



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, OCTOBER 13, 2015 – 6:00 P.M.

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

<u>CALL TO ORDER:</u>	Mayor/Chair Richard D. O'Brien
<u>FLAG SALUTE:</u>	Mayor/Chair Richard D. O'Brien
<u>INVOCATION:</u>	Riverbank Ministerial Association
<u>ROLL CALL:</u>	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.
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1. PRESENTATIONS

Item 1.1: 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.

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 September 22, 2015, City Council and Local Redevelopment Authority Minutes.

Item 3.C: **Award Bid for the Roselle Avenue Sidewalk Project and Authorize Execution of Future Change Orders** - It is recommended that City Council Award the lowest responsible bidder, McFadden Construction, Inc. to contract to construct the Roselle Avenue Sidewalk Project and authorize the City Manager to execute change orders within total project budget.

Item 3.D: A **Resolution** of the City Council of the City of Riverbank Approving the Renewal of the Current Animal Control Services Agreement with the City of Oakdale For Fiscal Years 2015-2016 & 2016-2017.

LRA Item 3.E: Out of State Travel Request for LRA Staff.

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:

(1) Proposed Ordinance No. 2015-014 of the City Council of the City of Riverbank, California, Amending Title V: Public Works, Chapter 51: Sewers, Section 51.03: Rates and Charges, Established by the City of Riverbank Code of Ordinances; and (2) Proposed Ordinance No. 2015-015 of the City Council of the City of Riverbank, California, Amending Title V: Public Works, Chapter 52: Water, Section 52.61 Fees and Charges Established by the City of Riverbank Code of Ordinances. It is recommended that the City Council conduct the second reading by title only of the proposed Ordinances and consider their adoption by roll call vote.

5. PUBLIC HEARINGS

The Public Hearing Notices for the following public hearing items 5.1 and 5.2 were published in the local newspaper of general circulation on September 30, 2015.

Item 5.1: **Conduct the First Reading and Introduction by Title Only of an Ordinance of the City Council of the City of Riverbank, California, Amending Title XV: Land Usage, Chapter 150: Building Regulations, By Repealing the System Development Fees Subchapter, Sections 150.30 Through 150.36 in its Entirety and Substitute it with a New System Development Fees Subchapter** – It is recommended that the City Council conduct the public hearing for the first reading and introduction by title only of the of the proposed ordinance, and consider its approval as presented, which will initiate the scheduling of the ordinance for its second reading by title only to consider its adoption at the October 27, 2015, regular City Council meeting.

Item 5.2: **Conduct the First Reading and Introduction by Title Only of an Ordinance of the City Council of the City of Riverbank, California, Amending Title XV: Land Usage; Chapter 150: Building Regulations, by Adding A New Section 150.16 (C) Expedited Permitting Procedures for Small Residential Rooftop Solar Systems** – It is recommended that the City Council conduct the public hearing for the first reading and introduction by title only of the of the proposed ordinance, and consider its approval as presented, which will initiate the scheduling of the ordinance for its second reading by title only to consider its adoption at the October 27, 2015, regular City Council meeting.

6. NEW BUSINESS

Item 6.1: **Consider a Petition to Approve a Resolution of the City Council of the City of Riverbank, California, Granting Approval to Defer Payment of the System Development Fees for McRoy-Wilbur Communities for the Diamond Bar West Subdivision** – It is recommended that the City Council consider the petition from McRoy-Wilbur Communities to defer payments for the System Development Fees assessed on the construction of dwelling units in the Diamond Bar West subdivision and approve the proposed Resolution.

Item 6.2: **River Cove River Access Review** – It is recommended that the City Council hear the report on river access concerns in the River Cove neighborhood for the summer 2015 season, review the options for dealing with this issue in the future and provide direction to staff.

Item 6.3: **Resolution of the City of Riverbank, California, Approving the Oakdale and Riverbank Corridor Area Agreement** – It is recommended that the City Council adopt the proposed Resolution approving the Oakdale and Riverbank Corridor Area Agreement.

LRA Item 6.4: **Local Redevelopment Authority (LRA) Budget Report Fiscal Year End 2014-2015** – It is recommended that the Local Redevelopment Authority (LRA) Board of Directors (Board) receive and accept the fiscal year end 2014-15 LRA Budget Report.

Item 6.5: **Parks and Recreation Department Strategic Plan Update** – It is recommended that the City Council review the update on the Strategic Plan objectives presented by the Director of Parks and Recreation and give input.

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 – EXISTING LITIGATION**

Pursuant to Government Code § 54956.9(a)

Name of Case: Barham Construction, Inc. v. City of Riverbank

Court of Appeals of California, Fifth District

Case No. F058692 and Case No. F059499

Recommendation:

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 – EXISTING LITIGATION**

ADJOURNMENT (The next regular City Council meeting –**Tuesday, October 27 @ 6:pm**)

UPCOMING EVENTS:

Open Until Filled	▪ <u>Budget Advisory Committee</u> Applications are currently being accepted. Visit www.riverbank.org or Contact Marisela Garcia at 863-7110.
October 10 & 11	▪ <u>40th Annual Cheese and Wine Exposition</u> – downtown Riverbank, Saturday and Sunday from 10:am to 8:pm
October 12	▪ <u>Special City Council Meeting:</u> Financial Forecast Workshop
October 15	▪ <u>Special City Council Meeting:</u> Strategic Planning Session
OCTOBER 14, 24, & 29	▪ <u>Public Forums - Proposed New District Electoral System</u> - o <u>October 14</u> – Riverbank Language Academy; 6:00-7:30 pm - o <u>October 24</u> – City Hall Council Chambers; 1:00-3:00 pm - o <u>October 29</u> – Crossroads Elementary School; 6:00-7:30 pm For more information call the City Clerk's Office at (209) 863-7198 or cityclerk@riverbank.org
Friday Closures	▪ <u>City Offices are Closed Alternating Fridays</u> - o Friday, October 9 and October 23: CLOSED - o Friday, October 16 and October 30 : Hours 8:am – 5:pm
Cancelled 2015 Regular City Council Meetings	▪ Tuesday, May 26, 2015; Tuesday, July 14, 2015; 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 8th day of October, 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 or cityclerk@riverbank.org. Notification 72-hours before the meeting will enable the City to make reasonable arrangements to ensure any special needs are met. [28 CFR 35.102-35.104 ADA Title II].

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

GENERAL INFORMATION

Meeting Schedule	The City Council Members also serve as the LRA Board Members. The Riverbank City Council/LRA Board meets in the City Hall North Council Chambers. Regular City Council meetings are held on the 2nd and 4th Tuesdays of each month at 6:00 p.m. The Local Redevelopment Authority Board meets on an "as needed" basis. Meetings are held as indicated, unless otherwise noticed.
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, when 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.)
Questions	Contact the City Clerk at (209) 863-7122 or aaguilar@riverbank.org

Any documents that are not privileged or part of a Closed Session provided to a majority of the City Council/LRA Board after distribution of the agenda packet, regarding any item on this agenda, will be made available for public inspection at North City Hall, 6707 Third Street, Riverbank, CA, during normal business hours.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.1

SECTION 1: PRESENTATION

Meeting Date:	October 13, 2015
Subject:	Strategic Plan Update
From:	Jill Anderson, City Manager

RECOMMENDATION

It is recommended that the City Council consider a presentation on the progress being made in accomplishing the strategic objectives identified in the City's Strategic Plan and provide comment as it deems appropriate.

SUMMARY

On March 31, 2015, the City Council met with the management team to update the City's Strategic Plan in order to focus resources toward the accomplishment of the City's key goals. The March session included a review of the City's vision, mission, and values, as well as the City's three year goals. The City's next strategic planning session is scheduled for Thursday, October 15, 2015.

Mission Statement

The City of Riverbank is committed to providing exceptional municipal services in a fiscally sound and professionally responsible manner for our community.

Core Values

<i>Professionalism</i>	<i>Transparency</i>
<i>Teamwork</i>	<i>Respectful Behavior</i>
<i>Fiscal Responsibility</i>	<i>Integrity and Ethical Behavior</i>

Three-Year Goals (2013-2016)

Enhance Public Safety
Improve and maintain infrastructure and facilities
Enhance professionalism and customer service
Achieve and maintain financial stability and sustainability
Retain and attract businesses

For each goal, specific, measurable objectives have been established for the six-month planning period. Reports on the progress being made toward accomplishing those goals are made to the City Council on a regular basis. The reports provide the City Council and staff an opportunity to monitor progress, as well as revise objectives and timelines as conditions warrant.

FINANCIAL IMPACT

There is no financial impact associated with the presentation of the Strategic Plan.

ATTACHMENTS

There are no attachments to this report.

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

SECTION 3: CONSENT CALENDAR

Meeting Date:	October 13, 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:	October 13, 2015
Subject:	Approval of the September 22, 2015, City Council and Local Redevelopment Authority Minutes
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 Minutes as presented.

SUMMARY

The Draft Minutes of the September 22, 2015, regular City Council and the Local Redevelopment Authority Board meetings have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. September 22, 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, SEPTEMBER 22, 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 Richard D. O'Brien

INVOCATION: Pastor Fred Wood

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 Mr. John Degele for his Exemplary Service as a Former Planning Commissioner.

Mr. Degele was unable to be in attendance; this presentation was not conducted.

Item 1.2: Proclamation – Manufacturing Awareness and Appreciation Month.

Mayor O'Brien presented the proclamation to the business representatives of Dayton Superior Corporation, Monschein Industries, and Thunderbolt Wood Treating Company.

Item 1.3: Proclamation – Walk to School Day – October 7, 2015.

Mayor O'Brien presented the proclamation to Riverbank Unified School District Superintendent Dr. Camp, RUSD Program and Branch Manager Keenon Krick, and Rena Lepard, RN for Doctors Medical Center, trauma services.

Item 1.4: Proclamation – Childhood Cancer.

Mayor O'Brien read the proclamation.

Item 1.5: 2015 Riverbank Cheese & Wine Festival Street Closures and Traffic Plan Update.

Mr. Chris Ricci of Chris Ricci Presents, made the presentation.

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, Riverbank, spoke in regards to the welcoming of Pope Frances to the United States, and presented his concerns with street issues.

William Johnson, Oakdale, District 1 Veterans Advisory Commission, spoke in regards to the Commission's mission, and thanked City Staff for providing him the use of the City's meeting facilities.

Evelyn Halbert, Riverbank, spoke in regards to her concerns with the Cheese and Wine event.

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 August 25, 2015, City Council and Local Redevelopment Authority Minutes.

Item 3.C: A **Resolution** of the City Council of the City of Riverbank, California, Approving the Renewal of the current Animal Control Services Agreement with the City of Oakdale for Fiscal Years 2015-2016.

Item 3.D: A **Resolution (No. 2015-080)** of the City Council of the City of Riverbank Appropriating \$6,500 from the Waste Water System Development Fee Fund (207) Reserve for the Preparation of a Soil Condition Study for the California Avenue Sewer Line Extension.

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

Mayor O'Brien reported that Item 3.C was pulled from the agenda and would be considered at a later date.

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

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

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

NAYS: *None*

ABSENT: *None*

ABSTAINED: *None*

MAYOR O'BRIEN ANNOUNCED THAT CLOSED SESSION ITEM 8.1 WOULD NOT BE CONSIDERED.

4. UNFINISHED BUSINESS *There was no items to consider.*

5. PUBLIC HEARINGS

The Public Hearing Notices for the following public hearing items 5.1 – 5.3, were published in the local newspaper of general circulation on September 2, 2015.

Item 5.1: (1) Consideration of an Ordinance Amending Title V: Public Works, Chapter 51: Sewers, Section 51.03: Rates and Charges, Established by the City of Riverbank Code of Ordinances, and (2) Consideration of an Ordinance, Amending Title V: Public Works, Chapter 52: Water, Section 52.61 Fees and Charges Established by the City of Riverbank Code of Ordinances – To implement the sewer and water rate increases as approved by the City Council at the closing of the Proposition 218 process on August 25, 2015, it is recommended that the City Council conduct the public hearing for the first reading and introduction by title only of the proposed sewers and water ordinances and consider their approval as presented, which will initiate the scheduling of the ordinances for their

second reading by title only at the October 13, 2015, regular City Council meeting to consider their adoption.

Director of Finance Marisela Garcia presented the Staff Report.

Mayor O'Brien opened the public hearing at 7:15 p.m.

- *Mrs. Mary Lou Lee objected to the installation of new water meters.*
- *Mr. Ramon Bermudez, Riverbank, spoke in opposition of the rate increases.*

Mayor O'Brien closed the public hearing at 7:20 p.m.

Mayor O'Brien responded to the replacement of water meters.

ACTION: *By motion moved/seconded (Tucker / Campbell / passed 5-0) to approve the introductions and first readings of proposed Ordinance No 2015-014 and Ordinance No. 2015-015 and to schedule their second readings and consideration for adoption at the next regular City council meeting 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: **A Resolution (No. 2015-081)of the City Council of the City of Riverbank, California, Authorizing the Preparation of An Updated Municipal Service Review (MSR) and Application to Stanislaus County LAFCO to Expand the City of Riverbank's Sphere of Influence (SOI) – It is recommended that the City Council conduct the public hearing and consider adopting the proposed Resolution to authorize the preparation of an Updated Municipal Services Review (MSR) to support an expanded Sphere of Influence (SOI) and associated application to the Stanislaus County Local Agency Formation Commission (LAFCO) as depicted in Option 1 with 30 year growth horizons to include options 1A and 1B and to establish an "Area of Influence" which extends to the limits of the current Riverbank General Plan boundaries.**

City Manager Jill Anderson clarified that the item's action for consideration was to initiate the process.

Mr. John B. Anderson, J.B. Anderson Land Use Planning Consultant, presented the staff report.

Mayor O'Brien opened the public hearing at 7:42 p.m.

- *Note for the record: A written protest signed by several Eleanor Avenue residents was received by the City Clerk, which had been distributed to the City Council for consideration.*

- *Mr. Ramon Bermudez, Riverbank, spoke in regards to [believing] a decision had already been made by the City Council.*
- *Mrs. Mary Lou Lee, Eleanor Avenue resident (outside of the city limits), objected to Option 1 and the hardship residents would experience from having their property annexed into the City.*

Mayor O'Brien closed the public hearing at 7:48 p.m.

City Council discussed the item; clarification of action of the item was to be understood as beginning the process by submittal of an application; not annexation of property.

ACTION: *By motion moved/seconded (Campbell / Tucker / passed 5-0) to approve authorization of the preparation of an Updated Municipal Services Review (MSR) to support an expanded Sphere of Influence (SOI) and associated application to the Stanislaus County Local Agency Formation Commission (LAFCO) as depicted in Option 1 with 30 year growth horizons to include options 1A and 1B and to establish an "Area of Influence" which extends to the limits of the current Riverbank General Plan boundaries. Option 1: a 380 acre area known as Crossroads West, and additional lands to the east of the Riverbank Industrial Complex of approximately 287 acres; Option 1A: adding approximately 491 acres to Option 1, which is west of the proposed Crossroads West Specific Plan to Coffee Road; and Option 1B: adding approximately 261 acres to Option 1, which is east of Eleanor from Patterson Road south to Claribel as presented, by the adoption of Resolution No. 2015-081.*

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: **Receive Presentation of the Draft City of Riverbank Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan Update and Receive Comments and Questions from the City Council and the Public** – It is recommended that the City Council receive the presentation and provide comments and questions on the Draft City of Riverbank Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan Update and Appendices. The plan will be available online and at City Hall North and South for a 30-day public comment period. At that time both City Council and the Public's comments will be incorporated into the final draft and brought to Council for consideration and approval.

Community Development Services, Administration Manager Kathleen Cleek introduced the item and introduced Mr. Tim Gilbert of Moore Iacofano Goltsman (MIG), who presented the report. Ms. Ashly Tomerlin of MIG was also present.

City Council and staff discussed the item.

Mayor O'Brien opened the public hearing at 8:31 p.m.; no one spoke, the public hearing was closed.

Ms. Cleek reported that the item would be brought back to City Council after a 30-day comment period and further review by MIG.

6. NEW BUSINESS

Item 6.1: **A Resolution (No. 2015-082) of the City Council of the City of Riverbank, California, to Adopt Emergency Water Restrictions in Accordance with Section 6.5 of the Urban Water Master Plan** – In accordance with the City of Riverbanks Urban Water Master Plan Section 6.5 thru 6.7, it is recommended that the City Council adopt the proposed resolution adopting a revised outdoor watering schedule to implement additional outdoor watering restrictions.

Public Works Superintendent Michael Riddell presented the Staff Report.

Public Comment: Mrs. Evelyn Halbert inquired about the effective date of policy enforcement.

Mr. Riddell stated a public education period on the policy would be conducted and enforcement would begin in two-to-three weeks.

City Manager Anderson clarified that the effective date of the policy is immediately, however, the enforcement of the policy would begin in two-to-three weeks.

ACTION: *By motion moved/seconded (Tucker / Barber-Martinez / passed 5-0) to approve the Emergency Water Restrictions in accordance with Section 6.5 of the Urban Water Master Plan as presented, by adoption of Resolution No. 2015-082.*

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 6.2: **Fiscal Year 2014-15 Year-End Financial Status Report** – It is recommended that City Council receive a report regarding the Fiscal Year 2014-15 Year-End Financial Status for the City's major funds.

City Manager Anderson announced the financial forecasting meeting scheduled for October 12th.

Director of Finance Marisela Garcia presented the report.

City Council received the report; no public comments were made.

ACTION: *By motion moved/seconded (Barber-Martinez / Tucker / passed 5-0) to approve receipt of the Fiscal Year 2014-15 Year-end Financial Status Report 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: **Resolution (No. 2015-083) Determining that an Unreasonable Hardship will result unless the Judgment in the Barham Construction, Inc. Et Al v. City of Riverbank (Superior Court Case No. 350298) Is Paid in Installments** – It is recommended that the City Council adopt the attached resolution regarding Barham Construction, Inc. v. City of Riverbank, Stanislaus Superior Court Case Number 350298.

