverbank.
Cancelled 2015 Regular City Council Meetings	▪ Tuesday, May 26, 2015; Tuesday, July 14; Tuesday, September 8, 2015; and Tuesday, December 22, 2015.

AFFIDAVIT OF POSTING

I, Annabelle Aguilar, do hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted 72 hours prior to the meeting in accordance to the Brown Act.

Posted this 20th day of February, 2015

/s/Annabelle H. Aguilar, CMC, City Clerk /LRA Recorder

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 72-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].

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City Council / LRA Agenda & Reports	The City Council/LRA Board agenda is posted pursuant to the California Brown Act, which only requires these agenda title pages to be posted near the entrance of the location where the meeting is to be held and, if available, on the City's website. Additional documents may be provided by the City in its efforts of transparency to keep the public well informed. The agenda packet (agenda plus supporting documents) are posted for public review at the City Clerk's Office, 6707 Third Street, Riverbank, CA and at www.riverbank.org upon distribution to a majority of the City Council/LRA Board. A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk's Office.
Public Hearings	In general, a public hearing is an open consideration within a regular meeting of the City Council or a meeting of the LRA, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.
Televised / Video of Meetings	City Council/LRA meetings are televised on Charter Channel 2 and AT&T Uverse Channel 99. Video of the meeting and the schedule of replays may be seen on the City's website, under the "Action 2" Icon. (Note: Technical difficulty occurs on occasion preventing the televising or recording of the meeting.)
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Posted this 20th day of February, 2015

/s/Annabelle H. Aguilar, CMC, City Clerk /LRA Recorder

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RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.1

SECTION 1: PRESENTATIONS

Meeting Date:	February 24, 2015
Subject/ Title:	Presentation to Lana Clayton of Farmers Insurance
From:	Jill Anderson, City Manager
Submitted by:	Luanne Bain, Administrative Assistant

RECOMMENDATION:

It is recommended that the City Council welcome Ms. Lana Clayton, her staff, and her Farmers Insurance business to the Downtown Business District.

SUMMARY:

Recently, Ms. Clayton purchased and remodeled the building which previously held the Riverbank Cultural Center adjacent to Plaza del Rio. After 18-years serving the residents of Riverbank from the west side of town and after several months of construction, Farmers Insurance relocated to its new home on Santa Fe Street. Mayor O'Brien and City staff also visited the grand opening on October 22, 2014, to welcome Lana and her staff to the Downtown Area.

FINANCIAL IMPACT:

None.

ATTACHMENTS:

There are no attachments with this report.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.2

SECTION 1: PRESENTATIONS

Meeting Date:	February 24, 2015
Subject/ Title:	Recognition of Years of Service for Retiring Deputy Jay Bennett
From:	Jill Anderson, City Manager
Submitted by:	Chief Erin Kiely, Riverbank Police Services

RECOMMENDATION

It is recommended that the City Council join Riverbank Police Services in recognizing Deputy Jay Bennett for his years of service and join in congratulating him on his retirement.

SUMMARY

Deputy Bennett began his full time law enforcement career with the Riverbank Police Department on October 2, 1978. He worked for the Riverbank Police Department as an Officer and later as a Sergeant until August 15, 1995 at which time the city contracted with the county for police services. He then transitioned to being a Stanislaus County Sheriff's Deputy. Deputy Bennett has worked out of Riverbank Police Services since this time, up until his retirement date of March 20, 2015.

I have had the pleasure of working with Deputy Bennett off and on since 2007. During his career he has acquired a vast amount of knowledge regarding our community, its residents and law enforcement work in general. Deputy Bennett has set the standard and served as an example to generations of law enforcement officers as to what it means to be "depended upon". He has been a tremendous resource to Riverbank Police Services, the Stanislaus County Sheriff's Department, and most importantly the people we serve.

Deputy Bennett is to be commended for his years of loyal service to the citizens of Stanislaus County, and we congratulate him on his much deserved retirement. He will be missed.

FINANCIAL IMPACT

None

ATTACHMENTS:

None

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.3

SECTION 1: PRESENTATION

Meeting Date:	February 24, 2015
Subject:	Introduction of Nextdoor.com to Promote Citywide Information Sharing
From:	Jill Anderson, City Manager
Submitted by:	Chief Erin Kiely, Riverbank Police Services

RECOMMENDATION

It is recommended that the City Council receive the presentation.

SUMMARY

This report has been prepared to complete the strategic objective to present a report to the City Council on a "Community Watch" link to increase sharing of information amongst residents and businesses citywide regarding crime.

NEXTDOOR.COM

Riverbank Police Services (RPS) has partnered with Nextdoor.com, which is a free, secure portal which allows for agencies, residents and neighborhoods to communicate with each other at their convenience. Agencies in over 400 U.S. cities (including large metropolitan areas such as New York, L.A., Dallas, Sacramento, San Jose and Portland) have partnered with Nextdoor.com to improve communications between themselves and those that they serve. Nextdoor.com helps to facilitate the exchange of information and can be customized by the end user to filter and manage the flow of information and to select a particular audience (resident to resident, resident to neighborhood, neighborhood to neighborhood, agency to neighborhood, etc.).

Nextdoor.com will be used by RPS to: inform residents about neighborhood crime trends or issues, help solve cases (by identifying suspects, vehicles, recovered property, etc.), advise residents on how to access recent crime statistics in their neighborhood/city, correct misinformation, increase participation at community meetings, conferences and workshops, broadcast emergency alerts and crime prevention tips, facilitate and encourage communication amongst RPS, residents and neighborhoods - with the ultimate goal of more efficient, citywide crime prevention, detection and ultimately reduction.

FINANCIAL IMPACT

No financial action is required.

ATTACHMENTS

There are no attachments to this report.

RIVERBANK CITY COUNCIL / LRA AGENDA ITEM NO. 3.A

SECTION 3: CONSENT CALENDAR

Meeting Date:	February 240408 , 2015
Subject:	Waiver of Readings
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council / LRA Board approve the waiver of readings of Ordinances and Resolutions, except by title.

SUMMARY

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

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENTS

There are no attachments to this report.

**RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 3.B**

SECTION 3: CONSENT CALENDAR

Meeting Date:	February 24, 2015
Subject:	Approval of the January 13, 2015, City Council and Local Redevelopment Authority Minutes as Amended
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council / Local Redevelopment Authority Board approve the City Council /LRA Meeting amended Minutes as presented.

SUMMARY

The Minutes of the January 13, 2015, regular City Council and the Local Redevelopment Authority Board meetings were amended to clarify the reason why District Elections Boundaries Map Plan B2 was added, which ultimately replaced Map Plan B, under Item 6.1. The amended minutes are presented for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. Amended January 13, 2015, City Council and LRA Minutes.



CITY OF RIVERBANK
REGULAR CITY COUNCIL AND
LOCAL REDEVELOPMENT AUTHORITY MEETINGS
(The City Council also serves as the LRA Board)

MINUTES

TUESDAY, JANUARY 13, 2015



The following minutes reflect action minutes, which may contain added clarification for the record. A copy of the verbatim recording may be obtained, for a fee, by contacting the Administration Department at (209) 863-7122.

CALL TO ORDER:

The City Council and Local Redevelopment Authority Board of the City of Riverbank met at 6:00 p.m. on this date at the Riverbank City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Mayor/Chair Richard D. O'Brien presiding.

FLAG SALUTE: Mayor/Chair Richard D. O'Brien asked Cub Scout Mitchell Owens to lead the flag salute.

INVOCATION: Reverend Charles Neal

ROLL CALL:

Present Mayor/Chair Richard D. O'Brien; Vice Mayor/Chair Cal Campbell
Council/Authority Members: Darlene Barber-Martinez and
Leanne Jones Cruz, and Jeanine Tucker

CONFLICT OF INTEREST

Any Council/Authority Member and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one declared a conflict.

1. PRESENTATIONS

Item 1.1: Presentation to Dano Friedman of Soul Patch Tattoo.

Mayor O'Brien presented a certificate of recognition to Mr. Friedman for his successful new business in downtown Riverbank; Mr. Friedman thanked everyone for their support.

Item 1.2: Presentation to Shawn and Maria Mecca of Pure Water Boutique.

Mayor O'Brien presented a certificate of recognition to Mr. Mecca for his successful new business in downtown Riverbank; Mr. Mecca thanked everyone for their support.

2. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 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 during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the City Council/LRA Board.

Ramon Bermudez spoke in regards to being nominated for an award by the Man of the year Citizen of the Year Committee (MOY/COY) and congratulated the other nominees, and commented on issues with City streets.

Scott McRitchie announced the January 24th MOY/COY banquet.

3. CONSENT CALENDAR

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

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

Item 3.B: Approval of the December 9, 2014, City Council and Local Redevelopment Authority Minutes.

Item 3.C: **Resolution No. 2015-001** Appointing a Member to the City of Riverbank Budget Advisory Committee – It is recommended that the City Council approve by resolution the appointment of Cindy Fosi as a member of the City of Riverbank Budget Advisory Committee consistent with the recommendation of Mayor O'Brien.

Item 3.D: **Out-of-State Travel Request for the Mayor to Attend the Conference of Mayors Conference and to Participate in Meetings with Army Officials Regarding the Transfer of the Former Riverbank Army Ammunition Plant** – It is recommended that the City Council approve the out-of-state travel request for Mayor Richard O'Brien to travel to Washington D.C. to attend the U.S. Conference of Mayors meeting in Washington, D.C. January 21-23, 2015 and to also participate in meetings with Army officials regarding the disposition of final transfer documents.

LRA Item 3.E: **Out-of-State Travel Request for the Executive Director of the Local Redevelopment Authority to Participate in Meetings with Army Officials in Washington, D.C.** – It is recommended that the Local Redevelopment Authority ("LRA") Authority Board approve the out-of-state travel request for the Executive Director of the LRA to travel to Washington D.C. the week of January 19, 2015 for planned meetings with Army officials regarding the former Riverbank Army Ammunition Plant transfer documents.

Recommendation:

It is recommended that City Council/LRA Board approve the Consent Calendar items by roll call vote.

ACTION: *By motion moved/seconded (Barber-Martinez / Tucker / passed 5-0) to approve Consent Calendar Items 3.A through 3.E, as presented.*

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

AYES: *Barber-Martinez, Jones Cruz, Tucker, Campbell, and Mayor/Chair O'Brien*

NAYS: *None*

ABSENT: *None*

ABSTAINED: *None*

4. UNFINISHED BUSINESS

There were no items to consider.

5. PUBLIC HEARINGS

There were no items to consider.

6. NEW BUSINESS

Item 6.1: **Presentation of Options for Creating City Council Districts in the City of Riverbank Pursuant to the California Voting Rights Act** – It is recommended that the City Council consider the presentation of draft plans and analysis prepared by National Demographic Corporation to evaluate the options for Creating City Council Districts in the City of Riverbank and provide feedback as needed.

Mr. Justin Levitt, National Demographics Corporation, presented draft District Boundary Maps, Plans A, B, B2 (Map Plan B2 was added to correct Census errors of block addresses discovered on Plan B.), C, and D, with their corresponding demographic data.

City Council and Mr. Levitt discussed the information; Mayor O'Brien requested to view a map that provided East-to-West district boundaries.

Public Comment

- *Mr. Edward Jones spoke in opposition of dividing the city into districts based on different Nationalities.*
- *Ms. Maggie Mejia, President of the Latino Community Roundtable of Stanislaus County, spoke in regards to the reasons their organization urged the City to convert Riverbank's electoral process to district elections.*
- *Mr. Ramon Bermudez spoke in regards to viewing more details on the hardcopies of the proposed maps, commented on errors he viewed with the data, and stated he was in favor of the action and process.*

Councilmember Barber-Martinez stated that additional time was needed to study the information received and agreed with receiving a plan to consider boundaries running East-to-West and consider areas of annexation. She also requested to see how the maps that were

presented lined up with the electoral district boundaries that the School Districts adopted. Vice Mayor Campbell agreed with an East-to-West plans, along with a few revisions, to have a combination of all types of communities; Mayor O'Brien agreed that time would be available to view other alternatives if the matter was presented for a 2016 vote.

Mayor O'Brien requested to have some of the map plans displayed for public outreach at the February 19th gathering at the Galaxy Theatre event. Mr. Levitt mentioned that Google maps were available on the City's web site where the streets could be seen and allow the public to zoom in for details.

Councilmember Jones Cruz spoke in regards to her concerns with Plan D and the division of precinct 4, extensively dividing the neighborhoods; however, the other plans appeared reasonable.

Councilmember Tucker agreed with the comments made by Councilmember Jones Cruz.

Mayor O'Brien reiterated to have the data and large map displays for February 19th and other future events where a combination of gathering and the opportunity to obtain public feedback can occur.

City Manager Jill Anderson stated that based on the direction provided by City Council, she would work with the Consultants to schedule the presentation of the information at the second meeting in January and the first meeting in February, and at some point look at [scheduling] a public workshop or town hall meeting for this item sometime in March, separate from a Council meeting.

Item 6.2: **Presentation by Commercial Architecture Inc. on Conceptual Designs for Riverbank Pool Locker Rooms, Community Center Building and City Hall North Renovations** – It is recommended that the City Council hear the presentation, view the conceptual designs and provide input.

Sue Fitzpatrick, Director of Parks and Recreation, presented the staff report and introduced Mr. Ted Brandvold and Ms. Stacy Wellnitz of Commercial Architecture, Inc. who presented the architectural and cost options; City Council and Staff discussed the item.

Public Comment

- *Mr. Scott McRitchie spoke in regards to not understanding why the Community Center's kitchen has not been shut down because it did not meet the four sink requirements in order to handle any food; he would like this item to be addressed more quickly.*
- *Mr. Ramon Bermudez spoke in regards to obtaining grants to fund the projects.*

City Council and Staff discussed the item and the ability to obtain grant project funding.

Mayor O'Brien inquired about a 3-D rendition of the projects; an attempt would be made to provide 3-D views of the projects.

Item 6.3: **Evaluation of the 2014 Riverbank Cheese & Wine Festival** – It is recommended that the City Council evaluate the 2014 Cheese & Wine Festival and provide direction in regards to the future administration of the event.

Sue Fitzpatrick, Director of Parks and Recreation, presented the staff report.

Mr. Chris Ricci, Chris Ricci Presents, Inc., provided his view of the sponsorship funds needed, the decline in beer sales, consideration of how the event is set up to improve the cheese and wine tasting, and consideration of the hours of the event.

City Council and Staff discussed the item.

Public Comment

- *Mr. Edward Jones spoke in favor of the event.*
- *Mr. Shawn Mecca spoke in favor of the City's two-year commitment in administering the event, which is great for his downtown business, and relocating the wine tasting.*
- *Mr. Ramon Bermudez spoke in favor of the event.*

All Members of the City Council agreed with: 1) Option-1: The City will manage the Festival contracting with Chris Ricci Presents, Inc. (with less pressure for sponsorship), 2) for a two-year (2015 and 2016) commitment, and 3) to be evaluated annually.

Item 6.4 **Annual Nomination and Appointment of the Vice Mayor** – It is recommended that the Mayor nominate a Councilmember to serve as Vice Mayor and the City Council, by motion for approval, make the appointment for a one-year term.

Mayor O'Brien nominated Councilmember Barber-Martinez to serve as the Vice Mayor for a one-year term; Councilmember Barber-Martinez accepted; there were no objections.

ACTION: *By motion moved/seconded (Tucker / Campbell / passed 5-0) to approve the appointment of Councilmember Barber-Martinez as Vice Mayor for a one-year term.*

Motion carried by unanimous City Council roll call vote.

AYES: *Barber-Martinez, Jones Cruz, Tucker, Campbell, and Mayor O'Brien*

NAYS: *None*

ABSENT: *None*

ABSTAINED: *None*

Item 6.5: **City Council Appointments to External Boards and Committees and City Council/LRA Appointments to Internal Committees for the Year 2015** – It is recommended that the City Council / Local Redevelopment Authority Board:

- 1) Review the appointment lists of the Intergovernmental Boards and Committees and the Internal City/LRA Committees,

- 2) Volunteer or recommend a member of the City Council/LRA to serve as the representative,
- 3) By roll call vote, ratify the appointments for the year 2015.

City Council proceeded to address each Board / Committee individually and the results were as follows:

2015 - INTERGOVERNMENTAL	
BOARDS / COMMITTEES	COUNCIL REPRESENTATIVE
<i>League of California Cities Central Valley Division Executive Committee</i>	<i>Councilmember Cal Campbell Mayor Richard D. O'Brien (Alternate)</i>
<i>League of California Cities Annual Conference Voting Delegate(s)</i>	<i>The primary and alternate voting members will be determined in June. (The appointment is typically made in June upon the League's request.)</i>
<i>North County Corridor Transportation Expressway Authority Board</i>	<i>Mayor Richard D. O'Brien Vice Mayor Darlene Barber-Martinez (Alt.)</i>
<i>San Joaquin Valley Air Pollution Control District - Special City Selection Committee</i>	<i>Vice Mayor Darlene Barber-Martinez Councilmember Leanne Jones Cruz (Alt.)</i>
<i>StanCOG – Policy Board</i>	<i>Mayor Richard D. O'Brien Councilmember Cal Campbell (Alternate)</i>
<i>Stanislaus Office of Emergency Services Disaster Council</i>	<i>Councilmember Jeanine Tucker Vice Mayor Darlene Barber-Martinez (Alt.)</i>
<i>Stanislaus Business Alliance board</i>	<i>Councilmember Cal Campbell Mayor Richard D. O'Brien (Alternate)</i>
<i>Lower Stanislaus River Trail Improvement Plan Committee</i>	<i>Councilmember Cal Campbell Vice Mayor Darlene Barber-Martinez (Alt.)</i>

2015 - INTERNAL CITY COMMITTEES	
CITY / LRA COMMITTEES	COUNCIL / LRA REPRESENTATIVE
<i>Budget Advisory Committee</i>	<i>Councilmember Leanne Jones Cruz Councilmember Jeanine Tucker (Alternate)</i>
<i>Friends of Jacob Myer Park</i>	<i>Councilmember Leanne Jones Cruz Vice Mayor Darlene Barber-Martinez (Alt.)</i>
<i>Local Redevelopment Authority (LRA)</i>	<i>Vice Chair Darlene Barber-Martinez Authority Member Jeanine Tucker (Alternate)</i>
<i>Sister City Committee (for Tamazula, Mexico and Fuyang, China)</i>	<i>Councilmember Jeanine Tucker Vice Mayor Darlene Barber-Martinez (Alt.) Councilmember Leanne Jones Cruz (2nd Alt.)</i>
<i>Economic Development Committee</i>	<i>No action was taken by the City Council. Staff will be providing a recommendation on the continued existence of this Committee.</i>
<i>Downtown Revitalization Committee</i>	<i>No action was taken by the City Council. Staff will be providing a recommendation on the continued existence of this Committee.</i>

ACTION: *By motion moved/seconded (Tucker / Barber-Martinez / passed 5-0) to approve the ratification of the Boards and Committees lists as stated.*

Motion carried by unanimous City Council roll call vote.

AYES: *Jones Cruz, Tucker, Campbell, Barber-Martinez, and Mayor O'Brien*

NAYS: *None*

ABSENT: *None*

ABSTAINED: *None*

Public Comment: *Mr. Ramon Bermudez spoke in regards having a Senior or Old Age Americans Committee to be formed to have Riverbank representation for funding, programs, and services. Mayor O'Brien requested staff look into this request.*

7. COMMENTS (Information only – No action)

Item 7.1: Staff Comments

Sue Fitzpatrick, Director of Parks and Recreation, spoke in regards to the phase II progress of Silva Park and strategizing to raise funds for phase III of a water park.

Michael Riddell, Public Works Superintendent, spoke in regards to the PG&E construction on Roselle Avenue, and provided an update on the 7th Street pipeline emergency stabilization work.

City Manager Anderson thanked former Vice Mayor Campbell for his work, congratulated Vice Mayor Barber-Martinez, and thanked the City Council for leading the City to a good place for the new year and wished everyone a happy and health new year.

Item 7.2: Council/Authority Member Comments

Council/Authority Member Jones Cruz commented on having a great meeting and appreciation of everyone's hard work, looked forward to the accomplishments of the new year, and congratulated Vice Mayor Barber-Martinez as the newly appointed Vice Mayor.

Council/Authority Member Campbell thanked Mayor O'Brien for the opportunity to serve as the Vice Mayor, hoped Vice Mayor Barber-Martinez has the opportunity to have the same learning experiences, and thanked the community and the Council Members for their support.

Council/Authority Member Tucker thanked staff for the great meeting experience, looked forward to a great future, and congratulated Vice Mayor Barber-Martinez on her appointment as Vice Mayor.

Vice Mayor/Chair Barber-Martinez: 1) thanked everyone for the opportunity to serve as the Vice Mayor; will do her best to move the City forward, 2) agreed with the comments of receiving great presentations, 3) is excited to begin the new year, 4) encouraged everyone to drive safely in the fog, and 4) looked forward to seeing everyone at the MOY/COY event.

Item 7.3: Mayor/Chair Comments

Mayor/Chair O'Brien: 1) stated that the evening's meeting was a small example of the work ahead and thanked the Council Members, staff, and the public for their participation and input, and 2) congratulated Vice Mayor Barber-Martinez.

8. CLOSED SESSION

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing into Closed Session.

MAYOR/CHAIR O'BRIEN ANNOUNCED THE CLOSED SESSION ITEMS AND OPENED THE ITEMS FOR PUBLIC COMMENT; NO ONE SPOKE. CITY COUNCIL AND THE LRA BOARD RECESSED INTO CLOSED SESSION AT 8:25 P.M.

LRA Item 8.1: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code Section 54956.8

Property: APN #062-031-007; 062-031-006; 062-008-009

Agency Negotiator: Jill Anderson, City Manager

Property Negotiator: U.S. Army

Under Negotiation: Price, terms of payment, or both

Item 8.2: CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6

Agency representative: Jill Anderson, City Manager

Employee organizations: Riverbank Miscellaneous Employees
Riverbank Mid-Management Bargaining Unit
Riverbank Executive Management

Item 8.3: 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

Item 8.4: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: 2 potential cases

Recommendation: It is recommended that City Council /LRA Board provide direction to Staff on the Closed Session item(s).

9. REPORT FROM CLOSED SESSION

MAYOR/CHAIR O'BRIEN RECONVENED THE CITY COUNCIL AND LRA MEETINGS AT 9:33 P.M.

LRA Item 9.1: Report on Closed Session LRA Item 8.1: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Chair O'Brien reported that direction was provided to staff.

Item 9.2: Report on Closed Session on Item 8.2 **CONFERENCE WITH LABOR NEGOTIATORS**

Mayor O'Brien reported that direction was provided to staff.

Item 9.3: Report on Closed Session LRA Item 8.3: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Mayor O'Brien reported that direction was provided to staff.

Item 9.4: Report on Closed Session Item 8.4: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Mayor O'Brien reported that direction was provided to staff.

10. INFORMATIONAL ITEMS (Information Only – No Action)

Item 10.1: Warrant Registers for 11/6/2014, 11/12/2014, 11/20/2014, 11/24/2014, 12/4/2014, and 12/11/2014.

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 9:34 p.m.

ATTEST:

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

APPROVED:

Richard D. O'Brien
Mayor / Chair

**RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 3.B-1**

SECTION 3: CONSENT CALENDAR

Meeting Date:	February 24, 2015
Subject:	Approval of the January 27, 2015, City Council and Local Redevelopment Authority Minutes as Amended
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council / Local Redevelopment Authority Board approve the City Council /LRA Meeting amended Minutes as presented.

SUMMARY

The Minutes of the January 27, 2015, regular City Council and the Local Redevelopment Authority Board meetings were amended to clarify the reason why District Elections Boundaries Map Plan B2 was added, which ultimately replaced Map Plan B, under Item 6.1. The amended minutes are presented for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. Amended January 27, 2015, City Council and LRA Minutes.



CITY OF RIVERBANK
REGULAR CITY COUNCIL AND
LOCAL REDEVELOPMENT AUTHORITY MEETINGS
(The City Council also serves as the LRA Board)

MINUTES
TUESDAY, JANUARY 27, 2015

The following minutes reflect action minutes, which may contain added clarification for the record. A copy of the verbatim recording may be obtained, for a fee, by contacting the Administration Department at (209) 863-7122.

CALL TO ORDER:

The City Council and Local Redevelopment Authority Board of the City of Riverbank met at 6:00 p.m. on this date at the Riverbank City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Mayor/Chair Richard D. O'Brien presiding.

FLAG SALUTE: Mayor/Chair Richard D. O'Brien asked Cub Scout Mitchell Owens to lead the flag salute.

INVOCATION: Reverend Charles Neal

ROLL CALL:

Present Mayor/Chair Richard D. O'Brien
Vice Mayor/Chair Darlene Barber-Martinez
Council/Authority Members: Cal Campbell, Leanne Jones Cruz,
and Jeanine Tucker

CONFLICT OF INTEREST

Any Council/Authority Member and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one declared a conflict.

1. PRESENTATIONS

Item 1.1: Recognition of Years of Service for Riverbank Police Services, Legal Clerk IV, Martha Perez.

Riverbank Police Services Chief Erin Kiely, Mayor O'Brien, and Stanislaus County Board of Supervisor Bill O'Brien, recognized Ms. Perez for her years of service and dedication to the City of Riverbank.

Item 1.2: Presentation of Focus on Prevention Initiative.

Stanislaus County Board of Supervisor Bill O'Brien and County Chief Executive Officer Stan Risen presented the Initiative.

Item 1.3: Update from Michelle Guzman, Stanislaus Consolidated Fire Protection District Board Member.

Ms. Guzman provided an update on the Board's activities.

Item 1.4: Strategic Plan Update.

City Manager Jill Anderson presented the Strategic Plan update.

2. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 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 during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the City Council/LRA Board.

Vicky Holt, Riverbank Library Branch Manager, provided an update on the library's activities.

Michael Garcia, Human Relations Chairperson for the American GI Forum, spoke in regards to parliamentary procedures in reference to the scheduling of the District Elections item for discussion on the agenda, and requested an immediate point of order ruling by City Council to consider the item under Unfinished Business.

City Attorney Nubia Goldstein responded that the placement of the item for discussion on the agenda did not affect its legality.

Scott McRitchie agreed with Mr. Garcia.

Ric McGinnis spoke in regards to the successful Man of the Year/Citizen of the Year (MOY/COY) Awards Banquet, and reported on the activities of the Historical Society.

Mayor O'Brien responded to Mr. Garcia's point of order and recommended that the City Council consider the District Elections Item 6.1 as the first item of business to accommodate the public; no one objected.

ACTION: *By motion moved/seconded (Jones Cruz / Campbell / passed 5-0) to approve changing the order of business by considering Item 6.1 as the first item of discussion.*

Motion carried by unanimous City Council roll call vote.

AYES: *Campbell, Jones Cruz, Tucker, Barber-Martinez, and Mayor O'Brien*

NAYS: *None*

ABSENT: *None*

ABSTAINED: *None*

3. CONSENT CALENDAR

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

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

Item 3.B: A Resolution No. 2015-002 of the City Council of the City of Riverbank, California, Approving the Continued Emergency Repairs to the 7th Street Storm Drain Outfall Line Embankment Pursuant to Public Contract Code (C)(1).

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

ACTION: *By motion moved/seconded (Barber-Martinez / Tucker / passed 5-0) to approve Consent Calendar Items 3.A and 3.B, as presented.*

Motion carried by unanimous City Council roll call vote.

AYES: *Campbell, Jones Cruz, Tucker, Barber-Martinez, and Mayor O'Brien*

NAYS: *None*

ABSENT: *None*

ABSTAINED: *None*

MAYOR O'BRIEN PROCEEDED TO NEW BUSINESS ITEM 6.1.

4. UNFINISHED BUSINESS There are no items to consider.

5. PUBLIC HEARINGS

The Public Hearing Notices were published in the local newspaper of general circulation as follows: Item 5.1 on November 26, 2014, and Items 5.2 and 5.3 on January 14, 2015.

Item 5.1: A Resolution No. 2015-003 of the City Council of the City of Riverbank, California, Adopting the 2010 Revised Urban Water Management Plan – It is recommended the City Council adopt the 2010 Public Draft UWMP with the revisions noted by the Department of Water Resources and any revisions to be made as noted at the public hearing.

Michael Riddell, Public Works Superintendent, presented the staff report; City Council and Staff discussed the item.

Mayor O'Brien opened the Public Hearing at 7:47 p.m.

No one spoke for or against the item.

Mayor O'Brien closed the Public Hearing at 7:47 p.m.

ACTION: *By motion moved/seconded (Tucker / Barber-Martinez / passed 5-0) to adopt Resolution No. 2015-003 adopting the 2010 Revised Urban Water Management Plan as presented.*

Motion carried by unanimous City Council roll call vote.

AYES: *Campbell, Jones Cruz, Tucker, Barber-Martinez, and Mayor O'Brien*

NAYS: *None*

ABSENT: *None*

ABSTAINED: *None*

Item 5.2: **Continuance of the First Reading and Introduction by Title Only of an Ordinance of the City Council of the City of Riverbank Amending Title IX: General Regulations; Chapter 91: Animals and Chapter 94: Park Regulations, of the City of Riverbank Code of Ordinances** - It is recommended that the City Council:

1. Open the Public Hearing,
2. Receive comments,
3. Close the Public Hearing, and
4. By roll call vote, continue the first reading and introduction of the Ordinance to the February 24, 2015, regular City Council meeting.

City Manager Jill Anderson explained that the continuance of this public hearing was to ensure that all staff provided their input to the ordinance prior to City Council consideration.

Mayor O'Brien opened the public hearing 7:50 p.m.

No one spoke for or against the item.

Mayor O'Brien closed the Public Hearing at 7:50 p.m.

ACTION: *By motion moved/seconded (Tucker / Jones Cruz / passed 5-0) to approve the continuance of the Public Hearing and consideration of the Ordinance to the February 24, 2015, regular City Council meeting.*

Motion carried by unanimous City Council roll call vote.

AYES: *Campbell, Jones Cruz, Tucker, Barber-Martinez, and Mayor O'Brien*

NAYS: *None*

ABSENT: *None*

ABSTAINED: *None*

Item 5.3: **Continuance of the First Reading and Introduction by Title Only of an Ordinance of the City Council of the City of Riverbank Amending Title XI: Business Regulations; Chapter 110: Business License Tax, of the City of Riverbank Code of Ordinances** – It is recommended that the City Council:

1. Open the Public Hearing,
2. Receive comments,
3. Close the Public Hearing, and

4. By roll call vote, continue the first reading and introduction of the Ordinance to the February 24, 2015, regular City Council meeting.

City Manager Anderson explained the continuance of this public hearing was to ensure that all staff provided their input to the ordinance prior to City Council consideration.

Mayor O'Brien opened the public hearing 7:52 p.m.

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

Mayor O'Brien closed the Public Hearing at 7:52 p.m.

ACTION: *By motion moved/seconded (Campbell / Barber-Martinez / passed 5-0) to approve the continuance of the Public Hearing and consideration of the Ordinance to the February 24, 2015, regular City Council meeting.*

Motion carried by unanimous City Council roll call vote.

AYES: *Campbell, Jones Cruz, Tucker, Barber-Martinez, and Mayor O'Brien*

NAYS: *None*

ABSENT: *None*

ABSTAINED: *None*

MAYOR O'BRIEN PROCEEDED WITH NEW BUSINESS ITEM 6.2.

6. NEW BUSINESS

Item 6.1: **Presentation of Additional Options for Creating City Council Districts in the City of Riverbank Pursuant to the California Voting Rights Act** – It is recommended that the City Council consider the presentation of draft plans and analysis prepared by National Demographic Corporation to evaluate the options for Creating City Council Districts in the City of Riverbank and provide feedback as needed.

Mr. Justin Levitt, Vice President of National Demographics Corporation, reviewed District Boundary Map Draft Plans A, B, B2 (Map Plan B2 was added to correct Census errors of block addresses discovered on Plan B.), C, and D, previously presented on January 13th, and stated they were available on the City's web site for detail viewing, along with their corresponding demographic data. He also presented additional proposed Draft Plans E, F, G, and H, as a result of comments received.

City Council discussed the information and the alignment of the proposed district boundaries in comparison to the School Districts' electoral boundaries, meeting the required criteria.

Public Comment

- *Ms. Maggie Mejia, President of the Latino Community Roundtable, expressed concern with Map Plan D, stating that it divided all the state named streets; suggested not using this plan.*
- *Mr. Scott McRitchie agreed that Map Plans E, F, G, and H divide the school districts and the areas of interest for representation, and spoke in favor of Plan A.*

- *Mr. Ramon Bermudez spoke in regards at the hard copies provided lacking details and warned of any deliberate attempt to divide [neighborhood] blocks.*
- *Ms. Diana Gonzalez requested to receive the individual voting percentages for each school district.*
- *Mr. Michael Garcia, American G. I. Forum, spoke in regards to concerns of the process including favoritism, cronyism, and nepotism by incumbents, and the need to ensure government transparency and representation of different areas.*
- *Evelyn Halbert, downtown resident, spoke in regards to Map Plans G and H being the closest to helping the downtown, which is the historical area; the exception is their division of the downtown area at Second Street.*
- *Mr. Edward Jones apologized for his conduct at the last meeting, and spoke against creating district boundaries within the City.*

City Council and Consultant discussion ensued in reference to considering the School Districts' electoral boundaries and voting data and the potential affects to the city's consideration of the nine (9) map plans presented.

City Manager Jill Anderson informed City Council that the information presented would be available for public viewing at the Mayor's State of the City Address, and proposed scheduling a workshop for the public to provide input on what map plans they favored.

City Council agreed to a town hall meeting on Saturday, March 14th at 10:00 a.m. for public viewing and input of all the proposed map plans. City Council would also receive one more presentation of the District Elections information to include the requested school district data.

Mayor O'Brien proceeded to the Public Hearing Items.

Item 6.2: **A Resolution No. 2015-004 of the City Council of the City of Riverbank, California, Appropriating \$26,500 from the General Fund Reserve for the Purchase of a Backup Generator for the Riverbank Police Services Building** – It is recommended that the City Council adopt the attached resolution authorizing the purchase of an emergency power generator for the Police Services Building.

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

Public Comment

- *Mr. Edward Jones spoke in regards to the new generator's size, capacity, and service life.*

Michael Riddell, Public Works Superintendent responded to questions.

ACTION: *By motion moved/seconded (Barber-Martinez / Campbell / passed 5-0) to adopt Resolution No. 2015-004 Appropriating \$26,500 from the General Fund Reserve for the Purchase of a Backup Generator for the Riverbank Police Services Building as presented.*

Motion carried by unanimous City Council roll call vote.

AYES: Campbell, Jones Cruz, Tucker, Barber-Martinez, and Mayor O'Brien

NAYS: None

ABSENT: None

ABSTAINED: None

Item 6.3: **Automatic Water Meter Reading Project Update and Authorize Staff to Begin Contract Negotiations, Contingent Upon Financing, with National Meter and Automation, Inc.** – It is recommended that the City Council receive an update regarding the Automatic Water Meter Reading Project and Authorize Staff to begin contract negotiations, contingent upon financing, with National Meter and Automation, Inc.

Marisela Garcia, Director of Finance, and Michael Riddell, Public Works Superintendent, presented the staff report; City Council and Staff discussed the item.

Public Comment

- *Evelyn Halbert spoke in regards her concern of water rate increases to pay for the project, and the lack of transparency of the project information or public input.*
- *Manda Nordis spoke in regards to the project being financially and environmentally responsible, which addressed the conservation of water; the need for the City to be utilizing current technology; and inquired about the City moving to paperless billing.*

City Manager Anderson clarified that this item was a request for authorization to negotiate, and was not an approval of the project, nor was it approval of the financing.

Director Garcia further explained: 1) Phase I of the project was to obtain the request for proposals, 2) that this action was Phase II to begin negotiations to achieve cost savings and revenue increases to offset the cost of implementing the project; otherwise the project could not be recommended, and 3) Phase III would be to return to the City Council with the negotiated contract for consideration.

ACTION: *By motion moved/seconded (Jones Cruz / Campbell / passed 5-0) to approve entering into negotiations with National Meter and Water, Inc., as presented.*

Motion carried by unanimous City Council roll call vote.

AYES: Campbell, Jones Cruz, Tucker, Barber-Martinez, and Mayor O'Brien

NAYS: None

ABSENT: None

ABSTAINED: None

7. COMMENTS (Information only – No action)

Item 7.1: Staff Comments

Debbie Olson, Executive Director of the LRA: 1) reported on her trip to Washington D.C. and

her meeting with U.S. Army officials, along with Mayor O'Brien and Barry Steinberg, to discuss the delay of the [conveyance] documents, 2) a staff meeting was called to ensure all key members were in sync with moving forward on policy, 3) stated a request for supplemental funding would be submitted to the Office of Economic Adjustment due to the delay, and 4) reported on the unsuccessful attempt to change the Riverbank Industrial Complex from a Modesto address to a Riverbank address.

Marisela Garcia, Director of Finance, announced applications were available to fill vacancies on the Budget Advisory Committee, and the consideration of changing the number of members to a five-member Board from the current seven-member Board.

Michael Riddell, Public Works Superintendent, provided an update on PG&E's construction work on Roselle Avenue.

City Manager Anderson commented on a newsletter delivery error that occurred, which confused utility customers.

Item 7.2: Council/Authority Member Comments

Council/Authority Member Jones Cruz encouraged community members to consider serving on the Budget Advisory Committee, and congratulated the MOY/COY award recipients.

Council/Authority Member Campbell recognized long-time Teachers Toni Munion and Cox Thorton who recently pass away and also Vivian Fauira a long-term volunteer of Riverbank.

Council/Authority Member Tucker congratulated Police Services Martha Perez and wished her well, and encourage the community members to consider serving on the Budget Advisory Committee.

Vice Mayor/Chair Barber-Martinez thanked the MOY/COY Committee for another successful annual event, quoted Martin Luther King Jr. on service, congratulated all the award recipients, and looked forward to accomplishing the strategic goals.

Item 7.3: Mayor/Chair Comments

Mayor/Chair O'Brien: 1) echoed the Vice Mayor/Chair's comments on achieving the goals and having an extremely busy year ahead, 2) Thanked Ms. Olson for her participation in the BRAC meeting in Washington D.C.; answers were achieved, awaiting for the results, 3) reported on his attendance of the Mayor's Conference in Washington D.C. and the ability to meet with several Senators, and being addressed by the Vice President, and the President, and 4) requested to begin using all discussions of the District Elections as a public forum, to capture all public comments, to achieve public outreach, and to begin documentation of the City's efforts of public participation.

8. CLOSED SESSION

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing into Closed Session.