City Attorney Tom Hallinan presented the staff report.

City Council received the report; no public comments were made.

ACTION: *By motion moved/seconded (Barber-Martinez / Campbell / passed 5-0) to approve Determining that an Unreasonable Hardship will result unless the Judgment in the Barham Construction, Inc. Et Al v. City of Riverbank (Superior Court Case No. 350298) Is Paid in Installments as presented by adoption of Resolution No. 2015-083.*

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 6.4: **Consideration of the 2015 League of California Cities Annual Conference Resolutions** – It is recommended that City Council consider supporting the League of California Cities' resolutions, and determine the City of Riverbank's position on each resolution so that Voting Delegate Mayor O'Brien, or Alternate Voting Delegate Vice Mayor Darlene Barber-Martinez, are prepared to represent the City's position accordingly during the Annual Business meeting portion of the Conference.

Mayor O'Brien motioned that Vice Mayor Barber-Martinez be designated the Voting Delegate; Councilmember Campbell second the motion.

There were no public comments made; no discussion of the Resolutions occurred.

ACTION: *By motion moved/seconded (O'Brien / Campbell / passed 5-0) to approve designating Vice Mayor Barber-Martinez as the Voting Delegate.*

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

Planning and Building Manager Donna Kenney provided an update on the clean-up of the burnt business buildings at the corner of Atchison and Third Streets, and reported on the grading violations occurring on property at Claus Road and California and the City's actions to stop the violations.

City Clerk Annabelle Aguilar announced the District Elections Public Forums scheduled on October 14, 24, and 29 to receive public input on the proposed boundaries.

Item 7.2: Council/Authority Member Comments

Council/Authority Member Jones Cruz expressed appreciation for the hard work and efforts of the staff reports provided.

Council/Authority Member Campbell commented on the three recent pedestrian accidents in Modesto, stating it was getting dark earlier and asked that everyone to be careful and watch out for pedestrians.

Council/Authority Member Tucker expressed appreciation for the staff reports provided and keeping the City Council well informed.

Vice Mayor/Chair Barber-Martinez announced that September was "Hunger Action Month" and thanked the organizations that provide food programs, and thanked the volunteers that helped to clean-up the Stanislaus River access areas.

Item 7.3: Mayor/Chair Comments

Mayor/Chair O'Brien: 1) thanked and commended Board of Supervisor Chiesa for getting AB 107 passed, which balanced a negative bailout for Counties and Cities allowing property taxes to be retained by eliminating a required annual repayment; 2) requested that the approved water reduction program be extended or at least reduce watering city medians and the like, or stop watering trees and bushes entirely for the next six weeks due to the beginning of the rainy season; and 3) invited everyone to the October 12th financial forecasting meeting.

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 NO PUBLIC HEARING AND ASKED FOR PUBLIC COMMENT; NO ONE SPOKE.

Item 8.1: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code § 54956.9(a)

Name of Case: Barham Construction, Inc. v. City of Riverbank

Court of Appeals of California, Fifth District

Case No. F058692 and Case No. F059499

Recommendation:

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

9. REPORT FROM CLOSED SESSION

THERE WAS NO CLOSED SESSION.

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

10. INFORMATIONAL ITEMS (Information Only – No Action)

Item 10.1: Warrant Registers for 07/15/15, 07/16/15, 07/22/15, 07/23/15, 07/29/15, 07/30/15, 08/06/15, 08/11/15, 08/20/15, 08/27/15, and 09/03/15.

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 9:17 p.m.

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

Richard D. O'Brien
Mayor / Chair

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.C

SECTION 3: CONSENT CALENDAR

Meeting Date:	October 13, 2015
Subject/ Title:	Award Bid for the Roselle Avenue Sidewalk Project and Authorize Execution of Future Change Orders
From:	Jill Anderson, City Manager
Submitted by:	Marisela H. Garcia, Director of Finance/City Treasurer Kathleen Cleek, Development Services Administration Manager Laura Graybill, Project Coordinator

RECOMMENDATION

It is recommended that City Council Award the lowest responsible bidder, McFadden Construction, Inc. to contract to construct the Roselle Avenue Sidewalk Project and authorize the City Manager to execute change orders within total project budget.

SUMMARY

In fiscal year 2014/2015, the City of Riverbank was awarded Congestion Mitigation Air Quality (CMAQ) formula funds, to install pedestrian improvements along Roselle Avenue between Ross Avenue and Turpin Avenue. The scope of work includes constructing sidewalks and upgrading ramps to be compliant with the American with Disabilities Act (ADA).

A bid opening was held on Thursday, September 24, 2015, to consider the bids for the Roselle Avenue Sidewalk Project. The following bids were received:

McFadden Construction, Inc.	\$ 92,627.90
George Reed, Inc.	\$117,954.00
Ross F. Carroll, Inc.	\$118,423.50
FBD Vanguard Construction	\$134,465.50

Work on the project includes, but is not limited to, furnishing all labor, materials, equipment, transportation, and incidentals necessary to construct all curb, gutter, handicap ramps, sidewalk, driveways, fencing, asphalt concrete paving, striping, drainage, demolition and all other facilities shown on the plans.

Bids have been reviewed and McFadden Construction, Inc. has been identified as the lowest responsible bidder for the project.

BACKGROUND

Congestion Mitigation Air Quality (CMAQ) funds are jointly administered by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). The program provides a flexible funding source for transportation projects and programs that help improve air quality and reduce congestion. The CMAQ guidelines state the management planning organizations should evaluate the cost-effectiveness of the projects and give priority consideration to those that will create the greatest emissions reductions for the least cost, especially in those areas designed non-attainment or maintenance for PM 2.5. All CMAQ projects must meet three eligibility requirements: Have a transportation focus, reduce air emissions, and be located in or benefit a nonattainment or maintenance area.

The Stanislaus Council of Governments (StanCOG) is responsible for the distribution of CMAQ funds. Each agency within StanCOG's jurisdiction receives a fixed funding allocation based on each City's road miles. Additional funds are available through a competitive process based on the project's cost effectiveness. StanCOG works with the local agencies to identify and program projects that adhere to the funding allocation for the agency and meet the CMAQ project eligibility guidelines.

In the Stanislaus region CMAQ is primarily used for traffic signals, public transportation vehicles, sidewalks, and bike and pedestrian paths.

FINANCIAL IMPACT

The project is programmed in the Federal Transportation Improvement Plan (FTIP) under the Congestion Mitigation Air Quality (CMAQ) as follows:

Preliminary Engineering	\$ 20,000
Construction Engineering & Construction	<u>\$110,616</u>

TOTAL	\$130,616
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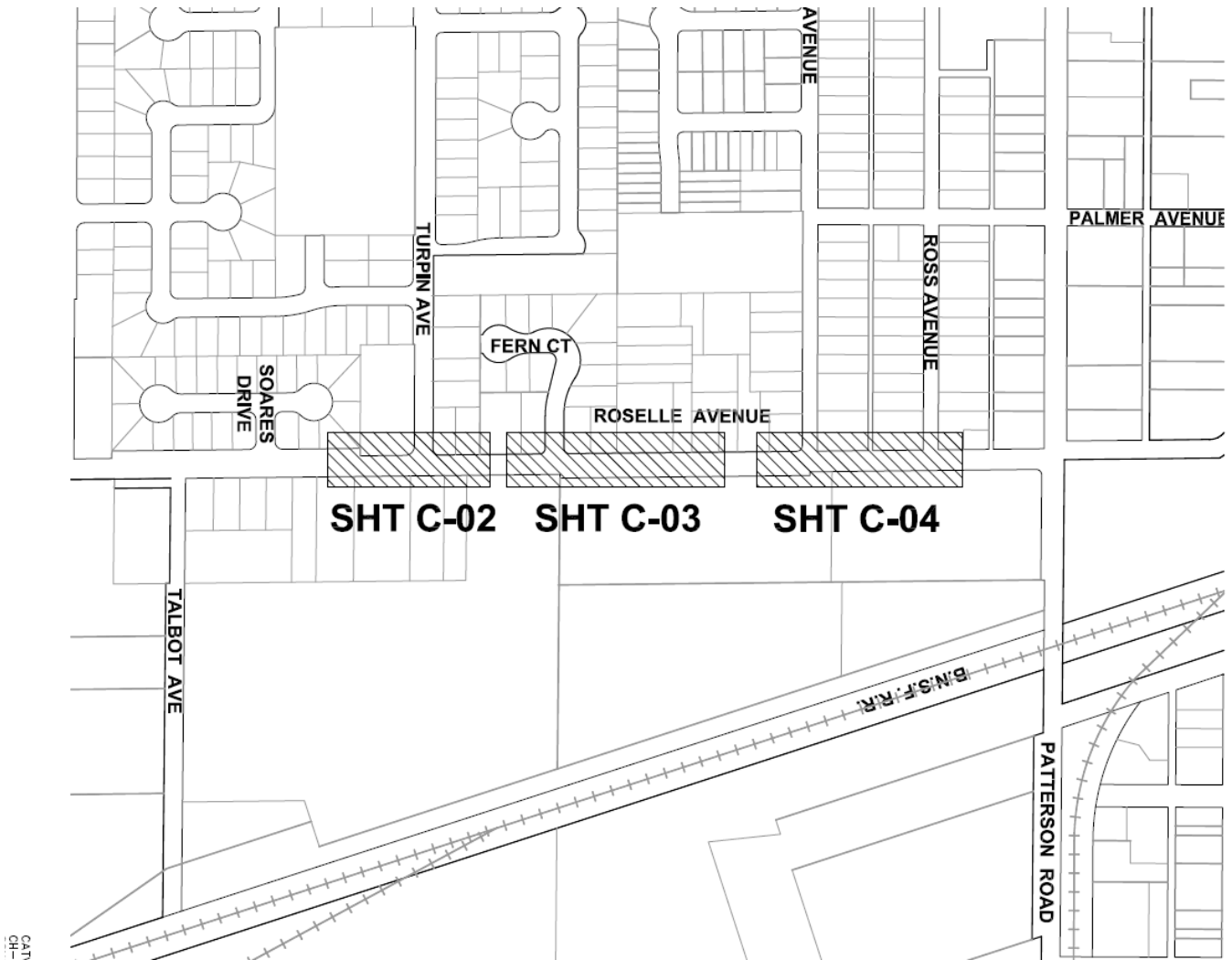
This project is 100% funded by Congestion Mitigation Air Quality (CMAQ) Funds.

ATTACHMENT

- 1) Site Map

Roselle Avenue Sidewalk Project

Site Map



RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.D

SECTION 3: CONSENT CALENDAR

Meeting Date:	October 13, 2015
Subject:	A Resolution of the City Council of the City of Riverbank Approving the Renewal of the Current Animal Control Services Agreement with the City of Oakdale For Fiscal Years 2015-2016 & 2016-2017
From:	Jill Anderson, City Manager
Submitted by:	Norma Torres-Manriquez, Administrative Analyst II

RECOMMENDATION

It is recommended that the City Council adopt the proposed resolution to approve the renewal of the Animal Control Services Agreement with the City of Oakdale for Fiscal Years 2015-2016 and 2016-2017.

SUMMARY

On February 1, 2009, the City of Riverbank entered into an animal services agreement with the City of Oakdale to provide animal services to the residents of Riverbank. It is an annual agreement that has been renegotiated at the beginning of every fiscal year since 2009.

The partnership between the City of Riverbank and the Oakdale Animal Services Department has been a positive and successful one; in the proposed renewal agreement there are a few changes and clarifications. Below are the sections with proposed revisions:

- Section 1.3 (IV) for Emergency Call Out: has been reworded to clarify the agency assistance section and a section (V) has been added to reflect the Public Safety call outs often needed by Riverbank.
- Section 2.1 Shelter Attendant: includes the addition of a part time shelter attendant which increase's the agreement by \$4,502 per year. The addition of this attendant will result in a savings of over time hours for our Animal Control Officer but more importantly it will allow him more time to serve the City of Riverbank rather than tending to shelter duties.
- Section 2.4 has been added to the agreement to address the care and handling of animals larger then 150lbs.

- Section 2.5 proposes that the Riverbank City Council approve renewing the Animal Services Agreement with the City of Oakdale for a term of two fiscal years 2015-2017. The agreement will continue to have the stipulation that either party may terminate the agreement upon thirty (30) days written notice.
- Section 2.8 Animal Control Vehicle: it was brought to the attention of the City that maintenance cost for the animal control vehicle have not been charged in the previous years. The City of Oakdale is not requesting retro payment for the maintenance fee but they have included an increase of \$1500 per year to cover the required maintenance cost.

Under the proposed agreement, the City of Oakdale Police Department's Animal Services Unit will continue to respond to animal calls 32 hours a week to the City of Riverbank for a fee of \$158,047 per year. Oakdale Animal Services will continue to respond to emergency-only, animal-related calls in Riverbank on a 24-hour, seven day a week bases on a fee for call basis.

The contract funds a 32-hour a week animal control officer; it also subsidizes the cost of two shelter attendants, police dispatch services and all operations and maintenance costs incurred by Oakdale Animal Services to deliver services to the City of Riverbank.

It is recommended that the proposed agreement with the City of Oakdale be renewed for 2015-2017, with the terms and conditions reflected in the Animal Control Services Agreement.

FINANCIAL IMPACT

The estimated annual cost for basic services for the 2015-2016 and 2016-2017 fiscal years is \$158,047 per year, which is included in the FY 2015-2016 Adopted Budget; however, minor adjustments may be needed at midyear after a review of the overtime expenses needed to respond to emergency situations.

ATTACHMENT

1. Draft Animal Services Agreement 2015-2017, with Attachment A-1 & A-2
2. Resolution

This Agreement is entered into this 1st day of July 2015, between the City of Riverbank and the City of Oakdale. [This Agreement is for two fiscal years ending on June 30, 2017.](#)

ARTICLE 1

DESCRIPTION OF SERVICES

1.1 TERMS AND CONDITIONS

The City of Oakdale will provide the following limited Animal Control Services to the City of Riverbank. The services selected by the City of Riverbank are described as follows, and are subject to the following terms and conditions. This agreement relates to the impounding of cats, dogs, and small animals not exceeding 150 pounds during specified duty hours of the City of Oakdale's Animal Control Officer(s). Refer to Attachment A-1 for specific cost for service.

1.2 PATROL SERVICES

The City of Oakdale will provide animal related patrol services within the incorporated limits of the City of Riverbank for a period of thirty-two (32) hours of each week. Oakdale Animal Control will provide the City of Riverbank with a schedule of regular patrol hours. However, extenuating circumstances (i.e., employee illness) may prevent the City of Oakdale from providing patrols on a specific schedule. Should such extenuating circumstances occur, Oakdale Animal Control agrees to notify the Riverbank Police Services Watch Commander and the City of Riverbank, Administrative Services Department, to modify the schedule to ensure the required patrol services are provided. Refer to Attachment A-1 for service costs.

1.3 EMERGENCY CALL OUT

During hours when City of Oakdale Animal Control officers are not patrolling incorporated areas of the City of Riverbank, Oakdale Animal Control officers will respond to the City of Riverbank to assist with dog, cat, and small animal related emergencies. [Such incidents will be verified by a Riverbank Police Services Officer, or a Riverbank contracted Security Officer, or other Riverbank personnel as designated by the City Manager.](#)

Fees vary depending upon the time of day that the request is placed. Refer to Attachment A-24. ~~The City of Oakdale considers only the following types of Incidents for~~ Emergency Call Outs [for the City of Riverbank are considered:](#)

- (I) INJURED/SICK ANIMALS: When any injured/sick stray domestic or non-domestic animal weighing less than 150 pounds is found in a public place and the owner is unknown or untraceable. Owned injured/sick animals are the responsibility of the owner.
- (II) STRAY ANIMAL BITE: When any animal or specie known to be endemic to rabies (generally warm blooded mammals), bites or exposes a human and the owner is unknown, (owned animals are to be confined by the owner, and an Oakdale Animal Services Officer can handle the case the following work day).

(III) DANGEROUS ANIMALS: When any animal is presenting an immediate danger to the public safety.

(IV) AGENCY ASSISTANCE: An Oakdale Animal Services Officer will respond to emergency call-outs as defined in (I), (II), and (III) above, once the emergency has been verified by an on-duty peace officer when available, or authorized security officer working under contract for the City of Riverbank when available.

(V) Public Safety

On occasion, animal control calls that are determined to pose a public safety concern, which do not meet the definitions of an emergency as stated in (I) (II) or (III) above, requires animal control service. Such incidents will be verified by a Riverbank Police Services Officer, or a Riverbank contracted Security Officer, or other Riverbank personnel as designated by the City Manager.

Any call out request for animal control services not within the scheduled hours of patrolling the City of Riverbank or not within the emergency definitions as stated above, shall be paid by the City of Riverbank as indicated in Attachment A-2.

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1.4 VETERINARIAN/MEDICAL SERVICES AND ASSOCIATED COSTS

The City of Oakdale will provide veterinarian/medical services for animals captured within the City of Riverbank. The City of Oakdale also agrees to provide office supplies and equipment for Oakdale Animal Control employees. Euthanasia drugs, dog and cat food, animal disposal services, spay and neutering and cleaning and drain chemicals will also be supplied. The fee that the City of Riverbank agrees to pay the City of Oakdale for these services is described in Attachment A-1.

1.5 IDENTITY OF OWNER

All animals received by Oakdale Animal Control Officers will be checked for a microchip and/or city license, in an attempt to identify their owner.

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ARTICLE 2

GENERAL PROVISIONS

2.1 SHELTER ATTENDANT

The City of Oakdale will employ two part-time (32-hour a week and 12-hour a week) shelter attendants. The attendant's job duties will include but will not be limited to feeding the animals, cleaning the facility, and to accept and release animals from the Oakdale Animal Control Shelter. The One attendant will be assigned to work 32 hours at the Oakdale Shelter. The second attendant will be assigned to work 12-hours in and the Oakdale Shelter. The Oakdale Animal Control Services supervisor will set this employee's work schedule.

The Cities of Oakdale and Riverbank agree to share equally the cost of the 32-hour two shelter attendants. based upon the percentage of kennel intakes per city. For

example, if the number of dog, cat, and other animal intakes at the shelter coming from Riverbank is 47 percent (47%) of the total intakes of Oakdale and Riverbank combined for the first 10 months of the contract, then Riverbank agrees to pay 47 percent (47%) of the cost of the Shelter Attendant for the proceeding contract year. Kennel intakes are categorized into those (a) confiscated by an officer; (b) deceased and dropped off at the animal shelter; (c) animals sheltered in which euthanasia must be performed; (d) owner surrendered animals; (e) animals picked up by animal control but not claimed; (f) stray animals placed at the shelter by animal control or received from citizens. The Oakdale Police Department will provide a kennel intake report to the City of Riverbank by May 15th of each year, forty five (45) days in advance of the expiration date of the contract. See Attachment A-1 for a summary of the cost.

2.2 RADIO/TELEPHONE DISPATCH COSTS

It is anticipated that the Oakdale Police Department will receive nearly 1,000 animal-related calls from the City of Riverbank during the duration of this contract. The City of Oakdale is expected to incur a monthly cost of \$2,000-102.08 to dispatch officers for these services. The City of Riverbank agrees to pay for the cost for these services for the duration of this agreement as indicated in Attachment A-1.

2.3 ANIMAL CONTROL SUPERVISOR COSTS

It is anticipated that the Oakdale Animal Control Unit Supervisor will have to commit at least one and one-half hour each workday to supervising the part-time animal control officer who will be serving the City of Riverbank each week. The City of Riverbank agrees to pay for the cost of this service for the duration of this agreement as indicated on Attachment A-1.

2.4 LIVESTOCK AND LARGE ANIMAL HANDLING COSTS

Although the Oakdale Animal Control Unit is not equipped to handle livestock on a regular basis, and in the interest of maintaining a high level of service for the City of Riverbank, our Animal Control Unit may be able to assist with such calls depending on the size, disposition and location of the animal. Accepting such calls will be decided on a case-by-case basis and all additional costs including but not limited to housing, feed and veterinarian services will be paid by the City of Riverbank.

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2.5 MODIFICATION OF AGREEMENT/FEE SCHEDULE

This agreement may be modified and/or amended at any time by mutual agreement of the parties, in writing. Any increase in fees shall not exceed 10-percent (10%) annually unless mutually agreed upon by both parties.

The fee schedule (Attachment A-1 and A-2) becomes effective on July 1, 2015, and expires on June 30, 2017. The cities of Oakdale and Riverbank agree to re-open this agreement on the first business day of May 2017, to begin discussions about a contract extension. However, any salary and fringe benefit increases incurred by the City of Oakdale for the positions of Animal Control Officer, Shelter Attendant, Dispatcher, or Police Sergeant (positions dedicated to providing services to Riverbank under this agreement) may be cause for renegotiation of said contract at any time through June 30, 2017.

The respective City Managers are authorized to make monetary changes up to \$5,000 and all non-monetary changes to the Agreement.

2.6 PAYMENT OF FEES

The City of Riverbank agrees to pay the City of Oakdale for the services selected and billed, within thirty (30) days of receipt of statement of charges.

2.7 ACCEPTANCE/TERMINATION OF AGREEMENT

This Agreement shall become effective immediately upon approval of the Riverbank City Council and the Oakdale City Council. Either party may terminate the Agreement upon thirty (30) days written notice.

2.8 ANIMAL CONTROL VEHICLE

The City of Riverbank has provided, at no cost to the City of Oakdale, an animal control vehicle designed to contain and transport small animals. The vehicle will be used exclusively by designated Oakdale animal control officer(s). The vehicle will be stored at the Oakdale Police facility when not in service as a convenience to the Oakdale Animal Control officer(s) for emergency animal call-outs occurring in the City of Riverbank. The City of Oakdale has purchased the vehicle for \$1.00 and agrees to amortize its purchase in a manner agreeable to both parties. However, if this Agreement is terminated prior to the full amortization of the animal control vehicle, the vehicle becomes the property of the City of Riverbank. The City of Riverbank will be charged for maintenance and fuel for use of the vehicle to provide services to the City of Riverbank (refer to Attachment A-1).

2.9 COLLECTION OF FEES

The City of Riverbank has adopted an ordinance that authorizes City of Oakdale Animal Control officer(s) to enforce standard animal-related licensing requirements and nuisance-related problems (i.e., leash law violations) in Riverbank. The City of Riverbank has also agreed to adopt the City of Oakdale's existing animal-related user fees (i.e., animal license fee) to allow Oakdale Animal Control employees to impose fees for services rendered within the City of Riverbank.

The City of Oakdale agrees to collect fees for penalties imposed by the Riverbank City Animal Code and all user fees for services rendered in the incorporated areas of the City of Riverbank. One-hundred-percent (100%) of all fees collected will be retained by the City of Oakdale. Thirty-five-percent (35%) of said fees will be paid to the City of Oakdale to be used to help pay labor and material costs associated with the billing and collection of said fees. The remaining sixty-five-percent (65%) will be used to offset costs charged to the City of Riverbank for animal control services.

2.10 REPORTING

The City of Oakdale agrees to furnish at the request of the City of Riverbank quarterly reports stating the number of calls responded to, the actual time worked for patrol services, the time worked responding to emergency call outs, and the number of animals apprehended or received.

2.11 VICIOUS AND POTENTIALLY DANGEROUS DOGS

Vicious and potentially dangerous animals shall be handled as set forth in the Oakdale Municipal Code by the Oakdale Police Chief or his designee. Hearings involving Riverbank animals shall take place within the city limits of Riverbank. If the City of Riverbank requests that an Oakdale Animal Control Officer(s) provide assistance in a

legal proceeding to declare a dog vicious or potentially dangerous, the City of Riverbank shall pay to the City of Oakdale the weighed labor rate of the Oakdale Animal Services officer who provided the assistance.

2.12 HOLD HARMLESS

To the fullest extent permitted by law, the cities shall indemnify, defend, and hold the other harmless, its officers, representatives, agents and employees against any and all suits, damages, costs, fees, claims, demands, causes of action, losses, liabilities and expenses, including without limitation attorneys' fees, to the extent arising or resulting from any negligent acts, errors or omissions of such indemnifying party or its assistants, employees, or agents, including all claims relating to the injury or death of any person or damage to any property. The cities agree to waive rights of recovery for damage to city property because of negligence of the other city. The cities also agree to waive any rights of recovery for liabilities under the Workers Compensation Laws of the State of California, Labor Code Sections 3200 et seq.

2.13 RECONCILIATION

The City of Oakdale and the City of Riverbank agree that there will be a reconciliation of revenues and expenditures at the end of the contract. Any adjustment shall be reflected as an increase or decrease to the final contract amount.

IN WITNESS WHEREOF, this agreement was executed on the date first written above.

CITY OF OAKDALE

CITY OF RIVERBANK

Bryan Whitemyer, City Manager

Jill Anderson, City Manager

ATTEST:

ATTEST:

Kathy Teixeira, CMC, City Clerk

Annabelle Aguilar, CMC, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Thomas P. Hallinan, City Attorney

Thomas P. Hallinan, City Attorney

ATTACHMENT A-1 **Cost Summary for Animal Control Services**

Description	Annual Cost
Animal Control Officer	<u>\$49833</u>
Shelter Attendant (32-hour)	<u>\$19919</u>
<u>Shelter Attendant (12-hour)</u>	<u>\$4,502</u>
Dispatcher Services	\$ 25,225
Supervisor	<u>\$14565</u>
Office Supplies	<u>\$3864</u>
Euthanasia Drugs	\$ 4,140
Dog and Cat Food	\$ 600
D & D Disposal	\$ 6,636
Veterinarian Costs	\$ 4,980
Spay/Neutering Costs	\$ 5,316
Fuel for A/C Vehicle	\$ 7,500
<u>Maintenance for A/C Vehicle</u>	<u>\$ 1500</u>
Cleaning/Drain Chemicals	\$ 3,312
Misc. Animal Supplies	\$ 4,980
Mandatory Training	\$ 1,175
TOTAL COSTS	\$ 158,047

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ATTACHMENT A-2

Emergency Animal Response Costs

Response from on-duty animal control officer: \$29.44 hourly

Response from off-duty animal control officer: \$133.00 per call

These costs are imposed during times when Oakdale animal control officer(s) are not working scheduled Riverbank patrols.

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
APPROVING THE RENEWAL OF THE CURRENT ANIMAL CONTROL SERVICES
AGREEMENT WITH THE CITY OF OAKDALE FOR
FISCAL YEARS 2015-2016 & 2016-2017**

WHEREAS, the City of Riverbank has contracted with the City of Oakdale for Animal Control Services since 2009; and

WHEREAS, it has been determined by the City of Oakdale that the Animal Control Services Agreement will include changes to sections 1.3 (IV), 2.1, 2.4, 2.5, and to Attachment A-1; and

WHEREAS, the City of Riverbank's financial responsibility to the City of Oakdale will increase by \$6,002, for a total contractual amount of \$158,047 for two fiscal years 2015-2016 and 2016-2017 as stated in Attachment A-1; and

WHEREAS, the City of Riverbank will remain obligated to pay additional Emergency Animal Response Costs as set forth in **Attachment A-2** on a case-by-case basis during the two fiscal year 2015-2017.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby approve of the renewal of the Oakdale Animal Control Services Agreement with the City of Oakdale for fiscal years 2015-2016 and 2016-2017.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 13th day of October, 2015; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

Attachments: Copy of Agreement, with Attachment A-1 and Attachment A-2

**RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 3.E**

SECTION 3: CONSENT CALENDAR

Meeting Date:	October 13, 2015
Subject:	Out of State Travel Request for LRA Staff
From:	Jill Anderson, City Manager
Submitted by:	Debbie Olson, Executive Director

RECOMMENDATION

It is recommended that the Local Redevelopment Authority Board review and approve the anticipated out-of-state travel requests for the LRA Staff in FY2015-16.

SUMMARY

The LRA staff has been invited to participate in three meetings associated with the Association of Defense Communities (“ADC”) conferences and/or Board of Director’s meetings throughout the fiscal year 2015-16. All three meetings take place out of state.

The table below outlines the dates and meetings LRA staff are requesting clearance for travel. All of these events were anticipated and the funding was included in the LRA’s FY 2015-16 budget.

EVENT	LOCATION	DATES	WHO
ADC Base Redevelopment Conference	San Antonio, Texas	October 21-23, 2015	D. Olson M. Holdaway
ADC Board Meeting	Washington, D. C.	November 5, 2015	D. Olson
ADC Board Meeting	Washington, D.C.	June 12-20, 2015	D. Olson

This item is before the LRA Board for review because the City’s Expense and Use of Public Resources Policy (April 2006) requires governing body approval for out-of-state travel.

STRATEGIC PLAN ALIGNMENT

This activity increases positive peer-to-peer engagement, promotes professionalism and provides educational opportunities for LRA staff.

FINANCIAL IMPACT

There is no impact on the General Fund. Travel expenses are budgeted and will be covered by ADC (for board meetings) and through grant funds and/or site lease revenues for conference travel.

ATTACHMENT

None

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 4.1

SECTION 4: UNFINISHED BUSINESS

Meeting Date: October 13, 2015

Subject: Second Reading by Title Only and Adoption of:

(1) Proposed **Ordinance No. 2015-014** of the City Council of the City of Riverbank, California, Amending Title V: Public Works, Chapter 51: Sewers, Section 51.03: Rates and Charges, Established by the City of Riverbank Code of Ordinances; and

(2) Proposed **Ordinance No. 2015-015** of the City Council of the City of Riverbank, California, Amending Title V: Public Works, Chapter 52: Water, Section 52.61 Fees and Charges Established by the City of Riverbank Code of Ordinances

From: Jill Anderson, City Manager

Submitted by: Marisela H. Garcia, Director of Finance
Michael Riddell, Public Works Superintendent
Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council conduct the second reading by title only of the proposed Ordinances and consider their adoption by roll call vote.

INTRODUCTION

A Public Hearing was conducted at the regular City Council meeting on September 22, 2015, to receive public opinions or evidence for or against the proposed Ordinances after their first reading and introduction by title only. The City Council approved the first reading and introduction of the proposed ordinances (now titled Ordinance No. 2015-014 and Ordinance No. 2015-015, respectively) which moved said Ordinances to the October 27, 2015, regular City Council meeting for their second reading by title only and consideration for adoption.

SUMMARY

At the August 25, 2015 meeting the City Council held the Proposition 218 Protest Hearing regarding the proposed Sewer and Water rate increases for Fiscal Years 2016-

2020. The rates were proposed after the development of a Sewer and Water Rate Study which focused on determining whether current rates would allow our Sewer and Water Enterprise Funds to fund: (1) Operations and Maintenance, (2) Capital Improvements, (3) Debt Service, and (4) Emergency Reserves.

After receiving a less than majority vote at the Protest Hearing, the City Council authorized city staff to proceed with the introduction and first reading of the Sewer and Water Ordinances that would implement the proposed rates.

Should the rates be adopted, the typical residential customer will experience an increase as follows:

Sewer Rates

Rate Proposal	Current Rate	Nov. 21, 2015	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019
Monthly Base Rate	\$20.15	\$25.79	\$33.01	\$40.28	\$47.12	\$49.48
% Increase		28%	28%	22%	17%	5%
\$ Increase/month		\$5.64	\$7.22	\$7.27	\$6.84	\$2.36

Water Rates

Rate Proposal (Meter Size)	Current Rate	Nov. 21, 2015	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019
Base Rate Increase						
1.5" meter base rate (first 1,000 cu. ft.)	\$14.65	\$19.77	\$22.73	\$24.55	\$25.78	\$27.07
\$ Increase/Month for the base rate		\$5.12	\$2.96	\$1.82	\$1.23	\$1.29
Variable Charge (water usage over 1,000 cu. ft.) per 100 cubic feet	\$0.34	\$0.46	\$0.53	\$0.57	\$0.60	\$0.63
Drought Surcharge per 100 cubic feet	\$0.00	\$0.00	\$0.07	\$0.16	\$0.28	\$0.30

Total proposed monthly increase for the typical homeowner (base rates):

Rate Proposal	Nov. 21, 2015	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019
Sewer Monthly Increase	\$5.64	\$7.22	\$7.27	\$6.84	\$2.36
Water Monthly Increase	\$5.12	\$2.96	\$1.82	\$1.23	\$1.29
Total Increase/month	\$10.56	\$10.18	\$9.09	\$8.07	\$3.65

BACKGROUND

As enterprise funds, both Sewer and Water services are funded almost 100% by user fees charged to residential, commercial, and industrial customers located within the City of Riverbank. Over the past several years, the Sewer and Water Enterprise Funds have been suffering from structural deficits where revenues collected are not sufficient to cover necessary day-to-day operations and maintenance and capital improvements to aging infrastructure. A historical view of the surplus/deficits for both funds is as follows:

<u>Fiscal Year</u>	<u>Sewer Fund</u>	<u>Water Fund</u>
2010-11	+\$785	+\$2,913
2011-12	+\$126,684	-\$28,182
2012-13	-\$78,375	-\$341,042
2013-14	-\$165,663	-\$41,664
2014-15 (Est)	-\$220,650	+\$27,350

The continuance of a structural deficit in either fund will significantly deplete the operating reserves and will leave little to no funds available for emergency repairs and for on-going maintenance that is required for our sewer and water systems.

Revenues received from the implementation of the proposed rates would allow for sufficient revenues to be available to fund:

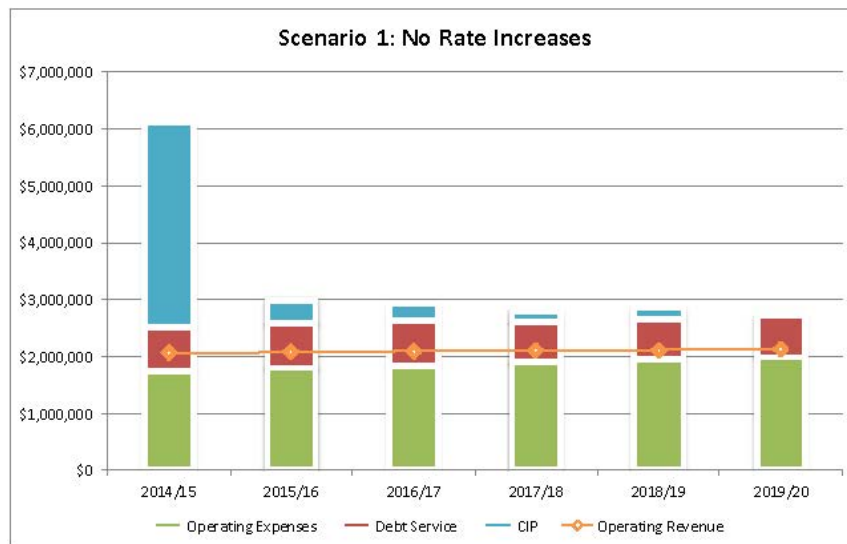
1. Operations and Maintenance - Properly maintaining the water and sewer systems is essential in providing safe and reliable drinking water to the residents and the collection and treatment of sewage in order to avoid sewer overflows from occurring. Proactive maintenance helps to keep equipment operating at its maximum efficiency, prolongs the life of the system, and saves money by preventing costly emergency repairs.
2. Capital Improvements – The capital improvements proposed to be funded by the new rates will help to renovate aging pipelines and pumps (some of which are over 60 years old), and make overall improvements to our sewer and water systems.
3. Debt Service – In order to have sufficient funding for major capital improvements, sometimes it is necessary to borrow funds through loans or bonds. Over the course of the lifetime of the improvement, these loans and bonds are repaid annually as debt service. The proposed rates ensure that the repayment of existing bonds and loans occurs so that there is no default in payment.
4. Emergency Reserves – Funding for an emergency reserve (which is similar to a savings account) will ensure that there is funding necessary should a sewer or water emergency arise in the future.