MAYOR/CHAIR O'BRIEN ANNOUNCED THE CLOSED SESSION ITEMS AND OPENED THE ITEMS FOR PUBLIC COMMENT; NO ONE SPOKE. CITY COUNCIL AND THE LRA BOARD RECESSED INTO CLOSED SESSION AT 8:55 P.M.

LRA Item 8.1: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code § 54956.9(a)

Name of Case: Riverbank Local Redevelopment Authority v. Dayton Superior Corporation; Marten Transport LTD; Robert Young; Marten Transport Services LTD

Stanislaus County Superior Court Case No. 684358

LRA Item 8.2: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code Section 54956.8

Property: APN #062-031-007; 062-031-006; 062-008-009

Agency Negotiator: Jill Anderson, City Manager

Property Negotiator: U.S. Army

Under Negotiation: Price, terms of payment, or both

LRA Item 8.3: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code Section 54956.8

Property: Riverbank Industrial Complex, 5300 Claus Road, Ste. 1, Modesto, CA 95357

Agency Negotiator: Jill Anderson, City Manager and Debbie Olson, LRA Executive Director

Property Negotiator: (26) Riverbank Industrial Complex Tenants:

Anthony Ortega - A&M Engineering and Maintenance; Scott Hanna - Acoustic Artistry, LLC; Mic Meeks - Advanced Materials and Manufacturing Technologies, LLC; Kevin Elkins - Applied Power Systems; Anthony Brough - AQH LLC A California Limited Liability Corporation; Anthony Johnson - Atlas Canvas; Mathew Ford - Ayera Technologies, Inc.; Roger Baker - Castle Pest Control; Clayton Ludington - Davidson Boats, A California Company; Kevin Dewitt - Dayton Superior Corporation, a Delaware Corporation; Mike Johnson - Donaldson Company; Danny Stephens - Environmental & Lubrication Solutions, Inc., a Nevada Corporation; Eric Wilcox; Juliet Perry - Green Eyes Manufacturing, a California Company; Ben Foreman - Intuitive Motion; David Alvarez - Kern Oil; Kevin Valpey; Dwight Frey - KIVA Energy, Inc.; Ken Iwahashi - KKI Corporation; Brian Miller - Miller Arms Company, Inc.; Rich Ison - Nx Stage Security, a California Limited Liability Company; Paul Bennett - Repsco, Inc., a Colorado Corporation; David Alvarez - Riverbank Oil

Transfer, LLC; Larry Ingold - Sierra Northern Railway, a California Corporation; Gloria Williams - Sierra Tumbled Glass, a Sole Proprietorship; and James Molloy - T-Mobile West Corporation, a Delaware Corporation.

Under Negotiation: Price, terms of payment, or both

Item 8.4: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: (2) potential case

Item 8.5: **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code § 54957.6
Agency representative: Jill Anderson, City Manager
Employee organizations: Riverbank Miscellaneous Employees
 Riverbank Mid-Management Bargaining Unit
 Riverbank Executive Management

Recommendation: It is recommended that City Council /LRA Board provide direction to Staff on the Closed Session item(s).

9. REPORT FROM CLOSED SESSION

MAYOR/CHAIR O'BRIEN RECONVENED THE CITY COUNCIL AND LRA MEETINGS AT 9:57 P.M.

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

Chair O'Brien reported that direction was provided to staff.

LRA Item 9.2: Report on Closed Session LRA Item 8.2: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Chair O'Brien reported that direction was provided to staff.

LRA Item 9.3 Report on Closed Session LRA Item 8.3: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Chair O'Brien reported that direction was provided to staff.

Item 9.4: Report on Closed Session Item 8.4: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION; (2) POTENTIAL CASES**

Mayor O'Brien reported that direction was provided to staff.

Item 9.5: Report on Closed Session on Item 8.5: **CONFERENCE WITH LABOR NEGOTIATORS**

Mayor O'Brien reported that direction was provided to staff.

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 9:57 p.m.

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

Richard D. O'Brien
Mayor / Chair

AMENDED

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.C

SECTION 3: CONSENT CALENDAR

Meeting Date:	February 24, 2015
Subject:	Review and Consider the Approval of Continued Emergency Action on the 7 th Street Storm Drain Outfall Line Destabilized Embankment
From:	Jill Anderson, City Manager
Submitted by:	Michael Riddell, Public Works Superintendent

RECOMMENDATION

In accordance with Public Contract Code Section 22050(c)(1) the City Council shall review and approve the continuance of the emergency action, approved under City Council Resolution No. 2015-002, every fourteen (14) days, until such time as the emergency action no longer exists and is therefore terminated. It is recommended that the City Council review and consider the information provided in the report and approve the continued emergency action by a four-fifths roll call vote.

SUMMARY

Staff has put together a work plan to address the 7th Street storm drain outfall line destabilizes embankment. This project will consist of preparing plans for the remediation of the earth slide. The slide is approximately 30 feet wide by 60 feet long and runs from top to bottom. The slide is deteriorating the asphalt roadway, roadway shoulder and causing a concrete retaining wall to fail.

It is anticipated the work to design a stabilized wall to protect the slide area will consist of the use of drilled soldier beams and lagging or the use of a continuous soldier beams placed close enough together in order to bridge the active material.

Anticipated Work

Step-1: Of the work plan will be to do geotechnical boring, investigation of the soil in the area and prepare a report at an estimated cost of \$6,000.

Step-2: Of the work plan will be to survey the area of the repair at an estimated cost of \$2,500.

Step-3: Of the work plan will be to design plans for repair at an estimated cost of \$7,500.

Step-4: The last step of the work plan will be to complete the repairs per design with an estimated cost to be determined after the design.

Note: The timeline has been changed from a 3 to 4 week work plan to a 6 to 8 week work plan due to a delay in the Geotechnical boring.

BACKGROUND

During a site visit of the storm drain outfall lines to the river with one of the city's consultants, the Street Supervisor noticed that the embankment above the 7th Street storm drain outfall line had collapsed. Upon closer investigation it was noted that a good portion of the embankment above the river was destabilized.

On December 9th, 2014, staff presented an emergency item to the City Council requesting \$35,000 for emergency temporary repairs. This repair was necessary due to the failure of the embankment above the 7th Street storm drain line outfall to the river, along with the impending storm due to hit the central valley later that week. By Resolution No. 2014-084, the City Council approved the appropriation of \$35,000 from the General Fund Reserves to conduct the emergency temporary repairs to the embankment.

On December 10th, 2014 staff contracted with Cunningham & Sons, Inc. and authorized the temporary repairs. Work began that day and temporary repairs were completed by December 13th, 2014. Total cost for the repair work, completed by the contractor on an emergency basis, was \$14,810.54. Cunningham & Sons, Inc. was very responsive to the City's needs and accomplished an excellent and timely job.

Pursuant to Public Contract Code §22050 (a)(1), until the emergency action is terminated, staff will continue to present this emergency item for City Council's review and consideration, at every regularly scheduled City Council meeting. The emergency action allows the City to be more responsive and take any directly related and immediate action required to address the emergency issues, including the procurement of necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

FINANCIAL IMPACT

\$35,000 has been appropriated from the General Fund Reserves for emergency repairs.

STRATEGIC PLAN

This report has been prepared to achieve the City of Riverbank's Three-Year Goal to Improve and Maintain Infrastructure and Facilities.

ATTACHMENT

There are no attachments to this report.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 4.1

SECTION 4: UNFINISHED BUSINESS

Meeting Date: February 24, 2015

Subject:

Second Reading by Title Only and Adoption of **Ordinance No. 2015-001** of the City Council of the City of Riverbank, California, Adding Chapter 125: Tattoo and Body Art Establishments to Title XI: Business Regulations and Amending Title XV: Zoning, Amending 1) Section 153.076: Uses Permitted in the Neighborhood Commercial District C-1 Zone, 2) Section 153.092: Uses Permitted in the General Commercial District C-2 Zone and 3) Section 153.106: Uses Permitted in the Commercial-Industrial C-M Zone of the City's Municipal Code

From: Jill Anderson, City Manager

Submitted by: John B. Anderson, Contract Community Development Director
Annabelle H. Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council conduct the second reading by title only of Ordinance No. 2015-001 and consider its adoption, as recommended and amended by Planning Commission Resolution No. 2014-018.

INTRODUCTION

A Public Hearing was conducted at the regular City Council meeting on February 10, 2015, to receive public opinions or evidence for or against the proposed Ordinance after its first reading and introduction by title only. The City Council approved the first reading and introduction of the proposed ordinance, as amended by the Planning Commission, which moved said Ordinance (now titled Ordinance No. 2015-001) to the February 24, 2015, regular City Council meeting for its second reading by title only and consideration for adoption.

SUMMARY

The City of Riverbank ("City") does not currently regulate the operation or location of tattoo establishments. This is in part because the health impacts that are often associated with tattoo and body art establishments are largely regulated at a county level through the Stanislaus County Department of Environmental Health's Safe Body

Art Program that is instituted under the Assembly Bill 300¹, known as the Safe Body Art Act. Therefore, the proposed ordinance ("Ordinance") does not focus on the health impacts associated with tattoo establishments.

Instead, the Ordinance seeks to address negative secondary effects that are sometimes associated with tattoo and body art establishments. The Ordinance establishes an application and license procedure that allows the City to review the individuals seeking to establish or operate a tattoo or body art establishment in the City to ensure that the business operates in the interest of the general welfare of the City. The application is reviewed by the planning, building, fire, and police departments before a permit is issued. The permit is valid for one (1) year and must be renewed when the tattoo establishment's business license with the City must be renewed. Thus, the City remains informed of the staff at the tattoo establishment on an annual basis.

The Ordinance establishes a number of requirements regarding the location of tattoo establishments in relation to one another and in relation to particular types of uses such as residential areas and schools or parks. Tattoo and body art activities are an adult only use. Locating tattoo and body art establishments away from areas where children are more frequently present ensures that children are not influenced to participate in these activities illegally.

The second part of the Ordinance establishes the zoning for tattoo and body art establishments. Tattoo and body art establishments are not currently explicitly included in the City's zoning code. The Ordinance will allow tattoo and body art establishments as a permitted use in all commercial zones in the City, subject to the requirements of the tattoo establishment or body art establishment permit requirements. The zones where tattoo establishments will be a permitted use subject to the requirements of the tattoo establishment permit include Neighborhood Commercial C-1 zone, General Commercial C-2 zone, and the Commercial-Industrial C-M zone. The provisions of the zoning code allow all commercial uses in the industrial and manufacturing zones of the City as well. Therefore tattoo and body art establishments would also be allowed to locate in those zones subject to the tattoo or body art establishment license requirements.

BACKGROUND

The City passed Ordinance No. 2014-008 on September 23, 2014 establishing a forty-five (45) day moratorium on the establishment or expansion of new tattoo establishments in the City. That moratorium was extended for an additional six (6) months on October 28, 2014 through Ordinance No. 2014-009. The City established the moratorium after it became clear that the City lacked any regulation of that type of use in the R.M.C. when the City received two (2) business license applications from tattoo establishment owners.

¹ Commencing with Health & Safety Code § 119300.

During the time the moratorium was in place, City staff has been in discussion with the individuals who currently operate tattoo establishments in the City as well as individuals who are interested in establishing a tattoo establishment in the City. Through these discussions, the City has created a regulatory system that addresses the City's concerns about the often related negative secondary effects of tattoo establishments while allowing tattoo establishment to be productive participants in the City's business community.

ANALYSIS

The following is summary of the provisions included in the proposed ordinance, unmodified by Planning Commission action:

Site Location and Development Standards

As noted above, the Ordinance establishes a number of requirements regarding the location of tattoo establishments. These requirements are as follows:

- The tattoo establishment or body art establishment shall not be located within **1,000 feet** of any other tattoo establishment or body art establishment.
- The tattoo establishment or body art establishment shall not be located within **500 feet** of any adult entertainment business.
- The tattoo establishment or body art establishment shall not be located within **500 feet** of any business selling alcoholic beverages.
- The tattoo establishment or body art establishment shall not be located within **100 feet** of any existing residential zone
- The tattoo establishment or body art establishment shall not be located within **500 feet** of a school, park, day care center or family day care home.
- All business activities of the tattoo establishment or body art establishment shall take place entirely within the building and in compliance with the requirements under the Stanislaus County Body Art Program established under the requirements of Health and Safety Code.

Hours of Operation

The Community Development Director shall annually establish hours of operation for all tattoo establishments or body art establishments that operated in the City.

The hours for tattoo and body art establishments are established each year by the Community Development Director to ensure that the sometimes related negative secondary effects of tattoo and body art establishments such as illegal drug activity and excessive loitering are mitigated.

Prohibited Conduct

In addition to establishing site location and development standards, the Ordinance establishes prohibited conduct, where a license issued under the added Chapter can be revoked if any of the provisions or requirements is violated:

- All offering of services and merchandise shall take place only within the building.
 - All tattooing and other body art activities shall take place in a room or space that conceals the activity from the view of individuals outside the business.
 - The tattoo establishment or body art establishment must not jeopardize or endanger the public health and safety of persons residing or working in the surrounding area.
 - The tattoo establishment or body art establishment shall not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbing the peace, gambling, prostitution, sale of stolen goods, public urination, theft, assault, battery, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially late at night or in the early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
 - The tattoo establishment or body art establishment and each tattoo artist or body art practitioner shall be in full compliance with the provision of AB 300, the Safe Body Act.
 - The tattoo establishment or body art establishment and each tattoo artist or body art practitioner shall meet all the requirements, health and safety standards, and proper handling and disposal of medical waste as required by the Stanislaus County Environmental Health Division under the Safe Body Art Program.
 - The tattoo establishment or body art establishment shall not violate any other applicable local, state, or federal regulation.
 - The tattoo establishment or body art establishment shall not allow the sale of drug paraphernalia at the tattoo establishment.
-

Survey of 14 Surrounding Cities

A. Survey Surrounding Jurisdictions

As part of the research done to develop the Ordinance, a survey was conducted to determine how other jurisdictions regulate tattoo and body art establishments. The results of the survey are attached to this Staff Report as Attachment 2. The following summarizes the findings of the survey:

B. Site Location and Development Regulations

Of the fourteen (14) Cities surveyed, two (2) have established restrictions pertaining to the location of the tattoo establishment or body art establishment in relation to other uses.

The city of Menifee, for example, establishes that tattoo establishments cannot be located within:

- **500 feet** of any other tattoo establishment or within the same center;
- **500 feet** of any business selling alcohol; and
- **500 feet** of any school, church, or playground.

The city of Banning establishes that tattoo establishments cannot be located within:

- **1,000 feet** of another tattoo establishment;
- **500 feet** of an adult-oriented business;
- **500 feet** of any business selling alcoholic beverages;
- **100 feet** of residential properties; and
- **600 feet** of a school, park, or daycare center.

C. Hours of Operation

Of the fourteen (14) Cities surveyed, two (2) establish hours of operations for tattoo establishments. The City of Menifee, for example, establishes that tattoo establishments may operation between **7:00 am and 9:00 pm**. The City of Banning establishes that tattoo establishments may operate between **7:00 am and 10:00 am**.

D. Prohibited Conduct

In summary, most of the Cities reviewed in the survey require a Conditional Use Permit in order for a tattoo establishment to open and operate in the City. Through this Conditional Use Permit process, the City will set restrictions and requirements that may include prohibited conduct. The following is a summary of what was found as a result of the survey:

- **Merced.** Requires a CUP for a tattoo establishment to open and operate in the City. In a recent CUP (May 23, 2012), the City's Planning Commission conditionally approved the application with requirements such as no exterior graphics and a periodic review of the business operation.
 - **Hayward.** Requires a CUP for a tattoo establishment to open and operate in the City. In a recent CUP (July 25, 2013), the City's Planning Commission conditionally approved the application with requirements such as the proposed use will not be detrimental to the public health, safety, or general welfare, a limitation on the hours of operation and restrictions on loitering.
 - **Huntington Beach.** Requires a CUP for a tattoo establishment to open and operate in the City. In a recent CUP (June 12, 2012), the City's Planning Commission conditionally approved the application with requirements such as requiring the operation of the tattoo use wholly within the interior of the business and the business shall not prove hazardous to the general welfare of the residents in the City.
 - **Chula Vista.** Requires applicants wishing to open a tattoo establishment to obtain a police regulated business license, which includes a background check.
 - **Culver City.** Has s special permit for certain types of businesses, including tattoo parlors, which requires a background check.
-

PLANNING COMMISSION ACTION

On December 16, 2014, the Planning Commission held a public hearing to consider the proposed Tattoo and Body Art Establishment Ordinance adding provisions regarding tattoo and body art establishments to the Riverbank Municipal Code and amending the zoning code to include tattoo and body art establishments. Four (4) Planning Commissioners were present at this meeting: Vice Chair Hughes, Commissioner Villapudua, Commissioner Degele and Commissioner McKinney.

The Planning Commission was presented with three options regarding Resolution 2014-018:

1. Motion to adopt Resolution No. 2014-018, recommending the City Council of the City of Riverbank adopt the proposed Ordinance establishing regulations for tattoo establishments and amending the zoning code to include tattoo and body art establishments;
2. Motion to adopt Resolution No. 2014-018 as amended by the Planning Commission, recommending the City Council of the City of Riverbank to adopt the proposed Ordinance establishing regulations for tattoo establishments and amending the zoning code to include tattoo and body art establishments.;
3. Reject the Resolution No. 2014-018, not recommending the City Council of the City of Riverbank adopt the proposed Ordinance establishing regulations for tattoo establishments and amending the zoning code to include tattoo and body art establishments.

During their deliberation, the Planning Commission raised some questions regarding the distance a Tattoo Establishment or Body Art Establishment should be from a business selling alcoholic beverages. The ordinance is drafted to require a tattoo or body art establishment to not be located within 500 feet of any business selling alcoholic beverages. The Planning Commission deliberated on the differences between “selling” and “consuming” and ultimately decided that it would best to make that distinction. The Planning Commission recommendation, attached to Resolution 2014-018 as Exhibit A and included in this Staff Report as Attachment 2, adding that a tattoo or body art establishment shall not be located within a business selling alcoholic beverages *for on premise consumption* within 500 feet and not located within 100 feet a business selling alcoholic beverages *for off premise consumption*. This provides the difference between an establishment such as a bar and a grocery store.

Commissioner McKinney raised some questions as to the approval process for Tattoo Establishment and Body Art Establishments. He is of the opinion that, due to the nature of the business, that a Conditional Use Permit should be required. This allows for the public to be noticed, per the requirements of the Government Code and ensures that the public and surrounding properties know exactly where a Tattoo or Body Art

Establishment will be located. He cited the Survey, which shows that most of the Cities surveyed require a CUP.

During the public comment period, Daniel Friedman spoke in favor of the Ordinance, stating that that proposed provisions provide the ability for the City to act if any issues arise such any public nuisance or complaints in the future. He also spoke in favor of the Hours of Operation portion of the Ordinance, which allows for flexibility and accommodates the business nature of Tattoo and Body Art Establishments, where the business is open to the public during normal business hours but due to appointments to accommodate client needs and schedules, the tattoo establishment may not be open to public but the tattoo artist is working with a client at a predetermined time. Additionally, Mr. Friedman stated that instances such as this would be behind closed doors and shielded from the public.

Two motions were proposed during Planning Commission deliberations

1. Commissioner McKinney made a motion to adopt Resolution No. 2014-018 as amended by Commission, recommending to the City Council to require a Conditional Use Permit and modify the language in regards to the location of tattoo and body art establishments in relation to businesses selling alcohol. Mr. McKinney's motion failed for the lack of a second to his motion.
2. Commissioner Villapudua made the motion to adopt Resolution No. 2014-018 as amended by Commission, recommending to the City Council to adopt the proposed Ordinance establishing provisions for tattoo establishments and amending the zoning code to include tattoo and body art establishments. With a three (3) to one (1) vote (McKinney descending), the Planning Commission adopted Resolution No. 2014-018 recommending the City Council of the City of Riverbank adopt the proposed Ordinance establishing regulations for tattoo establishments and amending the zoning code to include tattoo and body art establishments.

As noted above, the Planning Commission ultimately chose to adopt Resolution No. 2014-018 as amended by the Commission. As adopted by the Planning Commission, Resolution 2014-018 recommends the City Council adopt an amended version of the proposed Tattoo and Body Art Establishment Ordinance, establishing provisions for tattoo establishments and amending the zoning code to include tattoo and body art establishments.

By adopting Resolution 2014-018, the Planning Commission recommends that Section 125.05: Site Location and Development Standards read as follows:

Section 125.05 Site Location and Development Standards.

[...]

C. The tattoo establishment or body art establishment shall not be located within 500 feet of any business selling alcoholic beverages for on premise consumption as measured from any point from the outer boundaries of the building lease space containing the tattoo establishment or body art establishment to the nearest property line of the site containing the existing business selling alcoholic beverages.

D. The tattoo establishment or body art establishment shall not be located within 100 feet of any business selling alcoholic beverages for off premise consumption as measured from any point from the outer boundaries of the building lease space containing the tattoo establishment or body art establishment to the nearest property line of the site containing the existing business selling alcoholic beverages

[...]

Planning Commission Resolution 2014-018, as amended by the vote of the Commissioners present at the regularly scheduled Planning Commission meeting of December 16, 2014 is attached to this Staff Report as Attachment 2.

ENVIRONMENTAL DETERMINATION

The Ordinance regarding tattoo and body art establishments is not a project within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in physical change in the environment, directly or ultimately. Therefore, no CEQA analysis of the Ordinance is required.

FINANCIAL IMPACT

The tattoo establishment or body art establishment application process will require additional staff time to review and grant these licenses. However, the City is authorized to charge a fee associated with this application that can help offset these costs.

STRATEGIC PLAN

The City of Riverbank Strategic Planning Session is a plan and set of goals that Riverbank will work towards for the next three years. The above action to add provisions regarding tattoo and body art establishments to the Riverbank Municipal Code and amending the zoning code to include tattoo and body art establishments is part of these goals under the *Enhance Public Safety* and *Retain and Attract Businesses* sections.

POSSIBLE CITY COUNCIL ACTIONS

The City Council's options regarding the proposed Ordinance include:

1. Motion to accept Planning Commission Resolution 2011-018 and adopt the proposed Ordinance, as amended by Planning Commission recommendation established in **Attachment 2** of this Staff Report, adding provisions regarding

tattoo and body art establishments to the Riverbank Municipal Code and amending the zoning code to include tattoo and body art establishments. The amended proposed Ordinance amends Section 125.05: Site Location and Development Standards, adding *on premise consumption and off premise consumption* to provide distinction between those types of uses; and

2. Motion to reject Planning Commission Resolution 2014-018 and reject the proposed Ordinance, not adding provisions regarding tattoo and body art establishments to the Riverbank Municipal Code and amending the zoning code to include tattoo and body art establishments.

CITY COUNCIL ACTION

The Public Hearing on the first reading by title only and introduction of the proposed Ordinance was conducted by the City Council on February 10, 2015. After consideration, the City Council moved, said Ordinance No. 2015-001, by a unanimous vote of 5-0, to conduct its second reading by title only and consider its adoption by the City Council on February 24, 2015, as recommended and amended by Planning Commission Resolution No. 2014-018.

ATTACHMENTS

1. The proposed City Council Ordinance, unmodified by Planning Commission action
2. The proposed City Council Ordinance No. 2015-001, amended by Planning Commission action
3. Planning Commission Resolution 2014-018
4. Survey of Fourteen (14) Surrounding Cities Tattoo Regulations
5. City of Riverbank Zoning Map

ATTACHMENT 1

CITY OF RIVERBANK ORDINANCE NO. 2015-XX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
RIVERBANK, CALIFORNIA, ADDING CHAPTER 125:
TATTOO AND BODY ART ESTABLISHMENTS TO TITLE XI:
BUSINESS REGULATIONS AND AMENDING TITLE XV:
ZONING, AMENDING 1) SECTION 153.076: USES
PERMITTED IN THE NEIGHBORHOOD COMMERCIAL
DISTRICT C-1 ZONE, 2) SECTION 153.092: USES
PERMITTED IN THE GENERAL COMMERCIAL DISTRICT C-2
ZONE AND 3) SECTION 153.106: USES PERMITTED IN THE
COMMERCIAL-INDUSTRIAL C-M ZONE OF THE CITY'S
MUNICIPAL CODE**

WHEREAS, Assembly Bill 300, the Safe Body Art Act, Health and Safety Code section 119300 *et seq.* ("Safe Body Art Act") was enacted in 2012 to govern the public health impacts of tattooing and other related body art activities, largely empowering counties to regulate those impacts; and

WHEREAS, the Safe Body Art Act allows a city to adopt regulations that are more stringent than the regulations contained in the Safe Body Art Act so long as those regulations do not conflict with the Safe Body Art Act; and

WHEREAS, unregulated tattoo establishments and body art establishments may have related negative secondary effects on the community such as gang related activity where tattoo establishments and body art establishments are not properly regulated; and

WHEREAS, the City of Riverbank ("City") seeks to provide regulations that will ensure tattoo establishments and body art establishments are productive participants in the City's business community; and

WHEREAS, the City Council finds it is in the interest of the public health, safety and welfare to establish guidelines and regulations that ensure the often related secondary effects of tattoo establishments and body art establishments are adequately addressed in the City.

WHEREAS, the City Council for the City of Riverbank has the made the following findings for adoption.

1. There is a threat to the general welfare of the community if tattoo and body art establishments locate in the City without proper regulations and planning in place; and

2. Tattooing and related body modification techniques are activities that can result in secondary negative impacts, such as an increase in crime and the sale of illegal drugs immediately surrounding tattoo establishments and the impairment of the market values and aesthetic and visual qualities of the properties adjacent to tattoo establishments; and
3. The proliferation of tattoo establishments may adversely affect the City's ability to attract and retain businesses and shoppers in the City, adversely affecting the City's economic vitality.
4. Pursuant to California Government Code Section 65355, the relationship between the proposed Zoning Code Amendments and the General Plan are as follows:
 - a. The proposed Ordinance is consistent with the General Plan and each of its elements and all components therein because the proposed Ordinance is consistent with the Goals and Policies of the Land Use and Economic Development Elements of the City of Riverbank General Plan:
 - 1) Policy LAND-4.3 – The City will encourage and assist small, locally-owned businesses that wish to locate, expand, or simply continue to do business in Riverbank through flexible development standards, public investment, property assemblage, incentives, streamlined entitlement process, public-private partnerships, and other means.
 - 2) Policy ED-5.1 – The City will work with the business community to continually identify areas for improvement and/or streaming in the building and development permit approval process, City operations, public input, and other processes.
 - 3) Policy ED-5.2 – The City will proactively maintain responsiveness to addressing any business climate shortcomings identified through outreach and communication through local businesses.
 - b. The proposed Ordinance is compatible with the uses authorized in and the regulations prescribed for, the land use districts for which it is proposed and with the regulations for each land use district.

WHEREAS, The Planning Commission has considered this Zoning Code Amendment at a duly advertised public hearing on December 16, 2014 and adopted Resolution 2014-018 recommending that the City Council approve the Ordinance; and

WHEREAS, notice of the public hearing on the Proposed Ordinance was published in the *Riverbank News*, a newspaper of general circulation on January 28, 2015; and

WHEREAS, a public hearing was held on February 10, 2015, and all comments were heard and considered by the City Council.

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

SECTION 1: Title XI of Riverbank's Municipal Code shall be amended to read as follows:

Title XI, Business Regulations, is amended to add Chapter 125, Tattoo and Body Art Establishments which shall read:

TATTOO AND BODY ART ESTABLISHMENTS

Section 125.01 Definitions.

For the purposes of this chapter, the following terms have the following meanings:

A. "Tattoo establishment" or "body art establishment" shall mean any premises or establishment and facilities incidental thereto which engages in the business of marking or coloring skin, which is the method of placing designs, letters, scrolls, figures, symbols, or other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to penetrate the skin. "Tattoo establishment" or "body art establishment" shall include any premises or establishment and facilities incidental thereto that engages in any form of permanent alteration to one's skin or body parts including, but not limited to, body piercing, scarification, and branding. "Tattoo establishment" or "body art establishment" shall not include a permanent cosmetic facility.

B. "Body art" shall mean any act of body piercing, tattooing, branding or scarification.

C. "Body piercing" shall mean the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. This includes, but it not limited to piercing of an ear, lip, tongue, nose, or eyebrow. "Body piercing" does not, for the purpose of this chapter, include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

D. "Branding" shall mean the use super-heated metal object, chemical, or electricity to burn an image into the human body.

E. "Drug paraphernalia" means all equipment, products and materials of any kind which are designed for use or marketed for use, in planting, propagating, cultivating, growing, or harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing,

injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as further defined in Health and Safety Code section 11014.5.

F. "Permanent cosmetic facility" shall mean any premise or establishment and facilities incidental thereto which involves the application of pigments to or under human skin for the purpose of permanently changing the color or other appearance of the skin. This includes but is not limited to permanent eyeliner, eye shadow, or lip color.

G. "Scarification" shall mean the use of methods or techniques to produce scars on the human body for decorative purposes, including but not limited to cutting and skin peeling.

H. "Tattoo" and "tattooing" shall mean the process of marking or coloring skin using the method of placing designs, letters, scrolls, figures, symbols, or other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to penetrate the skin.

Section 125.02 License Application.

A. Any person, firm, corporation or partnership desiring to obtain a license to operate a tattoo establishment or body art establishment shall file a complete application with all required documentation under penalty of perjury of the laws of the state. The application shall be in a form prescribed by the city and shall be accompanied by a copy of the current and complete health permit issued by the local enforcement agency and a copy of the certificate of registration for all practitioners performing tattooing or other body art.

B. The tattoo establishment or body art establishment license shall be renewed each year at the same time that the tattoo establishment or body art establishment renews its business license with the city.

C. The license is valid only for the location of the facility and the time period indicated on the license and may not be transferred to another owner or facility.

D. The city shall promptly reject as incomplete any application which does not meet all the requirements of this chapter. Upon written request of the applicant, the city shall notify the applicant in writing, by first class mail, postage prepaid, to the address supplied to the city by the application, of the deficiencies in the application.

Section 125.03 Investigation by the City.

A. Upon receipt of a complete application, all supplemental required information, and payment of all required fees, the city's community development director shall refer the application to all appropriate city agencies including building, planning, police and fire departments. The departments shall review the application, and where necessary, the proposed location of the tattoo establishment or body art establishment may be

inspected. The community development director may request any further information which is reasonably related to the licensing requirement of this chapter. Based on this review, the community development director shall grant or deny the tattoo establishment or body art establishment license.

B. The community development director shall grant a tattoo establishment or body art establishment license where it finds that the establishment, maintenance or operation of the tattoo establishment or body art establishment, under the circumstances of the particular case, will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood or area of the tattoo establishment or body art establishment or will not be detrimental or injurious to property and improvements in the neighborhood or area or to the general welfare of the city.

C. If the community development director, following investigation of the applicant, determines that the applicant does not fulfill the requirements set forth in this chapter, the community development director shall deny the application by written notice sent via U.S. mail. Following the denial or revocation of a tattoo establishment or body art establishment license, no application for a tattoo establishment or body art establishment may be filed by such applicant, at the same or substantially the same location for at least one year following the date of such denial or revocation.

Section 125.04 License Procedures.

A. Upon payment of all fees and successful verification of all requirements of this chapter, a tattoo establishment or body art establishment shall be issued a tattoo establishment or body art establishment license by the city.

B. Any person, firm, corporation or partnership denied a license pursuant to this Chapter may appeal the denial in writing pursuant to the procedures specified in Section 153.218: Appeal.

Section 125.05 Site Location and Development Standards.

A. Tattoo establishments and body art establishments shall not be located within 1,000 feet of any other tattoo establishment or body art establishment as measured from any point from the outer boundaries of the building lease space containing the tattoo establishment or body art establishment to the nearest property line of the site containing the existing tattoo establishment or body art establishment.

B. The tattoo establishment or body art establishment shall not be located within 500 feet of any adult entertainment business, as defined in Riverbank Municipal Code Section 118, as measured from any point from the outer boundaries of the building lease space containing the tattoo establishment or body art establishment to the nearest property line of the site containing the existing adult entertainment business.

C. The tattoo establishment or body art establishment shall not be located within 500 feet of any business selling alcoholic beverages as measured from any point from the outer boundaries of the building lease space containing the tattoo establishment or body art establishment to the nearest property line of the site containing the existing business selling alcoholic beverages.

D. The tattoo establishment or body art establishment shall not be located within 100 feet of any existing residential zone as measured from any point from the outer boundaries of the building lease space containing the tattoo establishment or body art establishment to the nearest property line of a residentially zoned property.

E. The tattoo establishment or body art establishment shall not be located within 500 feet of a school, park, day care center or family day care home as measured from any point between the outer boundaries of the lease space containing the tattoo establishment or body art establishment to the nearest property line of the school, park, day care center, or family day care home.

F. All business activities of the tattoo establishment or body art establishment shall take place entirely within the building and in compliance with the requirements under the Stanislaus County Body Art Program established under the requirements of Health and Safety Code, Chapter 7, commencing with Section 119300.

Section 125.06 Hours of Operation.

The Community Development Director shall annually establish hours of operation for all tattoo establishments or body art establishments that operated in the City.

Section 125.07 Prohibited Conduct.

In addition to any other procedures regarding the enforcement of this code, or other local, state or federal law, a license issued under this chapter may be revoked if any of the following provisions or requirements is violated:

A. All offering of services and merchandise shall take place only within the building. Should other retailers within a commercial center in which the tattoo establishment or body art establishment is located complain about harassment of customers, this is prima facie evidence of non-compliance with this requirement to contain body art business activities.

B. All tattooing and other body art activities shall take place in a room or space that conceals the activity from the view of individuals outside the business.

C. The tattoo establishment or body art establishment must not jeopardize or endanger the public health and safety of persons residing or working in the surrounding area.

D. The tattoo establishment or body art establishment shall not result in repeated nuisance activities within the premises or in close proximity of the premises. Nuisance activities include but are not limited to disturbing the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assault, battery, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially late at night or in the early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.

E. The tattoo establishment or body art establishment and each tattoo artist or body art practitioner shall be in full compliance with the provision of AB 300, the Safe Body Art Act, Health and Safety Code §§ 119300 *et seq.*

F. The tattoo establishment or body art establishment and each tattoo artist or body art practitioner shall meet all the requirements, health and safety standards, and proper handling and disposal of medical waste as required by the Stanislaus County Environmental Health Division under the Safe Body Art Program.

F. The tattoo establishment or body art establishment shall not violate any other applicable local, state, or federal regulation.

G. The tattoo establishment or body art establishment shall not allow the sale of drug paraphernalia at the tattoo establishment.

SECTION 2: Chapter 153: Zoning of Riverbank's Municipal Code shall be amended as follows:

Subsections (21) through (23) of Chapter 153: Zoning, Section 153.076: Uses Permitted of Riverbank's Municipal Code shall be amended and a subsection (24) shall be added to include Tattoo Establishments or Body Art Establishments in the Neighborhood Commercial District C-1 Zone and as follows:

[...]

(21) Tattoo establishments or body art establishments, subject to the requirements of Chapter 125;

(22)(21) Television (sales and service);

(23)(22) Variety; and

(24)(23) Other uses which are determined by the Community Development Director to be similar.

Section 153.092 of Chapter 153: Zoning, Section 153.092: Uses Permitted, Commercial shall be amended to add a subsection (R) to include Tattoo

Establishments or Body Art Establishments in the General Commercial District C-2 Zone as follows:

[...]

(R) Tattoo establishments or body art establishments, subject to the requirements of Chapter 125.

Subsections (KK) through (QQ) of Section 153.106 of Chapter 153: Zoning, Section 153.106: Uses Permitted shall be amended and a subsection (RR) shall be added to include Tattoo Establishments or Body Art Establishments in the Commercial-Industrial C-M Zone as follows:

[...]

(KK) Tattoo establishments or body art establishments, subject to the requirements of Chapter 125;

(LL)~~(KK)~~ Television or radio transmitter.

(MM)~~(LL)~~ Temporary uses such as a circus, carnival, fair, or festival, provided that they meet the following requirements:

- (1) The use shall be temporary in nature and shall not last more than four days.
- (2) The organizers of the event shall notify the Riverbank Police Services Division of their intentions at least 30 days prior to the scheduled beginning of the event.
- (3) A business license shall be obtained as required by § 110.18 of the city code.
- (4) Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local nonprofit organizations.
- (5) The use need not be in an enclosed building or fence.

(NN)~~(MM)~~ Temporary construction building to house tools and equipment or containing supervisory offices in connection with construction projects during active construction on the same property.

(OO)~~(NN)~~ Theater, indoor.

(PP)~~(OO)~~ Tin smith.

(QQ)~~(PP)~~ Utilities.

(RR)~~(QQ)~~ Veterinary hospital.

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

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank on February 10, 2015. Said ordinance was given a second reading at the regular City Council meeting on February 24, 2015.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on _____, 2014; motioned by Councilmember _____, seconded by Councilmember _____, moved the ordinance for adoption by a roll call vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

ATTACHMENT 2

CITY OF RIVERBANK ORDINANCE NO. 2015-XX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
RIVERBANK, CALIFORNIA, ADDING CHAPTER 125:
TATTOO AND BODY ART ESTABLISHMENTS TO TITLE XI:
BUSINESS REGULATIONS AND AMENDING TITLE XV:
ZONING, AMENDING 1) SECTION 153.076: USES
PERMITTED IN THE NEIGHBORHOOD COMMERCIAL
DISTRICT C-1 ZONE, 2) SECTION 153.092: USES
PERMITTED IN THE GENERAL COMMERCIAL DISTRICT C-2
ZONE AND 3) SECTION 153.106: USES PERMITTED IN THE
COMMERCIAL-INDUSTRIAL C-M ZONE OF THE CITY'S
MUNICIPAL CODE**

WHEREAS, Assembly Bill 300, the Safe Body Art Act, Health and Safety Code section 119300 *et seq.* ("Safe Body Art Act") was enacted in 2012 to govern the public health impacts of tattooing and other related body art activities, largely empowering counties to regulate those impacts; and

WHEREAS, the Safe Body Art Act allows a city to adopt regulations that are more stringent than the regulations contained in the Safe Body Art Act so long as those regulations do not conflict with the Safe Body Art Act; and

WHEREAS, unregulated tattoo establishments and body art establishments may have related negative secondary effects on the community such as gang related activity where tattoo establishments and body art establishments are not properly regulated; and

WHEREAS, the City of Riverbank ("City") seeks to provide regulations that will ensure tattoo establishments and body art establishments are productive participants in the City's business community; and

WHEREAS, the City Council finds it is in the interest of the public health, safety and welfare to establish guidelines and regulations that ensure the often related secondary effects of tattoo establishments and body art establishments are adequately addressed in the City.

WHEREAS, the City Council for the City of Riverbank has the made the following findings for adoption.

1. There is a threat to the general welfare of the community if tattoo and body art establishments locate in the City without proper regulations and planning in place; and

2. Tattooing and related body modification techniques are activities that can result in secondary negative impacts, such as an increase in crime and the sale of illegal drugs immediately surrounding tattoo establishments and the impairment of the market values and aesthetic and visual qualities of the properties adjacent to tattoo establishments; and
3. The proliferation of tattoo establishments may adversely affect the City's ability to attract and retain businesses and shoppers in the City, adversely affecting the City's economic vitality.
4. Pursuant to California Government Code Section 65355, the relationship between the proposed Zoning Code Amendments and the General Plan are as follows:
 - a. The proposed Ordinance is consistent with the General Plan and each of its elements and all components therein because the proposed Ordinance is consistent with the Goals and Policies of the Land Use and Economic Development Elements of the City of Riverbank General Plan:
 - 1) Policy LAND-4.3 – The City will encourage and assist small, locally-owned businesses that wish to locate, expand, or simply continue to do business in Riverbank through flexible development standards, public investment, property assemblage, incentives, streamlined entitlement process, public-private partnerships, and other means.
 - 2) Policy ED-5.1 – The City will work with the business community to continually identify areas for improvement and/or streamlining in the building and development permit approval process, City operations, public input, and other processes.
 - 3) Policy ED-5.2 – The City will proactively maintain responsiveness to addressing any business climate shortcomings identified through outreach and communication through local businesses.
 - b. The proposed Ordinance is compatible with the uses authorized in and the regulations prescribed for, the land use districts for which it is proposed and with the regulations for each land use district.

WHEREAS, The Planning Commission has considered this Zoning Code Amendment at a duly advertised public hearing on December 16, 2014 and adopted Resolution 2014-018 recommending that the City Council approve the Ordinance; and

WHEREAS, notice of the public hearing on the Proposed Ordinance was published in the *Riverbank News*, a newspaper of general circulation on January 28, 2015; and

WHEREAS, a public hearing was held on February 28, 2015, and all comments were heard and considered by the City Council.

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

SECTION 1: Title XI of Riverbank's Municipal Code shall be amended to read as follows:

Title XI, Business Regulations, is amended to add Chapter 125, Tattoo and Body Art Establishments which shall read:

TATTOO AND BODY ART ESTABLISHMENTS

Section 125.01 Definitions.

For the purposes of this chapter, the following terms have the following meanings:

A. "Tattoo establishment" or "body art establishment" shall mean any premises or establishment and facilities incidental thereto which engages in the business of marking or coloring skin, which is the method of placing designs, letters, scrolls, figures, symbols, or other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to penetrate the skin. "Tattoo establishment" or "body art establishment" shall include any premises or establishment and facilities incidental thereto that engages in any form of permanent alteration to one's skin or body parts including, but not limited to, body piercing, scarification, and branding. "Tattoo establishment" or "body art establishment" shall not include a permanent cosmetic facility.

B. "Body art" shall mean any act of body piercing, tattooing, branding or scarification.

C. "Body piercing" shall mean the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. This includes, but it not limited to piercing of an ear, lip, tongue, nose, or eyebrow. "Body piercing" does not, for the purpose of this chapter, include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

D. "Branding" shall mean the use super-heated metal object, chemical, or electricity to burn an image into the human body.

E. "Drug paraphernalia" means all equipment, products and materials of any kind which are designed for use or marketed for use, in planting, propagating, cultivating, growing, or harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing,

injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as further defined in Health and Safety Code section 11014.5.

F. "Permanent cosmetic facility" shall mean any premise or establishment and facilities incidental thereto which involves the application of pigments to or under human skin for the purpose of permanently changing the color or other appearance of the skin. This includes but is not limited to permanent eyeliner, eye shadow, or lip color.

G. "Scarification" shall mean the use of methods or techniques to produce scars on the human body for decorative purposes, including but not limited to cutting and skin peeling.

H. "Tattoo" and "tattooing" shall mean the process of marking or coloring skin using the method of placing designs, letters, scrolls, figures, symbols, or other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to penetrate the skin.

Section 125.02 License Application.

A. Any person, firm, corporation or partnership desiring to obtain a license to operate a tattoo establishment or body art establishment shall file a complete application with all required documentation under penalty of perjury of the laws of the state. The application shall be in a form prescribed by the city and shall be accompanied by a copy of the current and complete health permit issued by the local enforcement agency and a copy of the certificate of registration for all practitioners performing tattooing or other body art.

B. The tattoo establishment or body art establishment license shall be renewed each year at the same time that the tattoo establishment or body art establishment renews its business license with the city.

C. The license is valid only for the location of the facility and the time period indicated on the license and may not be transferred to another owner or facility.

D. The city shall promptly reject as incomplete any application which does not meet all the requirements of this chapter. Upon written request of the applicant, the city shall notify the applicant in writing, by first class mail, postage prepaid, to the address supplied to the city by the application, of the deficiencies in the application.

Section 125.03 Investigation by the City.

A. Upon receipt of a complete application, all supplemental required information, and payment of all required fees, the city's community development director shall refer the application to all appropriate city agencies including building, planning, police and fire departments. The departments shall review the application, and where necessary, the proposed location of the tattoo establishment or body art establishment may be

inspected. The community development director may request any further information which is reasonably related to the licensing requirement of this chapter. Based on this review, the community development director shall grant or deny the tattoo establishment or body art establishment license.

B. The community development director shall grant a tattoo establishment or body art establishment license where it finds that the establishment, maintenance or operation of the tattoo establishment or body art establishment, under the circumstances of the particular case, will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood or area of the tattoo establishment or body art establishment or will not be detrimental or injurious to property and improvements in the neighborhood or area or to the general welfare of the city.

C. If the community development director, following investigation of the applicant, determines that the applicant does not fulfill the requirements set forth in this chapter, the community development director shall deny the application by written notice sent via U.S. mail. Following the denial or revocation of a tattoo establishment or body art establishment license, no application for a tattoo establishment or body art establishment may be filed by such applicant, at the same or substantially the same location for at least one year following the date of such denial or revocation.

Section 125.04 License Procedures.

A. Upon payment of all fees and successful verification of all requirements of this chapter, a tattoo establishment or body art establishment shall be issued a tattoo establishment or body art establishment license by the city.

B. Any person, firm, corporation or partnership denied a license pursuant to this Chapter may appeal the denial in writing pursuant to the procedures specified in Section 153.218: Appeal.

Section 125.05 Site Location and Development Standards.

A. Tattoo establishments and body art establishments shall not be located within 1,000 feet of any other tattoo establishment or body art establishment as measured from any point from the outer boundaries of the building lease space containing the tattoo establishment or body art establishment to the nearest property line of the site containing the existing tattoo establishment or body art establishment.

B. The tattoo establishment or body art establishment shall not be located within 500 feet of any adult entertainment business, as defined in Riverbank Municipal Code Section 118, as measured from any point from the outer boundaries of the building lease space containing the tattoo establishment or body art establishment to the nearest property line of the site containing the existing adult entertainment business.

C. The tattoo establishment or body art establishment shall not be located within 500 feet of any business selling alcoholic beverages for on premise consumption as measured from any point from the outer boundaries of the building lease space containing the tattoo establishment or body art establishment to the nearest property line of the site containing the existing business selling alcoholic beverages.

D. The tattoo establishment or body art establishment shall not be located within 100 feet of any business selling alcoholic beverages for off premise consumption as measured from any point from the outer boundaries of the building lease space containing the tattoo establishment or body art establishment to the nearest property line of the site containing the existing business selling alcoholic beverages

ED. The tattoo establishment or body art establishment shall not be located within 100 feet of any existing residential zone as measured from any point from the outer boundaries of the building lease space containing the tattoo establishment or body art establishment to the nearest property line of a residentially zoned property.

FE. The tattoo establishment or body art establishment shall not be located within 500 feet of a school, park, day care center or family day care home as measured from any point between the outer boundaries of the lease space containing the tattoo establishment or body art establishment to the nearest property line of the school, park, day care center, or family day care home.

F. All business activities of the tattoo establishment or body art establishment shall take place entirely within the building and in compliance with the requirements under the Stanislaus County Body Art Program established under the requirements of Health and Safety Code, Chapter 7, commencing with Section 119300.

Section 125.06 Hours of Operation.

The Community Development Director shall annually establish hours of operation for all tattoo establishments or body art establishments that operated in the City.

Section 125.07 Prohibited Conduct.

In addition to any other procedures regarding the enforcement of this code, or other local, state or federal law, a license issued under this chapter may be revoked if any of the following provisions or requirements is violated:

A. All offering of services and merchandise shall take place only within the building. Should other retailers within a commercial center in which the tattoo establishment or body art establishment is located complain about harassment of customers, this is prima facie evidence of non-compliance with this requirement to contain body art business activities.

B. All tattooing and other body art activities shall take place in a room or space that conceals the activity from the view of individuals outside the business.

C. The tattoo establishment or body art establishment must not jeopardize or endanger the public health and safety of persons residing or working in the surrounding area.

D. The tattoo establishment or body art establishment shall not result in repeated nuisance activities within the premises or in close proximity of the premises. Nuisance activities include but are not limited to disturbing the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assault, battery, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially late at night or in the early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.

E. The tattoo establishment or body art establishment and each tattoo artist or body art practitioner shall be in full compliance with the provision of AB 300, the Safe Body Art Act, Health and Safety Code §§ 119300 *et seq.*

F. The tattoo establishment or body art establishment and each tattoo artist or body art practitioner shall meet all the requirements, health and safety standards, and proper handling and disposal of medical waste as required by the Stanislaus County Environmental Health Division under the Safe Body Art Program.

F. The tattoo establishment or body art establishment shall not violate any other applicable local, state, or federal regulation.

G. The tattoo establishment or body art establishment shall not allow the sale of drug paraphernalia at the tattoo establishment.

SECTION 2: Chapter 153: Zoning of Riverbank's Municipal Code shall be amended as follows:

Subsections (21) through (23) of Chapter 153: Zoning, Section 153.076: Uses Permitted of Riverbank's Municipal Code shall be amended and a subsection (24) shall be added to include Tattoo Establishments or Body Art Establishments in the Neighborhood Commercial District C-1 Zone and as follows:

[...]

(21) Tattoo establishments or body art establishments, subject to the requirements of Chapter 125;

(22)(21) Television (sales and service);

(23)(22) Variety; and

~~(24)~~~~(23)~~ Other uses which are determined by the Community Development Director to be similar.

Section 153.092 of Chapter 153: Zoning, Section 153.092: Uses Permitted, Commercial shall be amended to add a subsection (R) to include Tattoo Establishments or Body Art Establishments in the General Commercial District C-2 Zone as follows:

[...]

(R) Tattoo establishments or body art establishments, subject to the requirements of Chapter 125.

Subsections (KK) through (QQ) of Section 153.106 of Chapter 153: Zoning, Section 153.106: Uses Permitted shall be amended and a subsection (RR) shall be added to include Tattoo Establishments or Body Art Establishments in the Commercial-Industrial C-M Zone as follows:

[...]

(KK) Tattoo establishments or body art establishments, subject to the requirements of Chapter 125;

~~(LL)~~~~(KK)~~ Television or radio transmitter.

~~(MM)~~~~(LL)~~ Temporary uses such as a circus, carnival, fair, or festival, provided that they meet the following requirements:

- (1) The use shall be temporary in nature and shall not last more than four days.
- (2) The organizers of the event shall notify the Riverbank Police Services Division of their intentions at least 30 days prior to the scheduled beginning of the event.
- (3) A business license shall be obtained as required by § 110.18 of the city code.
- (4) Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local nonprofit organizations.
- (5) The use need not be in an enclosed building or fence.

~~(NN)~~~~(MM)~~ Temporary construction building to house tools and equipment or containing supervisory offices in connection with construction projects during active construction on the same property.

~~(OO)~~~~(NN)~~ Theater, indoor.

~~(PP)~~~~(OO)~~ Tin smith.

~~(QQ)(PP)~~ Utilities.

~~(RR)(QQ)~~ Veterinary hospital.

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

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank on February 10, 2015. Said ordinance was given a second reading at the regular City Council meeting on February 24, 2015.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on _____, 2014; motioned by Councilmember _____, seconded by Councilmember _____, moved the ordinance for adoption by a roll call vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

**CITY OF RIVERBANK
RESOLUTION NO. 2014-018**

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF RIVERBANK, CALIFORNIA,
RECOMMENDING TO CITY COUNCIL THE APPROVAL
OF ORDINANCE 2014-XXX, ADDING CHAPTER 125:
TATTOO AND BODY ART ESTABLISHMENTS TO TITLE
XI: BUSINESS REGULATIONS AND AMENDING TITLE
XV: ZONING, AMENDING 1) SECTION 153.076: USES
PERMITTED IN THE NEIGHBORHOOD COMMERCIAL
DISTRICT C-1 ZONE, 2) SECTION 153.092: USES
PERMITTED IN THE GENERAL COMMERCIAL DISTRICT
C-2 ZONE AND 3) SECTION 153.106: USES PERMITTED
IN THE COMMERCIAL-INDUSTRIAL C-M ZONE OF THE
CITY'S MUNICIPAL CODE**

WHEREAS, the City of Riverbank's ("City") Municipal Code is silent with regard to the regulation and location of tattoo establishments; and

WHEREAS, Assembly Bill 300, the Safe Body Art Act, Health and Safety Code section 119300 *et seq.* ("Safe Body Art Act") was enacted in 2012 to govern the public health impacts of tattooing and other related body art activities, largely empowering counties to regulate those impacts; and

WHEREAS, the Safe Body Art Act allows a city to adopt regulations that are more stringent than the regulations contained in the Safe Body Art Act so long as those regulations do not conflict with the Safe Body Art Act;

WHEREAS, notice of the public hearing on the proposed Ordinance was published in the *Riverbank News*, a newspaper of general circulation, on December 3, 2014 and the *Modesto Bee*, a newspaper of general circulation, on December 3, 2014;

WHEREAS, the Planning Commission has reviewed the proposed Ordinance and conducted a public hearing on December 16, 2014; and

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

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RECOMMENDS CITY COUNCIL APPROVAL OF ORDINANCE NO. XXXX, ATTACHED HERETO AS EXHIBIT A AND INCORPORATED HEREIN BY THIS REFERENCE, ADDING CHAPTER 125: TATTOO AND BODY ART ESTABLISHMENTS AND AMENDING CHAPTER 153: ZONING IN THE CITY OF RIVERBANK MUNICIPAL CODE BASED ON THE FOLLOWING FINDINGS:

1. There is a threat to the general welfare of the community if tattoo and body art establishments locate in the City without proper regulations and planning in place; and
2. Tattooing and related body modification techniques are activities that can result in secondary negative impacts, such as an increase in crime and the sale of illegal drugs immediately surrounding tattoo establishments and the impairment of the market values and aesthetic and visual qualities of the properties adjacent to tattoo establishments; and
3. The proliferation of tattoo establishments may adversely affect the City's ability to attract and retain businesses and shoppers in the City, adversely affecting the City's economic vitality.
4. Pursuant to California Government Code Section 65855, the relationship between the proposed Zoning Code Amendments and the General Plan are as follows:
 - a. The proposed Ordinance is consistent with the General Plan and each of its elements and all components therein because the proposed Ordinance is consistent with the Goals and Policies of the Land Use and Economic Development Elements of the City of Riverbank General Plan:
 - 1) Policy LAND-4.3 – The City will encourage and assist small, locally-owned businesses that wish to locate, expand, or simply continue to do business in Riverbank through flexible development standards, public investment, property assemblage, incentives, streamlined entitlement process, public-private partnerships, and other means.
 - 2) Policy ED-5.1 – The City will work with the business community to continually identify areas for improvement and/or streaming in the building and development permit approval process, City operations, public input, and other processes.
 - 3) Policy ED-5.2 – The City will proactively maintain responsiveness to addressing any business climate

shortcomings identified through outreach and communication through local businesses.

- b. The proposed Ordinance is compatible with the uses authorized in and the regulations prescribed for, the land use districts for which it is proposed and with the regulations for each land use district.
5. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), clause(s), phrase(s), or word(s) be declared invalid.
6. The City finds and determines that the amendments prescribed in Ordinance 2014-XXX are not considered a project within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in physical change in the environment, directly or ultimately. Therefore, no CEQA analysis of the Ordinance is required.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 16th day of December, 2014; motioned by Commissioner _____, seconded by Commissioner _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

John B. Anderson, Secretary
Contract Community Development Director

Attachments:

Exhibit A: Proposed City Council Ordinance 2014-XXX

APPROVED:

Joan Stewart *Patricia Hughes*
Planning Commission Chair

COPY

Attachment 4

HESPERIA

The city of Hesperia includes in Chapter 5.22 of its Municipal Code a license provision for body art facilities. These provisions are similar to the proposed amendments to the City of Riverbank's Municipal Code ("R.M.C.") included in the ordinance.

MODESTO

Body art establishments are a permitted use defined as a personal service in all commercial and industrial zones under Modesto Municipal Code section 10-3.101.

BANNING

The city of Banning requires a conditional use permit ("CUP") and prohibits a tattoo establishment from being located: (1) within 1,000 feet of another tattoo establishment; (2) within 500 feet of an adult-oriented business; (3) within 500 feet of any business selling alcoholic beverages; (4) within 100 feet of residential properties; (5) within 600 feet of a school, park, or daycare center. The city of Banning also declares that the hours of operation for a tattoo establishment will be from 7:00 am and 10:00 pm.

MERCED

Tattoo Parlors are listed as conditional uses in all commercial zones in the Merced Municipal Code. On May 23, 2012 that city's planning commission considered a CUP for a tattoo parlor. That permit was conditioned on requirements such as no exterior graphics on windows for the business and the city's periodic review of the business should problems occur as a result of the business's operation.

HAYWARD

The city of Hayward requires that tattoo establishments secure a CUP in order to open and operate in that city. On July 25, 2013, the planning commission of that city approved a CUP for a tattoo establishment. The CUP included conditions such as a requirement that the proposed use not be detrimental to the public health, safety, or general welfare, a limitation on the hours of operation of the establishment, and restrictions on loitering.

HUNTINGTON BEACH

The city of Huntington Beach requires that tattoo establishment secure a CUP in order to open and operate in that city. On June 12, 2012, the planning commission of that city approved a CUP for a tattoo establishment. The CUP included conditions requiring the operation of the tattoo use wholly within the interior of the business and the business shall not prove hazardous to the general welfare of the residents of that city.

Attachment 4

CHULA VISTA

The city of Chula Vista requires applicants wishing to open a tattoo establishment to obtain a police regulated business license, which includes a background check.

CULVER CITY

Culver City has a special permit requirement for certain types of businesses, including tattoo parlors, which requires a background check.

MENIFEE

The city of Menifee require a CUP to open a tattoo establishment. Menifee also sets hours of operation for tattoo establishments between 7:00 am and 9:00 pm. Additionally, Menifee states that tattoo establishments cannot be located within: (1) 500 feet of any other tattoo establishment or within the same center; (2) 500 feet of any business selling alcohol; (3) 500 feet of a school, church, or playground.

Attachment 4

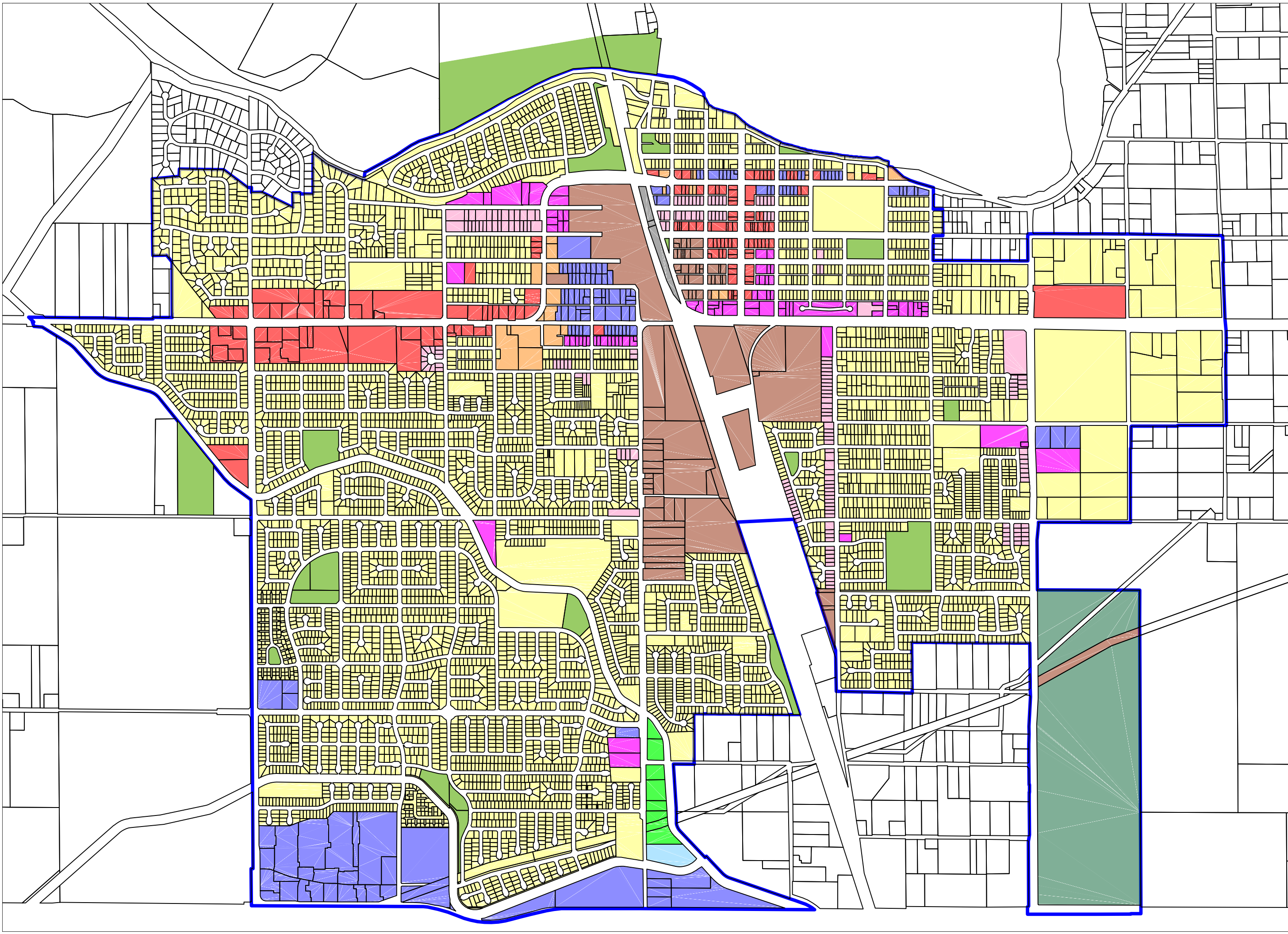
SUMMARY TABLE

The table below summarizes how other cities in California address tattoo establishments.

Tattoo Establishment Regulation	
City	Requirement
Menifee	CUP
Chino Hills	CUP
Diamond Bar	CUP
West Covina	CUP
Covina	Business License Only
Pomona	CUP
Yorba Linda	CUP
Oceanside	Police Permit
Riverside	Permitted with some restrictions
Patterson	CUP
Newman	CUP and Permitted (depending on zone)
Santa Rosa	Minor CUP
Rohnert park	CUP
San Luis Obispo	Director's Use Permit Required



City of Riverbank ZONING



-  Neighborhood Commercial (C-1)
-  General Commercial (C-2)
-  Commercial - Industrial (CM)
-  Light Industrial (M-1)
-  Park
-  Single Family Residential (R-1)
-  Duplex Residential (R-2)
-  Multiple Family Residential (R-3)
-  Rural to Low Residential (RLR - SP1)
-  Public/Quasi Public (PQP)
-  Riverbank Industrial Complex Park
-  Unassigned
-  City Limits

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 4.2

SECTION 4: UNFINISHED BUSINESS

Meeting Date: February 24, 2015

Subject: Second Reading by Title Only and Adoption of **Ordinance No. 2015-002** of the City of Riverbank, California, Amending Title XV, Chapter 153: Zoning, Amending 1) Section 153.003: Definitions, 2) Section 153.061: Uses Permitted in the Multiple Family Residential District R-3 Zone, 3) Section 153.077: Uses Permitted with a Use Permit in the Neighborhood Commercial District C-1 Zone, 4) Section 153.093: Uses Permitted with a Use Permit In The General Commercial District C-2 Zone, and 5) Section 153.107: Uses Permitted with a Use Permit In The Commercial-Industrial C-M Zone of the City's Municipal Code

From: Jill Anderson, City Manager

Submitted by: John B. Anderson, Contract Community Development Director
Annabelle H. Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council conduct the second reading by title only of Ordinance No. 2015-002 and consider its adoption as recommended by Planning Commission Resolution No. 2014-019.

INTRODUCTION

A Public Hearing was conducted at the regular City Council meeting on February 10, 2015, to receive public opinions or evidence for or against the proposed Ordinance after its first reading and introduction by title only. The City Council approved the first reading and introduction of the proposed ordinance (now titled Ordinance No. 2015-002) which moved it to the February 24, 2015, regular City Council meeting for its second reading by title only and consideration for adoption.

SUMMARY

The proposed amendments to the City's Zoning Code are as follows:

1. Amend the definition of “Family” and “Dwelling, Single Family” pursuant to the City’s adopted 2009-2014 Housing Element Program 5.1b (Attachment 4 of this Staff Report) and to comply to Federal and State Fair Housing laws;
2. Amend the Zoning Code to add the definitions for “Emergency Shelters,” “Supportive Housing,” “Target Population,” and “Transitional Housing” to comply with SB 2 and SB 745;
3. Amend the Zoning Code to permit Emergency Shelters as a permitted use in the Multiple-Family Residential District R-3 Zone, pursuant to Senate Bill 2 (“SB 2”) enacted in 2007 and Program 2.1g in the City’s adopted 2009-2014 Housing Element (Attachment 5 of this Staff Report);
4. Amend the Zoning Code to permit Emergency Shelters as a Conditional Use in the Neighborhood Commercial District C-1 Zone, General Commercial District C-2 Zone and Commercial-Industrial C-M Zone, pursuant to the City’s adopted 2009-2014 Housing Element, Table D-1 (Attachment 6 of this Staff Report).

The proposed amendments are a result of the 2009-2014 Housing Element and SB 2, a bill that was enacted in 2007 and effective on January 1, 2008. The City’s Housing Element was adopted in 2009, and as part of the Housing Element, the City established a set of Policies, Goals and Programs that are actions that the City must take to implement the Housing Element in the 2009-2014 Planning Period. Two (2) of these goals are included in the proposed Zoning Ordinance Amendment and are 1) to update the definition of family and single family residence and 2) update the Zoning code pursuant to SB 2.

Definitions per SB 2 and SB 745

Emergency Shelters. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. (Health and Safety Code 50801(e))

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. (California Government Code Section 65582, SB 745)

Target Population. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster cares system, individuals exiting from institutional settings, veterans, and homeless people. (California Government Code Section 65582, SB 745)

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that require termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. (California Government Code Section 65582, SB 745)

BACKGROUND

Senate Bill 2. As stated previously, this bill was enacted in 2007 and became effective on January 1, 2008. The statutory requirements of the bill are summarized as follows:

At least one zone shall be identified to permit emergency shelters without a conditional use permit or other discretionary permit.

Requirements of the permitted zone:

- Must have sufficient capacity to develop at least one year-round emergency shelter (vacant or unoccupied inventory)
- Permit must be nondiscretionary
- Permit procedures, development and management standards must be objective, and encourage and facilitate the development or conversion to emergency shelters
- No public notice shall be required for nondiscretionary permits
- Emergency shelters shall only be subject to development and management standards that apply to residential or commercial within the same zone
- Transitional and supportive housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone

Senate Bill 745. This bill took effect on January 1, 2014 and amended Section 65582 of the Government Code (Housing Element Law) to replace prior Health and Safety Code definitions of “supportive housing,” “target population,” and “transitional housing” with definitions in the California Government Code.

ANALYSIS

There are two (2) programs adopted in the 2009-2014 Housing Element that the proposed Ordinance Amendment will implement:

- **Program 2.1g:** The City will update the uses permitted in the R-3 zone (Section 153.061 (A)) to include emergency shelters. Emergency shelters will only be subject to those development and management standards that apply to other residential development within the same zone.
- **Responsibility:** Community Development Department
- **Timeframe:** By June 2010, adopt updated permitted uses.

And

- **Program 5.1b:** The City will update the definition of “family” and “single-family residence” to comply with all federal and State fair housing laws. The definition should not distinguish between related and unrelated persons and should not impose limitations on the number of person that may constitute a family.
- **Responsibility:** Community Development Department
- **Timeframe:** By June 2010, adopt updated definitions.

As noted above, the timeframe for these programs to be adopted by the City is by June of 2010. Due to Staff and monetary constraints, however, the City has not implemented this program to date. The current planning cycle for the City’s Housing Element is 2014-2023. One of the areas that the California Department of Housing and Community Development (HCD) will review as part of certifying the City’s Housing Element is how the City implemented the Goals, Policies and programs of the previous Housing Element. With this program implemented, the City will be in a better position for certification when the City’s 2014-2023 Housing Element is submitted for HCD review.

It is important for the City to have a certified Housing Element because it allows the City to take advantage of State and Federal funds, such as Community Development Block Grant (CDBG) funds and Home Investments Partnership (HOME) Program to name a couple. These funds help facilitate the development and rehabilitation of homes for all income groups.

Implementation of Program 2.1g and Senate Bill 2

The proposed Ordinance identifies the Multiple Family Residential District R-3 Zone as the District where an Emergency Shelter, Transitional Housing and Supportive Housing can be developed without discretionary review. Additionally, Emergency Shelters, Transitional and Supportive Housing may be developed with a Conditional Use Permit in the Neighborhood Commercial District C-1 Zone, General Commercial District C-2 Zone and the Commercial-Industrial C-M Zone. The R-3 Zone has been identified in the Housing Element as having sufficient capacity to accommodate the unmet need for an emergency shelter, as required by SB 2. The City’s Zoning Map has been attached to this Staff Report as Attachment 8 to provide clarification on the areas in which this Ordinance would affect if adopted.

This fulfills the requirements of Program 2.1g and Senate Bill 2.

Consequences for Noncompliance with SB 2

Government Code 65589.5(d)(5)(C): if the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one

emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses.

In summary, if the City of Riverbank fails to permit Emergency Shelters in the proposed zone of Multiple Family Residential R-3, then any proposed emergency shelter must be approved in any site, including sites designated industrial, commercial, or multifamily residential uses.

Implementation of Program 5.1b

Current Definition of “Family”

An individual, or two or more persons related by blood or marriage, or a group of not more than five persons who are not related by blood or marriage, excluding servants, living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a hotel, club, fraternity or sorority house.

New Definition of “Family”

One or more persons occupy a dwelling unit and living as a single housekeeping unit, and distinguished from a group occupying a boarding house, lodging house, motel or hotel.

The new definition does not distinguish between related and unrelated persons and does not impose limitations on the number of persons that may constitute a family. This is consistent with the General Plan Housing Element Program 5.1b and surrounding jurisdictions, as shown in Attachment 7, where Staff conducted a survey of surrounding jurisdictions to determine the most consistent and valid definition of “family”.

Current Definition of Dwelling, Single-Family

A detached building designed for and/or occupied exclusively by one family. A single family dwelling shall not include mobile homes, but shall include modular homes.

New Definition of Dwelling, Single Family Residence

A residential building containing one (1) dwelling unit on one (1) lot. All rooms within the single-family attached dwelling shall be interconnected. Single-family dwelling shall include a dwelling that is constructed for the purposes of providing supportive and transitional housing.

The new definition expands to include supportive and transitional housing in that definition. Additionally, the definition further expands what constitutes a single family residence by requiring that all rooms be interconnected and not including rooms that are detached from the unit.

PLANNING COMMISSION ACTION

On December 16, 2014, the Planning Commission held a public hearing to consider the proposed Ordinance, amending the zoning code to include the definitions for Emergency Shelters, Supportive Housing, Target Population, Transitional Housing and amending the definition of Family and Dwelling, Single Family and to include Emergency Shelters, Supportive Housing and Transitional Housing as a Uses Permitted in the Multiple Family Residential District R-3 Zone and Uses Permitted with a Use Permit in the Neighborhood Commercial District C-1 Zone, General Commercial District C-2 Zone and Commercial-Industrial C-M Zone.

Four (4) Planning Commissioners were present at this meeting: Vice Chair Hughes, Commissioner Degele, Commissioner Villapudua and Commissioner McKinney

During their deliberation, the Planning Commission raised some questions pertaining to the definition of Dwelling, Single Family Residence and how that relates to other jurisdictions and State law.

During the public the public comment period, Evelyn Halbert raised the question of the location in which this Ordinance would be in effect and suggested to the Commission that it would helpful to be able to look at the Zoning Map to display the areas affected.

Commissioner Degele made a motion and McKinney seconded to adopt Resolution 2014-019, recommending to City Council to adopt the proposed Ordinance, amending the zoning code to include the definitions for Emergency Shelters, Supportive Housing, Target Population, Transitional Housing and amending the definition of Family and Dwelling, Single Family and to include Emergency Shelters, Supportive Housing and Transitional Housing as a Uses Permitted in the Multiple Family Residential District R-3 Zone and Uses Permitted with a Use Permit in the Neighborhood Commercial District C-1 Zone, General Commercial District C-2 Zone and Commercial-Industrial C-M Zone.

Planning Commission adopted Resolution No. 2014-019 and is attached to this Staff Report as Attachment 2.

CITY COUNCIL ACTION

The Public Hearing on the first reading by title only and introduction of the proposed Ordinance was conducted by the City Council on February 10, 2015. After consideration, the City Council moved, said Ordinance No. 2015-002, by a unanimous vote of 5-0, to conduct its second reading by title only and consider its adoption by the City Council on February 24, 2015, as recommended by Planning Commission Resolution No. 2014-019.

ENVIRONMENTAL DETERMINATION

The proposed Ordinance Amendment is not a project for CEQA purposes and is exempt under State CEQA Guidelines Section 15061(b)(3), General Rule, because it can be seen with certainty that there is not a possibility that the proposal would result in a significant effect on the environment. The proposal is implementing existing State law and is considered an administrative activity and would not, itself, allow any construction or propose any projects. CEQA will be applied on a project-by-project basis if and when such projects are proposed.

FINANCIAL IMPACT

The proposed Ordinance will have no financial impact to the City.

STRATEGIC GOALS

The City of Riverbank Strategic Planning Session is a plan and set of goals that Riverbank will work towards for the next three years. The above action to the zoning code in various sections is not part of these goals. The proposed Ordinance, however, implements State Law, including Senate Bill 2, which requires the City to identify at least one zone in which Emergency Shelters may be permitted by right among other requirements included in this Ordinance and implemented with the City's 2009-2014 Housing Element. Additionally, the proposed Ordinance implements the City's adopted, HCD Certified 2009-2014 Housing Element Goals and Policies, specifically Program 2.1g.

ATTACHMENTS

1. The Proposed City Council Ordinance No. 2015-002
2. Planning Commission Resolution 2014-019, Dated December 16, 2014
3. 2009-2014 Housing Element, Program 5.1b, Page IX-8
4. 2009-2014 Housing Element, Program 2.1g, Page IX-5
5. 2009-2014 Housing Element, Table D-1, Residential Types Permitted by Zone
6. Definition of "Family" – Survey of Surrounding Jurisdictions
7. City of Riverbank Zoning Map

CITY OF RIVERBANK

ORDINANCE NO. 2015-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AMENDING TITLE XV, CHAPTER 153: ZONING, AMENDING 1) SECTION 153.003: DEFINITIONS, 2) SECTION 153.061: USES PERMITTED IN THE MULTIPLE FAMILY RESIDENTIAL DISTRICT R-3 ZONE, 3) SECTION 153.077: USES PERMITTED WITH A USE PERMIT IN THE NEIGHBORHOOD COMMERCIAL DISTRICT C-1 ZONE, 4) SECTION 153.093: USES PERMITTED WITH A USE PERMIT IN THE GENERAL COMMERCIAL DISTRICT C-2 ZONE, AND 5) SECTION 153.107: USES PERMITTED WITH A USE PERMIT IN THE COMMERCIAL-INDUSTRIAL C-M ZONE OF THE CITY'S MUNICIPAL CODE

WHEREAS, the City of Riverbank is authorized by Title 15 Chapter 153.230 to initiate a Zoning Ordinance Amendment whenever public necessity and convenience and the general welfare require such an amendment; and

WHEREAS, the City of Riverbank Planning Commission conducted a Public Hearing on Tuesday, December 16, 2014, to consider this proposed Ordinance for the following amendments to the City's Zoning Code:

1. Amend Title XV: Land Usage, Chapter 153: Zoning, Section 153.003: Definitions to include Emergency Shelters, Transitional Housing, Supportive Housing, Target Population and amend the definitions for Family and Dwelling, Single-Family; and
2. Amend Title XV: Land Usage, Chapter 153: Zoning, Section 153.061: Uses Permitted to include Emergency Shelters, Transitional Housing and Supportive Housing uses in the Multiple Family Residential District R-3 Zone;
3. Amend Title XV: Land Usage, Chapter 153: Zoning, Section 153.077: Uses Permitted with a Use Permit to include Emergency Shelters, Transitional Housing and Supportive Housing uses in the Neighborhood Commercial District C-1 Zone;
4. Amend Title XV: Land Usage, Chapter 153: Zoning, Section 153.093: Uses Permitted with a Use Permit to include Emergency Shelters, Transitional Housing and Supportive Housing uses in the General Commercial District C-2 Zone;
5. Amend Title XV: Land Usage, Chapter 153: Zoning, Section 153.107: Uses Permitted with a Use Permit to include Emergency Shelters, Transitional Housing and Supportive Housing uses in the Commercial-Industrial C-M Zone; and

(ATTACHMENT 1)

WHEREAS, the City Council for the City of Riverbank has made the following findings for adoption.

1. Pursuant to California Government Code section 65355, the relationship between the proposed Zoning Code Amendments and the General Plan are as follows:
 - a. The proposed Ordinance Amendments are consistent with the General Plan and each of its elements and all components therein because the General Plan Housing Element includes goals, policies and programs to implement the amendments herein;
 - b. The proposed Ordinance Amendments are compatible with the uses authorized in, and the regulations prescribed for, the land use districts for which it is proposed and with the regulations for each land use district; and
 - c. The proposed Ordinance consistent with the General Plan Housing Element and implements Program 2.1g, where Emergency Shelters will be Permitted by right in the Multiple Family Residential District, R-3 Zone; and
 - d. The proposed Ordinance Amendment to Section 153.003 of the Riverbank Municipal Code is consistent with the General Plan Housing Element and implements Program 5.1b, where the City will update the definition of “family” and “single-family residence” to comply with all federal and State fair housing laws.
2. Senate Bill 2, taken effect in January 1, 2008, requires all cities and counties to provide at least one category in which emergency shelters can be located without discretionary approval from the government.
3. There is a State law requirement to amend the Zoning Code for Emergency Shelters and Transitional and Supportive Housing which allows the City to take local concerns into account when granting approvals for Emergency Shelters and Transitional and Supportive Housing.