SEWER & WATER RATE PROPOSALS

Thorough rate studies that would take into consideration not only current maintenance needs but also future capital needs were prepared in order for the City to have the necessary documentation to perform the Proposition 218 protest vote for rate increases held on August 25, 2015. The assistance of Bartle Wells Associates was essential in developing user rates that would be fair and equitable and that would provide sufficient funding for necessary improvements.

Sewer Rate Proposal

In preparing the proposed Sewer Rates, Bartle Wells Associates projected the financial status of the Sewer Fund over the next five years. This analysis took into consideration rising costs of operations and maintenance as well as the need to address future capital needs. A projection of revenues (at the current rate level) revealed that over the five-year period, the Sewer Fund would continue to run a deficit (expenditures exceeding revenues) and would eventually deplete all reserve fund balances by 2016-2017. The figure below, reflects the Sewer Fund shortfall under the assumption that no rate increase is adopted:



Bartle Wells Associates has suggested that in addition to our Residential class, the City divide its volume-based users (i.e. commercial, retail, and schools) into four categories based on strength factors. The four recommended categories (and the users to be included within them) are as follows:

Class	Commercial Grouping
Low	Schools w/o Cafeterias Offices
Domestic	Commercial Hospitals Extended Care Facilities Markets (w/o Delicatessens) Automobile Service Facilities Commercial Laundromats
Medium	Schools w/ Cafeterias Restaurants Short Order Facilities Markets (w/ Delicatessens)
High	Restaurants (w/ Full Kitchens)

The rate study also takes into consideration the City's five-year capital improvement program for Fiscal Years 2015/16 – FY 2019/20 that will be funded through the proposed rates. The projects included provide the benefit of being able to upgrade aging infrastructure as well as other necessary improvements to our sewer system.

Sanitary Sewer Utility	Project #	0	1	2	3	4	5	Total Projected Capital Cost FY 2011-2020
		FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	
Project Name								
High Priority Projects								
Utility Service Separation	SS-013	36,000						36,000
Cross Connection Reduction	SS-012		200,000	200,000	200,000	200,000		800,000
Biological System	WWTP-020	3,549,843						3,549,843
Equipment Protection -Overhead Structure	WWTP-023		10,000					10,000
Road Improvements Entering WWTP	WWTP-024		100,000					100,000
Resurface Entry Road to WWTP [1]			110,000					110,000
Finish Pond 9 at WWTP [1]				98,000				98,000
Total High Priority Projected Capital Cost		3,585,843	420,000	298,000	200,000	200,000	-	4,703,843
Additional CIP								
6" SS, Stanislaus - Sierra Alley from 1st to 3rd			75,000					75,000
6" SS, Sierra - Patterson Alley from 1st to 8th			275,000					275,000
6" SS, Topeka - 108 Alley 4th to 5th			50,000					50,000
6" SS, Topeka - Santa Fe Alley 7th to 8th			50,000					50,000
6" SS, Santa Fe - Stanislaus Alley 7th to 8th			50,000					50,000
6" SS, Terminal from Kentucky to Castle Park Drive				85,000				85,000
6" SS, Texas - Kansas Alley from 8th to Chief Tucker				80,000				80,000
8" SS, Galaxy to Jackson Ave.					50,000			50,000
6" & 8" SS, 7 State Streets from Terminal to 8th						1,000,000		1,000,000
8" SS, Oakdale Road from Patterson to Cedarwood						150,000		150,000
6" SS in Cedarwood from Oakdale Road to Wood Haven						125,000		125,000
6" SS, Orange Ave from Bruneyville to 2nd St.							1,000,000	1,000,000
Crawford Lift Station project upgrades and force main							250,000	250,000
CCTV all sanitary sewer lines city wide							250,000	250,000
Upgrade all electrical panes on SS lift stations							1,000,000	1,000,000
Survey all lift stations							50,000	50,000
Total Additional CIP		-	500,000	165,000	50,000	1,275,000	2,550,000	4,540,000
Total Capital Projects		3,585,843	920,000	463,000	250,000	1,475,000	2,550,000	9,243,843

The table below reflects the proposed rates for Sewer services. With the adoption of these rates there will sufficient funding available for on-going operations and maintenance, the capital projects listed above, repayment of debt, and the establishment of an emergency reserve.

Rate Proposal	Current Rate	Nov. 21, 2015	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019
Monthly Base Rate	\$20.15	\$25.79	\$33.01	\$40.28	\$47.12	\$49.48
% Increase		28%	28%	22%	17%	5%
\$ Increase/month		\$5.64	\$7.22	\$7.27	\$6.84	\$2.36

Commercial businesses pay a monthly variable rate, based on water usage, in addition to the monthly base rates. Rates were developed based on class, as recommended by the State Water Resources Control Board. The recommended five-year variable rate for commercial customers is as follows:

Commercial Classification	Class	Current Variable Rate	Nov. 21, 2015
<u>Group 1</u> Schools w/o Cafeterias, Offices	Low	\$0.01325	\$0.01119
<u>Group 2</u> Commercial, Hospitals, Extended Care Facilities, Markets (w/o Deli's), Automobile Service, Laundromats	Domestic	\$0.01492	\$0.01492
<u>Group 3</u> Schools w/ Cafeterias, Restaurants, Short Order Facilities, Markets (w/ Deli's)	Medium	\$0.01624	\$0.02014
<u>Group 4</u> Restaurants (w/ Full Kitchens)	High	\$0.02353	\$0.03282

Future commercial rates for July 1, 2016-July 1, 2019 are proposed as follows and will be the subject of a Proposition 218 Public Hearing in April 2016:

Commercial Classification	Class	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019
<u>Group 1</u> Schools w/o Cafeterias, Offices	Low	\$0.01432	\$0.01833	\$0.02237	\$0.02617
<u>Group 2</u> Commercial, Hospitals, Extended Care Facilities, Markets (w/o Deli's), Automobile Service, Laundromats	Domestic	\$0.01910	\$0.02444	\$0.02982	\$0.03489
<u>Group 3</u> Schools w/ Cafeterias, Restaurants, Short Order Facilities, Markets (w/ Deli's)	Medium	\$0.02578	\$0.03300	\$0.04026	\$0.04711
<u>Group 4</u> Restaurants (w/ Full Kitchens)	High	\$0.04201	\$0.05378	\$0.06561	\$0.07676

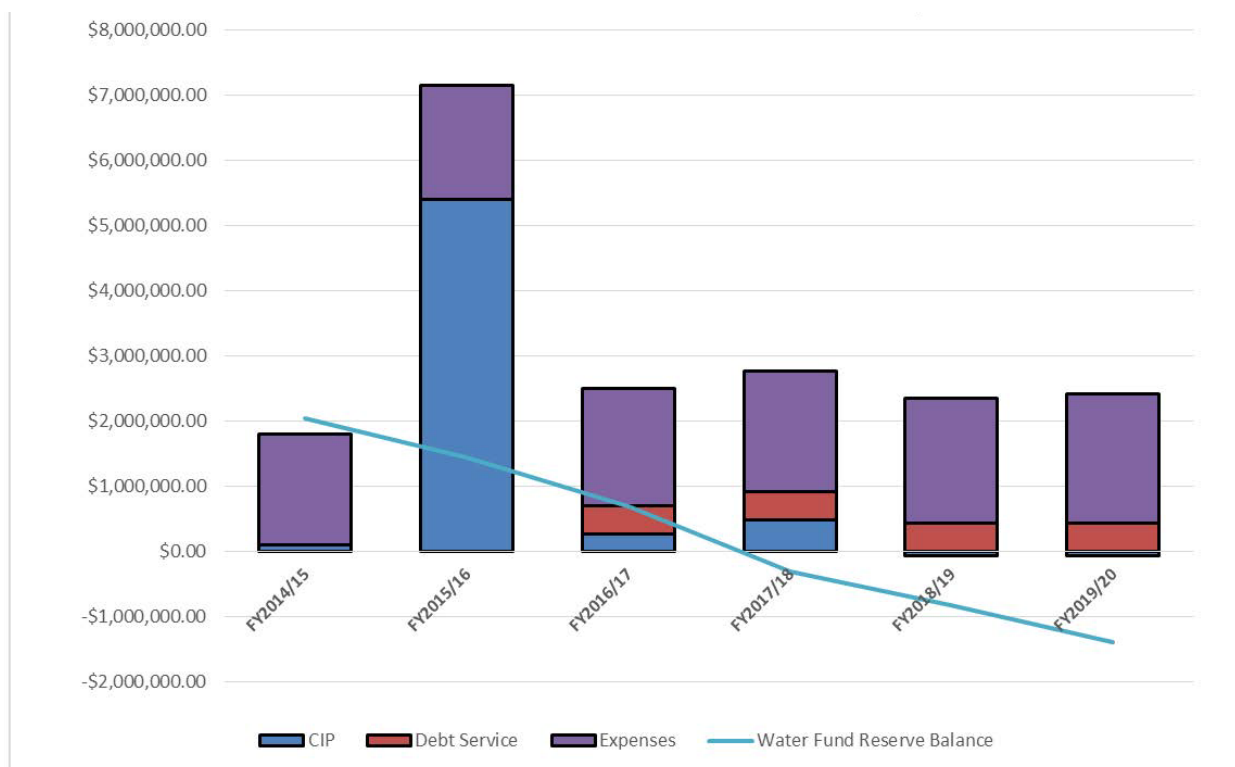
Water Rate Proposal

The City of Riverbank currently charges customers a bimonthly flat fee for the first 1,000 cubic feet of water used. After 1,000 cubic feet of water usage, customers are charged on a variable basis as follows:

	Rate
Next 4,000 cubic feet	\$ 0.34 per 100 cubic feet
Next 34,000 cubic feet	0.33 per 100 cubic feet
Next 40,000 cubic feet	0.30 per 100 cubic feet

Currently, the variable rate decreases as water usage increases, which is not a conservation-oriented billing structure. In light of the ongoing California drought and recent water rate litigation, this structure is being updated from a tiered rate to a uniform volumetric rate per 100 cubic feet.

In preparing the data necessary to develop new rates, the financial status of the Water Fund was projected over the next five years. The analysis took into consideration rising costs of operations and maintenance as well as the need to address future capital needs. A projection of revenues (at the current rate level) revealed that over the five-year period, the Water Fund would deplete its reserve by fiscal year 2017-18 (two years) as noted in the figure below:



The City of Riverbank has two major water projects that are to be financed through loans, bonds, and existing reserves. One of the high priority projects being proposed is the water meter system which has a projected cost of \$4,700,000 (including contingency). This project is anticipated be financed in FY2015-16 through a combination of a 15 year loan and current reserves. It is the intention of the City to undergo this project in order to upgrade aging water meter technology with the most advanced technology available. As water meters age, their efficiency decreases and thus the City loses valuable revenues necessary to continue maintaining our water system. In addition, the time saved from being able to automatically read meters from a central location will allow Water Division employees to dedicate their time maintaining our system rather than meter reading.

Other projects, known as 'high priority CIP' total \$1,786,000 and will be financed through loans and/or bonds. CIP projects in the 'full' range total \$12,438,000. The table below reflects the proposed CIP projects:

Water Utility	Project #	0	1	2	3	4	5	Total Projected Capital Cost FY2015-2020
		FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	
Project Name								
High-Priority CIP								
Water Projects (Fund 116)								
Central Avenue Water Line Installation	WTR-087	113,000						113,000
Line Replacement Third St. Alley Sierra/Patterson	WTR-075		89,000					89,000
Main Replacement Alley between 3rd and 8th	WTR-063		389,000					389,000
Water Conservation -Implementation of DMMs	WTR-078		25,000	25,000	25,000			75,000
Line Replacement Prospector's to Claribel/Roselle	WTR-074		105,000					105,000
Water Main - Oakdale Road	WTR-022		150,000					150,000
Novi Drive Well Site - Enclosure	WTR-077			300,000				300,000
Talbot/Kentucky Connection (1,330 LF of 12-in pipe)	WTR-079				515,000			515,000
Water Meters [1]		50,000						50,000
Fund 116 Capital Cost		163,000	758,000	325,000	540,000	-	-	1,786,000
Water Connection Projects (Fund 157)								
Water Meter Reading System [2]			4,700,000					4,700,000
Fund 157 Capital Cost		-	4,700,000	-	-	-	-	4,700,000
Total High Priority CIP		163,000	5,458,000	325,000	540,000	-	-	6,486,000
Additional Water CIP								
Mechanic shop with parts & equipment			500,000					500,000
Novi well enclosure for equipment and sound control			75,000					75,000
Water line replaced on Sierra from Patterson to SR 108			75,000					75,000
Water line installation 2800 Block to Santa Fe			50,000					50,000
Water line on 8th Topeka to SR 108			60,000					60,000
Water line on Claus from SR 108 to Santa Fe			75,000					75,000
12 in water line on Santa Fe from 8th to 4th Streets				325,000				325,000
12 in water line in Sierra Alley from 3rd to 8th Street				350,000				350,000
Water line in alley on Riverside from Corp yard to 4th St				325,000				325,000
Water line in Topeka Alley from 1st to Cannery Site				150,000				150,000
Water line on 7th to dead end.					75,000			75,000
Water line in alley on Orange from 2nd to Burneyville					100,000			100,000
Replace all transit water lines					1,250,000			1,250,000
Waterline on 7th from Nevada to Arizona					40,000			40,000
Loop all dead end waterline in Crossroads					500,000			500,000
Install pump to waste on 8th, River Heights & Jackson Wells					150,000			150,000
Install covers on 2nd St. storage tank motors						25,000		25,000
Install SCADA system antenna for 2nd St. storage tank						50,000		50,000
Paint 2nd St. Storage tank						50,000		50,000
Install covers on Crossroads storage tank motors						25,000		25,000
New block wall fences at Crossroads, Jackson & Pioneer wells						200,000		200,000
Install flushing valve on Lane Avenue							2,000	2,000
New chlorine pumps & analyzers at well sites							1,000,000	1,000,000
Install flushing valves or hydrants at all dead end systems							500,000	500,000
Total Additional Water CIP		-	835,000	1,150,000	2,115,000	350,000	1,502,000	5,952,000
Total of all Capital Projects (Full CIP)								12,438,000

The table below shows the recommended rate changes to the Water enterprise, per the City Council's request. This projection reflects the City Council accepted scenario of Full CIP. The water rates have been modified to increase gradually over the 5-year projection. The 5 year projection still meets the debt service coverage each projected fiscal year. The minimum reserve requirement will be exceeded from FY2016/17 to FY2019/20.

Rate Proposal (Meter Size)	Current Rate	Nov. 21, 2015	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019
1.5" and below	\$14.65	\$19.77	\$22.73	\$24.55	\$25.78	\$27.07
2"	\$18.35	\$31.63	\$36.37	\$39.29	\$41.24	\$43.31
3"	\$27.58	\$63.27	\$72.74	\$78.57	\$82.49	\$86.62
4" and above	\$38.12	\$98.85	\$113.65	\$122.77	\$128.89	\$135.34
Variable Charge (water usage) per 100 cubic feet	\$0.34	\$0.46	\$0.53	\$0.57	\$0.60	\$0.63
Drought Surcharge per 100 cubic feet	\$0.00	\$0.00	\$0.07	\$0.16	\$0.28	\$0.30

A drought surcharge was developed to ensure that the City continues to have funding available for the fixed cost of operations and maintenance of the water facilities, even as customers are asked to conserve water. This surcharge is only applicable during times when the State of California has a declared drought and will no longer be billed when the drought emergency has been lifted.

FINANCIAL IMPACT

The adoption of the proposed Sewer and Water rates will ensure the financial stability of the Sewer and Water systems. The revised rates will provide sufficient funding for on-going operations and maintenance, capital improvements, debt service, and emergency reserves.

Should revised rates not be adopted, the City will need to develop considerable cost-cutting measures in order to ensure that the Sewer and Water systems continue operating.

Sewer and Water rates are paid by the customers that receive service, therefore residents and commercial customers will note the increase in rates in the January 2016 billing.

STRATEGIC PLAN

This report has been prepared to accomplish the following Three Year Goal established during the March 31, 2015 Strategic Planning Session:

“Achieve and Maintain Financial Stability and Sustainability”

ATTACHMENT

1. Ordinance No. 2015-014, Amending Title V: Chapter 51: Sewers
2. Ordinance No. 2015-015, Amending Title V: Chapter 52: Water

**CITY OF RIVERBANK
ORDINANCE NO. 2015-014**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AMENDING TITLE V: PUBLIC WORKS; CHAPTER 51: SEWERS;
SECTION 51.03: RATES AND CHARGES ESTABLISHED BY THE CITY OF
RIVERBANK CODE OF ORDINANCES**

WHEREAS, the City of Riverbank (“City”) has engaged Bartle Wells Associates to produce a rate study analyzing the existing sewer rates currently charged by the City, and changes to the rates that are necessary for the City to support its current and future costs of providing sewer service to City residents and businesses; and

WHEREAS, the rate study analyzes planned capital improvements and finds that the City should increase its sewer rates in order to meet the demands on the City’s sewer and wastewater system; and

WHEREAS, the City Council finds that the revenues derived from the sewer rates proposed by the rate study will not exceed the funds required to provide sewer service to City residents and businesses, and the proposed rates will be used exclusively for the City to continue to provide sewer service in the future; and

WHEREAS, pursuant to Proposition 218 (Cal. Const., Art. XIID, § 6), the City provided written notice by mail to the affected property owners at least 45 days prior to the public hearing regarding the proposed increase in rates, the amount of that increase, the basis upon which the rates were calculated, the reasons for the rates, and the date, time and place for the public hearing regarding the rate increase; and

WHEREAS, on August 25, 2015, the City Council heard and considered all oral testimony, written materials, and written protests concerning the rate increase; and

WHEREAS, upon the close of the public hearing, the City Clerk declared that a majority of written protests was not received against the proposed rate increase for sewer services from a majority of the affected property owners; and

WHEREAS, based on the record and evidence before the City Council, the City Council now desires to establish and impose the proposed rate increases for sewer service by amending the Riverbank Municipal Code to implement the recommended sewer rates and charges.