WHEREAS, The Planning Commission has considered this Zoning Code Amendment at a duly advertised public hearing on December 16, 2014 and adopted Resolution 2014-019 recommending that the City Council approve the Ordinance; and

WHEREAS, notice of the public hearing on the proposed Ordinance was published in the *Riverbank News*, a newspaper of general circulation on January 28, 2015; and

WHEREAS, a public hearing was held on February 10, 2015, and all comments were heard and considered by the City Council.

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

SECTION 1. *Chapter 153, Zoning, Section 153.003 of Title XV: Land Usage of the Riverbank Municipal Code is amended to include the following definitions and amendments to specific definitions, which shall read as follows:*

153.003 DEFINITIONS

DWELLING, SINGLE-FAMILY RESIDENCE. ~~A detached building designed for and/or occupied exclusively by one family. A single-family dwelling shall not include mobile homes, but shall include modular homes. A residential building containing one~~ (1) dwelling unit on one (1) lot. All rooms within the single-family attached dwelling shall be interconnected. Single-family dwelling shall include a dwelling that is constructed for the purposes of providing supportive and transitional housing.

[...]

EMERGENCY SHELTERS. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

FAMILY. ~~An individual, or two or more persons related by blood or marriage, or a group of not more than five persons who are not related by blood or marriage, excluding servants, living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a hotel, club, fraternity or sorority house. One or more persons occupying a dwelling unit and living as a single housekeeping unit, and distinguished from a group occupying a boarding house, lodging house, motel or hotel.~~

[...]

SUPPORTIVE HOUSING. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

[...]

TARGET POPULATION. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of

the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

[...]

TRANSITIONAL HOUSING. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

SECTION 2. *Chapter 153, Zoning, Section 153.061 of Title XV: Land Usage of the Riverbank Municipal Code is amended to include Emergency Shelters, Transitional Housing and Supportive Housing as a Permitted Use in the Multiple Family Residential District R-3 Zone, which shall read as follows:*

[...]

(P) Emergency Shelters as defined in § 153.003.

(Q) Transitional Housing as defined in § 153.003.

(R) Supportive Housing as defined in § 153.003

SECTION 3. *Chapter 153, Zoning, Section 153.077 of Title XV: Land Usage of the Riverbank Municipal Code is amended to include Emergency Shelters, Transitional Housing and Supportive Housing as a Permitted Use with a Use Permit in the Neighborhood Commercial District C-1 Zone, which shall read as follows:*

[...]

(N) Emergency Shelters as defined in § 153.003.

(O) Transitional Housing as defined in § 153.003.

(P) Supportive Housing as defined in § 153.003.

SECTION 4. *Chapter 153, Zoning, Section 153.093 of Title XV: Land Usage of the Riverbank Municipal Code is amended to include Emergency Shelters, Transitional Housing and Supportive Housing as a Permitted Use with a Use Permit in the General Commercial District C-2 Zone, which shall read as follows:*

[...]

(R) Emergency Shelters as defined in § 153.003.

(S) Transitional Housing as defined in § 153.003.

(T) Supportive Housing as defined in § 153.003.

SECTION 5. *Chapter 153, Zoning, Section 153.093 of Title XV: Land Usage of the Riverbank Municipal Code is amended to include Emergency Shelters, Transitional Housing and Supportive Housing as a Permitted Use with a Use Permit in the Commercial-Industrial C-M Zone, which shall read as follows:*

[...]

(S) Emergency Shelters as defined in § 153.003.

(T) Transitional Housing as defined in § 153.003.

(U) Supportive Housing as defined in § 153.003.

SECTION 6. This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank on February 10, 2015. Said ordinance was given a second reading at the regular City Council meeting on February 24, 2015.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on _____, 2014; motioned by Councilmember _____, seconded by Councilmember _____, moved the ordinance for adoption by a roll call vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

Annabelle Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

(ATTACHMENT 2)

**CITY OF RIVERBANK
RESOLUTION NO. 2014-019**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK, CALIFORNIA, RECOMMENDING TO CITY COUNCIL THE APPROVAL OF ORDINANCE 2014-XXX, AMENDING 1) SECTION 153.003: DEFINITIONS, 2) SECTION 153.061: USES PERMITTED IN THE MULTIPLE FAMILY RESIDENTIAL DISTRICT R-3 ZONE, 3) SECTION 153.077: USES PERMITTED WITH A USE PERMIT IN THE NEIGHBORHOOD COMMERCIAL DISTRICT C-1 ZONE, 4) SECTION 153.093: USES PERMITTED WITH A USE PERMIT IN THE GENERAL COMMERCIAL DISTRICT C-2 ZONE, AND 5) SECTION 153.107: USES PERMITTED WITH A USE PERMIT IN THE COMMERCIAL-INDUSTRIAL C-M ZONE OF THE CITY'S MUNICIPAL CODE

WHEREAS, homelessness in California is a continuing and growing crisis and this crisis demands the effective involvement of both the public and private sectors. A housing element can be an effective and powerful tool in combating homelessness; and

WHEREAS, the Housing Element of the Riverbank General Plan was updated and approved by the City Council and certified by the California State Department of Housing and Community Development (HCD) in 2009; and

WHEREAS, Senate Bill 2 (SB 2) was enacted in 2007 and became effective on January 1, 2008 and amended Sections 65582, 65583, and 65589.5 (Housing Element Law) of the California Government Code relating to local planning. This bill added emergency shelters and transitional housing to these provisions and required that the Housing Element identify zones in the City where emergency shelters are allowed as a permitted use without a Conditional Use Permit; and

WHEREAS, Program 2.1g of the City's Housing Element was added to allow Emergency Shelters as a permitted use in the Multiple Family Residential District R-3 Zone; and

WHEREAS, Program 5.1b of the City's Housing Element was added to update the definition of "Family" and "Single-Family Residence" to comply with all federal and State fair housing laws; and

WHEREAS, the City prepared Zoning Ordinance 2014-XXX to amend Section 153.003, Section 153.077, Section 153.093, and Section 153.107 to update the definition of "Family" and "Dwelling, Single Family", add the definition for Target Population and to include Emergency Shelters, Transitional Housing and Supportive Housing definitions and as a Permitted Use in the Multiple Family Residential District R-

3 Zone and a Permitted Use with a Use Permit in the Neighborhood Commercial District C-1 Zone, General Commercial District C-2 Zone and the Commercial-Industrial C-M Zone; and

WHEREAS, notice of the public hearing on the Zoning Ordinance was published in the *Riverbank News*, a newspaper of general circulation, on December 3, 2014 and the *Modesto Bee*, a newspaper of general circulation on December 3, 2014; and

WHEREAS, the Planning Commission has reviewed the Zoning Amendment and conducted a public hearing on December 16, 2014; and

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

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RECOMMENDS CITY COUNCIL APPROVAL OF ORDINANCE 2014-____, ATTACHED HERETO AS EXHIBIT A AND INCORPORATED HEREIN BY THIS REFERENCE, AMENDING SECTION 153.003, SECTION 153.077, SECTION 153.093, AND SECTION 153.107 IN THE CITY OF RIVERBANK MUNICIPAL CODE BASED ON THE FOLLOWING FINDINGS:

1. Pursuant to California Government Code Section 65855, the recommendation to City Council shall include the relationship to the applicable general or specific plan.
 - a. The Zoning Ordinance Amendment is compatible with the General Plan and each of its elements and all components therein because the General Plan includes a stated goal to "encourage and assist in the development of adequate housing to meet the needs of extremely low-, low- and very low-income households" and to "update the uses permitted in the R-3 zone (Section 153.061 (A)) to include emergency shelters" (Goal 2 and Program 2.1g); and
 - b. The Ordinance works to achieve the stated goal to "promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability" and to "update the definition of "family" and "single-family residence" to comply with all federal and State fair housing laws" (Goal 5 and Program 5.1b); and
 - c. The amendment is compatible with the uses authorized in, and the regulations prescribed for, the land use districts for which it is proposed

and with the regulations for each land use district; and

2. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.
3. The City finds and determines that the proposed Zoning Ordinance Amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with a certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 16th day of December, 2014; motioned by Commissioner Degele, seconded by Commissioner McKinney, and upon roll call was carried by the following vote of 4-0 :

AYES: Commissioners: Hughes, Degele, McKinney and Villapudua

NAYS: None

ABSENT: Commissioner Stewart

ABSTAIN: None

Attest:

Approved:

~~Secretary~~

~~Joan Stewart~~

~~Attachments:~~

Patricia Hughes

Exhibit "A" – Proposed Draft City Council Ordinance 2014-XXX

Timeframe: Ongoing

GOAL 5: PROMOTE HOUSING OPPORTUNITIES FOR ALL PERSONS REGARDLESS OF RACE, RELIGION, SEX, MARITAL STATUS, ANCESTRY, NATIONAL ORIGIN, COLOR, FAMILIAL STATUS, OR DISABILITY

Policy 5.1 Make programs and information available to all persons.

Program 5.1a: The City will continue to promote equal housing opportunity for all persons regardless of race, religion, sex, marital status, ancestry, nation origin, or color by supporting efforts of community groups that provide counseling, investigatory, legal, or referral services to victims of discrimination. Specifically, the City will:

- Disseminate information in a variety of ways (including brochures, mailings, websites, newspaper ads, etc in both English and Spanish) regarding rehabilitation and first-time homebuyer programs.
- Maintain information on State and federal fair housing laws at the Community Development Department and other public places for public distribution (such as the Riverbank branch of the Stanislaus County Public Library, the Riverbank Community Center, and City Hall);
- Train City staff at the public counter to refer victims of housing discrimination to the appropriate agency (local legal services organization, the Stanislaus County District Attorney's Office, the State Fair Employment and Housing Commission, or the U.S. Department of Housing and Urban Development);
- Seek the cooperation of the local homebuilders association, Realtor association and lenders in disseminating fair housing information; and,
- Identify an annual community event such as a fair housing day or as part of another community event at which fair housing information can be distributed.

Responsibility: Housing & Economic Development Department
Timeframe: Ongoing

Program 5.1b: The City will update the definition of "family" and "single-family residence" to comply with all federal and State fair housing laws. The definition should not distinguish between related and unrelated persons and should not impose limitations on the number of persons that may constitute a family.

Responsibility: Community Development Department

Timeframe: By June 2010, adopt updated definitions.

Policy 5.2 Adopt Universal Design Ordinance

Program 5.2a: The City will adopt a universal design ordinance governing construction or modification of homes using design principles that allow individuals to remain in those homes as their physical needs and capabilities change. The City will refer to the HCD website to develop guidelines and a model ordinance consistent with the principles of universal design.

Responsibility: Community Development Department

Timeframe: By June 2010, develop draft Universal Design Ordinance. By June 2011, adopt and implement Universal Design Ordinance.

Policy 5.3 Adopt Reasonable Accommodation Ordinance

Program 5.3a: The City will adopt written reasonable accommodation ordinance to provide exception in zoning and land-use for housing for persons with disabilities. This procedure will be a ministerial process, with minimal or no processing fee, subject to approval by the Community Development Director applying following decision-making criteria:

- The request for reasonable accommodation will be used by an individual with a disability protected under fair housing laws.
- The requested accommodation is necessary to make housing available to an individual with a disability protected under fair housing laws.
- The requested accommodation would not impose an undue financial or administrative burden on the City.
- The requested accommodation would not require a fundamental alteration in the nature of the City's land-use and zoning program.

Responsibility: Community Development Department

Timing: Adopt Zoning Ordinance Amendments by December 2012

GOAL 6: PROMOTE ENERGY CONSERVATION

Policy 6.1: Continue to implement state energy-efficient standards.

Program 6.1a: Continue to implement state energy-efficient standards, including the addition of energy-efficient conditions to planned development approvals.

Responsibility: Community Development Department

Timeframe: Ongoing

(ATTACHMENT 4)

Program 2.1d:	Continue to distribute information on second units at the permit counter and post information on the City's website.
Responsibility:	Community Development Department
Timeframe:	Ongoing
Program 2.1e:	Adopt a density bonus ordinance in compliance with statutory amendments (Chapter 1928, Statutes 2004) to State density bonus law (Government Code Section 65915).
Responsibility:	Community Development Department
Timeframe:	Adopt density bonus ordinance by December 2010
Program 2.1f:	Assist in the development of housing for farmworkers. Actions will include assistance with site identification and support of applications for funding. The City will identify a partner and development opportunity by June 1010 and apply for grant funding through HCD.
Responsibility:	Economic Development and Housing Department
Timeframe:	By June 2010, development opportunity will be identified and grant applications will be submitted.
Program 2.1g:	The City will update the uses permitted in the R-3 zone (Section 153.061 (A)) to include emergency shelters. Emergency shelters will only be subject to those development and management standards that apply to other residential development within the same zone.
Responsibility:	Community Development Department
Timeframe:	By June 2010, adopt updated permitted uses.

Policy 2.2: Adopt an Inclusionary Zoning Ordinance

Program 2.2a: An Inclusionary Zoning Ordinance will propose to have the City of Riverbank establish a regulatory and incentive framework which provides opportunities for the development of a supply and mix of new housing to meet the future housing needs of all residents. Through this framework it is expected that new residential development will provide housing opportunities to households of all incomes and achieve a diverse and balanced community with housing available for households of all income levels.

Inclusionary unit regulations will apply to projects that propose (1) the creation of five or more dwelling units through new construction, or (2) the creation of ten or more dwelling units through adaptive reuse or conversion of a nonresidential use to

(ATTACHMENT 5)

TABLE D-1
Residential Types Permitted by Zone

	R-1 SINGLE-FAMILY ZONE DISTRICT		R-2 DUPLEX RESIDENTIAL ZONE DISTRICT		R-3 MULTIPLE-FAMILY ZONE DISTRICT		C-1 NEIGHBORHOOD COMMERCIAL ZONE DISTRICT		C-2 GENERAL COMMERCIAL ZONE DISTRICT		CM COMMERCIAL INDUSTRIAL ZONE DISTRICT		M-1 INDUSTRIAL ZONE DISTRICT		M-2 HEAVY INDUSTRIAL ZONE DISTRICT	
TYPE OF RESIDENTIAL	BY RIGHT	USE PERMIT	BY RIGHT	USE PERMIT	BY RIGHT	USE PERMIT	BY RIGHT	USE PERMIT	BY RIGHT	USE PERMIT	BY RIGHT	USE PERMIT	BY RIGHT	USE PERMIT	BY RIGHT	USE PERMIT
SINGLE FAMILY	X		X		X		X					X		X		X
MOBILE HOME	X		X		X											
CORNER LOT DUPLEX		X	X		X		X			X						
SECOND UNIT	X									X						
MULTI-FAMILY					X		X			X		X				
MOBILE HOME PARK		X				X	X									
FAMILY DAY CARE (6)	X		X		X											
FAMILY DAY CARE (7-12)	X		X		X											
RESIDENTIAL CARE HOME (7)	X		X		X		X									
HOTELS						X	X	X			X					
ROOMING/ BOARDING HOMES						X		X		X		X				
LABOR CAMPS						X		X		X			X			
EMERGENCY SHELTERS					X			X		X		X				
TRANSITIONAL HOUSING					X			X		X		X				
SUPPORTIVE HOUSING					X			X		X		X				

(ATTACHMENT 6)

MODESTO

☐ 10-2.129 - Family.

An individual or two (2) or more persons living together as a single household unit in a dwelling unit. Family does not include larger institutional group living situations including, but not limited to, fraternities and sororities nor does it include commercial group living arrangements including, but not limited to, boarding houses and lodging houses.

☐ 10-2.123 - Dwelling, Single-Family.

A detached building designed for and/or occupied by one (1) family.

TURLOCK

“Family” shall be defined by the maximum number of individuals permitted in a given residential space per the standards of the Uniform Housing Code and/or the Uniform Building Code as applicable.

Dwelling.

(c) “Single-family” shall mean a residential building containing one (1) dwelling unit on one (1) lot. All rooms within the single-family attached dwelling shall be interconnected. “Single-family dwelling” shall include a dwelling that is constructed for the purposes of providing supportive and transitional housing.

MERCED

(Family not in Definitions)

☐ 20.04.200- Household.

"Household" means one (1) or more persons, whether or not related by blood, marriage or adoption, sharing a dwelling unit and using a single common cooking facility in a living arrangement usually characterized by sharing living expenses, such as rent or mortgage payments, food costs and utilities, as well as maintaining a single lease or rental agreement for all members of the household.

(Ord. 2220 § 2 (part), 2005: Ord. 824 Part Five (part), 1964).

☐ 20.04.180- Dwelling, single-family.

"Single-family dwelling" means a building designed for or used exclusively for residence purposes by one (1) household.

(Ord. 2220 § 2 (part), 2005: Ord. 824 Part Five (part), 1964).

(ATTACHMENT 6)

MANTECA

(Family not in Definitions)

Household. One or more persons, whether or not related by blood, marriage, or adoption, sharing a dwelling unit in a living arrangement usually characterized by sharing living expenses, such as rent or mortgage payments, food costs, and utilities, as well as maintaining a single lease or rental agreement for all members of the household and other similar characteristics indicative of a single household.

Dwelling, Primary Unit. In the context of second dwelling unit regulations, an existing single-family residential structure on a single parcel with provisions for living, sleeping, eating, a single kitchen for cooking, and sanitation facilities occupied and intended for one household.

FRESNO

1. FAMILY shall mean one of the following:

a. An individual or two or more persons related by blood, marriage or adoption.

b. Six (6) or fewer persons living together within the meaning of California Health and Safety Code Sections 1267.8, 1530.5, 1566.3, 1569.85 or any other statute or regulation which expressly requires that six (6) or fewer persons living together shall be considered a family for the purposes of any law or zoning ordinance which is related to the residential use of property.

c. Two or more unrelated persons living together as a single housekeeping unit. Unless otherwise defined by Federal or State laws, a single housekeeping unit shall mean a non-transitory group of persons jointly occupying a single dwelling unit, including the joint use of common areas, for the purpose of sharing household activities and responsibilities such as meals, chores and expenses. The existence of individuals to facilitate the functions of a single housekeeping unit does not disqualify the group from being a single housekeeping unit.

DWELLING, ONE-FAMILY shall mean a detached building designed or used exclusively for the occupancy of one family, and having kitchen and toilet facilities for only one family.

STANISLAUS COUNTY

“Family” means one or more persons occupying a premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. (Ord. CS 106 §1, 1984)

RIPON

Family. An individual, or two (2) or more persons related by blood, marriage or legal adoption, or a group of not more than five (5) persons, who are not so related, living together as a single housekeeping unit.

(ATTACHMENT 6)

SAN JOAQUIN COUNTY

N/A

OAKDALE

Family: One (1) or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel, as herein defined.

WATERFORD

“**Family**” means one or more persons occupying a premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants.

PATTERSON

“Family” means an individual or two or more persons living together in a dwelling unit as a single housekeeping unit.

LOS BANOS

“Family” means one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, or fraternity or sorority house.

LIVINGSTON

FAMILY: One or more persons occupying a dwelling unit and living as a single housekeeping unit, and distinguished from a group occupying a boarding house, lodging house, motel or hotel.

STOCKTON

N/A

HUGHSON

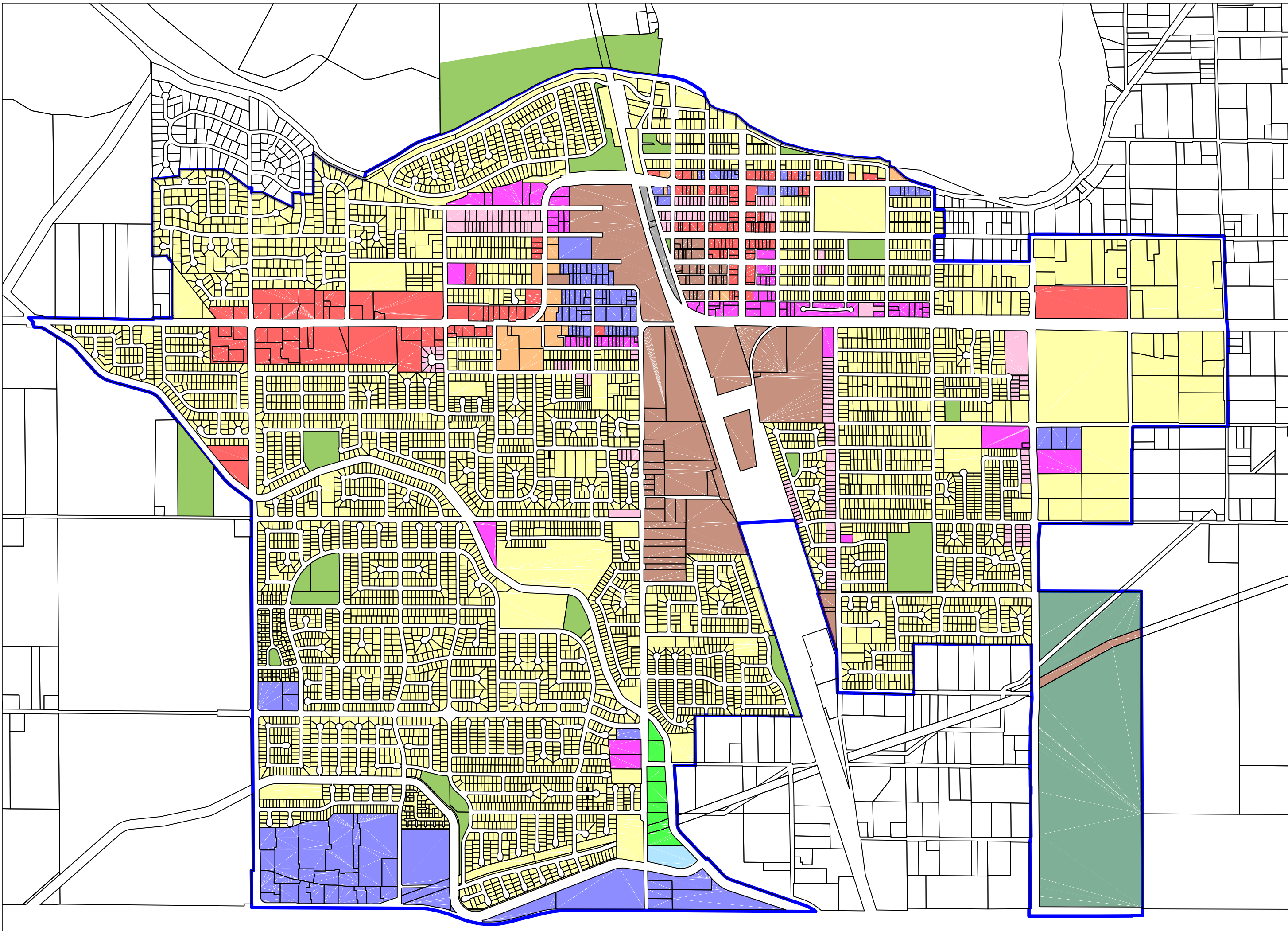
N/A

LODI

"Family" means one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a lodging house or hotel. A family includes the necessary servants.



City of Riverbank ZONING



-  Neighborhood Commercial (C-1)
-  General Commercial (C-2)
-  Commercial - Industrial (CM)
-  Light Industrial (M-1)
-  Park
-  Single Family Residential (R-1)
-  Duplex Residential (R-2)
-  Multiple Family Residential (R-3)
-  Rural to Low Residential (RLR - SP1)
-  Public/Quasi Public (PQP)
-  Riverbank Industrial Complex Park
-  Unassigned
-  City Limits

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 4.3

SECTION 4: UNFINISHED BUSINESS

Meeting Date:	February 24, 2015
Subject:	Second Reading by Title Only and Adoption of Ordinance No. 2015-003 of the City of Riverbank, California, Amending Title XV: Land Usage, Chapter 153: Zoning, Section 153.185: Density Bonus Requirements of the City's Municipal Code
From:	Jill Anderson, City Manager
Submitted by:	John B. Anderson, Contract Community Development Director Annabelle H. Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council conduct the second reading by title only of Ordinance No. 2015-003 and consider its adoption as recommended by Planning Commission Resolution No. 2014-017.

INTRODUCTION

A Public Hearing was conducted at the regular City Council meeting on February 10, 2015, to receive public opinions or evidence for or against the proposed Ordinance after its first reading and introduction by title only. The City Council approved the first reading and introduction of the proposed ordinance (now titled Ordinance No. 2015-003) which moved said Ordinance to the February 24, 2015, regular City Council meeting for its second reading by title only and consideration for adoption.

SUMMARY

The proposed Ordinance modifies the current Density Bonus Ordinance in the City's Municipal Code. In summary, the proposed ordinance implements the following:

- Establishes procedures and criteria for use in the consideration of density bonus for lower income housing developments
- Establishes procedures and criteria for incentives or concessions for the production of housing units and child care facilities
- Provides a significant contribution to the economic feasibility of lower income housing in proposed housing developments
- Criteria and procedures are set forth by Government Code Section 65915 and is applied to requests for density bonus for affordable housing units in Section 153.185 of the City's Zoning Code

- Application procedures are set forth in the Code and follow State law for Density Bonus.

The proposed Ordinance would adapt to any changes to State law and is consistent with surrounding jurisdictions.

Definitions:

Density (Residential). Expressed as dwelling units per acre (du/acre). Gross density is the number of units divided by the acreage of the entire area and net density is the number of units divided by the acreage of the residential land.

Density Bonus. Means an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion. CA Government Code Section 65915.5(b)

Senior Citizen Housing Development. As defined in Sections 51.3 and 51.12 of the Civil Code, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code. CA Government Code Section 65915(C).

BACKGROUND

The State Density Bonus Law (Government Code Section 65915 et seq.) was first adopted in 1979. The law allows developers who offer a certain percentage of affordable units in their development a density bonus above what the zoning ordinance would allow. Originally, developers received a density bonus of 25% if they met the density bonus requirements. In 2004, the State legislature passed Senate Bill 1818 ("SB 1818"), which significantly amended the State Density Bonus Law. The significant changes to the law, effective on January 1, 2005, include:

- A higher maximum market-rate unit density bonus of 35% for a lower percentage of affordable units provided;
- A sliding scale of market-rate density bonus percentages from 20%-35% depending on the percentage of affordable units provided;
- Provision for up to three (3) development concessions or incentives, depending on the percentage of affordable units provided;
- Granting the developer a density bonus if they donate land for very low income housing; and,
- Requiring jurisdictions to implement Density Bonus law through code.

The following table summarizes the density bonus provisions of SB 1818.

Restricted Affordable Units or Category	Minimum Percentage of Restricted Affordable Units	Percentage of Density Bonus Granted	Additional Bonus for Each 1% in Restricted Affordable Units	Percentage of Restricted Units Required for Maximum 35% Density Bonus
Very Low Income	5%	20%	2.50%	11%
Lower Income	10%	20%	1.50%	20%
Moderate Income	10%	5%	1%	40%
Senior Citizen Housing	100%	20%	--	--
Qualifying Mobile Park	100%	20%	--	--

In addition, SB 1818 increased the number of concessions and incentives that a developer could request for a lower percentage of affordable housing provided. As with the density bonus, the number of concessions and incentives is dependent on the affordability level of the units and the percentage of affordable units provided. Incentives include reductions in zoning standards, other development standards, design requirements, mixed use zoning, and any other incentive that would reduce costs for the developer.

Target Group	Restricted Affordable Units		
Very Low Income	5%	10%	15%
Lower Income	10%	20%	30%
Moderate Income (Common Interest Development)	10%	20%	30%
Maximum Incentive(s)/Concession(s)	1	2	3

Per State law, concessions must be granted to the developer unless the legislative body can make one of the following findings:

1. The concession, incentive, waiver and modification is not required to provide for Affordable Rents or Affordable Sales Prices; or
2. The concession, incentive, waiver or modification would have a specific, adverse impact upon the health or safety or the physical environment or on real property listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Low and Moderate Income Households.
3. The concession, incentive, waiver or modification is contrary to State or Federal law.¹

¹ Government Code §65915(d)(1)

The following table describes the components of the state mandated Density Bonus Program.

Components	Density Bonus Program (as amended by SB1818)
Affordability Requirement	5% very low income units, or 10% low income units, or 10% moderate income condominiums/planned developments, or Land donation of portion of site to accommodate very low units equal to 10% of project
Density Increase	Very Low Income Units: 20% density bonus, Low Income Units: 20% density bonus, Moderate Income Condos/PUDs: 5% density bonus, Land Donation: 15% density bonus Density bonus on sliding scale up to a guaranteed 35% for developers offering additional affordable units or donating land.
Incentives	Developers receive one to three additional incentives depending on the percent of affordable units provided. A developer can ask for essentially any kind of incentive and the jurisdiction is required to allow it unless the jurisdiction makes certain findings. Incentives include reductions in zoning standards, other development standards, design requirements, mixed use zoning, and any other incentive that would reduce the costs for the developer.
Waiver or Modifications to “Development Standards”	Developers may request the waiver of an unlimited number of “development standards” by showing the waivers are needed to make the project economically feasible. “Development Standards” includes site or construction conditions that apply to residential development pursuant to any ordinance, general plan amendment, specific plan, charter amendment or other local condition, law, policy resolution or regulation.
Affordability Terms	Very Low and Low Income Units: 30 years

In addition, the law permits a 20% density bonus for 100% senior developments. There are no income restrictions for the 20% bonus.

The City of Riverbank is required to comply with these regulations, even if it does not adopt a local density bonus ordinance.

A copy of the California Density Bonus Law, commencing with Section 65915 of the California Government Code is attached to this Staff Report as Attachment 6.

ANALYSIS

The City of Riverbank currently has an adopted Density Bonus Ordinance, Section 153.185 of the City's Zoning Code. The current code was amended in 1988 and is summarized as follows:

- 25% density bonus for developments that are proposing to construct 25% low or moderate income or 10% lower income households or 50% of total dwelling units for qualifying residents, as defined by California Civil Code Section 51.3.
- Requests for density bonus must be received in writing
- No options for incentives or concessions.
- No sliding scale for density bonus.

The current Density Bonus Ordinance does not account for the multiple amendments to the State law, including SB1818 and is not as flexible as the State law in regards to the amount of Density permitted for housing developments.

The 2009-2014 Housing Element was adopted August of 2009. One of the Goals and Policies of the 2009-2014 planning period was for the City to adopt a Density Bonus Ordinance:

- **Program 2.1d:** Adopt a density bonus ordinance in compliance with statutory amendments (Chapter 1928, Statutes 2004) to State density bonus law (Government Code Section 65915).
- **Responsibility:** Community Development Department
- **Timeframe:** Adopt density bonus ordinance by December 2010.

As seen above, the timeframe for this program to be adopted by the City is December of 2010. Due to Staff and monetary constraints, however, the City has not implemented this program to date. A copy of the program from the City's Housing Element is attached to this Staff Report as Attachment 5. The current planning cycle for the City's Housing Element is 2014-2023. One of the areas that the California Department of Housing and Community Development (HCD) will review as part of certifying the City's Housing Element is how the City implemented the Goals, Policies and programs of the previous Housing Element. With this program implemented, the City will be in a better position for certification when the City's 2014-2023 Housing Element is submitted for HCD review.

It is important for the City to have a certified Housing Element because it allows the City to take advantage of State and Federal funds, such as Community Development Block Grant (CDBG) funds and Home Investments Partnership (HOME) Program to name a couple. These funds help facilitate the development and rehabilitation of homes for all income groups.

PLANNING COMMISSION ACTION

On November 18, 2014, the Planning Commission held a public hearing to consider the proposed Ordinance, amending Section 153.185: Density Bonus Requirements to implement Program 2.1b and State Density Bonus Law. Four (4) Planning Commissioners were present at this meeting: Chair Stewart, Vice Chair Hughes, Commissioner Villapudua and Commissioner McKinney.

During their deliberation, the Planning Commission raised some questions regarding the definition of Density, how density bonus is administered to developers and density bonus for senior trailer home parks. Staff answered the questions presented.

No one from the public spoke for or against the item.

Commissioner Villapudua made a motion and seconded by Commissioner McKinney to adopt Resolution No. 2014-017, recommending to City Council to adopt the proposed Ordinance, amending Section 153.185: Density Bonus Requirements in the City's Zoning Code. With a unanimous vote (4-0), the Planning Commission adopted Resolution 2014-017.

Planning Commission adopted Resolution No. 2014-017 and is attached to this Staff Report as Attachment 3.

CITY COUNCIL ACTION

The Public Hearing on the first reading by title only and introduction of this proposed Ordinance was conducted by the City Council on February 10, 2015. After consideration, the City Council moved, said Ordinance No. 2015-003, by a unanimous vote of 5-0, to conduct its second reading by title only and consider its adoption by the City Council on February 24, 2015, as recommended by Planning Commission Resolution No. 2014-017.

ENVIRONMENTAL DETERMINATION

The proposed Ordinance Amendment is not a project for CEQA purposes and is exempt under State CEQA Guidelines Section 15061(b)(3), General Rule, because it can be seen with certainty that there is not a possibility that the proposal would result in a significant effect on the environment. The proposal is implementing existing State law and is considered an administrative activity and would not, itself, allow any construction or propose any projects. CEQA will be applied on a project-by-project basis if and when such projects are proposed.

FINANCIAL IMPACT

The proposed Ordinance will have no financial impact to the City.

STRATEGIC GOALS

The City of Riverbank Strategic Planning Session is a plan and set of goals that Riverbank will work towards for the next three years. The above action to amend Section 153.185: Density Bonus Requirements is not part of these goals but implements the City's Certified 2009-2014 Housing Element Goals and Policies, specifically Program 2.1e, which requires the City to adopt a Density Bonus Ordinance. Furthermore, the proposed Ordinance implements State Density Bonus Law.

ATTACHMENTS

1. The Proposed City Council Ordinance
2. The Proposed City Council Ordinance No. 2015-003 (Clean Version)
3. Planning Commission Resolution 2014-017, Dated November 18, 2014
4. 2009-2014 Housing Element, Program 2.1e, Page IX-5
5. California Government Code Section 65915: Density Bonus and Other Incentives
6. City of Riverbank Zoning Map

(ATTACHMENT 1)

CITY OF RIVERBANK

ORDINANCE NO. 2015-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AMENDING TITLE XV: LAND USAGE, CHAPTER 153: ZONING,
SECTION 153.185: DENSITY BONUS REQUIREMENTS IN THE CITY'S MUNICIPAL
CODE**

WHEREAS, The City of Riverbank is authorized by Title 15 Chapter 153.230 to initiate a Zoning Ordinance Amendment whenever public necessity and convenience and the general welfare require such an amendment; and

WHEREAS, The City of Riverbank Planning Commission conducted a Public Hearing of Tuesday, November 18, 2014 to consider this Ordinance to amend Section 153.185, Density Bonus Requirements; and

WHEREAS, The City Council for the City of Riverbank has made the following findings for adoption:

Pursuant to California Government Code Section 65358, the relationship between the proposed Zoning Code Amendment and the General Plan are as follows:

- a. The Zoning Ordinance Amendment is compatible with the General Plan and each of its elements and all components therein because the General Plan includes a stated goal to “encourage and assist in the development of adequate housing to meet the needs of extremely low-, low- and very low-income households” and to “adopt a density bonus ordinance in compliance with statutory amendments to State density bonus law” (Goal 2 and Program 2.1e)
- b. The amendment is compatible with the uses authorized in, and the regulations prescribed for, the land use districts for which it is proposed and with the regulations for each land use district; and
- c. There is a community need to amend the local Density Bonus Ordinance which allows the City to take local concerns into account when granting approvals for density bonus projects and which complies with state law.

WHEREAS, the Planning Commission has considered the Zoning Ordinance Amendment at a duly advertised public hearing and adopted its Resolution recommending that the City Council approve the application; and

(ATTACHMENT 1)

WHEREAS, notice of the public hearing on the Zoning Ordinance Amendment was published in the *Riverbank News*, a newspaper of general circulation, on January 28, 2015; and

WHEREAS, a public hearing was held on February 10, 2015, and all comments were heard and considered by City Council.

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

SECTION 1: *Section 153:185 of Chapter 153: Zoning, of Title XV, Land Usage of the Riverbank Municipal Code is amended to read as follows:*

§ 153.185 DENSITY BONUS REQUIREMENTS. AFFORDABLE HOUSING DENSITY BONUS

(A) **Purpose.** The purpose of the affordable housing density bonus is to:

- 1) Establish procedures and criteria for use in the consideration of density bonuses for lower income housing development as defined in Section 65915 of the California Government Code;
- 2) Establish procedures for requesting developer incentives or concessions for the production of housing units and child care facilities as prescribed in Section 65915 of the California Government Code; and
- 3) Provide a significant contribution to the economic feasibility of lower income housing in proposed housing developments.

~~When the developer of a housing project with five or more units agrees to construct at least 25% of the total units of a housing development of persons and families of low or moderate income, as defined in Cal. Health & Safety Code § 50093, or 10% of the total units of a housing development for lower income households, as defined in Cal. Health & Safety Code § 50079.5, or 50% of the total dwelling units of a housing development for qualifying residents, as defined in Cal. Civil Code § 51.3, the city will grant a density bonus of at least 25% more units than normally allowed by the existing zoning of the property.~~

(B) **General provisions.** The criteria and procedures set forth in Section 65915 of the California Government Code shall be applied to requests for density bonuses for affordable housing unless amended in this section.

~~Specifically, **DENSITY BONUS** means a density increase of at least 25% over the otherwise allowable residential density under the applicable zoning district.~~

(C) **Application procedures.** The application for a density bonus, incentive or concession shall be submitted with the first application for approval of a housing development and shall be processed concurrently with any other planning permit required for the housing development. The application shall be submitted on form and contain such information and support data as prescribed by the Community Development Director. The application shall contain sufficient information to make the required determinations and findings defined in Section 65915 of the California

(ATTACHMENT 1)

~~Government Code. Requests for a density bonus must be in writing and must be accompanied by written information to support the applicant's determination that the units will be available within the income limits described in this section.~~

(D) Fees. The City Council shall set for the amount of the fees for the application required and authorized in this section.

(E) Severability. The provisions of this section of the code are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, or portion of this section, or the invalidity of the application thereof to any person or circumstances, shall not affect the validity of the remainder of this section, or the validity of its application to other persons or circumstances.

('67 Code, § 10-13-6) (Ord. 88-14, passed 11-28-88)

SECTION 2. This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank on February 10, 2015. Said ordinance was given a second reading at the regular City Council meeting on February 24, 2015.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on _____, 2014; motioned by Councilmember _____, seconded by Councilmember _____, moved the ordinance for adoption by a roll call vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

Annabelle Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

(ATTACHMENT 2)

CITY OF RIVERBANK

ORDINANCE NO. 2015-003

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AMENDING TITLE XV: LAND USAGE, CHAPTER 153: ZONING,
SECTION 153.185: DENSITY BONUS REQUIREMENTS IN THE CITY'S MUNICIPAL
CODE**

WHEREAS, The City of Riverbank is authorized by Title 15 Chapter 153.230 to initiate a Zoning Ordinance Amendment whenever public necessity and convenience and the general welfare require such an amendment; and

WHEREAS, The City of Riverbank Planning Commission conducted a Public Hearing of Tuesday, November 18, 2014 to consider this proposed Ordinance to amend Section 153.185, Density Bonus Requirements; and

WHEREAS, The City Council for the City of Riverbank has made the following findings for adoption:

Pursuant to California Government Code Section 65358, the relationship between the proposed Zoning Code Amendment and the General Plan are as follows:

- a. The Zoning Ordinance Amendment is compatible with the General Plan and each of its elements and all components therein because the General Plan includes a stated goal to "encourage and assist in the development of adequate housing to meet the needs of extremely low-, low- and very low-income households" and to "adopt a density bonus ordinance in compliance with statutory amendments to State density bonus law" (Goal 2 and Program 2.1e)
- b. The amendment is compatible with the uses authorized in, and the regulations prescribed for, the land use districts for which it is proposed and with the regulations for each land use district; and
- c. There is a community need to amend the local Density Bonus Ordinance which allows the City to take local concerns into account when granting approvals for density bonus projects and which complies with state law.

WHEREAS, the Planning Commission has considered the Zoning Ordinance Amendment at a duly advertised public hearing and adopted its Resolution recommending that the City Council approve the application; and

(ATTACHMENT 2)

WHEREAS, notice of the public hearing on the Zoning Ordinance Amendment was published in the *Riverbank News*, a newspaper of general circulation, on January 28, 2015; and

WHEREAS, a public hearing was held on February 10, 2015, and all comments were heard and considered by City Council.

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

SECTION 1: *Section 153:185 of Chapter 153: Zoning, of Title XV, Land Usage of the Riverbank Municipal Code is amended to read as follows:*

§ 153.185 AFFORDABLE HOUSING DENSITY BONUS

(A) **Purpose.** The purpose of the affordable housing density bonus is to:

- 1) Establish procedures and criteria for use in the consideration of density bonuses for lower income housing development as defined in Section 65915 of the California Government Code;
- 2) Establish procedures for requesting developer incentives or concessions for the production of housing units and child care facilities as prescribed in Section 65915 of the California Government Code; and
- 3) Provide a significant contribution to the economic feasibility of lower income housing in proposed housing developments.

(B) **General provisions.** The criteria and procedures set forth in Section 65915 of the California Government Code shall be applied to requests for density bonuses for affordable housing unless amended in this section.

(C) **Application procedures.** The application for a density bonus, incentive or concession shall be submitted with the first application for approval of a housing development and shall be processed concurrently with any other planning permit required for the housing development. The application shall be submitted on form and contain such information and support data as prescribed by the Community Development Director. The application shall contain sufficient information to make the required determinations and findings defined in Section 65915 of the California Government Code.

(D) **Fees.** The City Council shall set for the amount of the fees for the application required and authorized in this section.

(E) **Severability.** The provisions of this section of the code are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, or portion of this section, or the invalidity of the application thereof to any person or

(ATTACHMENT 2)

circumstances, shall not affect the validity of the remainder of this section, or the validity of its application to other persons or circumstances.

SECTION 2. This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank on February 10, 2015. Said ordinance was given a second reading at the regular City Council meeting on February 24, 2015.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on _____, 2014; motioned by Councilmember _____, seconded by Councilmember _____, moved the ordinance for adoption by a roll call vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

**CITY OF RIVERBANK
RESOLUTION NO. 2014-017**

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF RIVERBANK, CALIFORNIA,
RECOMMENDING TO CITY COUNCIL THE APPROVAL
OF ORDINANCE 2014-XXX TO AMEND SECTION
153.185: DENSITY BONUS REQUIREMENTS IN THE
CITY OF RIVERBANK MUNICIPAL CODE**

WHEREAS, the Riverbank General Plan adopted in 2009 calls for encouraging the production of affordable and senior housing is included within its goals, policies, and programs; and

WHEREAS, the Housing Element of the Riverbank General Plan was updated and approved by the City Council and certified by the California State Department of Housing and Community Development (HCD) in 2009; and

WHEREAS, California State Density Bonus Law (Government Code Section 65915) was first adopted in 1979 and allows developers who offer certain percentages of affordable units in their developments a density bonus above what the zoning ordinance would allow. Originally, developers received a density bonus of 25% if they met the density bonus requirements. In 2004, the State Legislature passed SB 1818, which significantly amended Section 65915 of the Government Code. The significant changes to the law, effective January 1, 2005, include:

- A higher maximum market-rate unit density bonus of 35% for lower percentage of affordable units provided;
- A sliding scale of market-rate density bonus percentages from 20%-35% depending on the percentage of affordable units provided;
- Provision of up to three (3) development concessions or incentives, depending on the percentage of affordable units provided;
- Requiring jurisdictions to implement Density Bonus Law through local code; and

WHEREAS, the City prepared Zoning Ordinance 2014-XXX to amend Section 153.185: Density Bonus Requirements; and

WHEREAS, notice of the public hearing on the Zoning Ordinance was published in the *Riverbank News*, a newspaper of general circulation, on November 5, 2014; and

WHEREAS, the Planning Commission has reviewed the Zoning Amendment and conducted a public hearing on November 18, 2014; and

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

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RECOMMENDS CITY COUNCIL APPROVAL OF ORDINANCE 2014-____, ATTACHED HERETO AS EXHIBIT A AND INCORPORATED HEREIN BY THIS REFERENCE, AMENDING SECTION 153.185: DENSITY BONUS REQUIREMENTS IN THE CITY OF RIVERBANK MUNICIPAL CODE BASED ON THE FOLLOWING FINDINGS:

1. Pursuant to California Government Code Section 65855, the recommendation to City Council shall include the relationship to the applicable general or specific plan.
 - a. The Zoning Ordinance Amendment is compatible with the General Plan and each of its elements and all components therein because the General Plan includes a stated goal to "encourage and assist in the development of adequate housing to meet the needs of extremely low-, low- and very low-income households" and to "adopt a density bonus ordinance in compliance with statutory amendments to State density bonus law" (Goal 2 and Program 2.1e)
 - b. The amendment is compatible with the uses authorized in, and the regulations prescribed for, the land use districts for which it is proposed and with the regulations for each land use district; and
 - c. There is a community need to amend the local Density Bonus Ordinance which allows the City to take local concerns into account when granting approvals for density bonus projects and which complies with state law.
2. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.
3. The City finds and determines with certainty that the amendments described in Ordinance 2014-XXX are not considered a project under the California Environmental Quality Act Section 15061(b)(3) because the ordinance is not a discretionary act since it is only implementing existing state law and would not,

itself, allow any construction, and each proposed project would be subject to individual CEQA review.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 18th day of November, 2014; motioned by Commissioner Villapudus seconded by Commissioner McKinney and upon roll call was carried by the following vote of 4-0:

AYES: Chair Stewart, Vice Chair Hughes, Commissioner McKinney and Commissioner Villapudus

NAYS: None

ABSENT: Commissioner Degele

ABSTAIN: None

Attest:

Approved:

Secretary

Joan Stewart

Attachments:

Exhibit "A" – Proposed Draft City Council Ordinance 2014-XXX

EXHIBIT "A"

**CITY OF RIVERBANK
ORDINANCE NO. 2014-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF RIVERBANK, CALIFORNIA AMENDING TITLE 153:
ZONING, SECTION 153.185: DENSITY BONUS
REQUIREMENTS IN THE CITY'S MUNICIPAL CODE**

WHEREAS, The City of Riverbank is authorized by Title 15 Chapter 153.230 to initiate a Zoning Ordinance Amendment whenever public necessity and convenience and the general welfare require such an amendment; and

WHEREAS, The City of Riverbank Planning Commission conducted a Public Hearing of Tuesday, November 18, 2014 to consider Ordinance 2014-XXX to amend Section 153.185, Density Bonus Requirements; and

WHEREAS, The City Council for the City of Riverbank has made the following findings for adoption:

Pursuant to California Government Code Section 65358, the relationship between the proposed Zoning Code Amendment and the General Plan are as follows:

- a. The Zoning Ordinance Amendment is compatible with the General Plan and each of its elements and all components therein because the General Plan includes a stated goal to "encourage and assist in the development of adequate housing to meet the needs of extremely low-, low- and very low-income households" and to "adopt a density bonus ordinance in compliance with statutory amendments to State density bonus law" (Goal 2 and Program 2.1e)
- b. The amendment is compatible with the uses authorized in, and the regulations prescribed for, the land use districts for which it is proposed and with the regulations for each land use district; and
- c. There is a community need to amend the local Density Bonus Ordinance which allows the City to take local concerns into account when granting approvals for density bonus projects and which complies with state law.

WHEREAS, the Planning Commission has considered the Zoning Ordinance Amendment at a duly advertised public hearing and adopted its Resolution recommending that the City Council approve the application; and

EXHIBIT "A"

WHEREAS, notice of the public hearing on the Zoning Ordinance Amendment was published in the *Riverbank News*, a newspaper of general circulation, on _____; and

WHEREAS, a public hearing was held on January 13, 2015 and all comments were heard and considered by City Council.

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

SECTION 1: *Section 153:185 of Chapter 153: Zoning, of Title XV, Land Usage of the Riverbank Municipal Code is amended to read as follows:*

§ 153.185 DENSITY BONUS REQUIREMENTS. AFFORDABLE HOUSING DENSITY BONUS

- (A) **Purpose.** The purpose of the affordable housing density bonus is to:
- 1) Establish procedures and criteria for use in the consideration of density bonuses for lower income housing development as defined in Section 65915 of the California Government Code;
 - 2) Establish procedures for requesting developer incentives or concessions for the production of housing units and child care facilities as prescribed in Section 65915 of the California Government Code; and
 - 3) Provide a significant contribution to the economic feasibility of lower income housing in proposed housing developments.

~~When the developer of a housing project with five or more units agrees to construct at least 25% of the total units of a housing development of persons and families of low or moderate income, as defined in Cal. Health & Safety Code § 50093, or 10% of the total units of a housing development for lower income households, as defined in Cal. Health & Safety Code § 50079.5, or 50% of the total dwelling units of a housing development for qualifying residents, as defined in Cal. Civil Code § 51.3, the city will grant a density bonus of at least 25% more units than normally allowed by the existing zoning of the property.~~

(B) **General provisions.** The criteria and procedures set forth in Section 65915 of the California Government Code shall be applied to requests for density bonuses for affordable housing unless amended in this section.

~~Specifically, **DENSITY BONUS** means a density increase of at least 25% over the otherwise allowable residential density under the applicable zoning district.~~

(C) **Application procedures.** The application for a density bonus, incentive or concession shall be submitted with the first application for approval of a housing development and shall be processed concurrently with any other planning permit required for the housing development. The application shall be submitted on form and contain such information and support data as prescribed by the Community

EXHIBIT "A"

Development Director. The application shall contain sufficient information to make the required determinations and findings defined in Section 65915 of the California Government Code. Requests for a density bonus must be in writing and must be accompanied by written information to support the applicant's determination that the units will be available within the income limits described in this section.

(D) Fees. The City Council shall set for the amount of the fees for the application required and authorized in this section.

(E) Severability. The provisions of this section of the code are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, or portion of this section, or the invalidity of the application thereof to any person or circumstances, shall not affect the validity of the remainder of this section, or the validity of its application to other persons or circumstances.

(`67 Code, § 10-13-6) (Ord. 88-14, passed 11-28-88)

SECTION 2. This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

The foregoing was introduced at a regular meeting of the City Council of the City of Riverbank held on the _____ day of _____, 2014; motioned by Councilmember _____, seconded by Council Member _____, and upon roll call was carried by the following vote ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

(ATTACHMENT 4)

Program 2.1d: Continue to distribute information on second units at the permit counter and post information on the City's website.

Responsibility: Community Development Department

Timeframe: Ongoing

Program 2.1e: Adopt a density bonus ordinance in compliance with statutory amendments (Chapter 1928, Statutes 2004) to State density bonus law (Government Code Section 65915).

Responsibility: Community Development Department

Timeframe: Adopt density bonus ordinance by December 2010

Program 2.1f: Assist in the development of housing for farmworkers. Actions will include assistance with site identification and support of applications for funding. The City will identify a partner and development opportunity by June 2010 and apply for grant funding through HCD.

Responsibility: Economic Development and Housing Department

Timeframe: By June 2010, development opportunity will be identified and grant applications will be submitted.

Program 2.1g: The City will update the uses permitted in the R-3 zone (Section 153.061 (A)) to include emergency shelters. Emergency shelters will only be subject to those development and management standards that apply to other residential development within the same zone.

Responsibility: Community Development Department

Timeframe: By June 2010, adopt updated permitted uses.

Policy 2.2: Adopt an Inclusionary Zoning Ordinance

Program 2.2a: An Inclusionary Zoning Ordinance will propose to have the City of Riverbank establish a regulatory and incentive framework which provides opportunities for the development of a supply and mix of new housing to meet the future housing needs of all residents. Through this framework it is expected that new residential development will provide housing opportunities to households of all incomes and achieve a diverse and balanced community with housing available for households of all income levels.

Inclusionary unit regulations will apply to projects that propose (1) the creation of five or more dwelling units through new construction, or (2) the creation of ten or more dwelling units through adaptive reuse or conversion of a nonresidential use to

GOVERNMENT CODE

SECTION 65915-65918

65915. (a) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in this section. All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented. Failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and incentives or concessions, as described in subdivision (d), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(D) Ten percent of the total dwelling units in a common interest development as defined in Section 4100 of the Civil Code for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), the applicant who requests a density bonus pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), or (D) of paragraph (1).

(3) For the purposes of this section, "total units" or "total dwelling units" does not include units added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

(c) (1) An applicant shall agree to, and the city, county, or city and county shall ensure, continued affordability of all low- and very low income units that qualified the applicant for the award of the density bonus for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

Owner-occupied units shall be available at an affordable housing cost

(ATTACHMENT 5)

as defined in Section 50052.5 of the Health and Safety Code.

(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of the moderate-income units that are directly related to the receipt of the density bonus in the common interest development, as defined in Section 4100 of the Civil Code, are persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The local government shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:

(A) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy, as defined in subparagraph (B), and its proportionate share of appreciation, as defined in subparagraph (C), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.

(B) For purposes of this subdivision, the local government's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

(C) For purposes of this subdivision, the local government's proportionate share of appreciation shall be equal to the ratio of the local government's initial subsidy to the fair market value of the home at the time of initial sale.

(d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least

(ATTACHMENT 5)

10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.

(B) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(C) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section, that shall include legislative body approval of the means of compliance with this section.

(e) (1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

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(2) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(f) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the city, county, or city and county. The applicant may elect to accept a lesser percentage of density bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

(1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Low-Income Units	Density Bonus	Percentage
10	20	
11	21.5	
12	23	
13	24.5	
14	26	
15	27.5	
17	30.5	
18	32	
19	33.5	
20	35	

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

(3) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of senior housing units.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9

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15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(g) (1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in accordance with this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30

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26	31
27	32
28	33
29	34
30	35

(2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

(A) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

(B) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(C) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2, and is or will be served by adequate public facilities and infrastructure.

(D) The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local government prior to the time of transfer.

(E) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of the transfer.

(F) The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.

(G) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

(H) A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

(h) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a child care facility that will be located on the premises

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of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:

(A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

(B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

(A) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

(B) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).

(3) Notwithstanding any requirement of this subdivision, a city, county, or city and county shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(4) "Child care facility," as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child care centers.

(i) "Housing development," as used in this section, means a development project for five or more residential units. For the purposes of this section, "housing development" also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(j) The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. This provision is declaratory of existing law.

(k) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California

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Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

(2) Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable, financially sufficient, and actual cost reductions.

(l) Subdivision (k) does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(m) This section shall not be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(n) If permitted by local ordinance, nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

(o) For purposes of this section, the following definitions shall apply:

(1) "Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

(2) "Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

(p) (1) Upon the request of the developer, no city, county, or city and county shall require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b), that exceeds the following ratios:

(A) Zero to one bedroom: one onsite parking space.

(B) Two to three bedrooms: two onsite parking spaces.

(C) Four and more bedrooms: two and one-half parking spaces.

(2) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a

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development may provide "onsite parking" through tandem parking or uncovered parking, but not through onstreet parking.

(3) This subdivision shall apply to a development that meets the requirements of subdivision (b) but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision (d).

65915.5. (a) When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code, or 15 percent of the total units of the proposed condominium project to lower income households as defined in Section 50079.5 of the Health and Safety Code, and agrees to pay for the reasonably necessary administrative costs incurred by a city, county, or city and county pursuant to this section, the city, county, or city and county shall either (1) grant a density bonus or (2) provide other incentives of equivalent financial value. A city, county, or city and county may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

(b) For purposes of this section, "density bonus" means an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.

(c) For purposes of this section, "other incentives of equivalent financial value" shall not be construed to require a city, county, or city and county to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city, county, or city and county might otherwise apply as conditions of conversion approval.

(d) An applicant for approval to convert apartments to a condominium project may submit to a city, county, or city and county a preliminary proposal pursuant to this section prior to the submittal of any formal requests for subdivision map approvals. The city, county, or city and county shall, within 90 days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section. The city, county, or city and county shall establish procedures for carrying out this section, which shall include legislative body approval of the means of compliance with this section.

(e) Nothing in this section shall be construed to require a city, county, or city and county to approve a proposal to convert apartments to condominiums.

(f) An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Section 65915.

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65916. Where there is a direct financial contribution to a housing development pursuant to Section 65915 through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, the city, county, or city and county shall assure continued availability for low- and moderate-income units for 30 years. When appropriate, the agreement provided for in Section 65915 shall specify the mechanisms and procedures necessary to carry out this section.

65917. In enacting this chapter it is the intent of the Legislature that the density bonus or other incentives offered by the city, county, or city and county pursuant to this chapter shall contribute significantly to the economic feasibility of lower income housing in proposed housing developments. In the absence of an agreement by a developer in accordance with Section 65915, a locality shall not offer a density bonus or any other incentive that would undermine the intent of this chapter.

65917.5. (a) As used in this section, the following terms shall have the following meanings:

(1) "Child care facility" means a facility installed, operated, and maintained under this section for the nonresidential care of children as defined under applicable state licensing requirements for the facility.

(2) "Density bonus" means a floor area ratio bonus over the otherwise maximum allowable density permitted under the applicable zoning ordinance and land use elements of the general plan of a city, including a charter city, city and county, or county of:

(A) A maximum of five square feet of floor area for each one square foot of floor area contained in the child care facility for existing structures.

(B) A maximum of 10 square feet of floor area for each one square foot of floor area contained in the child care facility for new structures.

For purposes of calculating the density bonus under this section, both indoor and outdoor square footage requirements for the child care facility as set forth in applicable state child care licensing requirements shall be included in the floor area of the child care facility.

(3) "Developer" means the owner or other person, including a lessee, having the right under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors to make an application for development approvals for the development or redevelopment of a commercial or industrial project.

(4) "Floor area" means as to a commercial or industrial project, the floor area as calculated under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors and as to a child care facility, the total area contained within the exterior walls of the facility and all outdoor areas devoted to the use of the facility in accordance with applicable state child care licensing

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requirements.

(b) A city council, including a charter city council, city and county board of supervisors, or county board of supervisors may establish a procedure by ordinance to grant a developer of a commercial or industrial project, containing at least 50,000 square feet of floor area, a density bonus when that developer has set aside at least 2,000 square feet of floor area and 3,000 outdoor square feet to be used for a child care facility. The granting of a bonus shall not preclude a city council, including a charter city council, city and county board of supervisors, or county board of supervisors from imposing necessary conditions on the project or on the additional square footage. Projects constructed under this section shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other health, safety, and zoning requirements generally applicable to construction in the zone in which the property is located. A consortium with more than one developer may be permitted to achieve the threshold amount for the available density bonus with each developer's density bonus equal to the percentage participation of the developer. This facility may be located on the project site or may be located offsite as agreed upon by the developer and local agency. If the child care facility is not located on the site of the project, the local agency shall determine whether the location of the child care facility is appropriate and whether it conforms with the intent of this section. The child care facility shall be of a size to comply with all state licensing requirements in order to accommodate at least 40 children.

(c) The developer may operate the child care facility itself or may contract with a licensed child care provider to operate the facility. In all cases, the developer shall show ongoing coordination with a local child care resource and referral network or local governmental child care coordinator in order to qualify for the density bonus.

(d) If the developer uses space allocated for child care facility purposes, in accordance with subdivision (b), for purposes other than for a child care facility, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. If the developer fails to have the space allocated for the child care facility within three years, from the date upon which the first temporary certificate of occupancy is granted, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors in accordance with procedures to be developed by the legislative body of the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. A penalty levied against a consortium of developers shall be charged to each developer in an amount equal to the developer's percentage square feet participation. Funds collected pursuant to this subdivision shall be deposited by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors into a special account to be used for child care services or child care facilities.

(e) Once the child care facility has been established, prior to

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the closure, change in use, or reduction in the physical size of, the facility, the city, city council, including a charter city council, city and county board of supervisors, or county board of supervisors shall be required to make a finding that the need for child care is no longer present, or is not present to the same degree as it was at the time the facility was established.

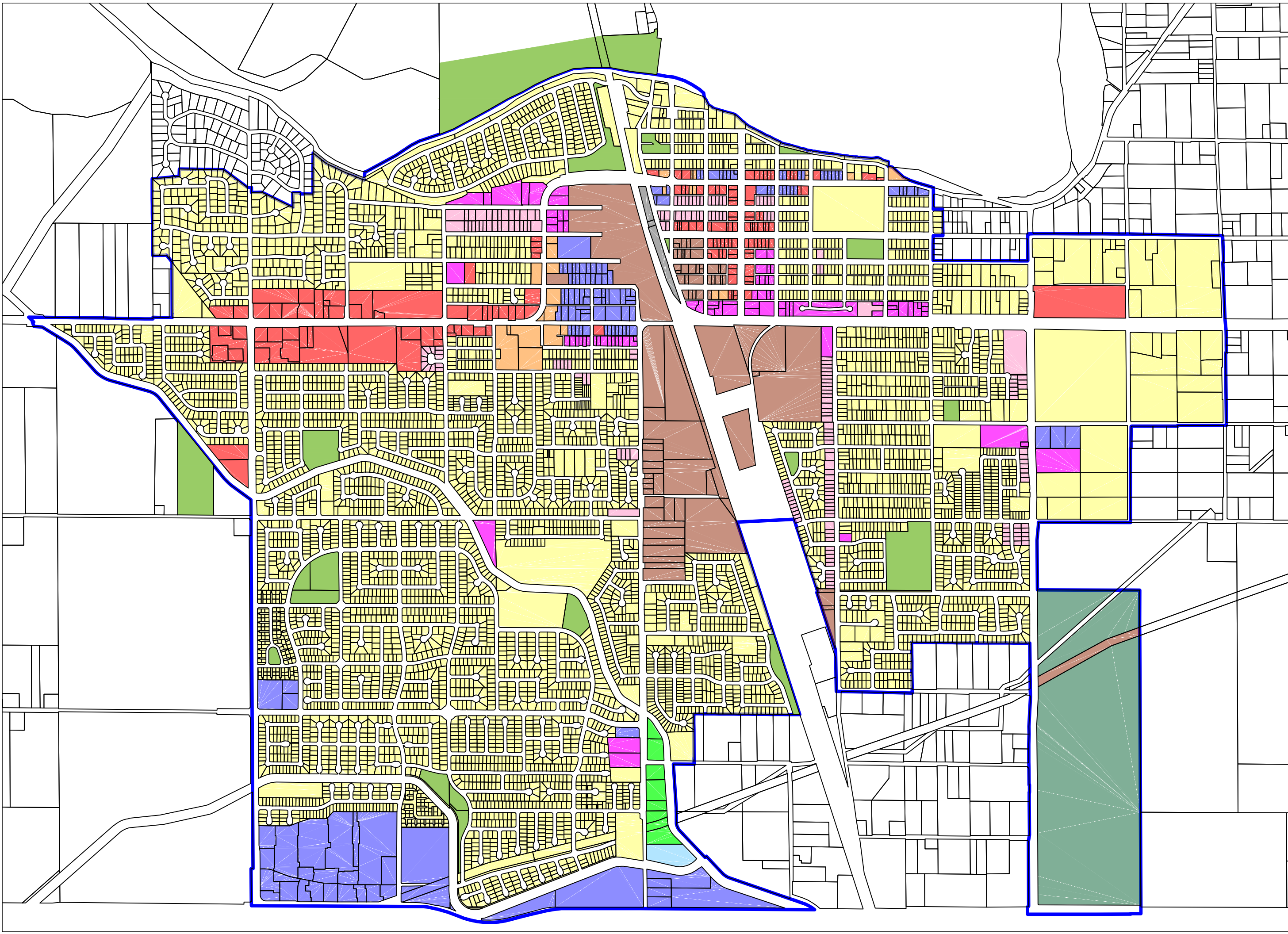
(f) The requirements of Chapter 5 (commencing with Section 66000) and of the amendments made to Sections 53077, 54997, and 54998 by Chapter 1002 of the Statutes of 1987 shall not apply to actions taken in accordance with this section.

(g) This section shall not apply to a voter-approved ordinance adopted by referendum or initiative.

65918. The provisions of this chapter shall apply to charter cities.



City of Riverbank ZONING



-  Neighborhood Commercial (C-1)
-  General Commercial (C-2)
-  Commercial - Industrial (CM)
-  Light Industrial (M-1)
-  Park
-  Single Family Residential (R-1)
-  Duplex Residential (R-2)
-  Multiple Family Residential (R-3)
-  Rural to Low Residential (RLR - SP1)
-  Public/Quasi Public (PQP)
-  Riverbank Industrial Complex Park
-  Unassigned
-  City Limits

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 4.4

SECTION 4: UNFINISHED BUSINESS

Meeting Date:	February 24, 2015
Subject:	Second Reading by Title Only and Adoption of Ordinance No. 2015-004 of the City Council of the City of Riverbank, California Adding Sections 153.221 through 153.229 to Title XV: Land Usage, Chapter 153: Zoning of the City's Municipal Code
From:	Jill Anderson, City Manager
Submitted by:	John B. Anderson, Contract Community Development Director Annabelle H. Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council conduct the second reading by title only of Ordinance No. 2015-004 and consider its adoption as recommended by Planning Commission Resolution 2014-016.

INTRODUCTION

A Public Hearing was conducted at the regular City Council meeting on February 10, 2015, to receive public opinions or evidence for or against the proposed Ordinance after its first reading and introduction by title only. The City Council approved the first reading and introduction of the proposed ordinance (now titled Ordinance No. 2015-004) which moved said Ordinance to the February 24, 2015, regular City Council meeting for its second reading by title only and consideration for adoption.

SUMMARY

Both Federal and State Fair Housing laws prohibit discrimination in housing against individuals with disabilities. These laws require that cities take affirmative action to eliminate regulations and practices that deny housing opportunities to disabled individuals. This includes requiring flexibility in the application of land use and zoning regulations.

Furthermore, California's Fair Employment and Housing Act, the State's Housing Element law, and HUD require that cities utilizing Community Development Block Grant (CDBG) funds prepare an "Analysis of Impediments to Fair Housing Choice." Taken together, these pieces of legislation require that Cities and Counties take affirmative

action to eliminate regulations and practices that deny housing opportunities to individuals with disabilities, and more specifically, require that Cities and Counties provide individuals with disabilities, or developers of housing for people with disabilities, flexibility in the application of land use and zoning regulations, practices and procedures.

While fair housing laws intend that all people have equal access to housing, the law also recognizes that individuals with disabilities may need extra tools to achieve equality. Providing reasonable accommodation is one way for the City of Riverbank to provide relief from land use and zoning and building regulations and procedures that have the effect of discriminating against the development, siting and use of housing for individuals with disabilities. Furthermore, California Government Code Section 65583(c)(3) states:

Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.

The intent of the proposed Ordinance is to establish a formal procedure for persons with disabilities seeking equal access to housing to request reasonable accommodation in the application of the City's land use regulations and to establish criteria to be used when considering such requests. These regulations implement Program 5.3a in the Riverbank General Plan Housing Element, which calls for the development of written procedures for reasonable accommodation requests with respect to zoning, permit processing, and building laws as well as Federal and State Fair Housing Laws.

BACKGROUND

The City's 2009-2014 Housing Element was adopted August of 2009. The Housing Element contains goals, policies, and proposed plans of actions to implement the City's housing program. The goals and policies reflect the needs identified in the Housing Element and each proposed implementation program contains a description of the intended action, an explanation of the agency responsible for administering the program, and the timeframe during which the program would take effect.

One of the Goals and Policies of the 2009-2014 Housing Element is for the City to adopt a Reasonable Accommodation Ordinance:

GOAL 5: PROMOTE HOUSING OPPORTUNITIES FOR ALL PERSONS REGARDLESS OF RACE, RELIGION, SEX, MARITAL STATUS, ANCESTRY, NATIONAL ORIGIN, COLOR, FAMILIAL STATUS, OR DISABILITY

Policy 5.3 Adopt Reasonable Accommodation Ordinance

- Program 5.3a:** The City will adopt written reasonable accommodation ordinance to provide exception in zoning and land-use for housing for persons with disabilities. This procedure will be a ministerial process, with minimal or no processing fee, subject to approval by the Community Development Director applying the following decision-making criteria:
- The request for reasonable accommodation will be used by an individual with a disability protected under fair housing laws.
 - The requested accommodation is necessary to make housing available to an individual with a disability protected under fair housing law.
 - The requested accommodation would not impose an undue financial or administrative burden on the City.
 - The requested accommodation would not require a fundamental alteration in the nature of the City's land-use and zoning program.
- Responsibility:** Community Development Department
- Timeframe:** Adopt Zoning Ordinance Amendments by December 2012

As seen above, the timeframe for this program to be adopted by the City is December of 2012. Due to Staff and monetary constraints, the City has not implemented this program to date. The current planning cycle for the City's Housing Element is 2014-2023. One of the issues that the California Department of Housing and Community Development (HCD) will review as part of certifying the City's Housing Element is how well the City implemented the Goals, Policies and Programs of the previous Housing Element. With this program implemented, the City will be in a better position for certification when the City's 2014-2023 Housing Element is submitted for HCD review.

It is important for the City to have a certified Housing Element because it allows the City to take advantage of State and Federal funds, such as Community Development Block Grant (CDBG) and Home Investments Partnership (HOME) Program to name a couple. These funds help facilitate the development and rehabilitation of homes for all income groups.

Additionally, the Federal Fair Housing Amendments Act (the Act) of 1988 makes it illegal to discriminate in housing against individuals based on their race, color, religion, gender, national origin, familial status, or **disability**. The Act prohibits local governments from making house opportunities unavailable to people with disabilities through discriminatory land use and zoning rules, policies, practices and procedures. The legislative history of the Act recognizes that zoning code provision have discriminated against people with disabilities by limiting opportunities to live in the community congregate or group living arrangements. California's own fair housing statute, the Fair Employment and Housing Act (FEHA) prohibits discrimination on the

same bases as federal law and also four additional bases: ancestry, sexual orientation, and source of income. The proposed Reasonable Accommodation Ordinance provides the City with procedures and criteria to provide persons with disabilities the relief in zoning, permit procedures, and building laws that may prohibit opportunities for housing.

An applicant requesting an accommodation must have a disability that is defined and protected under Federal and State Housing Law. According to the State's FEHA, there are two categories of disabilities: physical and mental. The applicant is not required to identify the nature or severity of the disability and it is unlawful for the City to make such an inquiry of a person with a disability or one associated with him or her (24 C.F.R. § 100.202; Cal. Gov't Code § 12955 (b)). In most instances, the establishment of a protected disability can be met by describing generally the use of the dwelling, such as licensed residential care facility, home for transitional age youth with disabilities, or sober living home for those in recovery.

Furthermore, the application and procedures are approved by the Community Development Director, reducing the timing of the review process, resulting in a more streamlined process. This is consistent with the intent of the Ordinance of reducing constraints and barriers to housing for persons with disabilities.

ANALYSIS

The proposed Ordinance establishes the Reasonable Accommodation Ordinance in the City's Zoning Code. The proposed City Council Ordinance is attached to this Staff Report as Attachment 1. In summary, the proposed ordinance implements the following:

- Establishes criteria and procedures for the request for Reasonable Accommodation that will be used by an individual with a disability protected under fair housing laws.
- Establishes submittal requirements that are applicable to reasonable accommodation, such as documentation of disability, specific exception or modification to the zoning code, other information that the CDD requires to make a determination.
- Appeal procedures for Reasonable Accommodation decisions.
- Factors for the alteration of the City's Zoning Code.
- Establishes certain findings that the Community Development Director must make to make a decision to grant or deny requested accommodations. These findings are consistent with Fair Housing Laws and the decision-making criteria listed in Program 5.3a above. Program 5.3a from the City's Housing Element is attached to this Staff Report as Attachment 4.

Examples of the types of requests that may be made are provided below:

- *Relief from Yard Setback Requirements:* Wheelchair ramps are required to comply with applicable setback requirements. Under the proposed regulations,

an applicant may seek changes related to yard setback requirements to accommodate the installation of ramps to meet the needs of persons with disabilities who use wheelchairs.

- *Fence Height Restrictions:* A housing provider or developer seeks exception to fence height restrictions when greater privacy is necessary for a person with a disability to use and enjoy the outdoors at a residence.
- *Parking:* An applicant may seek special parking exceptions for the use of a vehicle where the height of the vehicle is prohibiting them from using the garage or space at the home.

PLANNING COMMISSION ACTION

On November 18, 2014, the Planning Commission held a public hearing to consider the proposed Ordinance, adding Sections 153.221 through 153.229, Reasonable Accommodation to Chapter 153, Zoning, of Title XV, Land Usage of the Riverbank Municipal Code. Four (4) Planning Commissioners were present at this meeting: Chair Stewart, Vice Chair Hughes, Commissioner Villapudua and Commissioner McKinney.

During their deliberation, the Planning Commission raised some questions pertaining to the applicability of Reasonable Accommodation for certain types of disabilities and the possibility of developers taking advantage of this Ordinance to reduce setback and development requirements.

No one from the public spoke for or against the item.

Vice Chair Hughes made a motion to adopt Resolution 2014-016, recommending to City Council to adopt the proposed Ordinance, adding Sections 153.221 through 153.229, Reasonable Accommodation to Chapter 153, Zoning, of Title XV, Land Usage of the Riverbank Municipal Code.

Planning Commission adopted Resolution No. 2014-016 and is attached to this Staff Report as Attachment 2.

CITY COUNCIL ACTION

The Public Hearing on the first reading by title only and introduction of this proposed Ordinance was conducted by the City Council on February 10, 2015. After consideration, the City Council moved, said Ordinance No. 2015-004, by a unanimous vote of 5-0, to conduct its second reading by title only and consider its adoption by the City Council on February 24, 2015, as recommended by Planning Commission Resolution No. 2014-016.

ENVIRONMENTAL DETERMINATION

The proposed Ordinance Amendment is not a project for CEQA purposes and is exempt under State CEQA Guidelines Section 15061(b)(3), General Rule, because it can be

seen with certainty that there is not a possibility that the proposal would result in a significant effect on the environment. The proposal is implementing existing State law and is considered an administrative activity and would not, itself, allow any construction or propose any projects. CEQA will be applied on a project-by-project basis if and when such projects are proposed.

FINANCIAL IMPACT

The proposed Ordinance will have no financial impact to the City.

STRATEGIC GOALS

The City of Riverbank Strategic Planning Session is a plan and set of goals that Riverbank will work towards for the next three years. The above action to add Sections 153.221 through 153.229, Reasonable Accommodation is not part of these goals but implements the City's Certified 2009-2014 Housing Element Goals and Policies, specifically Goal 5 and Policy 5.3 as well as State and Federal Fair Housing Laws, which prohibit discrimination in housing against individuals with disabilities.

ATTACHMENTS

1. The Proposed City Council Ordinance No. 2015-004
2. Planning Commission Resolution 2014-016, Dated November 18, 2014
3. 2009-2014 Housing Element, Policy 5.3, Program 5.3a, Page IX-9

(ATTACHMENT 1)

CITY OF RIVERBANK

ORDINANCE NO. 2015-004

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA ADDING SECTIONS 153.221 THROUGH 153.229 TO TITLE XV:
LAND USAGE, CHAPTER 153: ZONING OF THE CITY'S MUNICIPAL CODE**

WHEREAS, the City of Riverbank is authorized by Title 15 Chapter 153.230 to initiate a Zoning Ordinance Amendment whenever public necessity and convenience and the general welfare require such an amendment; and

WHEREAS, the City of Riverbank Planning Commission conducted a Public Hearing on Tuesday, November 18, 2014 to consider this proposed Ordinance to establish the Reasonable Accommodation Ordinance, adding Section 153.221 through 153.229 of Title XV: Land Usage, Chapter 153: Zoning of the City's Municipal Code; and

WHEREAS, the City Council for City of Riverbank has made the following findings for adoption.

1. Pursuant to California Government Code section 65355, the relationship between the proposed Zoning Code Amendment and the General Plan are as follows:
 - a. The proposed Zoning Ordinance will establish a new section in the City's Municipal Code, Reasonable Accommodation and is consistent with Policy 5.3: Adopt Reasonable Accommodation Ordinance and Program 5.3a of the City's adopted and certified 2009-2014 Housing Element;
 - b. The Housing Element of the City of Riverbank must identify and develop a plan for removing governmental constraints to housing for individuals with disabilities including land use and zoning constraints or providing reasonable accommodation; and
 - c. The proposed Ordinance will facilitate Reasonable Accommodation procedures and criteria for the City to reasonably accommodate persons with disabilities and in accordance with state and federal laws.
2. The Federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities an equal opportunity to housing;

(ATTACHMENT 1)

3. The Attorney General of the State of California has recommended that Cities and Counties implement fair housing reasonable accommodation procedures for making land use and zoning determinations concerning individuals with disabilities to further the development of housing for individuals with disabilities;
4. A fair housing reasonable accommodation procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief in the application of land use, zoning and building regulations, policies, practices and procedures will further the City's compliance with federal and state fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities;

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

SECTION 1. *Chapter 153, Zoning of Title XV: Land Usage of the Riverbank Municipal Code is amended to add Sections 153.221 through 153.229, Reasonable Accommodation, which shall read as follows:*

REASONABLE ACCOMMODATION

153.221 PURPOSE

It is the policy of the City of Riverbank, pursuant to the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act, to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This ordinance establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws.