SECTION 1:

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

The Riverbank Municipal Code, Title V: Public Works; Chapter 51: Sewers; Section 52.61: Rates and Charges, shall be amended by repealing this section in its entirety and replacing it with a new section, which shall read as follows:

§ 51.03 RATES AND CHARGES.

(A) *Inspection fee.* An inspection fee of \$30 for Building Inspection services shall be paid to the City.

(B) *Connection fees.* Connection fees for sewer service for properties not in the city on October 14, 1963 shall be paid to the city as follows:

- (1) Single-family residence (when connection is made to existing lateral): \$4,420;
- (2) Single-family residence (when connection is made to house connection stub behind the curb or at the property line in the alley): \$400;
- (3) Duplex or triplex (each unit): \$400;
- (4) Multiple housing (apartments, condominiums, mobile homes or in manufactured housing in parks or special projects, each unit): \$400;
- (5) Commercial establishments (domestic sewage only, each unit): \$1,000;
- (6) Commercial establishments discharging dishwater, including, but not limited to, laundromats, carwashes or discharges from garbage grinders. First 1,000 square feet of floor area: \$1,200 each, and 100 square feet, or fraction, additional floor area: \$100 each;
- (7) Industrial establishments (domestic sewage only) each unit: \$1,000; and
- (8) Industrial establishments (discharges from industrial use): to be negotiated.

(C) *Front footage assessment.*

(1) A front footage charge of \$7 per lineal foot shall be paid to the city at the time application is made for sewer service connection to an existing sewer lateral for which no previous front footage assessment or fee has been paid for the particular lot or parcel. Subdivision lots shall be exempt from the front footage charge when service laterals have been installed, by the sub-divider, to serve properties within the development.

(2) Front footage assessments will be made and paid to the city based upon the property frontage along the street or alley where the connection is made.

(D) *Extension of sewer lateral.* Whenever the installation of a new sewer line is required to serve an applicant for sewer service, the applicant's obligation or cost for sewer service will be the established front footage assessment, inspection and connection fees, and monthly service charge. The applicant shall advance to the city 100% of the cost of extending sewer service to his or her property and the cost of the line across the full width of applicant's property. The city will reimburse to the applicant the difference between the applicant's obligation or costs and the total cost of the sewer lateral extension over a ten-year period in equal

annual installments, with no interest, commencing one-year following the city's acceptance of the completed project, provided however, that in the event it appears for any reason unfeasible to extend a sewer lateral under the terms of this section, the city may refuse to extend the sewer lateral or it may agree to extend the sewer lateral under a separate agreement containing terms, conditions and provisions for payment which are mutually agreed upon by the city and the property owner or owners requesting the extension.

(E) *Charges for connection to sewer lines financed by state or federal funds.*

(1) In the event state or federal funds are used in construction of a sewer line, the front footage assessment and connection fees will be reduced 50%, for single-family residential applicants who hook on to the sewer line within a 12-month period following the completion of the project. Following the 12-month period, single-family residential applicants for sewer service involving connections to state or federal funded sewer lines will be assessed the regular front footage and connection fees.

(2) All applicants other than single-family residential applicants shall not receive a reduced connection and front footage assessment rate.

(F) *Monthly sewer service charges.* The following monthly sewer service charges are hereby established for properties served by the city.

(1) Base monthly rates for residential, commercial and all other users shall be as follows:

	October 1, 2015	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019
Base Monthly Rate	\$25.79	\$33.01	\$40.28	\$47.12	\$49.48

(2) In addition to the base monthly rates, all non-residential users will be charged a variable rate, based on cubic foot usage over 1,000 cubic feet. The rate shall be assessed as follows:

Commercial Classification	Class	Variable Rate
<u>Group 1:</u> Schools without cafeterias, offices	Low	\$0.01119
<u>Group 2:</u> Commercial, hospitals, extended care facilities, markets without delis, automobile servicers, laundromats	Domestic	\$0.01492
<u>Group 3:</u> Schools with cafeterias, restaurants, short order facilities, markets with delis	Medium	\$0.02014
<u>Group 4:</u> Restaurants with full kitchens	High	\$0.03282

(3) Multiple accounts on one meter. Where more than one residence or business is served by a common meter, a composite sewer rate shall be determined, based on the number

and type of residences and businesses served by the meter. The composite rate shall be computed as a weighted average of the respective sewer rates for the individual residences and businesses based on categories and rates established previously in this section. The composite rate shall be determined on a case-by-case basis by the city, using estimated flows for the individual businesses and the respective sewer rates established for specific categories.

(a) The weighted average is computed by estimating the amount of flow by their individual rate (assuming they were on individual meters), and summing the total cost and flow for the multiple account meters.

(b) Composite rates will vary from multiple accounts to multiple accounts, depending on the mix of user types for the shared meter.

(4) All sewer service charges shall be billed on a bimonthly basis. The bimonthly rates shall double the monthly rates during the time the bimonthly billings are in effect.

(5) All sewer service charges shall be due and payable on the first day of the month following the two-month period for which the billing is rendered. Sewer charges will be considered delinquent on the last day of that month.

(6) Any sewer charges, which are not paid on or before the delinquent date, shall have a service charge of 10% of the billing assessed at the time of payment.

(G) *Septic tank destruction permit.* Any property owner seeking to abandon his or her septic tank must first obtain a septic tank destruction permit from the City of Riverbank Public Works Department. The fee for the permit shall be \$75.

(H) *Annual fees for the food service establishment discharge permit.*

(1) Permit fees will be calculated based on the following tasks:

FOG Permit review and approval	1.5 hours
Annual compliance visit	1.0 hours
Administration	1.0 hours
Total annual permit fee:	3.5 hours

(2) At the time the permit is issued, the final fee as determined by the then current staff rate as determined by inflation will be paid annually for the management, administration and inspection of the grease removal device for the food service establishment discharge permit.

(3) This fee shall be updated as necessary using the consumer price (CIP) index to cover the cost of inflation for implementing the fats oils and grease reduction program.

(4) Re-inspection fees necessary as a result of a violation of the permit shall be in the amount set forth in division (A) above.

(I) *Other fees associated with the installation of a grease interceptor as required by the food service establishment discharge permit.*

(1) Additional fees to cover the cost of engineering and inspection of a new grease interceptor shall be calculated as follows:

Business license review	0.5 hours
Plan review	1.5 hours
Construction inspection	1.0 hours
Total annual permit fee:	3.0 hours

(2) At the time the permit is issued, the final fee as determined by the then current staff rate as determined by inflation must be paid prior to the issuance of a building permit.

SECTION 2:

This Ordinance shall become effective thirty (30) days from and after its final passage and adoption (on _____), provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on September 22, 2015. Said ordinance was given a second reading by title only and adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the 13th day of October, 2015; motioned by Councilmember _____, seconded by Councilmember _____, and moved said ordinance by a City Council roll call vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

Annabelle H. Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan, City Attorney

CITY OF RIVERBANK

ORDINANCE NO. 2015-015

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AMENDING TITLE V: PUBLIC WORKS; CHAPTER 52: WATER;
SECTION 52.61: FEES AND CHARGES ESTABLISHED BY THE CITY OF
RIVERBANK CODE OF ORDINANCES**

WHEREAS, the City of Riverbank (“City”) has engaged Bartle Wells Associates to produce a rate study analyzing the existing water rates currently charged by the City, and changes to the rates that are necessary for the City to support its current and future costs of providing water service to City residents and businesses; and

WHEREAS, the rate study analyzes planned capital improvements and finds that the City should increase its water rates and adjust its volumetric price structure to respond to the ongoing, historic drought conditions throughout the State of California; and

WHEREAS, the City Council finds that the revenues derived from the water rates proposed by the rate study will not exceed the funds required to provide water service to City residents and businesses, and the proposed rates will be used exclusively for the City to continue to provide water service in the future; and

WHEREAS, pursuant to Proposition 218 (Cal. Const., Art. XIII, § 6), the City provided written notice by mail to the affected property owners 45 days prior to the public hearing regarding the proposed increase in rates, the amount of that increase, the basis upon which the rates were calculated, the reasons for the rates, and the date, time and place for the public hearing regarding the rate increase; and

WHEREAS, on August 25, 2015, the City Council heard and considered all oral testimony, written materials, and written protests concerning the rate increase; and

WHEREAS, upon the close of the public hearing, the City Clerk declared that a majority of written protests was not received against the proposed rate increase for water services from a majority of the affected property owners; and

WHEREAS, based on the record and evidence before the City Council, the City Council now desires to establish and impose the proposed rate increases for water service by amending the Riverbank Municipal Code to implement the recommended water rates and charges.

SECTION 1:

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

The Riverbank Municipal Code, Title V: Public Works; Chapter 52: Water; Section 52.61: Fees and Charges, shall be amended by repealing this section in its entirety and replacing it with a new section, which shall read as follows:

§52.61 FEES AND CHARGES ESTABLISHED BY ORDINANCE.

The amounts of all charges provided for herein, including but not limited to, water rates, connection fees, deposits, turn-on charges, penalties, and reconnection fees, shall be established from time to time by ordinance of the City Council. The failure to pay any fee or charge established by ordinance adopted pursuant to this chapter shall constitute a violation of this code and shall be subject to fines and penalties set forth in the city code.

(A) *Water service charges.* The bimonthly rates for water service are as follows:

(1) The minimum bimonthly charge to all water users, by water meter size for up to 1,000 cubic feet of water, is established as follows

	October 1, 2015	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019
1.5" & below	\$39.54	\$45.46	\$49.10	\$51.56	\$54.14
2"	\$63.26	\$72.74	\$78.58	\$82.48	\$86.62
3"	\$126.54	\$145.48	\$157.14	\$164.98	\$173.24
4" & above	\$197.70	\$227.30	\$245.54	\$257.78	\$270.68

(2) Quantity rates for all water users exceeding the 1,000 cubic foot minimum charge for the particular meter size shall be:

	October 1, 2015	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019
Base	\$0.46	\$0.53	\$0.57	\$0.60	\$0.63
Drought Surcharge*	--	\$0.07*	\$0.16*	\$0.28*	\$0.30*
Total Variable Charge*	\$0.46	\$0.60	\$0.73	\$0.88	\$0.92

All rates expressed in the table are on a per 100 cubic feet basis.

* Drought surcharges will be applied only during billing periods in which conservation mandates are in effect due to ongoing drought conditions, as required by the State or under the City's Urban Water Management Plan.

(B) *Connection fees.* Connection fees for water service for properties in the city shall be as follows:

(1) Connection fees in subdivisions shall be determined at the time of recording the final map.

(2) Connection fees for parcels not in subdivisions (infill) shall be as follows:

	<i>Rate</i>
Residential – with no existing stubout	\$1,700.00
Residential – with existing stubout	\$800.00
Commercial/Industrial – with no existing stubout	\$1,700.00
Commercial/Industrial – with existing stubout	\$800.00

(C) *Inspection fee.* A \$75 water meter inspection fee will be required per inspection.

(D) *Well destruction permit.* Any property owner seeking to abandon their well must first obtain a well destruction permit from the City of Riverbank Public Works Department. The fee for the permit shall be \$75.

SECTION 2:

This Ordinance shall become effective thirty (30) days from and after its final passage and adoption (on _____), provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on September 22, 2015. Said ordinance was given a second reading by title only and adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the 13th day of October, 2015; motioned by Councilmember _____, seconded by Councilmember _____, and moved said ordinance by a City Council 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. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date: October 13, 2015

Subject/ Title: Conduct the First Reading and Introduction by Title Only of An **Ordinance** of the City Council of the City of Riverbank, California, Amending Title XV: Land Usage, Chapter 150: Building Regulations, By Repealing the System Development Fees Subchapter, Sections 150.30 Through 150.36 in its Entirety and Substitute it with a New System Development Fees Subchapter

From: Jill Anderson, City Manager

Submitted by: John B. Anderson, Contract Planner
Marisela Garcia, Finance Director
Kathleen Cleek, Development Services Admin. Manager

RECOMMENDATION

It is recommended that the City Council conduct the public hearing for the first reading and introduction by title only of the of the proposed ordinance, and consider its approval as presented, which will initiate the scheduling of the ordinance for its second reading by title only to consider its adoption at the October 27, 2015, regular City Council meeting.

SUMMARY

The proposed Ordinance amends the current System Development Fee ("**SDF**") Ordinance, Section 150.30: System Development Fees of the Riverbank Municipal Code ("**RMC**") to address language related to the construction of facilities, deferral of system development fees, relationship with other existing fees and the establishment of the system development fund. The purpose of these amendments is to clarify the process in which capital facilities are 1) funded, 2) constructed and 3) to clarify system development fee process.

BACKGROUND

On March 24, 2015, the City Council approved a Resolution that updated the Nexus Fee Study related to the City's future infrastructure needs as updated to the System

Development Fee Analysis prepared December 2005. The resolution indicated the following:

1. The imposition of development impact fees is one of the preferred methods of ensuring that development bares a proportionate share of the cost of public facilities and service improvements necessary to accommodate such development in order to promote and protect the public health, safety and welfare;
2. There is a need for public facilities created by new development which is required to insure that level of services are maintained in accordance with the City's General Plan;
3. The continuing growth of the City of Riverbank necessitates the imposition and collection of impact fees to advance legitimate public purposes that are demands and needs of future residents and businesses;
4. The impact fees proposed by the Nexus Fee Study are based upon the costs that are generated through the need for new facilities and other capital acquisition costs required, incrementally, by new development within the City; and
5. System Development Fees proposed by the Nexus Fee Study are based upon the costs which are generated through the need for new facilities and other capital acquisition costs required, incremental, by new development within the City.

The result from the adoption of the Nexus Fee Study is a comprehensive impact fee study which reflects community infrastructure needs through the planning period.

The proposed Ordinance amendment clarifies how those funds are to be collected and managed for the construction of capital facilities to mitigate new residential and non-residential construction.

ANALYSIS

The proposed Ordinance amends Section 150.30: System Development Fees to clarify the types of costs that are included into the construction Capital Facilities as a result of the collection System Development Fees from new development. Costs include Construction, Government and Soft Cost, which are detailed below.

Construction Cost: The direct costs for labor, material, equipment, and services; and other direct costs for the on-site erection, fabrication, installation, alteration, demolition, or removal of any facility or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving and landscaping. Construction cost does not include the compensation paid to the architect and engineer and consultants, the cost of the land, rights-of-way or other costs.

Government Cost: Includes all direct and indirect costs to any part of the City of Riverbank for the administration of the System Development Fee Program. These costs include, but are not limited to, an appropriate share of: physical overhead, indirect

costs including material and supply costs, utilities, insurance, travel, rents, buildings, equipment, management, supervision, enforcement, collection, research, establishment of standards, and regulation, including any required environmental impact assessments necessary to support the construction of SDF Program projects. Government Cost shall be determined or estimated from the best available records of the City of Riverbank, and new costs accounting systems need not be established solely for this purpose.

Soft Cost: These costs are related to those items in a project that are necessary to prepare and complete the non-construction needs of the project. Soft costs include such items as architecture, design, engineering, permits, inspections, consultants, environmental studies, financing, interest payments, and regulatory demands needing approval before construction begins. Soft costs do not include construction, telecommunications, furnishings, fixed equipment, and expenditures or any other permanent components of the project.

In addition to clarifying the types of costs associated with Capital Facilities construction, the Ordinance amendment provides additional language related to the following:

- Deferral of Fees – approved by the City Council and allows the developer to defer the System Development Fees with an interest.
- Construction of Facilities – The City Engineer may authorize or direct the developer to construct certain facilities specified in the System Development Fee Analysis and/or described in the Capital Improvement Program (“CIP”) where the developer might be entitled to a credit for proposed improvements.
- Relationship with Other Existing Fees – Provides additional detail in the relationship between the System Development Fee and the Park-in-lieu fees, sewer connection charges and water connection charges.
- System Development Fund – All system development charges are collected and placed in one or more special funds (categories).
- Transportation, Parks, Water, Sewer and Storm System Development Fee Credits – Language related to the eligibility of a System Development Fee credit to property owners and/or developers who construct a qualified public improvement. The property owner and/or developer may be eligible for a credit to be applied against the appropriate category of the SDF.

The proposed Ordinance was reviewed and commented on by the Building Industry of the Greater Valley.

ENVIRONMENTAL DETERMINATION

The proposed Ordinance amendment 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 to the environment, directly or ultimately. Therefore, no CEQA analysis of the project is required.

FINANCIAL IMPACT

The proposed Ordinance amendment further ensures that new growth pays its fair share towards the capital infrastructure needs of the City to accommodate growth projected as part of the 2005-2025 General Plan.

STRATEGIC GOALS

The City of Riverbank Strategic Planning Session is a process which allows the City Council to set goals that Riverbank will work towards for the next three years. The above action to update the System Development Fee Ordinance is Task # 7 of the goal to Improve and Maintain Infrastructure and Facilities. Adoption of the proposed Ordinance will help in implementing the above goal.

ALTERNATIVE ACTIONS

The City Council's options in regards to the proposed Ordinance Amendment include:

1. Motion to adopt and provide the first reading of the proposed Ordinance Amendment, as amended by the City Council, amending Section 150.30: System Development Fees of the RMC; or
2. Reject the proposed Ordinance Amendment and not amend Section 150.30: System Development Fees of the RMC.