153.222 APPLICABILITY

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities.

An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.

(ATTACHMENT 1)

A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

153.223 NOTICE TO THE PUBLIC OF AVAILABILITY OF ACCOMMODATION PROCESS

Notice of the availability of reasonable accommodation shall be prominently displayed at public information counter in the development services department, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the development services department.

153.224 REQUESTING REASONABLE ACCOMMODATION

- A. In order to make housing available to an individual with a disability, any eligible person as defined in Section 153.256 may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures.
- B. Requests for reasonable accommodation shall be in writing and provide the following information:
 - 1. Name and address of the individual(s) requesting reasonable accommodation;
 - 2. Name and address of the property owner(s);
 - 3. Address of the property for which accommodation is requested;
 - 4. Description of the requested accommodation and regulation(s), policy or procedure for which accommodation is sought; and
 - 5. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
- C. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- D. A request for reasonable accommodation in regulations, policies, practices, and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

(ATTACHMENT 1)

- E. If an individual needs assistance in making the request for reasonable accommodation, the City of Riverbank will provide assistance to ensure that the process is accessible.

153.225 REVIEWING AUTHORITY

- A. Requests for reasonable accommodation shall be reviewed by the Community Development Director, using the criteria set for in Section 153.226.
- B. The Community Development Director shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set for in Section 153.226.
- C. If necessary to reach a determination on the request for reasonable accommodation, the Community Development Director may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

153.226 REQUIRED FINDINGS

The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:

1. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities, as defined and protected under federal and state fair housing laws;
2. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
3. Whether the requested accommodation would impose an undue financial or administrative burden on the City; and
4. Whether the requested accommodation would require a fundamental alteration in the nature of the City's land use and zoning or building program.

153.227 WRITTEN DECISION ON THE REQUEST FOR REASONABLE ACCOMMODATION

(ATTACHMENT 1)

- A. The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the Community Development Director's findings on the criteria set forth in Section 153.226. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by certified mail.
- B. The written decision of the Community Development Director shall be final unless an applicant appeals it to the Planning Commission.
- C. If the reviewing authority fails to render a written decision on the request for reasonable accommodation within the thirty (30) day time period allotted by Section 153.226 the request shall be deemed granted.
- D. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain the full force and effect.

153.228 APPEALS

- A. Within thirty (30) days of the date of the Community Development Director's written decision, an individual may appeal an adverse decision. Appeals from the adverse decision shall be made in writing.
- B. If an individual needs assistance in filing an appeal on an adverse decision, the City will provide assistance to ensure that the appeals process is accessible.
- C. All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- D. Appeal procedures are set for by Riverbank Municipal Code Section 153.251: Appeal. Decisions by staff may be appealed to the Planning Commission and decisions of the Planning Commission may be appealed to the City Council.
- E. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.

153. 229. Severability.

The provisions of these sections of the code are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, or portion of these sections, or the invalidity of the application thereof to any person or circumstances,

(ATTACHMENT 1)

shall not affect the validity of the remainder of this section, or the validity of its application to other persons or circumstances.

6. The Planning Commission has considered the Zoning Ordinance Amendment at a duly advertised public hearing and adopted its Resolution recommending that the City Council approve the application; and
7. Notice of the public hearing on the Zoning Ordinance Amendment was published in the *Riverbank News*, a newspaper of general circulation, on January 28, 2015; and
8. A public hearing was held on February 10, 2015 and all comments were heard and considered by City Council.

SECTION 2. This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank on February 10, 2015. Said ordinance was given a second reading at the regular City Council meeting on February 24, 2015.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on _____, 2014; motioned by Councilmember _____, seconded by Councilmember _____, moved the ordinance for adoption by a roll call vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

Annabelle Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

(ATTACHMENT 2)

**CITY OF RIVERBANK
RESOLUTION NO. 2014-016**

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF RIVERBANK, CALIFORNIA,
RECOMMENDING TO CITY COUNCIL THE APPROVAL
OF ORDINANCE 2014-XXX ADDING SECTIONS 153.221
THROUGH 153.229 TO CHAPTER 153, ZONING OF TITLE
XV, LAND USAGE OF THE CITY OF RIVERBANK
MUNICIPAL CODE**

WHEREAS, on August 24, 2009, the City of Riverbank City Council adopted the 2009-2014 Housing Element; and

WHEREAS, the adopted and certified Housing Element, Policy 5.3 and Program 5.3a calls for the City to adopt written Reasonable Accommodation Ordinance to provide exception in zoning and land-use for housing for persons with disabilities; and

WHEREAS, the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act prohibit discrimination in housing against individuals with disabilities and require that Cities take affirmative action to eliminate regulations and practices that deny housing opportunities to individuals with disabilities; and

WHEREAS, fair housing laws require that Cities provide individuals with disabilities (or their representatives, or developers of housing for people with disabilities) flexibility in the application of land use and zoning regulations; and

WHEREAS, Government Code Section 65583 requires that the Housing Element identify constraints to providing housing for individuals with disabilities, supportive housing and transitional housing and develop strategies as appropriate for removing those constraints, and to have a program(s) that removes constraints to, or provides reasonable accommodations for such housing; and

WHEREAS, the Attorney General of the State of California has recommended that cities and counties implement fair housing reasonable accommodation procedures for making land use and zoning determinations concerning individuals with disabilities to further the development of housing for individuals with disabilities; and

WHEREAS, the Government Code section 65855 requires that the City Council receive input and a recommendation from the Planning Commission on a Zoning Amendment that imposes any regulation listed in Section 65850; and

WHEREAS, notice of the public hearing on the Zoning Ordinance Amendment was published in the *Riverbank News*, a newspaper of general circulation, on November 5, 2014; and

WHEREAS, the Planning Commission has reviewed the Zoning Amendment and conducted a public hearing on November 18, 2014; and

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

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RECOMMENDS CITY COUNCIL APPROVAL OF ORDINANCE 2014-XXX, ATTACHED HERETO AS EXHIBIT A AND INCORPORATED HERIN BY THIS REFERENCE, ADDING SECTIONS 153.221 THROUGH 229, REASONABLE ACCOMMODATION TO CHAPTER 153, ZONING OF TITLE XV, LAND USAGE OF THE RIVERBANK MUNICIPAL CODE BASED ON THE FOLLOWING FINDINGS:

1. Pursuant to California Government Code Section 65854, the recommendation to City Council shall include the relationship to the applicable general or specific plan.
 - a. The proposed Zoning Ordinance will establish a new section in the City's Municipal Code, Reasonable Accommodation and is consistent with Policy 5.3: Adopt Reasonable Accommodation Ordinance and Program 5.3a of the City's adopted and certified 2009-2014 Housing Element;
 - b. The Housing Element of the City of Riverbank must identify and develop a plan for removing governmental constraints to housing for individuals with disabilities including land use and zoning constraints or providing reasonable accommodation; and
 - c. The proposed Ordinance will facilitate Reasonable Accommodation procedures and criteria for the City to reasonably accommodate persons with disabilities and in accordance with state and federal laws.
2. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.
3. The City finds and determines with certainty that the amendments described in Ordinance 2014-XXX are not considered a project and is exempt under the California Environmental Quality Act Section 15061(b)(3) as the ordinance is only implementing Federal and State laws and would not, itself, allow any construction, and each proposed project would be subject to individual CEQA review.

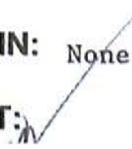
PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 18th day of November, 2014; motioned by Commissioner Hughes, seconded by Chairperson McKinney, and upon roll call was carried by the following vote of 4-0 :

AYES: Chair Stewart, Vice Chair Hughes, Commissioner McKinney and Commissioner Villapu

NAYS: None

ABSENT: Commissioner Degele

ABSTAIN: None

ATTEST: 

APPROVED:


John B. Anderson
Contract Community Development Director


Joan Stewart
Planning Commission Chair

Attachments:

Exhibit "A" – City Council Ordinance 2014-XXX

EXHIBIT A

CITY OF RIVERBANK

ORDINANCE NO. 2015-XXX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA ADDING SECTIONS 153.221 THROUGH 153.229 TO TITLE XV:
LAND USAGE, CHAPTER 153: ZONING OF THE CITY'S MUNICIPAL CODE**

WHEREAS, the City of Riverbank is authorized by Title 15 Chapter 153.230 to initiate a Zoning Ordinance Amendment whenever public necessity and convenience and the general welfare require such an amendment; and

WHEREAS, the City of Riverbank Planning Commission conducted a Public Hearing on Tuesday, November 18, 2014 to consider this proposed Ordinance to establish the Reasonable Accommodation Ordinance, adding Section 153.221 through 153.229 of Title XV: Land Usage, Chapter 153: Zoning of the City's Municipal Code; and

WHEREAS, the City Council for City of Riverbank has made the following findings for adoption.

1. Pursuant to California Government Code section 65355, the relationship between the proposed Zoning Code Amendment and the General Plan are as follows:
 - a. The proposed Zoning Ordinance will establish a new section in the City's Municipal Code, Reasonable Accommodation and is consistent with Policy 5.3: Adopt Reasonable Accommodation Ordinance and Program 5.3a of the City's adopted and certified 2009-2014 Housing Element;
 - b. The Housing Element of the City of Riverbank must identify and develop a plan for removing governmental constraints to housing for individuals with disabilities including land use and zoning constraints or providing reasonable accommodation; and
 - c. The proposed Ordinance will facilitate Reasonable Accommodation procedures and criteria for the City to reasonably accommodate persons with disabilities and in accordance with state and federal laws.
2. The Federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities an equal opportunity to housing;

EXHIBIT A

3. The Attorney General of the State of California has recommended that Cities and Counties implement fair housing reasonable accommodation procedures for making land use and zoning determinations concerning individuals with disabilities to further the development of housing for individuals with disabilities;
4. A fair housing reasonable accommodation procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief in the application of land use, zoning and building regulations, policies, practices and procedures will further the City's compliance with federal and state fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities;

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

SECTION 1. *Chapter 153, Zoning of Title XV: Land Usage of the Riverbank Municipal Code is amended to add Sections 153.221 through 153.229, Reasonable Accommodation, which shall read as follows:*

REASONABLE ACCOMMODATION

153.221 PURPOSE

It is the policy of the City of Riverbank, pursuant to the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act, to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This ordinance establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws.

153.222 APPLICABILITY

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities.

An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.

EXHIBIT A

A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

153.223 NOTICE TO THE PUBLIC OF AVAILABILITY OF ACCOMMODATION PROCESS

Notice of the availability of reasonable accommodation shall be prominently displayed at public information counter in the development services department, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the development services department.

153.224 REQUESTING REASONABLE ACCOMMODATION

- A. In order to make housing available to an individual with a disability, any eligible person as defined in Section 153.256 may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures.
- B. Requests for reasonable accommodation shall be in writing and provide the following information:
 - 1. Name and address of the individual(s) requesting reasonable accommodation;
 - 2. Name and address of the property owner(s);
 - 3. Address of the property for which accommodation is requested;
 - 4. Description of the requested accommodation and regulation(s), policy or procedure for which accommodation is sought; and
 - 5. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
- C. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- D. A request for reasonable accommodation in regulations, policies, practices, and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

EXHIBIT A

- E. If an individual needs assistance in making the request for reasonable accommodation, the City of Riverbank will provide assistance to ensure that the process is accessible.

153.225 REVIEWING AUTHORITY

- A. Requests for reasonable accommodation shall be reviewed by the Community Development Director, using the criteria set for in Section 153.226.
- B. The Community Development Director shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set for in Section 153.226.
- C. If necessary to reach a determination on the request for reasonable accommodation, the Community Development Director may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

153.226 REQUIRED FINDINGS

The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:

1. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities, as defined and protected under federal and state fair housing laws;
2. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
3. Whether the requested accommodation would impose an undue financial or administrative burden on the City; and
4. Whether the requested accommodation would require a fundamental alteration in the nature of the City's land use and zoning or building program.

153.227 WRITTEN DECISION ON THE REQUEST FOR REASONABLE ACCOMMODATION

EXHIBIT A

- A. The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the Community Development Director's findings on the criteria set forth in Section 153.226. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by certified mail.
- B. The written decision of the Community Development Director shall be final unless an applicant appeals it to the Planning Commission.
- C. If the reviewing authority fails to render a written decision on the request for reasonable accommodation within the thirty (30) day time period allotted by Section 153.226 the request shall be deemed granted.
- D. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain the full force and effect.

153.228 APPEALS

- A. Within thirty (30) days of the date of the Community Development Director's written decision, an individual may appeal an adverse decision. Appeals from the adverse decision shall be made in writing.
- B. If an individual needs assistance in filing an appeal on an adverse decision, the City will provide assistance to ensure that the appeals process is accessible.
- C. All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- D. Appeal procedures are set for by Riverbank Municipal Code Section 153.251: Appeal. Decisions by staff may be appealed to the Planning Commission and decisions of the Planning Commission may be appealed to the City Council.
- E. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.

153. 229. Severability.

The provisions of these sections of the code are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, or portion of these sections, or the invalidity of the application thereof to any person or circumstances,

EXHIBIT A

shall not affect the validity of the remainder of this section, or the validity of its application to other persons or circumstances.

6. The Planning Commission has considered the Zoning Ordinance Amendment at a duly advertised public hearing and adopted its Resolution recommending that the City Council approve the application; and
7. Notice of the public hearing on the Zoning Ordinance Amendment was published in the *Riverbank News*, a newspaper of general circulation, on January 28, 2015; and
8. A public hearing was held on February 10, 2015 and all comments were heard and considered by City Council.

SECTION 2. This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank on February 10, 2015. Said ordinance was given a second reading at the regular City Council meeting on February 24, 2015.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on _____, 2014; motioned by Councilmember _____, seconded by Councilmember _____, moved the ordinance for adoption by a roll call vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

Timeframe: By June 2010, adopt updated definitions.

Policy 5.2 Adopt Universal Design Ordinance

Program 5.2a: The City will adopt a universal design ordinance governing construction or modification of homes using design principles that allow individuals to remain in those homes as their physical needs and capabilities change. The City will refer to the HCD website to develop guidelines and a model ordinance consistent with the principles of universal design.

Responsibility: Community Development Department

Timeframe: By June 2010, develop draft Universal Design Ordinance. By June 2011, adopt and implement Universal Design Ordinance.

Policy 5.3 Adopt Reasonable Accommodation Ordinance

Program 5.3a: The City will adopt written reasonable accommodation ordinance to provide exception in zoning and land-use for housing for persons with disabilities. This procedure will be a ministerial process, with minimal or no processing fee, subject to approval by the Community Development Director applying following decision-making criteria:

- The request for reasonable accommodation will be used by an individual with a disability protected under fair housing laws.
- The requested accommodation is necessary to make housing available to an individual with a disability protected under fair housing laws.
- The requested accommodation would not impose an undue financial or administrative burden on the City.
- The requested accommodation would not require a fundamental alteration in the nature of the City's land-use and zoning program.

Responsibility: Community Development Department

Timing: Adopt Zoning Ordinance Amendments by December 2012

GOAL 6: PROMOTE ENERGY CONSERVATION

Policy 6.1: Continue to implement state energy-efficient standards.

Program 6.1a: Continue to implement state energy-efficient standards, including the addition of energy-efficient conditions to planned development approvals.

Responsibility: Community Development Department

Timeframe: Ongoing

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date: February 24, 2015

Subject: An **Ordinance** of the City Council of the City of Riverbank, California, Amending Title XI: Business Regulations, Chapter 110: Business License Tax, by Repealing Section 110.08: Exceptions and Section 110.18: Business License Tax Fees, and Substituting in its Place New Sections 110.08 and 110.18 of the City of Riverbank Code of Ordinances

From: Jill Anderson, City Manager

Submitted by: Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council conduct the first reading and introduction by title only of the proposed ordinance and consider its approval as presented for a seconding reading by title only to consider its adoption at the March 10, 2015, regular City Council meeting.

SUMMARY

The proposed ordinance ("Ordinance") makes a number of changes to Chapter 110, Business License Tax of Title XI, Business Regulations of the R.M.C. These changes are proposed to increase participation in City of Riverbank ("City") community events and to remove previous issues that have come to light regarding the process of securing both a business license and a community special event permit. These changes will promote participation in City events by clarifying the specific entities that are exempt from securing a business license or paying the fees associated with securing a business license and centralizing the process for securing a community special event permit in the Parks and Recreation Department.

The first change the Ordinance makes is a clarification to an exemption from the requirement that all businesses in the City secure a business license. The Ordinance restricts the exemption for independent contractors providing services and programs on behalf of the City Parks and Recreation Department to those independent contractors who are acting as class instructors, carnival operators, circus operators, or other similar event operators that agree to provide a percentage of their revenue from the activity to

the Parks and Recreation Department. This ensures that City staff is aware of all businesses operating in the City either through the business license application process or through an agreement with the Parks and Recreation Department regarding a specific activity.

The second change the Ordinance makes is to exempt nonprofit organizations engaged in special and seasonal activities or nonprofits engaged in charitable activities from paying the fees associated with securing a business license. In addition, vendors engaged in both for profit and not-for-profit activities at City Parks and Recreation Department organized or sponsored events are exempt from paying business license fees. These changes will encourage vendors to participate in City Parks and Recreation Department events and will encourage not-for-profit groups to organize special and seasonal activities.

The final change the Ordinance includes is to streamline the process of applying for a community special event permit. This permit is required in addition to the business license the entity must secure from the City. The community special event permit application is now provided by the City Clerk, but the Ordinance shifts that responsibility to the Director of the Parks and Recreation Department. Further, the Director of the Parks and Recreation Department, the Director of Development Services, the Sheriff's Department, and other involved City Department review the application for the permit. The permit is then issued after final approval from the City Council. The Ordinance also makes a slight alternation to the name of the permit altering the title from special community event permit to community special event permit.

BACKGROUND

Chapter 110, Business License Tax of Title IX, Business Regulations, of the R.M.C. has undergone a number of revisions since the time it was adopted. These changes are a result of ongoing use of this section of the R.M.C. and the application of these provisions to the current situation the City must respond to, including an active community engaged in numerous seasonal and special events. The changes in the Ordinance are an effort make the R.M.C. more clear and to make use of the provisions of Chapter 110, Business License Tax more efficient.

FINANCIAL IMPACT

The Ordinance will result in a loss of business license fees paid to the City by not for profit groups and vendors associated with Parks and Recreation Department events. However, the greater participation in these events may result in more revenue to the City as it can attract more individuals to the City to attend City events.

ATTACHMENT

1. Proposed Ordinance

CITY OF RIVERBANK

ORDINANCE NO. 2015-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AMENDING TITLE XI: BUSINESS REGULATIONS, CHAPTER 110:
BUSINESS LICENSE TAX, BY REPEALING SECTION 110.08: EXCEPTIONS AND
SECTION 110.18: BUSINESS LICENSE TAX FEES, AND SUBSTITUTING IN ITS
PLACE NEW SECTIONS 110.08 AND 110.18 OF THE CITY OF RIVERBANK CODE
OF ORDINANCES**

WHEREAS, The City of Riverbank ("City") seeks to encourage active participation in the community through Parks and Recreation sponsored community events; and

WHEREAS, Removing fees and other administrative barriers to participation will expand the type of vendors attracted to the City and thereby encourage more community participation; and

WHEREAS, Clearly defining the Parks and Recreation Department's role in the community special event permit process will allow for expeditious planning and review of community special events; and

WHEREAS, the City Council finds that it is in the interest of public health, safety and welfare to revise the requirements regarding business license fees in specific circumstances and the process associated with community special events permits to insure community involvement and participation is not unduly hampered.

**THE CITY COUNCIL OF THE CITY OF RIVERBANK DOES HEREBY ORDAIN AS
FOLLOWS:**

Title XI: Business Regulations, Chapter 110: Business License Tax, Section 110.08: Exceptions, of the Riverbank Municipal Code shall be repealed in its entirety and substituted with a new Section 110.08 to read as follows:

§ 110.08 EXCEPTIONS.

(A) Nothing in this chapter shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or the state from the payment of such taxes as are herein prescribed.

(B) Any person claiming an exemption pursuant to this section shall file a sworn statement with the Collector stating the facts upon which exemption is claimed, and ++the absence of such statement substantiating the claim, such person shall be liable for the payment of the taxes imposed by this chapter.

(C) The Collector shall, upon a proper showing contained in the sworn statement, issue a license to such person claiming exemption under this section without payment to the city of the license tax required by this chapter.

(D) The Collector, after giving notice and a reasonable opportunity for a hearing to a licensee, may revoke any license granted pursuant to the provisions of this section upon information that the licensee is not entitled to the exemption as provided herein.

(E) Persons engaged in the rental of real property, provided that the average total monthly gross receipts from all rentals does not exceed \$1,000 and that the number of rental units does not exceed ten, shall also be exempt.

(F) Any public utility possessing a franchise granted by the city, and making an annual payment under such franchise, shall not be subject to the provisions of this chapter.

(G) The City ~~Council~~ Manager may exempt a nonprofit corporation, association, club or society, from the payment of the business license tax ~~fee~~ upon ~~a showing of good cause providing documentation of current nonprofit status.~~ The nonprofit must be organized primarily for charitable purposes, including but not limited to veteran affairs, public welfare, and civic betterment.

(I) Independent contractors retained by the city for the express purpose of providing recreational services and programs on behalf of the City Parks and Recreation Department, shall also be exempt. This exemption is limited to independent contractors who are class instructors, carnival operators, circus operators, and other similar event operators that agree to provide a percentage of the revenue generated from the activity to the Parks and Recreation Department.

(I) The business license fees for special and seasonal activities, as listed under § 110.18(B), shall be waived for all nonprofit organizations that provide documentation of current nonprofit status. Vendors, whether for profit or not for profit, operating at City Parks and Recreation Department organized or sponsored events shall be exempt from paying the business license fees.

(J) Every soldier, sailor or marine of the United States who has received an honorable discharge or a release from active duty under honorable conditions from such service, and provides documentation to the Collector to that effect, may hawk, peddle and vend any goods, wares or merchandise owned by him, except spirituous, malt, vinous or other intoxicating liquor, without payment of any license, tax or fee whatsoever, and the Collector shall issue to such soldier, sailor or marine, without cost, a license therefor.

THE CITY COUNCIL OF THE CITY OF RIVERBANK DOES HEREBY ORDAIN AS FOLLOWS:

Title XI: Business Regulations, Chapter 110: Business License Tax, Section 110.18: Business License Tax Fees of the Riverbank Municipal Code shall be

repealed in its entirety and substituted with a new Section 110.18 to read as follows:

§ 110.18 BUSINESS LICENSE TAX FEES.

_____(A) *General license fee.*

_____(1) Every person who engages in business within the city or who has a fixed place of business inside the city shall pay a license fee as follows:

<i>Number of Employees</i>	<i>Annual Fee</i>
Sole proprietor	\$ _75
1 - 25	<u>\$</u> 75
26 - 50	<u>\$</u> 125
51 - over	<u>\$</u> 200
One time set up charge for new businesses	<u>\$</u> 25
Contractors/Subcontractors	<u>\$</u> 120 or \$30 quarterly fee

~~—(2) There is hereby established a parking fund, which shall be used for the acquisition, leasing, construction, development, maintenance and repair of city parking lots and facilities. Commencing as of October 1, 1977, there shall be paid into the parking fund the sum of \$2 from each quarterly license tax fee paid by every person who engages in a business within the city. Parking fund monies shall be expended for no other purpose, excepting upon the unanimous vote of five councilmen.~~

(2) SB 1186 requires the city to add a separate line item \$1.00 fee to business license applications. That fee is hereby added to all business license applications.

_____(B) *Special and seasonal activities.*

(1) For profit organizations:

(1) _____ Christmas tree sales	<u>_____</u> \$50
<u>_____</u> Fireworks stands, carnivals, circus, and the like	\$50 per day
(local nonprofit organization is exempt)	
<u>_____</u> Carnivals	<u>\$50 per day</u>

Circuses	\$50 per day
Other similar uses	\$50 per day
Cheese and wine	15
Farmers' market	15

~~_____ (2) For nonprofit organizations. The business license fees for the special and seasonal activities shall be waived for all nonprofit organizations, as indicated under the Exemptions clause of § 110.08(l), for all nonprofit organizations, provided, however, that all persons including nonprofit organizations conducting one of these business activities shall pay a \$25 cleaning deposit to the city which shall be fully refunded to the licensee if the location is cleaned up within ten days after the last date of business.~~

_____(C) *Garage sales.* Garage sales conducted in any residentially zoned area shall be subject to the limitations of any “home occupation” as set forth in the Code of Ordinances.

_____(1) All garage sales must be licensed by the city.

_____(2) The license fee for a garage sale shall be \$5 per calendar year which entitles the licensee to hold two garage sales per calendar year, provided that each sale lasts no longer than three consecutive days.

_____(D) ~~*Special Community special events.*~~ - permit requirements.

_____(1) No person shall conduct or sponsor a community special community event without first obtaining a permit and paying the applicable fees thereto set by City Council resolution. ~~therefor from the City Council.~~ ~~As used herein, the term “special community event” shall be understood and construed to mean any activity or event which is open to the public. Applications for permits shall be made to the City Clerk on forms supplied by the City Clerk.~~ Applications for permits shall be made to the Parks and Recreation Department on forms supplied by the Parks and Recreation Department. The applications shall be made at least 60 days prior to the proposed date for the community special community event. Failure to file an application 60 days in advance of the proposed date for the community special event may not necessarily will ~~not result in automatic denial of the permit, provided that the applicant shows reasonable grounds why the application could not be filed 60 days in advance but where there is insufficient time for staff review of the application, the permit shall be automatically denied.~~ All permit applications shall disclose the following information:

_____(a) ~~Name of sponsoring entity.~~

_____(b) ~~Dates and times of proposed event.~~

_____(c) ~~Whether or not applicant believes special policing is necessary, and if so, to what extent.~~

_____(d) ~~Cleanup plan.~~

_____(e) ~~Names and addresses of vendors, if any.~~

- ~~_____ (f) Any request for use of public rights-of-way.~~
- ~~_____ (g) Parking plan.~~
- ~~_____ (h) Whether or not alcoholic beverages are to be sold.~~
- ~~_____ (i) Availability of restroom facilities.~~
- ~~_____ (j) Use, if any, of live music or loud speakers.~~

_____ (2) All applications for permits shall be reviewed and approved by the Director of Parks and Recreation or his or her designee, the Director of Development Services or his or her designee, approved by the Sheriff's Department, Commanding Officer and any other City Department that may be involved in preparation for the event prior to being submitted to the City Council or City Manager for final approval, subject to the conditions listed below. The event organizer present at the event shall display a copy of the approved permit at all times the event is in operation.

_____ (a) A “new” community special event that has not at one time been approved to occur in the City of Riverbank by the City Council shall be presented to the City Council for final approval.

_____ (b) Any community special event that demands the City of Riverbank expend a significant amount of city staff time, funds, fee waivers, or resources, as determined by the City Manager, shall be presented to the City Council for final approval.

(c) An annual community special event that has at one time been previously approved by the City Council and does not demand the City of Riverbank expend a significant amount of city staff time, funds, fee waivers, or resources, as determined by the City Manager, may thereafter be approved by the City Manager.

(3) As used in this subsection “community special event” shall be construed and understood as follows:

(a) Any street fair, circus, farmers market, street market, art and craft show, exhibition (i.e., car show, air show), carnival, festival, or indoor or outdoor musical concert or other social event or gathering which occurs on a City street, sidewalk, alley or other street right-of-way, City park, or City facilities:

(i) Which is likely to obstruct, delay, or interfere with the normal flow of pedestrian traffic; or

(ii) Whose participants are likely not to comply with traffic laws and controls; or

(iii) Which involves the use or impacts upon other public property or facilities and the provision of City public safety services in response thereto.

(b) Community special event shall not include events that are organized for the principle purpose of the exercising free speech rights. "Free speech rights" means expressive activity, protected by the First Amendment of the United States Constitution or Article 1, Section 2, of the California Constitution.

Cross-reference:

Fireworks stands specifications, see § 92.17

Home occupations, see §§ 153.265 through 153.267

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

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank on February 24, 2015. Said ordinance was given a second reading at the regular City Council meeting on March 10, 2015.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on _____, 2014; motioned by Councilmember _____, seconded by Councilmember _____, moved the ordinance for adoption by a roll call vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan, City Attorney

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.2

SECTION 5: PUBLIC HEARING

Meeting Date: February 24, 2015

Subject: Table the First Reading and Introduction by Title Only of an Ordinance of the City Council of the City of Riverbank Amending Title Ix: General Regulations; Chapter 91: Animals and Chapter 94: Park Regulations, of the City of Riverbank Code of Ordinances

From: Jill Anderson, City Manager

Submitted by: Sue Fitzpatrick, Director of Parks and Recreation
Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council:

1. Open the Public Hearing,
2. Receive comments,
3. Close the Public Hearing, and
4. By roll call vote, **motion to table** the first reading and introduction of the Ordinance until further notice.

SUMMARY

After staff's further review of the proposed ordinance amendments, it was determined that additional clarification of the content is needed. Upon finalizing the amendments necessary to achieve the needed code of ordinances, staff will notice the public hearing for another scheduled presentation of the proposed ordinance amendments for City Council's consideration.

FINANCIAL IMPACT

There is no financial impact.

ATTACHMENTS

There are no attachments to this report.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.3

SECTION 5: PUBLIC HEARING

Meeting Date: February 24, 2015

Subject: A **Resolution** of the City Council of the City of Riverbank, California, to Establish, Amend, or Authorize Fees for the City of Riverbank Recreation Programs, Parks and Facility Use

From: Jill Anderson, City Manager

Submitted by: Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council consider approval of the proposed fees as presented.

SUMMARY

The Spring/Summer 2015 recreation program schedule has been completed and the related fees are being presented for City Council's review and approval. While it is recommended that the majority of fees for existing recreation programs remain the same, it is requested that the City Council consider slight fee adjustments to the following programs due to increased costs. In addition, fees for new recreation programs being offered need to be established and therefore are also presented.

The scholarship fund is available to meet the needs of those who are unable to afford the various classes, programs or events.

CITY OF RIVERBANK PARKS AND RECREATION FEE SCHEDULE SPRING/SUMMER 2015

Class/Camp	Current Fee	Proposed Fee
Got Color? Fun Run	New Program	\$ 30.00 – single runner \$ 50.00 – (2) runners \$ 80.00 – (3) runners \$110.00 – (4) runners
Hip Hop Camp	New Program	\$ 55.00
Outdoor Adventure Camp	\$80.00	\$ 90.00
Beginning Skateboard Camp	\$35.00	\$ 45.00

Summer Fun and Science Fun	\$80.00	\$90.00
Cheerleading Camp	\$45.00	\$55.00
Intermediate Skateboard Camp	\$35.00	\$45.00
Basketball Camp	\$55.00	\$65.00
Games Explosion Camp	New Program	\$90.00
Little Dribblers	New Program	\$55.00
Little Putters	New Program	\$55.00
Santa Cruz Teen Trip	New Program	\$25.00
Pioneer Trail Camping Trip	New Program	\$20.00
T'ai Chi Ch'uan	New Program	\$85.00

FINANCIAL IMPACT

The Financial Impact would be reflected in revenue for the 2015-2016 budget predominately within the enterprise fund as most of these programs, with the exception of the Aquatics programs, are operated as contract classes. Contract classes are designed to be self-sufficient and generate revenue with the City retaining 30% of fees collected and the contract instructor retaining 70%.

ATTACHMENTS

The following items are attached to this report:

1. Resolution with Exhibit A

CITY OF RIVERBANK

RESOLUTION NO. 2015-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, TO ESTABLISH, AMEND, OR AUTHORIZE FEES FOR THE CITY OF
RIVERBANK RECREATION PROGRAMS, PARKS AND FACILITY USE**

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

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

WHEREAS, The foregoing rates continue and take effect on March 1, 2015 by resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approve and establish the stated fees as outlined in **Exhibit A**.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 24th day of February, 2015; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

Annabelle H. Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

Attachments:

Exhibit A
City of Riverbank
Recreation Program Fees Spring/Summer 2015

Class/Camp	Current Fee	Proposed Fee
Got Color? Fun Run	New Program	\$30.00 single 2 Runners \$50.00 3 Runners \$80.00 4 Runners \$110.00
Hip Hop Camp	New Program	\$55.00
Outdoor Adventure Camp	\$80.00	\$90.00
Beginning Skateboard Camp	\$35.00	\$45.00
Summer Fun and Science Fun	\$80.00	\$90.00
Cheerleading Camp	\$45.00	\$55.00
Intermediate Skateboard Camp	\$35.00	\$45.00
Basketball Camp	\$55.00	\$65.00
Games Explosion Camp	New Program	\$90.00
Little Dribblers	New Program	\$55.00
Little Putters	New Program	\$55.00
Santa Cruz Teen Trip	New Program	\$25.00
Pioneer Trail Camping Trip	New Program	\$20.00
T'ai Chi Ch'uan	New Program	\$85.00

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.4

SECTION 5: PUBLIC HEARING

Meeting Date:	February 24, 2015
Subject:	A Resolution of the City Council of the City of Riverbank, California, Authorizing the First Public Hearing for the 2015 Community Development Block Grant Notice of Funding Available (NOFA) Cycle
From:	Jill Anderson, City Manager
Submitted by:	Marisela H. Garcia, Director of Finance Rosa Casas, Housing Specialist

RECOMMENDATION

It is recommended that the City Council hold the first public hearing regarding the submittal of a potential application for the 2015 Community Development Block Grant Notice of Funding Available.

SUMMARY

The City of Riverbank Housing Division is seeking input from the City Council and the public regarding the submittal of a grant application in response to the 2015 Notice of Funding Available issued by the State of California Department of Housing & Community Development for the Community Development Block Grant (CDBG) Program. Applicants are required to hold a public hearing to solicit public input on possible activities to be included in the application that the City of Riverbank Housing Division is anticipated to submit in April 2015.

BACKGROUND

The State of California Department of Housing and Community Development (HCD) has released the 2015 Notice of Funding Available for the Community Development Block Grant (CDBG) Program. The Notice of Funding Available (NOFA) announced the availability of approximately \$24,983,999 in federal fund allocations available to local non-entitlement municipalities. It is estimated that up to \$2,000,000 could be available to the City of Riverbank. A second application may be submitted to apply for Economic Development Over-the-Counter (OTC) grants and is limited to \$5,000,000 per year.

Eligible activities funded under the CDBG allocations consist of the following programs:

- Ø Business Assistance (BA) Projects and Programs;
- Ø Microenterprise (ME) Assistance Programs;
- Ø Housing Rehabilitation (HR) Programs and Projects;
- Ø Homeownership Assistance (HA) Programs;
- Ø Housing Acquisition Projects;
- Ø Public Infrastructure Projects;
- Ø Public Facility Projects;
- Ø Public Service Programs; and
- Ø Planning and Technical Assistance Grants

Every CDBG-funded activity we apply for must meet one of the following two National Objectives:

1. Benefit to low- and moderate-income persons; or,
2. Prevention or elimination of slums or blight.

The City has been very successful in the submittal of grant applications in previous years. Previously awarded grants include the following:

- Ø 2003: \$500,000 – 4 Home Rehabilitation Projects
- Ø 2004: \$1,454,000 – 17 Home Rehabilitation & First-Time Home Buyer Projects
- Ø 2010: \$400,000 – 5 Home Rehabilitation Projects
- Ø 2013: \$1,000,000 – Housing Rehabilitation & First-Time Home Buyer Projects (program is currently in progress).

The Housing Division is considering applying for the following projects:

1. First Time Home Buyers Acquisition with Home Rehabilitation,
2. First Time Home Buyers Acquisition,
3. Public Facility Projects.

It is recommended that the City Council open the public hearing to solicit public input on additional projects or programs to be considered for inclusion on the 2014 CDBG NOFA application.

The City will hold a second public hearing on March 24, 2015 to request the formal submittal of the grant application. Submittal of a grant application is highly dependent on whether the City has expended at least 50% of the grant funds received in 2013.

FINANCIAL IMPACT

There is no financial impact during the Public Hearing phase.

ATTACHMENT

1. Resolution

CITY OF RIVERBANK

RESOLUTION NO. 2015-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AUTHORIZING THE FIRST PUBLIC HEARING FOR THE 2015
COMMUNITY DEVELOPMENT BLOCK GRANT NOTICE OF FUNDING AVAILABLE
(NOFA) CYCLE**

WHEREAS, the State of California Department of Housing and Community Development has issued the 2015 Notice of Funding Available (NOFA) for the Community Development Block Grant (CDBG) Program; and,

WHEREAS, the City of Riverbank Housing Division is interested in submitting a grant application in response to said NOFA; and

WHEREAS, a requirement of the NOFA is the holding of a public hearing prior to the grant application submittal in order to seek City Council and public input regarding potential application activities; and

WHEREAS, a City of Riverbank, Public Hearing Notice was published in the local newspaper of general circulation and posted on February 4, 2015; and

WHEREAS, the City Council of the City of Riverbank acknowledges the Public Hearing for a future grant application for the 2015 CDBG NOFA funding cycle; and,

WHEREAS, each public hearing adheres to the Citizen Participation/Public Hearing requirements as established by the State of California and as outlined by the Notice of Funding Available.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby acknowledges the first Public Hearing for the 2015 CDBG NOFA funding cycle.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 24th day of February 2015; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.5

SECTION 5: PUBLIC HEARING

Meeting Date:	February 24, 2015
Subject:	A Resolution of the City Council of the City of Riverbank, California, Approving the Fiscal Year 2014-2015 Mid-Year Budget Amendments
From:	Jill Anderson, City Manager
Submitted by:	Marisela H. Garcia, Director of Finance

RECOMMENDATION

It is recommended that City Council consider 1) Approval of the Fiscal Year 2014-15 Mid-Year Budget Amendments, and 2) Provide Guidance on One-Time Capital Expenditures that will impact the City Budget.

SUMMARY

The Finance Department has performed a mid-year review of the Fiscal Year 2014-15 budget and is recommending the following: 1) budget amendments based on actual beginning reserve changes, 2) amendments based on revenue and expenditure trends, and 3) requesting guidance on one-time capital expenditures that will impact the City's budget.

BACKGROUND

On June 24, 2014 the City Council was presented with the FY 2014-15 Annual Operating Budget. This operating budget was prepared using estimates and projections on anticipated revenues and expenditures. For the General Fund, the City Council approved a structural surplus budget, where revenues received were projected to exceed expenditures. The General Fund Budget approved was as follows:

Beginning Reserve	\$ 819,204 (9.8%)
Estimated Revenues	\$8,263,700
Estimated Expenditures	\$8,235,550
Anticipated Ending Reserve	\$ 847,354 (10.3%)
Required Minimum Reserve (10%)	\$ 826,370
Reserve Overage	\$ 20,984
Structural Surplus	\$ 28,150

An important component of a mid-year budget evaluation is determining whether projections made during the final budget adoption continue to remain true as revenues are received and expenditures have been made. In addition, new information that is received from Stanislaus County and/or the State of California is reviewed for its potential impact to the City's budget and amendments are requested accordingly.