ATTACHMENTS

1. Proposed System Development Fee Ordinance (Redline Version)
2. Proposed System Development Fee Ordinance (Clean Version)

**CITY OF RIVERBANK
ORDINANCE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AMENDING TITLE XV: LAND USAGE, CHAPTER 150:
BUILDING REGULATIONS, BY REPEALING THE SYSTEM DEVELOPMENT
FEES SUBCHAPTER, SECTIONS 150.30 THROUGH 150.36 IN ITS ENTIRETY
AND SUBSTITUTE IT WITH A NEW SYSTEM DEVELOPMENT FEES
SUBCHAPTER**

WHEREAS, notice of the public hearing on the Zoning Ordinance Amendment was published in the *Riverbank News*, a newspaper of general circulation, on September 30, 2015, 2015; and

WHEREAS, a public hearing was held on October 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 15: LAND USAGE, CHAPTER 150: BUILDING REGULATIONS,
SUBCHAPTER 150.30: SYSTEM DEVELOPMENT FEES, is hereby amended
to read:**

SYSTEMS DEVELOPMENT FEES

§ 150.30 TITLE.

This subchapter shall be known and cited as the *Systems Development Fee Ordinance* of the city.

('67 Code, § 5-17-1)

§ 150.31 PURPOSE.

(A) The intent of this Chapter is to ensure that new development bears a proportionate share of the cost ~~for system development~~ of City parks, water, sewer, storm water management, police, ~~and~~ city administration, and transportation capital facilities. It is the further intent of this Chapter that new development pay for its fair share for the development of these systems through the payment of fees. Furthermore, it is the intent of this Chapter that the System Development Fees imposed on new development are no greater than necessary to defray the impacts directly related to proposed new development.

(B) It is not the intent of this Chapter that Impact Fees be used to remedy any deficiency in system development existing on the effective date of this Chapter. Further, it is not the intent of this Chapter that any monies collected from any System Development Fee deposited in an System Development Fee Fund Account ever be commingled with monies from a different Fund Account, or ever be used for Capital Facilities that are different from that for which the Fee was paid.

(C) Particularly, the provisions of this subchapter are adopted for the following reasons:

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

(2) To promote the orderly and efficient expansion of public water, wastewater, storm management and transportation systems to adequately meet the domestic and economic needs of the community and to minimize adverse fiscal and environmental impacts of new development.

(3) To insure the continuation of necessary level of services including, but not limited to police and general administrative services.

(4) To establish equitable methods for allocating system development costs to the city associated with new development.

(5) To regulate the development of land to ensure that new development bears a proportionate share of the cost of capital expenditures necessary to develop all necessary infrastructure systems in Riverbank as contemplated by the General Plan.

(6) The General Plan establishes that land development shall not be permitted unless adequate capital facilities and/or infrastructure exist or are assured, and that land development shall bear a proportionate share of the cost of the provision of the new or expanded capital facilities required by such development.

(7) Other revenue sources are not sufficient to fund capital improvements necessary to accommodate new system development.

(8) The General Plan establishes that System Development Fees are one of the chosen methods of regulating land development in order to ensure that it bears a proportionate share of the cost of capital facilities necessary to accommodate the development and to promote and protect the public health, safety, and welfare.

(9) The use of System Development Fees is a means to provide additional resources for an adequate public infrastructure and services only as they relate to the needs of new development.

(10) The use of System Development Fees is a standardized method for ensuring that new development pays its fair share of the cost of public infrastructure systems.

(11) System Development Fees are used in the development of the Capital Improvement Program for financing public facilities, and ensure the adequacy of public systems to serve development.

§ 150.32 DEFINITIONS.

For the purposes of this subchapter, and resolutions adopted thereto, certain words shall have the following meanings:

BUILDING. Any new structure used or intended for supporting or sheltering any use or occupancy, including those moved into the city limits; but not including any outdoor tanks, towers, carports, or other similar structures.

CAPITAL IMPROVEMENT PROGRAM. The adopted schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. Included are all major projects requiring the expenditure of public funds, over and above the City operating expenses, for the purchase, construction, or replacement of physical assets for the City of Riverbank.

CHURCH. Structures primarily designed as a place for public worship.

CITY ENGINEER. Persons employed or contracted by the City to perform professional engineering work and/or administration and consulting work in the design, investigation, and construction of street, utility, ground water and wastewater treatment systems, and other public works projects; to prepare plans and specifications; and to act as a project manager on assigned projects.

COMMERCIAL. Those uses designated as permitted or conditional uses in the [SP, CX-1](#), C-1, C-2 and CM Zoning Districts of Chapter 153 except where such uses involve the manufacture or assembly of a product or warehousing.

CONSTRUCTION COST. The direct costs for labor, material, equipment, and services; and other direct costs for the on-site erection, fabrication, installation, alteration, demolition, or removal of any facility or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving and landscaping. Construction cost does not include the compensation paid to the architect and engineer and consultants, the cost of the land, rights-of-way or other costs.

- ***DAY CARE CENTER.*** Structures (other than a family day care center) in which persons not of the immediate family are provided with care for compensation for a portion of the day not exceeding 12 hours in any 24-hour period.

GOVERNMENT COST. Includes all direct and indirect costs to any part of the City of Riverbank for the administration the System Development Fee Program. These costs include, but are not limited to, an appropriate share of: physical overhead, indirect costs including material and supply costs, utilities, insurance, travel, rents, buildings, equipment, management, supervision, enforcement, collection, research, establishment of standards, and regulation, including any required environmental impact assessments necessary to support the construction of SDF Program projects. Government Cost shall be determined or estimated from the best available records of the City of Riverbank, and new cost accounting systems need not be established solely for this purpose.

HOSPITAL. An institution where the ill or injured may receive medical, surgical, or psychiatric treatment, nursing care, food and lodging, and the like.

INDUSTRIAL. Those uses designated as permitted or conditional uses in the [SP](#), CM, M-1, and M-2 Zoning Districts of Chapter 153, excluding all those uses which are permitted in any of the other zones as set forth in Chapter 153 excepting warehouses.

MULTI-FAMILY DWELLING. A residential dwelling unit that cannot be sold individually (for example, must be sold with at least one other dwelling unit on a single parcel of land).

PRIVATE SCHOOL. Includes those uses other than public uses offering educational services and/or vocational training to students aged five years or older but excluding child care facilities.

RESIDENTIAL CARE HOME. Structures designed for use as a convalescent hospital, or a retirement home, or a 24-hour care center for seven or more persons in addition to members of the family.

RESIDENTIAL DWELLING UNIT. One or more rooms in a dwelling designed for occupancy by one family for living or sleeping purposes, and having only one kitchen.

SINGLE-FAMILY DWELLING. A residential dwelling unit that may be sold individually.

SOFT COST. These costs are related to those items in a project that are necessary to prepare and complete the non-construction needs of the project. Soft costs include such items as architecture, design, engineering, permits, inspections, consultants, environmental studies, financing, interest payments, and regulatory demands needing approval before construction begins. Soft costs do not include construction, telecommunications, furnishings, fixed equipment, and expenditures or any other permanent components of the project.

SYSTEM DEVELOPMENT.

(1) Any building structure or other improvement constructed or renovated by the city upon property owned by or under its control; or

(2) Any physical asset, including initial equipment or piece of equipment, facility constructed or purchased, or land acquired necessary to deliver public services for new growth or new development.

SYSTEM DEVELOPMENT FEE. The fee charged for a change in use, new construction, including the expansion of and/or the addition to an existing, nonresidential structure, to mitigate the unfunded portion of the determined impact of the development.

§ 150.33 ~~ESTABLISHMENT~~ ESTABLISHMENT OF FEES.

A systems development fee, as established from time to time by the City Council by resolution, shall be due and payable as at time of Building Permit issuance, unless deferred pursuant to action authorized ~~established~~ by resolution of the City Council.

('67 Code, § 5-17-4)

§ 150.34 ~~APPLICABILITY~~ APPLICABILITY OF PROVISIONS.

(A) The systems development fee is intended to apply to all residential construction and to all reconstruction, alteration, modification, and additions which create additional dwelling units unless otherwise exempted under this section.

(B) The systems development fee is intended to apply to any intensification of use or the building ~~area~~ of all new nonresidential construction and to additional building area due to reconstruction, alteration, modification, and additional nonresidential buildings.

(C) Square footage shall be determined by adding the number of square feet of space on each floor or level.

(D) The fees imposed by this subchapter shall not be applicable to those legal parcels ~~lots~~ on which a structure was previously situated but which was destroyed by fire or other natural disaster, or which was removed or demolished, provided:

- (1) That a building permit to rebuild is obtained within one year of the destruction, demolition or removal of the structure.
- (2) That the permit to rebuild is obtained by the ~~owner~~ owner and/or developer of record as of the date of the destruction, demolition or removal of the structure.
- (3) That the exemption will apply only to the extent that the permit to rebuild is for the same number or fewer dwelling units (or, in the case of nonresidential uses, the same number of square feet) as previously existed. The fees

imposed by this subchapter shall be applied to the extent that the permit is for more units (or more square feet) than previously existed.

- (E) Total System Development cost is equal to the sum of Construction Cost, Soft Cost and Government Cost. For purposes of project reimbursement, soft costs are limited to 35% of actual verified construction costs.
- (F) System Development Fees are intended to represent new impacts on City Facilities. The City Council has the ability to allow for fee credits of certain fee categories to match actual project related impacts on facilities. Reductions should always be supported by written evidence which illustrates the project demands on City Infrastructure for a given project. This might include using actual vehicle trip data to suggest a lower transportation impact fee or actual flow data to lower water, sewer or storm drainage fees. The Owner and/or developer shall present evidence to the City demonstrating the new project demand estimates which in turn will be reviewed by the City Engineer and City Manager. The City Manager will make a recommendation to the City Council on the requested fee reduction which will be reflected by a City Council vote on the proposal which will be recorded by minute action.
- (G) Deferral of System Development Fees shall be approved by the City Council and shall include the requirement for a deposit, payment of an administrative expense and payment of a reasonable rate of interest for the portion of the fee which is deferred. The deferment and interest and any outstanding administrative expenses shall be paid prior to the final building inspection and the entire deferment agreement shall be recorded as a lien against the property to which the deferment is sought.

§ 150.35 CONSTRUCTION OF FACILITIES

(A) The City Engineer may direct or authorize the owner and/or developer to construct certain facilities specified in the System Development Fee Analysis and/or described in the current Capital Improvement Program of the City, or portions thereof, at the time and as designated in the study, in lieu of all, or a portion of, the fee required by this chapter. The owner and/or developer might be entitled to a credit if the owner and/or developer:

- (1) designs and constructs the improvements,
- (2) finances said improvements by cash, bond or other means approved by the council
- (3) a combination of the above. All improvements must be accepted for maintenance by the City Council in order for credit to be accrued to the project unless advanced fee credit is authorized by agreement approved by the City Council.

(B) The credit to be provided to the property owner and/or developer shall be determined by the City Engineer based on prevailing construction costs consistent

with the anticipated costs illustrated in the adopted System Development Fee Study as may be modified from time to time. The final credit amount shall be approved by the City Council. The construction of a facility authorized by this section must consist of a usable facility or segment and be approved by the City and constructed in accordance with the City's public improvement design standards. .

(C) If the amount of credit due is greater than the amount of System Development Fees otherwise owed for the project, the City, at the City Council's election, may elect to pay the difference from the appropriate development impact fee fund, if funds are available, after the improvements have been accepted by the City as complete. The City shall track and make payments to the installer of facilities based on a strategy of first in line, using the date the City Council accepts the improvements as indicator date. The terms of the reimbursement obligation will be described in an agreement between the developer and the City of Riverbank.

§ 150.36 RELATIONSHIP WITH OTHER EXISTING FEES.

(A) *Park-in-lieu fees.* The park-in-lieu (Quimby) fees are used for the acquisition of neighborhood parkland while the System Development fee covers the other capital items necessary for neighborhood park development including soft and hardscape. Park-in-lieu fees are paid prior to the filing of a final map in accordance with the Subdivision Ordinance, § 152.037.

(B) *Sewer connection charges.* Sewer connection charges represent the costs associated with the ability to serve a development. Sewer connection charges are paid as required by Chapter 51 of the City Code.

(C) *Water connection charges.* Water connection charges represent the costs associated with the ability to serve a development. Water connection charges are paid as required by Chapter 52 of the City Code.

§ 150.37 SYSTEMS DEVELOPMENT FUND ESTABLISHED.

All of the systems development charges collected shall be placed in one or more special funds which are hereby created and established for such purposes and which shall be known as the Systems Development Funds. Sums collected under this chapter may only be expended for improvements intended for each System Development Fund category as established by the City Council. The City Council may, upon recommendation from the City Manager in consultation with the City Finance Director, allow cross borrowing of funds only upon making the following findings for over-riding need and necessity:

(A) The cross borrowing of funds will not adversely impact needed improvements within existing established neighborhoods of the City identified within the Capital Improvement Program of the City; and

- (B) The cross borrowing of funds will result in a more efficient infrastructure system with lower operating costs than envisioned by the Capital Improvement Program; and
- (C) The cross borrowing of funds will have a direct environmental benefit than otherwise envisioned by the Capital Improvement Program; and
- (D) The crossing borrowing of funds will not impact needed government and public safety facilities identified within the Capital Improvement Program.
- (E) If funds are allowed to be borrowed, then the request shall include a repayment plan with the mechanisms and timing for the repayment of the funds borrowed.
- (F) During the construction of individual facilities identified in the Capital Improvement Program, the City Manager shall have the authority to make loans among the System Development Fee funds to assure adequate cash flow for the construction of said public facility. The City Manager may only do so after making a determination that the inter-fund loan does not interfere with the scheduled Capital Improvement Program of the lending fund. Interest on each loan shall be the same rate then earned on other City funds.

§ 150.38 TRANSPORTATION, PARKS, WATER, SEWER AND STORM SYSTEM DEVELOPMENT FEE CREDITS

(A) A property owner and/or developer or developer who constructs a qualified public improvement to either the transportation, parks, sanitary sewer, storm water or the water system may be eligible for a credit to be applied against the appropriate category of the System Development Fee (SDF). A qualified public improvement, as referenced, means a capital improvement that is:

- (1) Required as a condition of development approval; and
- (2) Is identified in the transportation, park, water, wastewater or storm system master plans; and
- (3) Is either: (a) not located within or immediately adjacent to property that is the subject of development approval, or is (b) located in whole or in part within or immediately adjacent to property that is subject to development approval and is required to be constructed by the particular development project to which the SDF is related.

(B) A public improvement that is eligible for SDF credit is one that is designed and built in accordance with the appropriate utility master plan and/or identified within the Capital Improvement Program of the City. Infrastructure lines that are sized to accommodate a developer's individual service and fire protection needs do not qualify for SDF credits. SDF credits are possible only for projects identified in the adopted SDF program (Nexus Analysis).

(C) Establishing and recording System Development Fee credits:

- (1) The property owner and/or developer or developer shall submit a written request for an evaluation of SDF credits at the same time as they make the Application for Public Improvement Plan Review.
- (2) The written request shall include the engineer's detailed construction cost estimate for the qualified infrastructure to be constructed.
- (3) The method for estimating eligible SDF credits will be determined by comparing the project engineers cost estimate against current water and sewer construction costs developed by the City Engineer.
- (4) Once the Developer has completed construction of the infrastructure, and before the improvements have been accepted by the City, the City Engineer may request documentation of final construction costs to verify actual costs. Actual construction bids shall be provided by the Developer and shall consist of certified payment statements for materials and construction. If the actual construction costs are less than or equal to the construction cost estimates that the system development fee credits were based on, the agreement amount(s) will be revised accordingly. If the final construction costs exceed the construction estimates agreed to by the City Engineer and/or as provided in the adopted SDF Program, as modified from time to time by the City Council, the original agreement amount might be modified to reflect the extra costs. Any expense in excess of the costs adopted in the SDF Program will be forfeited by the owner and/or developer unless the City Council agrees to some other form of reimbursement like an area of benefit.

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 _____, 2014⁴⁵; 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

DRAFT

**CITY OF RIVERBANK
ORDINANCE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AMENDING TITLE XV: LAND USAGE, CHAPTER 150:
BUILDING REGULATIONS, BY REPEALING THE SYSTEM DEVELOPMENT
FEES SUBCHAPTER, SECTIONS 150.30 THROUGH 150.36 IN ITS ENTIRETY
AND SUBSTITUTE IT WITH A NEW SYSTEM DEVELOPMENT FEES
SUBCHAPTER**

WHEREAS, notice of the public hearing on the Zoning Ordinance Amendment was published in the *Riverbank News*, a newspaper of general circulation, on September 30, 2015; and

WHEREAS, a public hearing was held on October 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 15: LAND USAGE, CHAPTER 150: BUILDING REGULATIONS,
SUBCHAPTER 150.30: SYSTEM DEVELOPMENT FEES, is hereby amended
to read:**

SYSTEMS DEVELOPMENT FEES

§ 150.30 TITLE.

This subchapter shall be known and cited as the *Systems Development Fee Ordinance* of the city.

('67 Code, § 5-17-1)

§ 150.31 PURPOSE.

(A) The intent of this Chapter is to ensure that new development bears a proportionate share of the cost of City parks, water, sewer, storm water, police, city administration, and transportation capital facilities. It is the further intent of this Chapter that new development pay for its fair share for the development of these systems through the payment of fees. Furthermore, it is the intent of this Chapter that the System Development Fees imposed on new development are no greater than necessary to defray the impacts directly related to proposed new development.

(B) It is not the intent of this Chapter that Impact Fees be used to remedy any deficiency in system development existing on the effective date of this Chapter. Further, it is not the intent of this Chapter that any monies collected from any System Development Fee deposited in an System Development Fee Fund Account ever be commingled with monies from a different Fund Account, or ever be used for Capital Facilities that are different from that for which the Fee was paid.