The following is a fund by fund analysis of recommended adjustments to revenues and expenditures highlighting those changes that are of significant impact to the budgets. A detailed listing of all accounts being adjusted is attached as Exhibit A.

General Fund (Fund 101)

Revenues

The mid-year review of all General Fund revenues resulted in a recommended net increase of **\$375,900**. Significant adjustments were made to the following revenues:

- Ø Property Tax Current Secured – Recommended Adjustment: **-\$34,000**. Based on property value estimates received from Stanislaus County, the initial increase to Property tax was projected at 9.9%. Revised estimates place this increase at 7%, thus our budget is being amended accordingly.
- Ø Property Tax Prior Secured – This revenue source accounts for delinquent payments that are received in the current year but that were charged in the prior fiscal year. The City did not anticipate a large influx of these revenues therefore, an amendment of **+\$27,200** is requested.
- Ø Building Permit Fees – Recommended Adjustment: **+\$65,000**. As the housing market slowly begins to rebound from the recession, developers have begun to pull new construction building permits to complete housing developments previously approved. The Cornerstone Development in Crossroads (KB Homes) has had significant activity. Solar permits are also on the rise throughout the city.
- Ø VLF Property Tax – Recommended Adjustment: **+\$105,400**. These revenues are highly dependent on property tax values. The annual allocation is set by the State of California. Initial estimates were based on the prior year receipts and are being amended based on data received from the State.
- Ø Grants – Recommended Adjustment: **+\$207,000**. The City continues its work on the SR 108 Relinquishment. This grant directly offsets the consulting and staff expenditures that are anticipated this fiscal year.
- Ø Transfers In of Management Fees – Recommended Adjustment **-\$43,800**. Salary savings from vacant positions and health insurance savings have caused a decrease in the amounts to be reimbursed from other funds for employee costs.

It is important to note that of the Revenue adjustments recommended, 55% of the total (\$207,000) are one-time fees, as opposed to on-going revenues.

Expenditures

Expenditure reviews consisted of evaluating all accounts to ensure that the original budget would be sufficient to meet anticipated expenditures through the end of the fiscal year. When evaluating accounts, Finance has taken into consideration new information affecting expenditures, as well as spending trends. This mid-year evaluation (review) has resulted in a recommended net increase in expenditures for the General Fund of **+\$239,300**.

Major expenditure adjustments are being recommended for the following:

- Ø Finance Department (403) Professional Services: An additional allocation of **\$13,900** is requested to fund one-time expenditures associated with the transition to a new billing service as well as the expenditures associated with the Proposition 218 protest vote for increase in Garbage rates.
- Ø Planning Department (405) Personnel Regular: The full-time Planning and Building Manager position continues to be vacant. It was projected that by October 2014 a new manager would be on staff. At this time the City is in a successful partnership with the firm of J.B. Anderson Land Use Planning in order to provide necessary planning assistance. **Therefore, a decrease of \$59,700 is recommended for the Planning Personnel Regular Account. An additional decrease of \$28,100 is requested for benefit savings for a total of \$87,800.**
- Ø Planning Department (405) Professional Services: An adjustment of **\$87,800** is recommended for the continued planning services provided by J.B. Anderson. This amount is directly offset by the salary savings of the vacant position.
- Ø SR 108 Relinquishment Plan (439) – **Recommended Adjustment: \$207,000.** This item is grant funded and reimbursed in full by the State of California for the continued work on the future plan for the relinquishment of State Highway 108.

With the approved amendments, the General Fund is anticipated to end this fiscal year with a reserve of 10.5% or \$910,750.

Beginning Reserve	\$819,200 (9.8%)
<i>Adjusted Revenues</i>	\$8,639,600
<i>Adjusted Expenditures</i>	\$8,552,750
Anticipated Ending Reserve	\$906,050 (10.5%)
Structural Surplus	\$86,850
Surplus to Reserve	\$42,090

Gas Tax Fund (Fund 102)

The Gas Tax Fund receives revenues from a variety of Highway Users Taxes collected from the State of California via vehicle fuel purchases. Revenues may only be used to fund Street & Roads related projects and expenses. Revised revenue estimates have been received from the State of California. Adjustments to Gas Tax revenue sources is recommended as follows:

Account	Adjustment	Reasoning
State Gas Tax 2107	+\$55,500	Revised revenue estimates from the State of California
State Gas Tax 2105	+\$25,400	Revised revenue estimates from the State of California
Miscellaneous Revenue	+\$250	Based on Current Revenue Trend
Total Net Effect	+\$81,150	

Expenditures remain steady for the Gas Tax Account which funds important services such as street maintenance repairs and street sweeping, and street light utilities. Major Expenditure adjustments that are being recommended in the Gas Tax Fund are:

Account	Adjustment	Reasoning
Personnel Overtime	+\$2,000	Additional Overtime funds due to storm events
PERS Retirement	-\$2,000	Revised estimate based on current salaries
Health Dental Vision Ins.	-\$7,000	Revised estimates based on prior year savings

Overall, the health of the Gas Tax Account has been steadily improving from the significant deficits that were experienced several fiscal years ago. The Fund has been able to capture revenues for much needed improvements to some of our busier streets and to fund necessary ADA improvements to our curb, gutter, and sidewalks.

An adjustment of **+\$140,846** will be made to the beginning reserve as of July 1, 2014. This adjustment is due to the receipt of Gas Tax Revenues over and above those anticipated. The Gas Tax Fund reserve as of June 30, 2015 will be as follows:

Beginning Reserve	\$408,504
Revised Revenues	\$803,209
Revised Expenditures	\$762,100
Revised Ending Reserve	\$449,613 (56%)

Sewer Fund (Fund 106)

The Sewer Fund is a business-type account that has been established to fund the necessary maintenance and improvements to our sewer collection and sewer treatment systems. Revenues are received from user fees from residents, commercial, and industrial entities and may only be used for sewer-related expenditures.

Sewer Service Charges from our residential and commercial customers are anticipated to meet current projections. Industrial Permit Fees charged to large industrial wet users has seen an increase due to Pacific Gold Company and the expansion of Compass Foods. A revenue adjustment of **+30,700** is requested for this revenue source.

Sewer Expenditures are overall below the anticipated budget due to the prudent spending by the division. Material amendments are requested in the following expenditure accounts:

Account	Adjustment	Reasoning
Personnel Overtime (423)	+\$1,000	Additional Overtime funds due to storm events
Self-Insurance (423)	+\$400	Revised estimate based on current salaries
Health Dental Vision (424)	-\$2,000	Revised estimates based on prior year savings
Self-Insurance (424)	+\$800	Revised estimate based on current salaries
Deferred Compensation (424)	-\$1,800	Revised estimate based on actual employee costs

The Sewer Fund beginning reserve projections is being amended from \$318,694 to \$504,792 for an actual increase of **+\$186,098**.

Overall, the Sewer Fund is anticipated to end with a reserve of 15% providing funds for future projects and addressing deferred maintenance. Despite this reserve, the Sewer fund continues to run structural deficits. This deficit is indicative of the fact that the revenues currently being collected are not sufficient to meet all the costs of operating our sewer system.

In summary, the Sewer Fund is anticipated to end as follows:

Beginning Reserve	\$504,792
Estimated Revenues	\$2,092,850
Estimated Expenditures	\$2,281,200
Anticipated Ending Reserve	\$316,442 (15%)

Water Fund (Fund 114)

The Water Fund is a business-type account that has been established to fund the necessary maintenance and improvements to our water distribution system. Revenues are received from user fees from residents, commercial, and industrial entities and may only be used for water-related expenditures.

Minor revenue and expenditure adjustments are being proposed for the Water Fund which will result in a net increase to revenues of \$500 and a net decrease to expenditures of \$300. The largest mid-year adjustment is to the beginning reserves of the Water Fund. Based on actual receipts and expenditures for the 2013-14 Fiscal Year, the Water Fund beginning reserve for the 2014-15 Fiscal Year will increase by **+\$268,815.**

Adjustments and/or budget transfers being requested for all funds are reflected on Exhibit A which is attached to this document.

REQUEST FOR CITY COUNCIL GUIDANCE ON EXPENDITURES

As part of the mid-year review, departments are asked to evaluate their budgets and determine whether additional funds are necessary for extraordinary items that may be upcoming in their divisions. These items are being presented for guidance from Council as to their inclusion or exclusion from the City's budget.

- Ø \$14,700 for the replacement of the HVAC units at the Scout Hall. Each unit is well over 20+ years and is in dire need of being replaced with units that are much more energy efficient.
- Ø \$4,900 for the dry rot repairs at Castleburg Park. This item was requested during the preparation of the annual budget and was asked to be reconsidered during the mid-year budget. With funds currently available in the General Fund, it is requested that this item be financed.
- Ø \$3,000 to transition the Administration Department Supply Room into an office for the Administrative Analyst/Human Services Specialist.
- Ø \$5,000 in training fees for the Administration Department to continue funding Management Consulting assistance for leadership development.

Feedback on the potential of proceeding with any of the items above is requested from the City Council in order to begin evaluating its impact on the City's budget.

CONCLUSION

The mid-year budget review is an opportunity for the City Departments to revisit their initial budgets and recommend adjustments based on actual activity that is occurring or on activity that is anticipated to occur. Therefore it is recommended that the City Council take the following action:

- 1) Approve the mid-year budget amendments as presented in Exhibit A and,
- 2) Provide Direction on the new Budget Appropriations.

FINANCIAL IMPACT

Fund	Reserve Adjustment	Net Revenue Adjustment	Net Expenditure Adjustment
General Fund	\$0	+\$375,900	+\$244,000
Gas Tax	+\$140,846	+\$81,150	-\$7,000
Sewer Fund	+\$186,098	+\$31,200	-\$1,100
Water Fund	+\$268,815	+\$500	-\$300
Equipment Pool	\$0	-\$5,174	-\$5,174
Asset Seizure	\$0	\$0	+\$21,800
Recreation Fund	\$0	+\$3,200	+\$3,200
SDF: General Gov	\$0	\$0	+\$7,000

ATTACHMENT

1. Mid-Year Financial Report
2. Exhibit A: Recommended Mid-Year Budget Amendments
3. Resolution



City of Riverbank

Mid-Year Financial Status Report – Fiscal Year 2014-2015

As of December 31, 2014

CURRENT FINANCIAL CONDITION

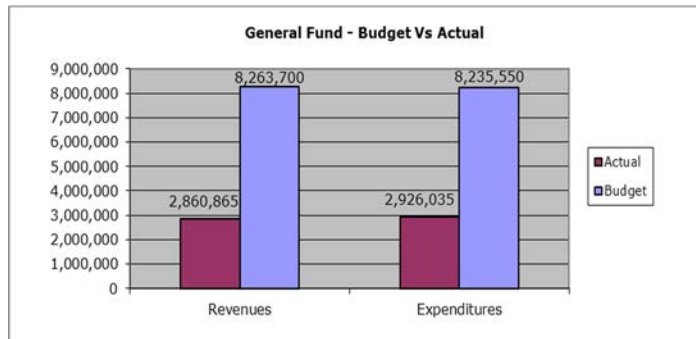
The City's fiscal condition at the end of the fiscal year is stable. All operational funds, including general and enterprise funds are anticipated to meet budget projections by the end of the fiscal year (June 30, 2014).

Revenue sources are on target to meet or exceed budget projections. Timing issues in the receipt of certain revenue sources affect the quarter ending balances, but staff anticipates their receipt in future periods. In those cases where revenues are less than budgeted, reduced expenditures must result in positive balances by year-end. Expenditures in all funds are currently less than the anticipated 50%.

GENERAL FUND

The City's General Fund is fiscally stable with actual revenues received of \$2,860,865 or 35% of the budgeted revenues. Several General Fund Revenues have timing differences and are not recorded as revenues until they are received. Expenditures of \$8,235,429 were at 99.1% of the budget.

The ending Fund Balance (Reserve) as of June 30, 2015 is projected to end at \$910,750 or 10.5%, slightly above the required 10% established by the City Council. Despite this outlook, City Departments were asked to continue to be prudent in their spending in order to secure funds for the budgeted expenditure increases in the 2014-15 fiscal year.



GENERAL FUND REVENUES

Revenues by Category	Budget	YTD Actual	%
Property Taxes	2,768,500	760,153	27%
Sales Tax	2,700,000	690,228	26%
Franchise Fees	527,100	149,967	28%
Police Services	129,000	58,406	45%
Service Charges	116,100	73,924	64%
Permits & Licenses	118,800	109,987	93%
Other Taxes	38,400	23,295	61%
Intergovernmental	100,000	164,340	164%
Fines	32,100	18,890	59%
Interest	48,600	17,417	36%
Inter-fund Transfers	1,685,100	794,259	47%
Total	\$8,263,700	\$2,860,866	35%

➤ **Property Taxes:**  The City has only 27% of the budgeted revenues. One half of the City's Property Tax Revenue is received in the months of December and January. This report reflects only that revenue which was received in December. The mid-year budget revise includes adjustments to both the Property Tax Current Secured (-\$34,000) and an increase to Property Tax in Lieu of VLF revenues of +\$105,400. These two revenue sources are highly dependent on property values which have continued to increase due to Prop 8 reversals.

➤ **Sales Tax:**  Sales tax revenues to date are at 26% of the budgeted amount. Sales tax activity throughout the County and the State continues to rebound from the economic crisis that began in 2008. Sales Tax revenue from the state lags two months behind which accounts for the account currently being under budget. Sales Tax is anticipated to be on budget.

➤ **Franchise Fees:**  Franchise Fees collected for the year include fees that are collected on a monthly basis from Gilton Solid Waste for refuse collection services. The City also collects franchise fees from AT&T, Charter Communications, PG&E and MID. Franchise fees are based on consumer activity. The City has received 28% of budgeted revenues since the City has only received 1st quarter revenues from PG&E and MID.

➤ **Police Services:**  Fees collected for citations issued by the Riverbank Police Services via Vehicle Releases and Parking Citations are at a stable level.



➤ **Service Charges:** ☀ Fees charged for miscellaneous City services and for Plan Check and Planning & Zoning Fees are over budget. These types of fees are only collected based on services requested by customers. Planning check fees for solar permits, new home construction, and new commercial construction are \$12,000 over budget. A mid-year amendment is being requested.

➤ **Permits & Licenses:** ☀ Permits and licenses, primarily from building construction permits and business license fees are also over budget as a result of new construction. The majority of the revenues within this category were received from the renewed new home construction in the Crossroads subdivision. Building Permit fees are currently \$37,000 over budget. A mid-year amendment is being requested.

➤ **Other Taxes:** ☀ Other tax revenues include unitary taxes, Motor Vehicle in Lieu taxes, Payment in Lieu of Taxes (PILOT), and SB 813 Supplemental taxes. Other Taxes are currently at 61% of the budget with revenues from Motor Vehicle in Lieu Taxes being received that were not anticipated.

➤ **Intergovernmental:** ☀ Revenues received in this category include the COPS allocation received from the State of \$100,000. The City also continues to receive grant funds for the SR 108 relinquishment project which directly offsets consulting expenses.

➤ **Fines:** ☀ Fines are applied bi-monthly to delinquent garbage bills. Fines for this fiscal year are at 59% of the anticipated budget.

➤ **Interest Revenue:** ☀ The City is receiving more revenue than prior fiscal years due to several new investments of surplus cash that were made. Currently, the City has received 36% of the budgeted revenues.

➤ **Inter-Fund Transfers:** ☀ Reimbursements received from other funds for salary expenditures allocated in the General Fund are under budget due to salary savings from vacant positions.

GENERAL FUND EXPENDITURES

Expenditure by Type	Budget	YTD Actual	%
Salaries	1,820,750	871,017	48%
Benefits	914,400	292,153	32%
Supplies	365,350	160,120	44%
Contractual Services	4,616,000	1,417,394	31%
Utilities	117,700	50,580	43%
Capital Outlay	10,000	1,330	13%
Inter-fund Transfer	391,350	133,440	34%
Total	\$8,235,550	\$2,926,034	36%

Expenditure by Dept	Budget	YTD Actual	%
City Council	104,500	51,496	49%
City Manager	213,600	78,039	37%
Finance	634,100	269,743	43%
Legal Services	217,300	77,781	36%
Planning/Building	600,500	235,315	39%
Admin Services	618,850	289,764	47%
Police Services/CC	3,963,000	1,019,898	26%
Development Services	677,500	303,592	45%
Economic Dev.	102,250	142,332	139%
Bldg Main, Parks & Rec	1,103,950	458,074	41%
Total	\$8,235,550	\$2,926,034	36%

Total Expenditures are under the expected spending level with 36% of the budget expended. Salary savings due to vacant positions (Building and Planning Manager) as well as supply savings have led to expenses being below the anticipated mid-year level of 50%. This year, the City renewed its efforts to provide training to staff which caused a slight increase in expenditures in the City Council and City Manager Departments.

After mid-year adjustments, the City's General Fund is anticipated to end with a 10% reserve as of June 30th. Several extraordinary items in the 2015-16 Fiscal Year will require the City to adhere to its prudent spending practices.

In the future, should revenues continue to remain stable (rather than increase), they may not be sufficient to compensate for increasing personnel costs.

General Fund

Working Capital	Budget	YTD Actual	%
Revenue	8,263,700	2,860,866	35%
Expenses	8,235,550	2,926,034	36%
Balance Start of Year	819,200	819,200	-----
Balance, YTD	\$847,350	\$754,032	9%



ENTERPRISE FUNDS

Enterprise funds are designed so that the user fees will be sufficient to recoup the operating and capital expenditures required to provide services to the users.

The following tables summarize the operating revenues, operating expenses, and changes in operating fund working capital for the Water and Sewer enterprise funds.

Water Fund

Working Capital	Budget	YTD Actual	%
Revenue	1,715,300	962,649	56%
Expenses			
Operating	1,687,950	711,874	42%
Reserve Start of Year	697,581	697,581	-----
Reserve, YTD	\$724,931	\$948,356	55 %

Water Fund year-to-date revenues are over the anticipated budget with water user fees at 56% of the anticipated budget.

Expense levels are at 42% of the budget. This is due to prudent spending practices of the Water Division.

The Water Fund is anticipated to end the fiscal year with a 42% reserve.

Sewer Fund

Working Capital	Budget	YTD Actual	%
Revenue	2,061,650	1,072,608	52%
Expenses			
Operating	2,282,300	803,522	35%
Reserve Start of Year	318,694	318,694	-----
Reserve, YTD	\$98,044	\$587,780	29 %

Sewer Fund revenues are on track to meet the anticipated budget with 52% of the budgeted revenues received. Sewer fund expenditures are currently under budget with 35% expended.

With Mid-Year Budget Adjustments, the Sewer fund will end the fiscal year with a reserve of 15%.

SPECIAL REVENUE FUNDS

Special Revenue Funds are funds that are legally restricted, either through law or through bond covenants. These funds must be tracked separately from the General Fund and may only be used for the specific purpose dictated in the law.

Gas Tax Fund

Working Capital	Budget	YTD Actual	%
Revenue	722,059	366,902	51%
Expenses			
Operating	769,100	276,811	36%
Reserve Start of Year	267,658	267,658	-----
Reserve, YTD	\$220,617	\$357,749	50 %

The State began providing all cities with a new revenue source, Gas Tax 2103, which replaces the Prop 42 funds that the City used to receive. This new revenue source is expected to provide sufficient revenue to begin some much needed street improvement projects.

WHAT'S NEXT

- **January 2015** – Staff to “kick-off” the FY 2015-16 budget preparation season.
- **February 2015** – Mid-Year Budget Review
- **February 2015** – Budget Advisory Committee to begin meeting monthly to review revenue and expenditure projections
- **March 2015** – Reserve Requirement Review
- **May 2015** – City Council Budget Workshop
- **June 2015 – Public Hearing & Preliminary Budget Adoption:** Regular City Council meeting to conduct a public hearing and formally adopt a preliminary operational budget for the 2013-14 fiscal year.



EXHIBIT A: FY 2014-15 Mid-Year Budget Adjustments

Fund	Account	Account Name	Reason	Adjustment	Budget	
					Original	Amended
<u>101: General Fund</u>						
Revenues	101-000.000-400.010	Property Tax Current Secured	Adjustment to Original Budget Based on Revenues received from the County	(34,000)	1,202,000	1,168,000
	101-000.000-400.020	Property Tax Current Unsecured	Adjustment to Original Budget Based on Revenues received from the County	800	64,100	64,900
	101-000.000-400.030	Property Tax Prior Secured	Adjustment to Original Budget based on increased revenues received from delinquent accounts	27,200	1,400	28,600
	101-000.000-400.070	Unitary Taxes	Revenues received from taxes paid on equipment purchases by commercial businesses	13,200	0	13,200
	101-000.000-400.090	Motor Vehicle in Lieu Tax	Revenues received from the State of California from remaining balance of admin fees	9,500	0	9,500
	101-000.000-400.131	State Apportionments	Mandated Cost Reimbursements authorized by the State of California	4,000	0	4,000
	101-000.000-400.190	VLF Swap - Property Tax	Increased reimbursement received from the State for motor vehicle in lieu fees	105,400	1,442,000	1,547,400
	101-000.000-450.010	Animal Control License Fees	Increase in license fees received for dog licenses	2,400	6,600	9,000
	101-000.000-450.030	Buidling Permit Fees	Increase in revenues received from permits pulled for solar and new construction	65,000	50,000	115,000
	101-000.000-501.001	Grants	Reimbursement for SR 108 Relinquishment Grant Work	207,000	0	207,000
	101-000.000-600.010	Police Services	Increase in services provided	3,600	500	4,100
	101-000.000-600.050	Booking Fees	Increase in booking fees received from the County	200	1,000	1,200
	101-000.000-600.090	Plan Check Fees	Increase in plan check fees from solar and new construction	15,400	9,600	25,000
	101-000.000-699.000	Transfers In	Decrease in Transfer in of Management Fee for salary savings from vacant position	(43,800)	1,685,100	1,641,300
	Net Increase General Fund Revenues			375,900	\$8,263,700	\$8,639,600
Expenditures						
City Council	101-401.000-706.037	Conferences & Meetings	Attendance to League Conferences	3,000	10,100	13,100
City Manager	101-402.000-706.037	Conferences & Meetings	Attendance to League Conferences	5,000	2,000	7,000
	101-402.000-708.010	Self-Insurance Premium	Increase based on actual salary expenses	500	20,800	21,300
Finance	101-403.000-702.032	Professional/Special Services	Increase for new billing printer setup and Solid Waste Prop 218 expenditures	13,900	47,500	61,400
	101-403.000-706.037	Conferences & Meetings	Increased attendance to conferences for finance staff	1,800	2,000	3,800
	101-403.000-708.010	Self-Insurance Premium	Increase based on actual salary expense	1,500	47,500	49,000

EXHIBIT A: FY 2014-15 Mid-Year Budget Adjustments

<u>Fund</u>	<u>Account</u>	<u>Account Name</u>	<u>Reason</u>	<u>Adjustment</u>	<u>Budget</u>	
					<u>Original</u>	<u>Amended</u>
Planning	101-405.000-701.001	Personnel Regular	Salary Savings from Vacant Planning Position	(59,700)	154,200	94,500
	101-405.000-701.003	Personnel Overtime	Overtime expenses for staff attendance at Planning Commission meetings	200	0	200
	101-405.000-702.032	Professional/Special Services	Increase allocation for contract planning	87,800	57,800	145,600
	101-405.000-708.005	Medicare	Benefit Savings from Vacant Planning Position	(900)	2,200	1,300
	101-405.000-708.006	PERS Retirement	Benefit Savings from Vacant Planning Position	(3,700)	14,200	10,500
	101-405.000-708.007	Payroll Taxes	Benefit Savings from Vacant Planning Position	(300)	900	600
	101-405.000-708.008	Health Dental Vision	Benefit Savings from Vacant Planning Position	(11,800)	19,400	7,600
	101-405.000-708.009	National Retirement	Benefit Savings from Vacant Planning Position	(1,900)	5,800	3,900
	101-405.000-708.010	Self-Insurance Premium	Benefit Savings from Vacant Planning Position	(8,600)	22,000	13,400
	101-405.000-708.012	Deferred Compensation	Benefit Savings from Vacant Planning Position	(900)	3,500	2,600
Building Maintenance	101-407.000-701.002	Personnel Part-Time	Increase in Part Time Salaries for minimum wage and Friday availability	1,500	1,000	2,500
	101-407.000-708.008	Health Dental Vision	Savings from FY 13-14 rolled forward	(1,500)	12,800	11,300
	101-407.000-708.010	Self-Insurance Premium	Increase based on actual salary expense	200	7,100	7,300
Administrative Services	101-408.000-701.001	Personnel Regular	Increase for actual salary expenses	2,000	273,500	275,500
	101-408.000-708.006	PERS Retirement	Increase based on actual salary expenses	1,500	43,300	44,800
	101-408.000-708.010	Self-Insurance Premium	Increase based on actual salary expenses	2,000	39,000	41,000
	101-408.000-708.012	Deferred Compensation	Increase for new cost for employee contribution	2,000	5,200	7,200
Development Services Admin	101-412.000-708.006	PERS Retirement	Increase based on actual salary expenses	200	43,500	43,700
	101-412.000-708.008	Health Dental Vision	Savings from FY 13-14 rolled forward	(2,000)	74,100	72,100
	101-412.000-708.010	Self-Insurance Premium	Increase based on actual salary expenses	2,000	51,000	53,000
Parks	101-414.000-701.001	Personnel Regular	Salary Savings	(7,000)	206,700	199,700
	101-414.000-701.002	Personnel Part Time	Salary for part time employee providing coverage	7,000	22,300	29,300
Economic Development	101-439.000-702.032	Professional/Special Services	Reimbursement for SR 108 Relinquishment Grant Work	207,000	0	207,000
						0
Recreation	101-459.000-999.000	Transfers Out - Subsidy	Increase in Part Time Personnel Costs due to Minimum Wage	3,200	326,000	329,200
Net Increase General Fund Expenditures				244,000	\$8,308,750	\$8,552,750
Net General Fund Revenue Adjustments				375,900		
Net General Fund Expenditure Adjustments				244,000		
Net Effect to the General Fund Reserve				131,900		

EXHIBIT A: FY 2014-15 Mid-Year Budget Adjustments

<u>Fund</u>	<u>Account</u>	<u>Account Name</u>	<u>Reason</u>	<u>Adjustment</u>	<u>Budget</u>	
					<u>Original</u>	<u>Amended</u>
102: Gas Tax						
Revenues	102-000-000.400.150	State Gas Tax 2107	Increase in Gas Tax Estimates received from the State	55,500	128,500	184,000
	102-000.000-400.170	State Gas Tax 2105	Increase in Gas Tax Estimates received from the State	25,400	104,600	130,000
	102-000.000-675.090	Miscellaneous Revenue	Miscellaneous Reimbursements received	250	0	250
	Total Gas Tax Revenue Adjustments			81,150		
Expenditures	102-418.000-701.003	Personnel Overtime	Increase in Overtime expenses due to winter storms	2,000	2,500	4,500
	102-418.000-708.006	PERS Retirement	Decrease based on actual salary expenses	(2,000)	25,800	23,800
	102-418.000-708.008	Health Dental Vision	Savings from FY 13-14 rolled forward	(7,000)	64,000	57,000
	Total Gas Tax Expenditure Adjustments			(7,000)		
106: Sewer Fund						
Revenues	106-000.000-600.225	Inspection Fees	Inspection Fees Charged for FOG Program	500	0	500
	106-000.000-675.160	Industrial Permits Revenue	Increase in billings for Pacific Gold & Compass	30,700	34,300	65,000
	Total Sewer Fund Revenue Adjustments			31,200		
Sewer Collection (423)						
	106-423.000-701.003	Personnel Overtime	Increase in Overtime expenses due to winter storms	1,000	500	1,500
	106-423.000-708.010	Self-Insurance Premium	Increase based on actual salary expenses	400	12,100	12,500
WWTP (424)						
	106-424.000-708.005	Medicare	Increase based on actual salary expenses	500	2,600	3,100
	106-424.000-708.008	Health Dental Vision	Savings from FY 13-14 rolled forward	(2,000)	53,900	51,900
	106-424.000-708.010	Self-Insurance Premium	Increase based on actual salary expenses	800	25,200	26,000
	106-424.000-708.012	Deferred Compensation	Decrease in cost for employee contribution	(1,800)	3,400	1,600
	Total Sewer Fund Expenditure Adjustments			(1,100)		
114: Water Fund						
Revenues	114-000.000-675.090	Miscellaneous Revenue	Increase in miscellaneous revenues received	500	500	1,000
	Total Sewer Fund Revenue Adjustments			500		
Water Collection (433)						0
	114-433.000-708.005	Medicare	Increase based on actual salary expenses	500	2,800	3,300
	114-433.000-708.008	Health Dental Vision	Savings from FY 13-14 rolled forward	(2,000)	64,700	62,700
	114-433.000-708.010	Self-Insurance Premium	Increase based on actual salary expenses	1,200	38,300	39,500
	Net Increase Water Fund Expenditures			(300)		
126: Asset Seizure/Tow Fund	126-449.006-702.034	Contract Services	Crossroads Shopping Center Holiday Security	9,800	25,000	34,800
	126-449.006-702.034	Contract Services	Police Services Filing System	7,000	34,800	41,800
	126-449.006-702.034	Contract Services	Police Services Carpet Replacement	5,000	41,800	46,800

EXHIBIT A: FY 2014-15 Mid-Year Budget Adjustments

<u>Fund</u>	<u>Account</u>	<u>Account Name</u>	<u>Reason</u>	<u>Adjustment</u>	<u>Budget</u>	
					<u>Original</u>	<u>Amended</u>
134: Recreation Fund						
	134-000.000-699.000	Transfers In-General Fund Subsidy	Increase in subsidy due to increase in minimum wage	3,200	326,000	329,200
						0
	134-459.000-701.002	Personnel Part-Time	Increase in part-time salaries due to minimum wage increase	3,200	69,800	73,000
210: System Dev. Fees Gen. Gov	210-467.000-702.032	Professional/Special Services	Riverbank Museum Annex Layout & Exterior rendering	7,000	20,000	27,000

CITY OF RIVERBANK

RESOLUTION NO. 2015-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, APPROVING THE FISCAL YEAR 2014-2015 MID YEAR BUDGET
ADMENDMENTS**

WHEREAS, as part of the mid-year budget review, staff has projected that all reserve accounts will remain within or above the parameters as initially forecast; and,

WHEREAS, certain critical needs to personnel, supplies, programs, and equipment have arisen in certain operational areas; and,

WHEREAS, to satisfactorily meet all current needs of the City, it is recommended that the adjustments presented in Exhibit A: FY 2014-2015 Mid-Year Budget Adjustments be approved.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby authorizes the budget adjustments presented in **Exhibit A**: FY 2014-2015 Mid-Year Budget Adjustments and the position reclassification to satisfactorily meet the needs of our residents.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 24th day of February, 2015; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

Attachments: Exhibit A – Mid Year Budget Adjustments

**RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 5.6**

SECTION 5: PUBLIC HEARING

Meeting Date:	February 24, 2015
Subject/ Title:	A Resolution of the Local Redevelopment Authority of the City of Riverbank, California, Approving Mid-Year Budget Adjustments and Accepting the Second Quarter Revenue Expenditure Report
From:	Jill Anderson, City Manager
Submitted by:	Debbie Olson, Executive Director Melissa Holdaway, Administrative Analyst II

RECOMMENDATION

It is recommended that the Local Redevelopment Authority (“LRA”) Board of Directors (“Board”) accept the second quarter revenue and expenditure report (September 1, 2014 through December 31, 2014) and adopt the attached resolution approving mid-year budget adjustments to the Fiscal Year (“FY”) 2014/15 Local Redevelopment Authority Budget.

SUMMARY

On a quarterly basis, Local Redevelopment Authority staff presents the LRA budget for review and acceptance. Additionally, at mid-year, there is an opportunity to assess the revenues and expenditures for the first half of the fiscal year (through December 31, 2014) and identify substantive variances between actual transactions and estimated budget amounts. Based on this assessment, proposed budget adjustments for the remainder of the fiscal year are presented to the LRA Board for discussion, consideration and possible amendment.

The LRA Board adopted the FY 2014/15 operating budget on June 24, 2014 per resolution 2014-004. The fiscal “snapshot” has changed since we initially brought the budget for review and approval. The changes are primarily due to several events that transpired after the budget was presented and these changes necessitate many of the adjustments we will be presenting. Receipt of additional grant funds from the Office of Economic Adjustment, a modification to the ongoing environmental services cooperative agreement and the delay in executing the Memorandum of Agreement to the economic development conveyance have impacted the FY 2014/15 budget. The updated budget

provided shows a working financial plan for the remainder of the fiscal year based on revised estimates of revenues and expenditures.

Discussion

With this report, you will find LRA Fund Reports (Exhibits C,D and E) outlining the revenues and expenditures for FY 2014/15 through December 31 for the funds we manage. The corresponding fund worksheets detail transactions to date compared with initial budgeted amounts.

A thumbnail summary of the revenue and expenditures by category, as well as proposed mid-year adjustments to the budget are discussed below:

Revenues

Office of Economic Adjustment Grant (Executed on September 23, 2014) – OEA grant funds include salaries and benefits, a portion of professional services (legal, engineering and other services), a portion of administrative expenses including travel, equipment, office supplies, phones, copier costs, postage and janitorial.

FY 14/15 Adopted Budget	FY 14/15 Mid-year Budget	Change
\$395,549	\$395,549	\$0

Lease Revenue (Rents) – Revenue from tenants has increased due to tenant expansions and new leases generated this fiscal year. A mid-year budget adjustment is requested to reflect the increase in revenue in this category.

FY 14/15 Adopted Budget	FY 14/15 Mid-year Budget	Change
\$1,267,000	\$1,320,000	\$53,000

Sale of Personal Property – Anticipated revenue from the sale of Army surplus personal property needs to be amended due to the delays in executing the MOA; this document transfers the bills-of-sale for the equipment to the LRA and grants legal authority to sell the excess property. A mid-year budget adjustment is requested to reflect a change in expectations regarding any anticipated revenue as a result of the sale of surplus property.

FY 14/15 Adopted Budget	FY 14/15 Mid-year Budget	Change
\$1,000,000	\$500,000	<\$500,000>

Department of Defense Caretaker Revenue (O&M) – This item reflects protection and maintenance payments through March 31 from the Army for protection, operations and maintenance of the facility.

FY 14/15 Adopted Budget	FY 14/15 Mid-year Budget	Change
\$74,014	\$74,014	\$0

Utility Revenue (from Tenants) – This reflects revenue received from tenants for electricity. A mid-year adjustment is requested to increase the revenue associated with greater electrical usage by tenants for higher billings associated to our Common Area Costs.

FY 14/15 Adopted Budget	FY 14/15 Mid-year Budget	Change
\$225,000	\$600,000	\$375,000

Miscellaneous Revenue – This line item covers revenue from public scales, RV storage, propane, and use of LRA equipment or other LRA services to tenants.

FY 14/15 Adopted Budget	FY 14/15 Mid-year Budget	Change
\$20,000	\$20,000	\$0

ESCA #1 – The first environmental services cooperative agreement (“ESCA”) was authorized by the LRA Board and executed in the second quarter of FY 2013/14; LRA received \$9,364,993 lump sum for fixed costs; the Army held back \$1,632,460 for variable costs associated with transportation and disposal of contaminated surplus equipment. The ESCA is ongoing and a modification to the initial scope was executed in August 2014. The balance of funds available for completing the work associated with the ESCA is recorded as revenue in this new fiscal year along with a mid-year adjustment to reflect the balance in this fund for the additional work requested.

FY 14/15 Adopted Budget	FY 14/15 Mid-year Budget	Change
\$0	\$823,512	\$823,512

Expenses

Salaries/Benefits – Salaries and benefits include three FTEs and a portion of the City Manager’s salary.

FY 14/15 Adopted Budget	FY 14/15 Mid-year Budget	Change
\$293,049	\$293,049	0

Administrative Expenses – This line item includes travel associated with meetings and conferences, equipment, office supplies and print media associated with public notices or key public meetings, office phones, cell phone stipends, high-speed copier lease, postage and janitorial and janitorial supplies for the LRA offices.

FY 14/15 Adopted Budget	FY 14/15 Mid-year Budget	Change
\$28,980	\$28,980	0

Marketing/Branding – This budget item covers the cost of distribution of newsletters, costs associated with any public informational meetings and/or other events at the facility.

FY 14/15 Adopted Budget	FY 14/15 Mid-year Budget	Change
\$5,000	\$5,000	0

Professional Services – This line item covers legal expenses and other professional services such as consultant contracts. A mid-year adjustment is requested to cover additional legal support associated with ongoing litigation.

FY 14/15 Adopted Budget	FY 14/15 Mid-year Budget	Change
\$135,000	\$235,000	\$100,000

Insurance Premiums – This line item covers premiums for insurance products required by the Army and to mitigate risk including pollution and remediation legal liability, business interruption insurance and limited general liability.

FY 14/15 Adopted Budget	FY 14/15 Mid-year Budget	Change
\$130,000	\$130,000	0

Facility Operations & Maintenance – This category covers the costs associated with maintenance and permitting in a variety of areas including well maintenance, storm and drinking water testing, electrical system preventative maintenance, fire suppression system maintenance, landscaping maintenance, propane for vehicle operations, and miscellaneous site repairs. Mid-year adjustments are requested for: 1) additional maintenance for sub stations brought online for tenant expansion; 2) change orders or additional costs associated with installation of the new transformer; 3) repairs to the fire suppression system identified in the required 5-year inspection; 4) reallocation of funds from tenant improvement category to Facility, Operations and Maintenance to help defray costs associated with the upgrades and repairs to the electrical system; and, 5) roofing repairs.

FY 14/15 Adopted Budget	FY 14/15 Mid-year Budget	Change
\$568,700	\$931,700	\$363,000

Common Area Costs – This category includes maintenance, utility and other costs associated with leased, non-leased and public areas of the site (e.g., parking lot and walkway lighting, public restrooms maintenance and stocking, break room maintenance, water dispensers and portable toilet). A mid-year adjustment is requested to cover

increases primarily due to growth in utility billings that the tenant's fair share of costs is recouped in utility revenue received.

FY 14/15 Adopted Budget	FY 14/15 Mid-year Budget	Change
\$375,000	\$750,000	\$375,000

Facility Management/Security Services Contract – The facility management company expenses and the security staffing are paid from this line item. Facility management includes four (4) FTE plus burden, management fees, and reimbursement for parts and materials (e.g., light bulbs, Ph testing equipment, pumps, filters, tools, facility maintenance software, etc.). A mid-year adjustment is requested for the security services contract due to the statewide increase to minimum wage rate.