(C) Particularly, the provisions of this subchapter are adopted for the following reasons:

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

(2) To promote the orderly and efficient expansion of public water, wastewater, storm management and transportation systems to adequately meet the domestic and economic needs of the community and to minimize adverse fiscal and environmental impacts of new development.

(3) To insure the continuation of necessary level of services including, but not limited to police and general administrative services.

(4) To establish equitable methods for allocating system development costs to the city associated with new development.

(5) To regulate the development of land to ensure that new development bears a proportionate share of the cost of capital expenditures necessary to develop all necessary infrastructure systems in Riverbank as contemplated by the General Plan.

(6) The General Plan establishes that land development shall not be permitted unless adequate capital facilities and/or infrastructure exist or are assured, and that land development shall bear a proportionate share of the cost of the provision of the new or expanded capital facilities required by such development.

(7) Other revenue sources are not sufficient to fund capital improvements necessary to accommodate new system development.

(8) The General Plan establishes that System Development Fees are one of the chosen methods of regulating land development in order to ensure that it bears a proportionate share of the cost of capital facilities necessary to accommodate the development and to promote and protect the public health, safety, and welfare.

(9) The use of System Development Fees is a means to provide additional resources for an adequate public infrastructure and services only as they relate to the needs of new development.

(10) The use of System Development Fees is a standardized method for ensuring that new development pays its fair share of the cost of public infrastructure systems.

(11) System Development Fees are used in the development of the Capital Improvement Program for financing public facilities, and ensure the adequacy of public systems to serve development.

§ 150.32 DEFINITIONS.

For the purposes of this subchapter, and resolutions adopted thereto, certain words shall have the following meanings:

BUILDING. Any new structure used or intended for supporting or sheltering any use or occupancy, including those moved into the city limits; but not including any outdoor tanks, towers, carports, or other similar structures.

CAPITAL IMPROVEMENT PROGRAM. The adopted schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. Included are all major projects requiring the expenditure of public funds, over and above the City operating expenses, for the purchase, construction, or replacement of physical assets for the City of Riverbank.

CHURCH. Structures primarily designed as a place for public worship.

CITY ENGINEER. Persons employed or contracted by the City to perform professional engineering work and/or administration and consulting work in the design, investigation, and construction of street, utility, ground water and wastewater treatment systems, and other public works projects; to prepare plans and specifications; and to act as a project manager on assigned projects.

COMMERCIAL. Those uses designated as permitted or conditional uses in the SP, CX-1, C-1, C-2 and CM Zoning Districts of Chapter 153 except where such uses involve the manufacture or assembly of a product or warehousing.

CONSTRUCTION COST. The direct costs for labor, material, equipment, and services; and other direct costs for the on-site erection, fabrication, installation, alteration, demolition, or removal of any facility or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving and landscaping. Construction cost does not include the compensation paid to the architect and engineer and consultants, the cost of the land, rights-of-way or other costs.

DAY CARE CENTER. Structures (other than a family day care center) in which persons not of the immediate family are provided with care for compensation for a portion of the day not exceeding 12 hours in any 24-hour period.

GOVERNMENT COST. Includes all direct and indirect costs to any part of the City of Riverbank for the administration the System Development Fee Program. These costs include, but are not limited to, an appropriate share of: physical overhead, indirect costs including material and supply costs, utilities, insurance, travel, rents, buildings, equipment, management, supervision, enforcement, collection, research, establishment of standards, and regulation, including any required environmental impact assessments necessary to support the construction of SDF Program projects. Government Cost shall be determined or estimated from the best available records of the City of Riverbank, and new cost accounting systems need not be established solely for this purpose.

HOSPITAL. An institution where the ill or injured may receive medical, surgical, or psychiatric treatment, nursing care, food and lodging, and the like.

INDUSTRIAL. Those uses designated as permitted or conditional uses in the SP, CM, M-1, and M-2 Zoning Districts of Chapter 153, excluding all those uses which are permitted in any of the other zones as set forth in Chapter 153 excepting warehouses.

MULTI-FAMILY DWELLING. A residential dwelling unit that cannot be sold individually (for example, must be sold with at least one other dwelling unit on a single parcel of land).

PRIVATE SCHOOL. Includes those uses other than public uses offering educational services and/or vocational training to students aged five years or older but excluding child care facilities.

RESIDENTIAL CARE HOME. Structures designed for use as a convalescent hospital, or a retirement home, or a 24-hour care center for seven or more persons in addition to members of the family.

RESIDENTIAL DWELLING UNIT. One or more rooms in a dwelling designed for occupancy by one family for living or sleeping purposes, and having only one kitchen.

SINGLE-FAMILY DWELLING. A residential dwelling unit that may be sold individually.

SOFT COST. These costs are related to those items in a project that are necessary to prepare and complete the non-construction needs of the project. Soft costs include such items as architecture, design, engineering, permits, inspections, consultants, environmental studies, financing, interest payments, and regulatory demands needing approval before construction begins. Soft costs do not include construction, telecommunications, furnishings, fixed equipment, and expenditures or any other permanent components of the project.

SYSTEM DEVELOPMENT.

(1) Any building structure or other improvement constructed or renovated by the city upon property owned by or under its control; or

(2) Any physical asset, including initial equipment or piece of equipment, facility constructed or purchased, or land acquired necessary to deliver public services for new growth or new development.

SYSTEM DEVELOPMENT FEE. The fee charged for a change in use, new construction, including the expansion of and/or the addition to an existing, nonresidential structure, to mitigate the unfunded portion of the determined impact of the development.

§ 150.33 ESTABLISHMENT OF FEES.

A systems development fee, as established from time to time by the City Council by resolution, shall be due and payable as at time of Building Permit issuance, unless deferred pursuant to action authorized by resolution of the City Council.

(`67 Code, § 5-17-4)

§ 150.34 APPLICABILITY OF PROVISIONS.

(A) The systems development fee is intended to apply to all residential construction and to all reconstruction, alteration, modification, and additions which create additional dwelling units unless otherwise exempted under this section.

(B) The systems development fee is intended to apply to any intensification of use or the building of all new nonresidential construction and to additional building area due to reconstruction, alteration, modification, and additional nonresidential buildings.

(C) Square footage shall be determined by adding the number of square feet of space on each floor or level.

(D) The fees imposed by this subchapter shall not be applicable to those legal parcels on which a structure was previously situated but which was destroyed by fire or other natural disaster, or which was removed or demolished, provided:

(1) That a building permit to rebuild is obtained within one year of the destruction, demolition or removal of the structure.

(2) That the permit to rebuild is obtained by the owner and/or developer of record as of the date of the destruction, demolition or removal of the structure.

- (3) That the exemption will apply only to the extent that the permit to rebuild is for the same number or fewer dwelling units (or, in the case of nonresidential uses, the same number of square feet) as previously existed. The fees imposed by this subchapter shall be applied to the extent that the permit is for more units (or more square feet) than previously existed.
- (E) Total System Development cost is equal to the sum of Construction Cost, Soft Cost and Government Cost. For purposes of project reimbursement, soft costs are limited to 35% of actual verified construction costs.
- (F) System Development Fees are intended to represent new impacts on City Facilities. The City Council has the ability to allow for fee credits of certain fee categories to match actual project related impacts on facilities. Reductions should always be supported by written evidence which illustrates the project demands on City Infrastructure for a given project. This might include using actual vehicle trip data to suggest a lower transportation impact fee or actual flow data to lower water, sewer or storm drainage fees. The Owner and/or developer shall present evidence to the City demonstrating the new project demand estimates which in turn will be reviewed by the City Engineer and City Manager. The City Manager will make a recommendation to the City Council on the requested fee reduction which will be reflected by a City Council vote on the proposal which will be recorded by minute action.
- (G) Deferral of System Development Fees shall be approved by the City Council and shall include the requirement for a deposit, payment of an administrative expense and payment of a reasonable rate of interest for the portion of the fee which is deferred. The deferment and interest and any outstanding administrative expenses shall be paid prior to the final building inspection and the entire deferment agreement shall be recorded as a lien against the property to which the deferment is sought.

§ 150.35 CONSTRUCTION OF FACILITIES

(A) The City Engineer may direct or authorize the owner and/or developer to construct certain facilities specified in the System Development Fee Analysis and/or described in the current Capital Improvement Program of the City, or portions thereof, at the time and as designated in the study, in lieu of all, or a portion of, the fee required by this chapter. The owner and/or developer might be entitled to a credit if the owner and/or developer:

- (1) designs and constructs the improvements,
- (2) finances said improvements by cash, bond or other means approved by the council
- (3) a combination of the above. All improvements must be accepted for maintenance by the City Council in order for credit to be accrued to the project unless advanced fee credit is authorized by agreement approved by the City Council.

(B) The credit to be provided to the property owner and/or developer shall be determined by the City Engineer based on prevailing construction costs consistent with the anticipated costs illustrated in the adopted System Development Fee Study as may be modified from time to time. The final credit amount shall be approved by the City Council. The construction of a facility authorized by this section must consist of a usable facility or segment and be approved by the City and constructed in accordance with the City's public improvement design standards. .

(C) If the amount of credit due is greater than the amount of System Development Fees otherwise owed for the project, the City, at the City Council's election, may elect to pay the difference from the appropriate development impact fee fund, if funds are available, after the improvements have been accepted by the City as complete. The City shall track and make payments to the installer of facilities based on a strategy of first in line, using the date the City Council accepts the improvements as indicator date. The terms of the reimbursement obligation will be described in an agreement between the developer and the City of Riverbank.

§ 150.36 RELATIONSHIP WITH OTHER EXISTING FEES.

(A) *Park-in-lieu fees.* The park-in-lieu (Quimby) fees are used for the acquisition of neighborhood parkland while the System Development fee covers the other capital items necessary for neighborhood park development including soft and hardscape. Park-in-lieu fees are paid prior to the filing of a final map in accordance with the Subdivision Ordinance, § 152.037.

(B) *Sewer connection charges.* Sewer connection charges represent the costs associated with the ability to serve a development. Sewer connection charges are paid as required by Chapter 51 of the City Code.

(C) *Water connection charges.* Water connection charges represent the costs associated with the ability to serve a development. Water connection charges are paid as required by Chapter 52 of the City Code.

§ 150.37 SYSTEMS DEVELOPMENT FUND ESTABLISHED.

All of the systems development charges collected shall be placed in one or more special funds which are hereby created and established for such purposes and which shall be known as the Systems Development Funds. Sums collected under this chapter may only be expended for improvements intended for each System Development Fund category as established by the City Council. The City Council may, upon recommendation from the City Manager in consultation with the City Finance Director, allow cross borrowing of funds only upon making the following findings for over-riding need and necessity:

- (A) The cross borrowing of funds will not adversely impact needed improvements within existing established neighborhoods of the City identified within the Capital Improvement Program of the City; and
- (B) The cross borrowing of funds will result in a more efficient infrastructure system with lower operating costs than envisioned by the Capital Improvement Program; and
- (C) The cross borrowing of funds will have a direct environmental benefit than otherwise envisioned by the Capital Improvement Program; and
- (D) The crossing borrowing of funds will not impact needed government and public safety facilities identified within the Capital Improvement Program.
- (E) If funds are allowed to be borrowed, then the request shall include a repayment plan with the mechanisms and timing for the repayment of the funds borrowed.
- (F) During the construction of individual facilities identified in the Capital Improvement Program, the City Manager shall have the authority to make loans among the System Development Fee funds to assure adequate cash flow for the construction of said public facility. The City Manager may only do so after making a determination that the inter-fund loan does not interfere with the scheduled Capital Improvement Program of the lending fund. Interest on each loan shall be the same rate then earned on other City funds.

§ 150.38 TRANSPORTATION, PARKS, WATER, SEWER AND STORM SYSTEM DEVELOPMENT FEE CREDITS

(A) A property owner and/or developer or developer who constructs a qualified public improvement to either the transportation, parks, sanitary sewer, storm water or the water system may be eligible for a credit to be applied against the appropriate category of the System Development Fee (SDF). A qualified public improvement, as referenced, means a capital improvement that is:

- (1) Required as a condition of development approval; and
- (2) Is identified in the transportation, park, water, wastewater or storm system master plans; and
- (3) Is either: (a) not located within or immediately adjacent to property that is the subject of development approval, or is (b) located in whole or in part within or immediately adjacent to property that is subject to development approval and is required to be constructed by the particular development project to which the SDF is related.

(B) A public improvement that is eligible for SDF credit is one that is designed and built in accordance with the appropriate utility master plan and/or identified within the Capital Improvement Program of the City. Infrastructure lines that are sized to accommodate a developer's individual service and fire protection needs do not qualify for SDF credits. SDF credits are possible only for projects identified in the adopted SDF program (Nexus Analysis).

(C) Establishing and recording System Development Fee credits:

- (1) The property owner and/or developer or developer shall submit a written request for an evaluation of SDF credits at the same time as they make the Application for Public Improvement Plan Review.
- (2) The written request shall include the engineer's detailed construction cost estimate for the qualified infrastructure to be constructed.
- (3) The method for estimating eligible SDF credits will be determined by comparing the project engineers cost estimate against current water and sewer construction costs developed by the City Engineer.
- (4) Once the Developer has completed construction of the infrastructure, and before the improvements have been accepted by the City, the City Engineer may request documentation of final construction costs to verify actual costs. Actual construction bids shall be provided by the Developer and shall consist of certified payment statements for materials and construction. If the actual construction costs are less than or equal to the construction cost estimates that the system development fee credits were based on, the agreement amount(s) will be revised accordingly. If the final construction costs exceed the construction estimates agreed to by the City Engineer and/or as provided in the adopted SDF Program, as modified from time to time by the City Council, the original agreement amount might be modified to reflect the extra costs. Any expense in excess of the costs adopted in the SDF Program will be forfeited by the owner and/or developer unless the City Council agrees to some other form of reimbursement like an area of benefit.

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 _____, 2015; 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

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.2

SECTION 5: PUBLIC HEARING

Meeting Date: October 13, 2015

Subject: Conduct the First Reading and Introduction by Title Only of an **Ordinance** of the City Council of the City of Riverbank, California, Amending Title XV: Land Usage; Chapter 150: Building Regulations, by Adding A New Section 150.16 (C) Expedited Permitting Procedures for Small Residential Rooftop Solar Systems

From: Jill Anderson, City Manager

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

RECOMMENDATION

It is recommended that the City Council conduct the public hearing for the first reading and introduction by title only of the of the proposed ordinance, and consider its approval as presented, which will initiate the scheduling of the ordinance for its second reading by title only to consider its adoption at the October 27, 2015, regular City Council meeting.

SUMMARY

California Government Code Section 65850.5(a) provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems. In furtherance of that objective, Section 65850.5(g)(1) of the California Government Code requires that every city, county, or city and county must adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

The proposed ordinance codifies the requirements of Section 65850.5(g)(1), such as to accept and approve applications electronically, to direct the City's Building Official to develop a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review, and to authorize the Building Official to administratively approve such applications.

The City's current permitting process already practices the expedition of such applications by reviewing and issuing applications over the counter and electronically.

However, to comply with the mandate, which set forth a compliance date of September 30, 2015, it is recommended that the City Council adopt the proposed ordinance as presented. While the City is technically behind on meeting the compliance date; the existing practices comply with the spirit of the law and the public noticing requirements for the Planning Commission and City Council, demonstrate the City's intent to comply with all aspects of the law.

GENERAL PLAN

The proposed ordinance is consistent with the following aspects of the General Plan:

- (a) *Policy LAND-4.1: The City will encourage, through incentives, streamlining, flexible standards, and other means, development of employment-generating uses.*
- (b) *Policy DESIGN-18.1: The City will promote safe and sustainable energy collection and distribution systems that draw from renewable energy sources.*
- (c) *Policy HOUSING-6.1: Continue to implement state energy-efficient standards.*

ENVIRONMENTAL DETERMINATION

The proposed project will not have a significant effect on the environment and is categorically exempt under Article 19 Section 15268 (b)(1) Ministerial Projects – Issuance of Building Permits.

FINANCIAL IMPACT

This proposed ordinance has no anticipated financial impact as the costs would be recovered by existing building permit fees.

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 Section 150.16 (C) Expedited Permitting Procedures for Small Residential Rooftop Solar Systems is not part of these goals but is a State of California mandate.

PLANNING COMMISSION ACTION

By a unanimous vote of 4-0, at their regular meeting of September 15, 2015, the City of Riverbank Planning Commission recommended that the City Council adopt the proposed ordinance.

ATTACHMENTS

1. Proposed City Council Ordinance

CITY OF RIVERBANK

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AMENDING TITLE XV: LAND USAGE; CHAPTER 150: BUILDING REGULATIONS, BY ADDING A NEW SECTION 150.16(C): EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS TO THE RIVERBANK CODE OF ORDINANCES

WHEREAS, Subsection (a) of Section 65850.5 of the California Government Code provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems; and

WHEREAS, Subdivision (g)(1) of Section 65850.5 of the California Government Code provides that every city, county, or city and county shall adopt an ordinance, consistent with the goals and intent of subdivision (a) of Section 65850.5, that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

SECTION 1: NOW, THEREFORE THE CITY OF RIVERBANK CITY COUNCIL DOES ORDAIN AS FOLLOWS:

The Riverbank Municipal Code, Title XV: Land Usage; Chapter 150: Building Regulations shall be amended by adding a new Section 150.16(C): Expedited Permitting Procedures for Small Residential Rooftop Solar Systems, which shall read as follows:

§ 150.16 SOLAR/PHOTOVOLTAIC POWER SYSTEMS.

[...]

(C) *Small Residential Rooftop Solar Energy System Review Process.*

(1) The following words and phrases as used in this section are defined as follows:

(a) ***ELECTRONIC SUBMITTAL*** means the utilization of one or more of the following:

1. e-mail,
2. the internet,
3. facsimile.