FY 14/15 Adopted Budget	FY 14/15 Mid-year Budget	Change
\$630,000	\$643,000	\$13,000

Recap of Proposed Mid-Year Adjustments:

· **REVENUE**

- o +\$53,000 increase to leasehold revenue
- o -\$500,000 decrease in sale of personal property
- o +\$375,000 increase to utility revenue
- o +\$823,512 balance of ESCA #1 funds

Total Revenue Mid-Year adjustment \$751,512

· **EXPENSES**

- o +\$100,000 increase in legal fees
- o +\$70,000 increase in electrical maintenance
- o +\$210,000 increase to electrical infrastructure upgrades
- o +\$53,000 increase to repair fire suppression deficiencies
- o +\$50,000 to repair roofs
- o +\$375,000 increased common area costs (electrical)
- o -\$20,000 decrease in tenant improvements (moved to electrical upgrades)
- o +\$166,149 amended contract with Weston for ESCA modification work
- o +\$45,254 amended contract with SJES for ESCA modification work
- o +\$4,597 for administration of ESCA modification
- o -\$5,488 decrease to balance due for the debt service (ED Bank loan repayment)

Total Expenses Mid-Year adjustment \$1,061,512

The total mid-year adjustments are also detailed in Exhibit F.

FINANCIAL IMPACT

LRA funds are generated from grants, leasing revenue and payments from the Army for operations and maintenance of the former Riverbank Army Ammunition Plant. No General Fund monies are used to operate the agency or for upkeep of the Riverbank Industrial Complex. By agreement with the Army, all revenues from the site must be reinvested in the property and used for the protection, repair, operation and maintenance of the facilities. The mid-year adjustments shown create a structural deficit of \$140,644 due to repairs, upgrades and increased maintenance costs at the complex.

LRA Reserve Balance FY 2014/15	
Beginning Reserve 7/1/14	\$ 716,191
Revenue FY 14/15	\$ 3,830,625
Expenditures FY 14/15	\$ (3,971,269)
Ending Projected Balance 6/30/15	\$ 575,547

STRATEGIC PLANNING ALIGNMENT

The presentation of the LRA's quarterly budget and mid-year adjustment request supports the City's mission and reinforces the City's core values of transparency and fiscal responsibility.

ATTACHMENT

1. Exhibit A – Resolution Approving Mid-Year Budget Adjustments and Second Quarter Revenue Expenditure Report
2. Exhibit B – LRA Reserve Balance Snapshot FY 2014/15
3. Exhibit C – Review of Fund 197 Revenue and Expenditures through December 31, 2014
4. Exhibit D – Review of Fund 198 Revenue and Expenditures through December 31, 2014
5. Exhibit E – Review of Fund 199 Revenue and Expenditures through December 31, 2014
6. Exhibit F – LRA Budget Overview FY 2014/15
7. Exhibit G – Review of the Proposed Mid-Year Budget and Adjustments

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY

RESOLUTION NO. 2015-

**A RESOLUTION OF THE LOCAL REDEVELOPMENT AUTHORITY OF THE CITY OF
RIVERBANK, CALIFORNIA, APPROVING A MID-YEAR BUDGET ADJUSTMENT
AND ACCEPTING THE SECOND QUARTER REVENUE EXPENDITURE REPORT**

WHEREAS, the Riverbank Local Redevelopment Authority took over operation of the Riverbank Industrial Complex in April, 2010 and were required by the LRA Board to submit quarterly reports; and,

WHEREAS, the quarterly report for the second quarter of Fiscal Year 2014-15 is complete and shows the need for some budget amendments; and,

WHEREAS, the LRA Board has reviewed the quarterly report and mid-year budget adjustment request.

NOW, THEREFORE, BE IT RESOLVED that the Local Redevelopment Authority Board of the City of Riverbank hereby approves the mid-year budget adjustment and accepts the Second quarter revenue expenditure report.

PASSED AND ADOPTED by the Local Redevelopment Authority Board of the City of Riverbank at a meeting held on the 24th day of February, 2015; motioned by Authority Member _____, seconded by Authority Member _____, and upon roll call was carried by the following LRA Board vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

Annabelle H. Aguilar, CMC
LRA Recorder

APPROVED:

Richard D. O'Brien
Chair

Attachments:

	<u>2014-15</u> <u>Budget</u>	<u>First Quarter</u> <u>Jul-Sept</u>	<u>Second Quarter</u> <u>Oct-Dec</u>
Fund 197			
<i>Rents</i>	1,267,000	280,032	409,299
<i>Sale of Personal Property</i>	1,000,000	5,500	
<i>DOD Caretaker Revenue</i>	74,014	16,448	32,895
<i>Utility Revenue from Tenants</i>	225,000	10,766	224,207
<i>Miscellaneous Revenue</i>	20,000	2,257	8,629
Total Revenue	2,586,014	315,002	675,030
<i>Salaries</i>	21,390	7,154	6,377
<i>Fringe</i>	11,141	3,095	3,150
Administrative Expenses			
<i>Travel</i>	704	430	90
<i>Equipment</i>	3,800		
<i>Office Supplies/Legal Ads</i>	363	271	16
<i>Phones</i>	488		
<i>Copier</i>	466	19	
<i>Postage</i>	30	6	
<i>Janitorial</i>	200		
<i>Marketing/Branding</i>	5,000		230
Professional Services			
<i>Legal</i>	56,000		116,388
<i>Other Services</i>	3,500		
<i>Insurance Premiums</i>	130,000		
Facilty Operations & Maintenance			
<i>Well maintenance</i>	1,500	35	
<i>Permits</i>	4,000		20
<i>Water Testing</i>	5,000	680	1,000
<i>Electrical PM</i>	70,000		17,938
<i>Electrical Infrastructure Upgrade/Repair</i>	400,000	249,992	81,093
<i>Fire Supression Maintenance</i>	7,000	8,317	2,839
<i>Landscaping</i>	8,000	1,240	2,030
<i>Propane</i>	3,000	1,447	706
<i>Repairs</i>	50,000	2,831	33,794
<i>Fire Assessment Fees*</i>	200		
<i>Common Area Costs (electric, water, garbage)</i>	375,000	153,124	78,524
<i>Infrastructure Improvements</i>	0		
<i>Future Grant Match</i>	0		
<i>Tenant Improvements</i>	20,000		
Facility Mgmt/Security Services Contracts			
<i>Security</i>	155,000	28,220	41,777
<i>Facility Management</i>	475,000	70,700	112,977
Total Expenditures	1,806,782	527,562	498,948
Net Revenues Less Expenditures	779,232	(212,559)	176,082

	<u>2014-15 Budget</u>	<u>First Quarter Jul-Sept</u>	<u>Second Quarter Oct-Dec</u>
<u>Fund 198</u>			
<i>OEA Grants</i>	395,549	83,132	97,828
Total Revenue	395,549	83,132	97,828
<i>Salaries</i>	192,506	46,879	57,393
<i>Fringe</i>	100,274	26,548	25,649
Administrative Expenses			
<i>Travel</i>	3,796	256	521
<i>Equipment</i>	0		
<i>Office Supplies/Legal Ads</i>	2,997	328	508
<i>Phones</i>	4,212	995	663
<i>Copier</i>	4,194	1,707	683
<i>Postage</i>	270	35	
<i>Janitorial</i>	1,800		325
<i>Marketing/Branding</i>	0		
Professional Services			
<i>Legal</i>	54,000	6,385	12,086
<i>Other Services</i>	31,500		
<i>Insurance Premiums</i>	0		
Total Expenditures	395,549	83,132	97,828
Net Revenues Less Expenditures	0	0	0

	<u>2014-15 Budget</u>	<u>First Quarter Jul-Sept</u>	<u>Second Quarter Oct-Dec</u>
<u>Fund 199</u>			
ESCA #1	822,618	117,824	895,188
Total Revenue On Hand	822,618	940,442	895,188
Weston Contract ESCA #1	166,149		130,080
Fixed Cost	313,000		
Variable Cost (T & D)			
SJES Contract ESCA #1	45,254	45,254	
Administrative Expenses	3,703		
Debt Service	294,512		294,512
Total Expenditures	822,618	45,254	424,592
Net Revenues Less Expenditures	0	895,188	470,596

LRA FY 14/15 Budget Overview

	FY 14/15 Approved Budget	Proposed FY 14/15 Mid Yr Budget	1st Quarter Jul-Sept Rev/Exp	2nd Quarter Oct-Dec Rev/Exp	FY 14/15 Year to Date
Total Revenue	\$ 3,079,113	\$ 3,830,625	\$ 1,338,576	\$ 772,858	\$ 2,111,434
Total Expenditures	\$ 2,909,757	\$ 3,971,269	\$ 655,948	\$ 1,021,368	\$ 1,677,316
Net Revenues Less Expenditures	\$ 169,356	\$ (140,644)	\$ 682,628	\$ (248,510)	\$ 434,118

<u>Revenue</u>	<u>2014-15 Budget</u>	<u>2014-15 Budget Adjustments</u>	<u>Difference</u>	<u>Notes</u>
OEA Grants	493,099	493,099		
Rents	1,267,000	1,320,000	\$ 53,000	Tenant expansion
Sale of Real Property				
Sale of Personal Property	1,000,000	500,000	\$ (500,000)	Delay in Transfer
DOD Caretaker Revenue	74,014	74,014		
ED Bank - Specific Plan				
Utility Revenue from Tenants	225,000	600,000	\$ 375,000	Tenant expansion
Miscellaneous Revenue	20,000	20,000		
ESCA #1		823,512	\$ 823,512	Balance on Hand & Modification
Total Revenue	3,079,113	3,830,625	\$ 751,512	Increase in Revenue

Expenditures

	Salaries	293,049	293,049		
	Fringe	131,028	131,028		
Administrative Expenses					
	Travel	4,500	4,500		
	Equipment	3,800	3,800		
	Office Supplies/Legal Ads	6,780	6,780		
	Phones	4,700	4,700		
	Copier	6,060	6,060		
	Postage	500	500		
	Janitorial	2,640	2,640		
	Marketing/Branding	5,000	5,000		
Professional Services					
	Legal	100,000	200,000	\$ 100,000	litigation
	Other Services	35,000	35,000		
	Insurance Premiums	130,000	130,000		
Facility Operations & Maintenance					
	Well maintenance	1,500	1,500		
	Permits	4,000	4,000		
	Water Testing	5,000	5,000		
	Electrical PM	70,000	140,000	\$ 70,000	additional subs on site added to list
	Electrical Infrastructure Upgrade/Repair	400,000	610,000	\$ 210,000	additional costs to replacement transformer
	Fire Supression Maintenance	7,000	60,000	\$ 53,000	5 yr inspection deficincies
	Landscaping	8,000	8,000		
	Propane	3,000	3,000		
	Repairs	50,000	100,000	\$ 50,000	Roofing
	Fire Assessment Fees*	200	200		
	Common Area Costs (electric, water, garbage)	375,000	750,000	\$ 375,000	Increase in electrical for high usage tenant
	Infrastructure Improvements	0	0		
	Future Grant Match	0	0		
	Tenant Improvements	20,000	0	\$ (20,000)	included in electrical upgrade
Facility Mgmt/Security Services Contracts					
	Security	155,000	168,000	\$ 13,000	statewide minimum wage increase
	Facility Management	475,000	475,000		
ESCA #1					
	Weston Contract ESCA #1		166,149	\$ 166,149	Amended scope
	Fixed Cost	313,000	313,000		
	Variable Cost (T & D)				
	SJES Contract ESCA #1		45,254	\$ 45,254	Amended scope
	Administrative Expenses		4,597	\$ 4,597	Amended scope
	Debt Service	300,000	294,512	\$ (5,488)	
	DCE Contract				
					Increase in expenditures
	Total Expenditures	2,909,757	3,971,269	\$ 1,061,512	
	Net Revenues Less Expenditures	169,356	-140,644	Structural Deficit FY 14/15	

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date: February 24, 2015

Subject: A **Resolution** of the City Council of the City of Riverbank, California, to Waive the Requested Fees by the Riverbank Chamber of Commerce for the Operation of the Farmer's Market

From: Jill Anderson, City Manager

Submitted by: Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council review and consider the waiver request presented, and provide direction as deemed necessary.

SUMMARY

The Parks and Recreation Director has received a special event application from the Riverbank Chamber of Commerce to operate the Farmer's Market at the Community Center Park. Included in the application is a request for fees to be waived for City services and facility rental. The Farmer's Market would be open on Wednesday evenings beginning May 27, 2015 through September 2, 2015. The hours of the market would be from 5pm until 9pm. On movie nights, that occur in June and July, the event would conclude at 11pm.

BACKGROUND

The Riverbank Chamber of Commerce operated the Farmer's Market last summer at the Community Center Park. The Chamber members would like to offer this event again this year. The City did waive park aide fees of \$200 last year but over \$500 was spent in additional help requested.

The City Parks and Recreation Department had a booth with information and games which we would provide again if the event moves forward.

The subject of fee waivers was brought to the City Council's attention at the May 13, 2014 City Council meeting and Council directed staff to bring new requests to Council for approval. The concern for the community Center/Enterprise Fund was discussed

and it was decided that if a fee is waived that the enterprise fund be reimbursed by the General fund to cover the fees for services.

FEE WAIVER REQUESTS

The specific fees that are being requested to be waived are as follows:

Community Center rental Fee (Pro-rated):	\$1,300.00
Park Aide Fees:	\$ 270.00
Bounce House Permit Fee:	\$ 25.00
Noise Permit Fee:	\$ 25.00
Total:	\$1,620.00

Recommendation: If the fees are waived it is suggested that the waived fee be transferred from the General Fund to the Enterprise Fund to reimburse as follows:

Current Fiscal Year: \$640.00
2015-2016 Fiscal Year: \$980.00

If the permit fee is waived it is recommended that a permit still be required.

Financial Impact: If fees are waived there would be a \$1,620 financial impact to the General Fund.

ATTACHMENTS

1. Letter of request from the Riverbank Chamber of Commerce.
2. Resolution



Riverbank

CHAMBER OF COMMERCE

December 8, 2014

City of Riverbank
Parks & Recreation
6707 Third Street
Riverbank, CA 95367

Dear City of Riverbank Parks & Recreation Department

The Riverbank Chamber of Commerce will be handling the 2015 Farmers' Market. The committee is already hard at work planning for the 2015 Farmers' Market Season. The Farmers' Market will open on May 27, 2015 and run every Wednesday until September 2, 2015. Hours of the market will be 5 PM - 8 PM, with setup starting at 4:00 PM and ending at 9:00 PM, except for the months of June & July for movie nights then ending time will be 11:00 PM.

We will have a Live Band at each night and in the months of June and July have a movie night each night. We will have bounce houses a few times throughout the season. We will have the Kids Safety night and Back to School Backpack night. Both of those nights were very successful. We know that if we have events for children that is what brings the families out. We ask that the City of Riverbank have their activity booth with games and crafts as they did for the 2014 Farmers' Market season.

We are asking the City of Riverbank to waive all fees for use of the Riverbank Community Center Park, but not limited to just the park use, i.e. Park Deposit, Park Attendant, Permit Filing Fee, Bounce House Permits, Noise Permit and any street closure fees. By waiving these fees it helps us with the expense of running the Farmers' Market and will make it possible to offset our expenses to have the Live Bands weekly, Movie Nights for June & July & the Back to School Backpack Night.

Best Regards,

/
Garnette Martin
Director Riverbank Chamber of Commerce
Farmers' Market, Market Manager

P.O. Box 340 – Riverbank, CA 95367
Telephone 209.869.4541
Email: info@riverbankchamber.org – www.RiverbankChamber.org

CITY OF RIVERBANK

RESOLUTION NO. 2015-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, TO WAIVE THE REQUESTED FEES BY THE RIVERBANK CHAMBER
OF COMMERCE FOR THE OPERATION OF THE FARMER'S MARKET**

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

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

WHEREAS, The foregoing wavier of fees for the operation of the Farmer's Market requested will take effect on May 27, 2015 and end on September 2, 2015 by this resolution.

WHEREAS, on May 13, 2014, City Council agreed to that any approved fee waivers affecting the Enterprise Fund would be reimbursed by the General Fund to cover the fees for services provided by the City; and

WHEREAS, a total cost of \$1,620.00 is the expense to the Enterprise Fund, which is to be reimbursed by the General Fund in the amounts of \$640.00 for the current fiscal year and \$980.00 from fiscal year 2015/2016.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves the waiver of the Park Aide Fees, Community Center Fees, and permit fees as established in the Special Event Application for the 2015 Farmer's Market, not to exceed the amount of \$1,620 and approves the appropriation of this amount of funds from the General Fund to reimburse the Enterprise Fund.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 24th day of February, 2015; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 10.1

SECTION 10: INFORMATIONAL ITEM

Meeting Date:	February 24, 2015
Subject/ Title:	Warrant Registers for 01/28/2015 and 02/05/2015
From:	Jill Anderson, City Manager
Submitted by:	Marisela H. Garcia, Director of Finance

RECOMMENDATION:

It is recommended that the City Council review as an informational item the warrant registers for 01/28/2015 and 02/05/2015.

SUMMARY:

The warrant register presented to the City Council is a listing of all expenditures paid. Major expenditures presented on the warrant register include the following:

01/28/2015 Warrant

Check No.	Vendor & Description	Funding Source	Amount
44366	Garrett Thompson: Silva Park Phase II Construction	L&L/Park Dev. Fees	\$12,773.00
44391	Stanislaus County: Repayment of Downtown Beautification Loan	General Fund	\$51,736.00
44393	Step Aside Pest Management: Pest remediation for Housing Rehab Project	Grant Funds	\$4,530.00

02/05/2015 Warrant

Check No.	Vendor & Description	Funding Source	Amount
44413	Garrett Thompson: Silva Park Phase II Construction	Park Dev. Fees	\$4,508.14
44416	Infosend, Inc: Implementation & Postage fee for new billing printing service	General Fund/Sw/Wa	\$11,096.00
44420	MCI Engineering, Inc: Morrill Road Overlay Project	CMAQ Grant	\$88,289.67

FINANCIAL IMPACT:

Reductions in various funds for payment of expenses.

ATTACHMENTS: (List attachments in order of placement)

1. Warrant Registers: 01/28/2015 and 02/05/2015

WARRANT REGISTER

Date: 01/29/2015

City of Riverbank

<u>Vendor Name</u>	<u>Description</u>	<u>GL Number</u>	<u>Check No.</u>	<u>Check Date</u>	<u>Check Amount</u>
A & A PORTABLES INC.	PORTABLE RESTROOM - LRA	197-439-000-704-021	44348	01/29/2015	49.76
				Vendor Total:	49.76
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING SERVICE	106-424-000-706-073	44349	01/29/2015	267.80
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING SERVICE	119-442-000-706-073	44349		94.90
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING SERVICE	114-433-000-706-073	44349		211.35
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING SERVICE	101-405-000-702-032	44349		76.15
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING SERVICE	102-418-000-706-073	44349		206.36
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING SERVICE	106-423-000-706-073	44349		68.79
				Vendor Total:	925.35
ARROWHEAD	BOTTLED WATER	114-433-000-702-032	44350	01/29/2015	4.30
ARROWHEAD	BOTTLED WATER	102-418-000-706-026	44350		4.30
ARROWHEAD	BOTTLED WATER	197-439-000-704-021	44350		35.48
				Vendor Total:	44.08
AT&T-CALNET 2	COMMUNICATIONS	198-439-505-702-053	44351	01/29/2015	365.78
AT&T-CALNET 2	COMMUNICATIONS	101-407-000-704-022	44351		77.75
AT&T-CALNET 2	COMMUNICATIONS	101-409-000-704-022	44351		22.18
				Vendor Total:	465.71
BAY ALARM COMPANY	ALARM SERVICE	102-418-000-702-032	44352	01/29/2015	272.00
BAY ALARM COMPANY	ALARM SERVICE	106-423-000-702-032	44352		272.00
BAY ALARM COMPANY	ALARM SERVICE	114-433-000-702-032	44352		1,172.00
BAY ALARM COMPANY	ALARM SERVICE	101-407-000-702-032	44352		464.35
BAY ALARM COMPANY	ALARM SERVICE	106-424-000-702-032	44352		163.80
				Vendor Total:	2,344.15
BOHANNON INSURANCE GROUP	INSURANCE ADMIN - JANUARY 2015	201-000-000-200-080	44353	01/29/2015	1,732.96
				Vendor Total:	1,732.96
CALIF-NEVADA SECTION, AWWA	CERTIFICATION RENEWAL	114-433-000-706-036	44354	01/29/2015	135.00
				Vendor Total:	135.00
CALIFORNIA BUILDING	BUILDING STANDARDS FEE	101-000-000-200-210	44355	01/29/2015	45.45
				Vendor Total:	45.45
CENTRAL VALLEY 49	DEPOSIT REFUND	118-000-000-200-150	44356	01/29/2015	200.00
				Vendor Total:	200.00
CHARTER COMMUNICATIONS	COMMUNICATIOINS - TEEN	101-407-000-702-032	44357	01/29/2015	79.99
				Vendor Total:	79.99
CITY OF MODESTO	TRAFFIC SIGNALS	101-413-000-702-030	44358	01/29/2015	3,780.33
				Vendor Total:	3,780.33
COMMERCIAL ENERGY	VEHICLE FUEL	119-442-000-705-041	44359	01/29/2015	1,059.89
				Vendor Total:	1,059.89
MATTHEW JAY CRAWFORD	OVERPAYMENT REFUND	114-000-000-200-170	44360	01/29/2015	60.00
				Vendor Total:	60.00
CWEA	CERTIFICATION RENEWAL	114-433-000-706-036	44361	01/29/2015	84.00
				Vendor Total:	84.00
DONLEE PUMP COMPANY	VEHICLE FUEL	19-442-000-705-041	44362	01/29/2015	150.00
				Vendor Total:	150.00
FAR WEST	WATER SAMPLES	197-439-000-706-029	44363	01/29/2015	1,970.00
FAR WEST	WATER SAMPLES	114-433-000-702-032	44363		1,180.00
				Vendor Total:	3,150.00
FASTENAL COMPANY	EQUIPMENT MAINTENANCE	114-433-000-702-030	44364	01/29/2015	9.57
				Vendor Total:	9.57
MARISELA FIGUEROA	REFUND OF DOG LICENSE	101-000-000-450-010	44365	01/29/2015	10.00
				Vendor Total:	10.00

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<u>Vendor Name</u>	<u>Description</u>	<u>GL Number</u>	<u>Check No.</u>	<u>Check Date</u>	<u>Check Amount</u>
GARRETT THOMPSON	SILVA PARK PHASE 2	220-590-000-707-003	44366	01/29/2015	334.09
GARRETT THOMPSON	SILVA PARK PHASE 3	209-467-000-707-003	44366		12,438.91
				Vendor Total:	12,773.00
GEORGE REED, INC.	BUILDING MAINTENANCE	102-418-000-706-029	44367	01/29/2015	85.96
				Vendor Total:	85.96
GIULIANI & KULL, INC.	MORRILL RD OVERLAY	101-412-000-702-035	44368	01/29/2015	3,990.00
GIULIANI & KULL, INC.	MORRILL RD OVERLAY	101-000-000-200-225	44368		500.00
GIULIANI & KULL, INC.	MORRILL RD OVERLAY	151-477-000-707-125	44368		4,480.00
				Vendor Total:	8,970.00
GOLDEN VALLEY AWARDS	PLAQUES & NAME BADGES	101-401-000-709-001	44369	01/29/2015	194.02
GOLDEN VALLEY AWARDS	PLAQUES & NAME BADGES	101-401-000-703-025	44369		19.73
				Vendor Total:	213.75
GRAINGER	BUILDING MAINTENANCE	106-424-000-706-029	44370	01/29/2015	285.62
				Vendor Total:	285.62
HARRITY CONSULTING	CONSULTING SERVICES	101-412-000-702-032	44371	01/29/2015	560.00
				Vendor Total:	560.00
HOWK SYSTEMS	EQUIPMENT MAINTENANCE	114-433-000-702-030	44372	01/29/2015	123.34
				Vendor Total:	123.34
RAMONA HUIZAR	REFUND	118-000-000-675-220	44346	01/29/2015	1,100.00
		118-000-000-200-150	44346		700.00
RAMONA HUIZAR	REIMBURSEMENT	118-000-000-675-220	44347	01/29/2015	400.00
				Vendor Total:	2,200.00
J.B. ANDERSON	CONTRACT PLANNING SERVICES	195-000-000-210-010	44373	01/29/2015	490.00
				Vendor Total:	490.00
KLEINFELDER, INC.	SILVA PARK PHASE 2	209-467-000-707-003	44374	01/29/2015	128.00
				Vendor Total:	128.00
LIEBERT CASSIDY WHITMORE	LEGAL SERVICES	101-404-000-702-033	44375	01/29/2015	5,557.50
				Vendor Total:	5,557.50
LIFELINE SCREENING	DEPOSIT REFUND	118-000-000-200-150	44376	01/29/2015	200.00
				Vendor Total:	200.00
MID	UTILITIES	220-590-000-704-021	44378	01/29/2015	3,321.84
MID	UTILITIES	173-590-000-704-021	44378		21.53
MID	UTILITIES	101-413-000-704-021	44378		312.52
MID	UTILITIES	114-433-000-704-021	44378		4,588.57
MID	UTILITIES	101-412-000-704-021	44378		275.21
MID	UTILITIES	101-407-000-704-021	44378		361.29
MID	UTILITIES	102-418-000-704-021	44378		55.93
MID	UTILITIES	119-442-000-704-021	44378		2,021.43
MID	UTILITIES	177-590-000-704-021	44378		144.06
MID	UTILITIES	101-414-000-704-021	44378		165.08
MID	UTILITIES	102-418-000-704-021	44378		90.88
				Vendor Total:	11,358.34
DARLENE MOJICA	REISSUE: DEPOSIT REFUND	118-000-000-200-150	44379	01/29/2015	50.00
DARLENE MOJICA	REISSUE: DEPOSIT REFUND	118-000-000-675-220	44379		300.00
				Vendor Total:	350.00
PACIFIC EXCAVATION	JACKSON AVE ELECTRICAL	114-000-000-200-175	44380	01/29/2015	5,407.40
PACIFIC EXCAVATION	JACKSON AVE ELECTRICAL	106-000-000-200-175	44380		5,407.40
				Vendor Total:	10,814.80
PACIFIC GAS & ELECTRIC	UTILITIES	102-418-000-704-021	44381	01/29/2015	495.26
PACIFIC GAS & ELECTRIC	UTILITIES	119-442-000-705-041	44381		355.97
PACIFIC GAS & ELECTRIC	UTILITIES	118-441-000-704-021	44381		180.86
PACIFIC GAS & ELECTRIC	UTILITIES	114-433-000-704-021	44381		3,868.41
PACIFIC GAS & ELECTRIC	UTILITIES	197-439-000-704-021	44381		5,164.39
				Vendor Total:	10,064.89

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VANESSA PEREZ	DEPOSIT REFUND	118-000-000-200-150	44382	01/29/2015	100.00
				Vendor Total:	100.00
HELEN QUINTANA	DEPOSIT REFUND	114-000-000-200-171	44383	01/29/2015	1.47
				Vendor Total:	1.47
RAYCO INDUSTRIAL SUPPLY	EQUIPMENT MAINTENANCE	106-424-000-702-030	44384	01/29/2015	53.80
RAYCO INDUSTRIAL SUPPLY	EQUIPMENT MAINTENANCE	106-424-000-702-030	44384		535.92
				Vendor Total:	589.72
SAN JOAQUIN ENGINEERING	BUILDING MAINTENANCE	197-439-000-706-029	44385	01/29/2015	42,504.75
				Vendor Total:	42,504.75
SHERWIN-WILLIAMS CO.	EQUIPMENT MAINTENANCE	114-433-000-702-030	44386	01/29/2015	14.26
				Vendor Total:	14.26
SHINNICH & RYAN LLP	DEPOSIT REFUND	118-000-000-200-150	44387	01/29/2015	300.00
				Vendor Total:	300.00
SPOK INC.	STAND BY AFTER HRS. SERVICE	114-433-000-706-026	44388	01/29/2015	9.54
				Vendor Total:	9.54
STANISLAUS CO TRANSIT DIVISION	RECONCILIATION OF TICKET SALES	101-000-000-200-186	44389	01/29/2015	213.00
				Vendor Total:	213.00
STANISLAUS CO. AUDITORS	ELECTION COSTS FOR 11/04/14	101-408-000-706-066	44390	01/29/2015	10,232.01
				Vendor Total:	10,232.01
STANISLAUS COUNTY	BEAUTIFICATION PROJECT	101-000-000-200-195	44391	01/29/2015	50,000.00
STANISLAUS COUNTY	BEAUTIFICATION PROJECT	101-439-000-702-032	44391		1,736.00
				Vendor Total:	51,736.00
STANISLAUS FOUNDATION	DENTAL LIABILITY	201-000-000-200-082	44392	01/29/2015	378.60
				Vendor Total:	378.60
STEP ASIDE PEST MANAGEMENT	PEST TREATMENT - 3742 TOPEKA	213-597-044-702-058	44393	01/29/2015	4,530.00
				Vendor Total:	4,530.00
THE LINCOLN NATIONAL LIFE	LIFE INSURANCE	201-000-000-200-086	44394	01/29/2015	460.30
				Vendor Total:	460.30
TILBURY AUTO PARTS	EQUIPMENT MAINTENANCE	106-424-000-702-030	44395	01/29/2015	103.31
				Vendor Total:	103.31
VISION SERVICE PLAN	VISION PREMIUM	201-000-000-200-084	44396	01/29/2015	822.48
				Vendor Total:	822.48
WEST COAST SAND & GRAVEL,	LEVEE REPAIR	106-424-000-706-053	44397	01/29/2015	4,103.69
				Vendor Total:	4,103.69
				Grand Total:	194,600.57
				Less Credit Memos:	0.00
Total Invoices: 87				Net Total:	194,600.57
				Less Hand Check Total:	2,200.00
				Outstanding Invoice Total :	192,400.57

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Vendor Name	Invoice Description	GL Number	Check No.	Check Date	Check Amount
ADTECH	COMPUTER MAINTENANCE	101-408-000-702-032	44399	02/05/2015	3,429.74
				Vendor Total:	3,429.74
COREEN ALDAMA	REFUND	126-000-000-660-040	44400	02/05/2015	50.00
COREEN ALDAMA	REFUND	101-000-000-660-040	44400		100.00
				Vendor Total:	150.00
ARNOLD'S BBQ	CATERING SERVICE - MOY COY	101-401-000-709-001	44401	02/05/2015	1,045.00
				Vendor Total:	1,045.00
AT & T MOBILITY	COMMUNICATIONS	114-433-000-704-022	44402	02/05/2015	124.90
AT & T MOBILITY	COMMUNICATIONS	106-423-000-704-022	44402		124.90
AT & T MOBILITY	COMMUNICATIONS	101-406-000-704-022	44402		114.26
AT & T MOBILITY	COMMUNICATIONS	106-424-000-704-022	44402		32.19
AT & T MOBILITY	COMMUNICATIONS	117-411-000-704-022	44402		32.19
AT & T MOBILITY	COMMUNICATIONS	119-442-000-704-022	44402		32.19
				Vendor Total:	460.63
AT&T	COMMUNICATIONS	101-407-000-704-022	44403	02/05/2015	575.87
				Vendor Total:	575.87
BILLS SAFE & LOCK	BUILDING MAINTENANCE	106-424-000-706-029	44404	02/05/2015	10.76
				Vendor Total:	10.76
CENTRAL SANITARY SUPPLY	JANITORIAL SUPPLIES	101-407-000-706-029	44405	02/05/2015	17.60
				Vendor Total:	17.60
CHARTER COMMUNICATIONS	COMMUNICATIONS - POLICE	101-409-000-704-021	44406	02/05/2015	35.86
				Vendor Total:	35.86
CHOICE LIGHTING SUPPLY	BUILDING MAINTENANCE	101-414-000-706-029	44407	02/05/2015	342.03
				Vendor Total:	342.03
CHURCHWELL WHITE	LEGAL SERVICES	101-404-000-702-033	44408	02/05/2015	17,120.44
				Vendor Total:	17,120.44
COMMERCIAL ENERGY	VEHICLE FUEL	119-442-000-705-041	44409	02/05/2015	1,749.82
				Vendor Total:	1,749.82
EXTRA SPACE STORAGE	6225 DON CARLOS-ESPINOZA REHAB	213-597-044-702-053	44410	02/05/2015	84.00
				Vendor Total:	84.00
FARMERS BLACKSMITH &	SMALL TOOLS	106-424-000-706-028	44411	02/05/2015	309.58
				Vendor Total:	309.58
FASTENAL COMPANY	VEHICLE MAINTENANCE	119-442-000-705-040	44412	02/05/2015	16.06
				Vendor Total:	16.06
GARRETT THOMPSON	SILVA PARK PHASE 2	209-467-000-707-003	44413	02/05/2015	4,508.14
				Vendor Total:	4,508.14
GILTON SOLID WASTE MGMT. INC.	REFUSE SERVICE	118-000-000-200-150	44414	02/05/2015	200.00
GILTON SOLID WASTE MGMT. INC.	REFUSE SERVICE	101-000-000-200-160	44414		208,927.59
				Vendor Total:	209,127.59
TAMI GOSSELIN	DEPOSIT REFUND	114-000-000-200-171	44415	02/05/2015	1.34
				Vendor Total:	1.34
INFOSEND INC.	IMPLEMENTATION FEE	101-403-000-702-032	44416	02/05/2015	11,096.00
				Vendor Total:	11,096.00
J.B. ANDERSON	HOUSING ELEMENT UPDATE	101-405-000-702-034	44417	02/05/2015	7,600.00
J.B. ANDERSON	HOUSING ELEMENT UPDATE	101-405-000-702-032	44417		12,459.00
				Vendor Total:	20,059.00
KB HOME	DEPOSIT REFUND	114-000-000-200-171	44418	02/05/2015	108.65
				Vendor Total:	108.65
RIC MCGINNIS	REIMBURSEMENT	101-401-000-709-001	44419	02/05/2015	30.44
				Vendor Total:	30.44

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MCI ENGINEERING, INC.	MORRILL RD OVERLAY PROJECT	151-477-000-707-125	44420	02/05/2015	88,289.67
				Vendor Total:	88,289.67
GERARDO MENDOZA	REFUND - DMV ERROR	101-000-000-600-170	44421	02/05/2015	73.00
				Vendor Total:	73.00
MID	UTILITIES	173-590-000-704-021	44422	02/05/2015	37.80
				Vendor Total:	37.80
MODESTO WELDING PRODUCTS	EQUIPMENT MAINTENANCE	106-424-000-702-030	44423	02/05/2015	122.69
				Vendor Total:	122.69
NORQUIST	HEATING & AIR MAINTENANCE	101-407-000-702-032	44424	02/05/2015	290.00
				Vendor Total:	290.00
OAKDALE LEADER	ADVERTISEMENT	101-408-000-703-023	44425	02/05/2015	195.80
OAKDALE LEADER	ADVERTISEMENT	101-405-000-706-023	44425		754.64
				Vendor Total:	950.44
PACIFIC BOLT CO.	BUILDING MAINTENANCE	106-424-000-706-029	44426	02/05/2015	6.40
				Vendor Total:	6.40
PACIFIC GAS & ELECTRIC	UTILITIES - LRA	197-439-000-704-021	44427	02/05/2015	16.51
PACIFIC GAS & ELECTRIC	UTILITIES - LRA	102-418-000-704-021	44427		1.59
PACIFIC GAS & ELECTRIC	UTILITIES - LRA	101-409-000-704-021	44427		82.68
PACIFIC GAS & ELECTRIC	UTILITIES - LRA	119-442-000-704-021	44427		61.02
				Vendor Total:	161.80
PETTY CASH	POLICE SERVICES	101-409-000-703-024	44428	02/05/2015	97.69
				Vendor Total:	97.69
JESICA PICENO	DEPOSIT REFUND	114-000-000-200-171	44429	02/05/2015	29.79
				Vendor Total:	29.79
PLAYGROUND GUARDIAN	BUILDING MAINTENANCE	101-414-000-706-029	44430	02/05/2015	1,350.00
				Vendor Total:	1,350.00
R & S ERECTION TRI COUNTY, INC	EQUIPMENT MAINTENANCE	102-418-000-702-030	44431	02/05/2015	126.67
R & S ERECTION TRI COUNTY, INC	EQUIPMENT MAINTENANCE	106-423-000-702-030	44431		126.67
R & S ERECTION TRI COUNTY, INC	EQUIPMENT MAINTENANCE	114-433-000-702-030	44431		126.66
				Vendor Total:	380.00
RIVERBANK HIGH SCHOOL	CATERING	101-401-000-709-001	44432	02/05/2015	52.00
				Vendor Total:	52.00
RIVERBANK UNIFIED SCHOOL	UTILITIES/GYM - DEC 2014	134-459-000-706-052	44433	02/05/2015	491.77
				Vendor Total:	491.77
SAFE T LITE	VEHICLE MAINTENANCE	114-433-000-706-050	44434	02/05/2015	189.58
SAFE T LITE	VEHICLE MAINTENANCE	119-442-000-702-030	44434		14.16
SAFE T LITE	VEHICLE MAINTENANCE	119-442-000-705-040	44434		7.51
SAFE T LITE	VEHICLE MAINTENANCE	102-418-000-703-062	44434		74.23
SAFE T LITE	VEHICLE MAINTENANCE	102-418-000-706-050	44434		27.12
				Vendor Total:	312.60
SAN JOAQUIN ENGINEERING	MANAGEMENT FEE - LRA	197-439-702-063	44435	02/05/2015	53,752.73
				Vendor Total:	53,752.73
STANISLAUS FOUNDATION	ADMINISTRATIVE FEE	201-000-000-200-082	44436	02/05/2015	344.70
				Vendor Total:	344.70
THE MODESTO BEE	SUBSCRIPTION RENEWAL	101-408-000-703-025	44437	02/05/2015	140.40
				Vendor Total:	140.40
TROMBETTA ELECTRICAL	SMALL TOOLS	106-424-000-706-028	44438	02/05/2015	81.95
				Vendor Total:	81.95
UNITED STATES POST OFFICE	POSTAGE FOR LATE NOTICES	114-433-000-703-024	44398	02/05/2015	185.17
UNITED STATES POST OFFICE	POSTAGE FOR LATE NOTICES	101-403-000-703-024	44398		185.17
UNITED STATES POST OFFICE	POSTAGE FOR LATE NOTICES	106-423-000-703-024	44398		185.16
				Vendor Total:	555.50

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Grand Total:					417,799.48
Less Credit Memos:					0.00
Net Total:					417,799.48
Less Hand Check Total:					555.50
Outstanding Invoice Total :					417,243.98

Total Invoices: 62