(b) ***SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM*** means all of the following:

1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

3. A solar energy system that is installed on a single or duplex family dwelling.

4. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

(c) **SOLAR ENERGY SYSTEM** has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

(2) Section 65850.5 of the California Government Code provides that in developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The building official is hereby authorized and directed to develop and adopt such checklist.

(3) The checklist shall be published on the city's internet website. The applicant may submit the permit application and associated documentation to the City's building division by personal or electronic submittal together with any required permit processing and inspection fees. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications and other documentation may be used in lieu of a wet signature.

(4) Prior to submitting an application, the applicant shall:

(a) Verify to the city's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and

(b) At the applicant's cost, verify to the city's reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.

(5) For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection by the building inspector and fire department designee. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is

authorized; however the subsequent inspection need not conform to the requirements of this subsection.

(6) An application that satisfies the information requirements in the checklist, as determined by the building official, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

(7) Upon confirmation by the building official of the application and supporting documentation being complete and meeting the requirements of the checklist, the building official shall administratively approve the application and issue all required permits or authorizations within 1-3 working days in which the permit application is submitted. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

SECTION 2. Severability. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3: This Ordinance shall become effective thirty (30) days (____) from and after its final passage and adoption, provided it is published pursuant to GC § 36933 in a newspaper of general circulation and published within fifteen (15) days after its passage.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on October 13, 2015. Said ordinance was given a second reading by title only and adopted by the City Council.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the ____ day of ____ 2015; motioned by Councilmember _____, seconded by Councilmember _____, moved said ordinance by a City Council roll call vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

Annabelle H. Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan, City Attorney

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date:	October 13, 2015
Subject:	Consider a Petition to Approve a Resolution of the City Council of the City of Riverbank, California, Granting Approval to Defer Payment of the System Development Fees for McRoy-Wilbur Communities for the Diamond Bar West Subdivision
From:	Jill Anderson, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

It is recommended that the City Council consider the petition from McRoy-Wilbur Communities to defer payments for the System Development Fees assessed on the construction of dwelling units in the Diamond Bar West subdivision and approve the proposed Resolution.

SUMMARY

McRoy-Wilbur Communities submitted a written request to defer payments for System Development Fees, which will be assessed on the construction of homes in the Diamond Bar West subdivision. They are not disputing these fees, only asking for an alternate timing of payments. There is currently no administrative process to consider these requests at staff level and therefore, the request has been brought forward to the City Council for consideration.

BACKGROUND

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

- 1) To provide an adequate and constant method for the financing of the unfunded portion of need systems development costs throughout the city, reasonably related to projected community growth.
- 2) To promote the orderly and efficient expansion of public improvements to adequately meet the domestic and economic needs of the community and to minimize adverse fiscal and environmental impacts of new development.

- 3) To ensure the continuation of necessary services including, but not limited to, police and general administrative services.
- 4) To establish equitable methods for minimizing public facility and service costs to the city associated with new development.

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

On September 28, 2015, the City received a request from Mark Wilbur (Attachment 2) to defer the System Development Fees from payment at Building Permit issuance to final inspection. This project, the Diamond Bar West subdivision, is assessed the following approximate fees per dwelling unit:

System Development Fee Type	Amount
Streets/Public Works	\$2,975.54
Water	\$7,006.44
Waste Water	\$3,055.34
Storm Drain	\$6,904.70
Parks and Recreation	\$3,902.22
Police/General Government	\$1,412.46
5% Administrative Fee	\$1,329.30
Total System Development Fees	\$26,586.00*
Plus \$100.00 deferral processing fee =	\$26,686.00
Plus Building Permit fees of \$10,401.61 =	\$37,087.61 total fees per dwelling unit

(*Approximation based on 1,600 sf dwelling unit with garage and front porch, total of 2,200 sf)

McRoy-Wilbur Communities has provided samples of their existing deferrals with the cities of Ripon and Turlock and Stanislaus County (Attachment 3). For this proposed deferral, the initial payment at building permit issuance would include all the normal permit fees (building permit, plan check, seismic residential, plumbing, mechanical, electrical, etc. fees) plus \$100 for processing the deferral as was done with other projects in Riverbank. The Total System Development Fees in the chart above would be deferred until the final building inspection of a dwelling unit. The City will process and record a lien on the property with the Stanislaus County Recorder. In order to gain a final inspection, the lien must be cleared. Upon receiving payment, the City will place a record of release of lien on the property. This deferral would apply only to Riverbank's System Development Fees. It does not include any fees imposed by any other agencies such as the fire districts, school districts, or Stanislaus County.

ANALYSIS

The request received from McRoy-Wilbur Communities has been carefully considered. An evaluation of the potential impacts of this project was considered and the following determinations were made:

- 1) By allowing a portion of the fees to be paid prior to final inspection, it makes the financing of the project easier for the developer;
- 2) As a small builder forced to use internal funding and private investors for construction, they are provided with leverage and can start more homes at one time; and
- 3) A faster build-out of the project is created, thus generating more tax revenue for the City sooner.

Based on the analysis performed, including the slow economic recovery and the stricter bond regulations for the developer, it is recommended that the City Council consider the deferral of System Development Fees to encourage construction and thereby, job growth.

FUTURE CONSIDERATION

The City's current System Development Fee (SDF) program does not provide an administrative process to consider the deferral or waiver of fees and/or negotiations for fee reductions at any level including administrative and/or City Council. As a result, a proposal to add an administrative process for fee deferrals will be included during the upcoming SDF update.

FINANCIAL IMPACT

The System Development Fee program is designed as a mechanism to collect impact fees to build infrastructure necessary to support new growth City-wide. Careful evaluation of each proposed project is necessary to understand potential funding shortfalls which might be created as a result of granting fee deferral or waiver requests. In the case presented above, partial fees would be deferred but not waived. Therefore, no direct financial impact is expected by the deferral.

STRATEGIC PLAN

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

ATTACHMENT

1. Proposed Resolution
2. McRoy-Wilbur Communities Fee Deferment Request
3. Local Examples

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, GRANTING APPROVAL TO DEFER PAYMENT OF THE SYSTEM
DEVELOPMENT FEES FOR MCROY-WILBUR COMMUNITIES FOR THE DIAMOND
BAR WEST DIVISION**

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, McRoy-Wilbur Communities has requested the City Council defer the payment of the System Development Fees assessed on the construction of Diamond Bar West dwelling units from the time of Building Permit issuance to the time of Building Permit final.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby approve the deferment of System Development Fees for the Project as specified in **Exhibit A** attached hereto and incorporated herein.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 13th day of October, 2015; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

Attachment: Exhibit A

CC Resolution No.

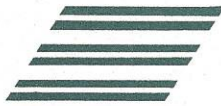
EXHIBIT A

The Diamond Bar West subdivision Project is assessed the following approximate fees per dwelling unit:

System Development Fee Type	Amount
Streets/Public Works	\$2,975.54
Water	\$7,006.44
Waste Water	\$3,055.34
Storm Drain	\$6,904.70
Parks and Recreation	\$3,902.22
Police/General Government	\$1,412.46
5% Administrative Fee	\$1,329.30
Total System Development Fees	\$26,586.00*
Plus \$100.00 deferral processing fee =	\$26,686.00
Plus Building Permit fees of \$10,401.61 =	\$37,087.61 total fees per dwelling unit

(*Approximation based on 1,600 sf dwelling unit with garage and front porch, total of 2,200 sf)

The Total System Development Fees in the chart above would be deferred until the final building inspection of a dwelling unit. The City will process and record a lien on the property with the Stanislaus County Recorder. In order to gain a final inspection, the lien must be cleared. Upon receiving payment, the City will place a record of release of lien on the property. This deferral would apply only to Riverbank's System Development Fees. It does not include any fees imposed by any other agencies such as the fire districts, school districts, or Stanislaus County.

McW McROY - WILBUR COMMUNITIES, INC.

2909 COFFEE ROAD #12A
MODESTO, CA 95355
209-491-5430 • FAX (209) 577-2844
CONTRACTORS LIC. # 690515

Donna M. Kenney

Planning & Building Manager

City of Riverbank

6707 Third Street

Riverbank, CA. 95367

September 28, 2015

Donna,

Please consider this letter as a formal request to the Riverbank City Council for a partial fee deferral on our upcoming Diamond Bar West project. As we have previously discussed, fee deferral has become customary in most cities. This practice, to the best of my knowledge, has had a positive result for both the builder and the municipality. Fee costs have risen to a point where they compose thirty-five to forty per cent of the total construction costs. By allowing fees to be paid prior to final inspection it drastically help make financing of the project easier. It also helps create a faster build-out of the project, thus generating more tax revenue for the City. It poses no risk for the City as there can be no occupancy until all fees have been paid.

Currently we are building in the cities of Ripon and Turlock. Both have deferred fee programs. They are a little different as Stanislaus County defers their fee till close of escrow. San Joaquin County has no program so the City of Ripon also collects the County fee up front. If we use the Ripon model for Riverbank, initial payment it would include: Building Permit, Plan check, Energy Compliance, Plumbing, Mechanical, and Electrical. The balance would be paid prior to final inspection.

I am planning on requesting fee deferral with the Riverbank School District. Ripon Unified does not allow deferral, therefore we pay that fee up front. Assuming no deferral, we would also pay that at initial permit issuance. However I hope to convince the School District that it is in their interest to allow deferral as well.

realize that my request is somewhat broad in nature. If approved, I am sure that we will need to work on the specifics more critically. Your willingness to look at this issue is very much appreciated.

Sincerely

A handwritten signature in dark ink, appearing to read 'Mark Wilbur', written in a cursive style.

Mark Wilbur



CITY OF TURLOCK - BUILDING PERMIT

156 S. BROADWAY, STE. 130 • TURLOCK, CALIFORNIA 95380 • 668-5550 • 24 HR. INSPECTION 668-5542, EXT. 2223

DATE OF APPLICATION 8/14/14 U.S.D.C. CODE 101 PERMIT NUMBER 14-1019

WORK ADDRESS 2241 STATE	STREET NAME STATE	AV-ST-RD ST	APN 088 023 023	PRIME CONTRACTOR MCROY WILBUR COMMUNITY	STATE LICENSE 690515
SUBDIVISION COTTAGE PARK	LOT 49	ZONING RD241	CONTRACTOR'S ADDRESS 2909 COFFEE RD	PHONE 209 491-5430	
OWNER MCROY WILBUR COMMUNITY	OWNER'S PHONE		MODESTO A12 CA 95355	BLOGS 1	UNITS 1
OWNER'S MAILING ADDRESS 2909 COFFEE RD	OCC GP R3/U1	OCC LOAD	ELECTRICIAN ALLEN ELECTRIC INC	ROOMS 5	PERMIT TYPE 1
MODESTO A12 CA 95355	TYPE CONS VB		PLUMBER VALLEY PLUMBING INC	NEW - 1 REMODEL - 3 MOVE - 5 COMPLIANCE - 7	ADDITION - 2 REPAIR - 4 DEMO - 8
DESCRIPTION OF WORK SFD MP 1500 ELEV B 2 BED/2 CAR			MECHANICAL BLUE MOUNTAIN CONSTR		

FRONT LOADING GARAGE

LICENSED CONTRACTORS DECLARATION

I hereby affirm under penalty of perjury that I am licensed under the provision, of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code and my license is in full force and effect.

License Class _____ License No. _____
Date _____
Contractor _____

OWNER - BUILDER DECLARATION

I hereby affirm under penalty of perjury that I am exempt from the Contractors License Law for the following reason (Sec. 7031.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he/she is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).):

☐ I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code: The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or herself or through his/her own employees, provided that such improvements are not intended or offered for sale, if, however, the budding or improvements is sold within one year of completion, the owner/builder will have the burden of proving that he or she did not build or improve for the purpose of sale.)

☐ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) license pursuant to the Contractors License Law.).

☐ I am exempt under Sec. _____, B & P C for this reason _____

Date _____

Owner _____

Owner occupy ☐ Yes ☐ No

WORKERS' COMPENSATION DECLARATION

I hereby affirm under penalty of perjury one of the following declarations:
☐ I have and will maintain a certificate of consent to self-insure for workers compensation as provided for by section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

☐ I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Policy No. _____

Company _____

Date _____ Applicant _____

ARCHITECT
DAVID STARK

LICENSE NUMBER
C22903

PRIVATE/
PUBLIC

PR

LOT AREA	SQ FT	VALUE
5,107		
MAIN BLDG	1,500	\$155,880.00
GARAGE	480	\$18,931.20
CARPORT		
PORCH		
PATIO		
PORCH AND PATIO	103	\$2,060.00
SEWER FIXTURE UNITS	27	\$176,871.20
TOTAL VALUATION		

CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE

(This section need not be completed if the permit is for one hundred dollars (\$100) or less.)

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

Date _____ Applicant _____
WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3708 OF THE LABOR CODE, INTEREST AND ATTORNEYS FEES.

D = Deferred Fees

\$6,883.14

ADDRESS CHANGED FROM 2420 BIRD

ROCK TO 2241 STATE ST

APPLICANT _____

DATE _____

☐ OWNER ☐ AGENT
☐ CONTRACTOR

PROCESSED BY: KS
PLAN CHECK BY: MPETERSEN

128/306.8.1	PLAN CHECK FEE	\$151.32	\$50.44
128/302.4.0	CONST FEE		\$1,839.42
128/302.6.0	ELECTRICAL PERMIT		
128/302.5.0	PLUMBING PERMIT		
128/302.10.0	MECHANICAL PERMIT		
174/306.6.2	RECORD MANAGEMENT		\$90.23
110/306.37.0	LANDSCAPE		
110/306.38.0	PLANNING		\$75.00
156/382.3.0	SEWER TRUNK LINE CONST		\$210.23
143/309.7.0	SEWER CAPITAL EXPANSION		\$2,562.54
142/308.17.0	ENGINEERING		\$57.27
141/311.21.0	WATER GRD FEE		\$2,865.99
141/311.22.0	WATER WELL TAX		\$20.00
162/301.5.0	TRANSPORTATION TAX		\$20.00
163/301.6.0	TRAFFIC SIGNALS TAX		\$20.00
164/301.7.0	PUBLIC SAFETY TAX		\$20.00
165/301.8.0	PARK DEVELOPMENT TAX		\$20.00
175/361.701.0	CAP FAC FEE ROAD	D	\$4,758.64
175/362.1.0	CAP FAC FEE PD	D	\$515.10
175/363.1.0	CAP FAC FEE GEN	D	\$1,128.81
175/364.1.0	CAP FAC FEE FIRE	D	\$280.11
175/360.1.0	CAP FAC FEE ADMIN	D	\$200.48
110/302.1.0	BUSINESS LICENSE		\$88.44
110/0.230.0	SCHOOL IMPACT FEE		\$810.00
110/0.205.1	COUNTY IMPACT FEE - LIA	D	
110/306.30.0	COUNTY IMPACT FEE	D	
110/0.205.0	S.M.I.P. STATE TAX		\$22.99
135/308.6.15	LANDSCAPE INSPECTION FEE		\$75.00
165/308.30.2	NEIGHBORHOOD PARK FEE		\$990.60
165/308.54.2	COMMUNITY PARK FEE		\$487.91
110/306.5.2	FIRE		
110/0.203.0	WATER METER		\$1,100.00
176/386.1.2	NWTSP SEWER		\$24.13
176/386.1.2	NWTSP WATER		\$1,072.16
176/386.1.2	NWTSP ADMIN		\$32.89
142/309.44.0	GIS DEVELOPMENT		\$95.34
128/0.205.7	BSASRF		\$7.00
128/302.17.0	PERMIT HANDLING		\$773.43
010.0.0			
010.0.0			
			\$13,431.01



CITY of RIPON - Building Department

259 N. Wilma Ave. Ripon, Ca. 95366 (209) 599-2613 Inspection Recorder (209) 599-6079

PERMIT

Permit Number 19790

Date Issued:

Date Finaled:

Address: 278 DIAMOND LANE

Subdivision: CORNERSTONE II

Assessor's Parcel No.: 24535009

Lot # 9

Permit Class: NEW CONSTRUCTION

Permit Type B-P-M-E

Project Description: NEW CONST (SFD) 2859A / GARAGE 593 SQ. FT.

Applicant:

Property Owner: MARK S WILBUR

Mailing Address (include City State Zip): 2909 COFFEE RD 12-A MODESTO, CA

Owner Builder?: No

Owner Phone #: 491-5430

Contractor: MCROY-WILBUR

Contractor License #: 690515

Mailing Address (include City St Zip): 2909 COFFEE RD 12-A MODESTO,

Contractor Phone #: 469-3984

Architect / Designer: SKW & ASSOCIATES

Phone Number:

Occupant Group: R-3

U.B.C. Type V-N

Occupant Load

Building Height:

Stories: 1

No. of Buildings: 1

No. of Units per Bldg: 1

Sprinklers: Yes

Size (main bldg) 2859 Garage 593 Porch/Patio 336 Commercial

Industrial

Apt/Condo:

Construction Valuation:

\$302,000.00

Plan Check By: TH

Census Code 1101

Zone: R-1

Building Permit (1-45000):	\$1,897.25	Sewer Hook Up (13-2900)	*\$4,030.75	General Mitigation:	* \$5,293.45
Plancheck (1-45000):	\$1,233.21	Sewer Annex:		CBSC	\$12.00
Energy Compliance (1-4500)	\$196.30	Water Hook Up (11-2900)	*\$9,723.85	Transportation	*\$6597.42
Plumbing (1-452000):	\$169.75	Subdivision Annex:		County Facilities	\$1,890.00
Mechanical (1-45200):	\$83.75	SMIP (1-45800):	\$39.26	RTIF	\$3,084.58
Electrical (1-45100):	\$164.95	Parks (1-45800):	*\$8,304.92	Corporation Yard	*\$1467.27
		Garbage (12-29001):	* \$703.70	Storm Drainage	**
		Traffic (1-29004):	* \$324.25	Police/CityHall	*\$1658.10
				Library	\$460.11
				PAID	(\$8,771.05)
				City Total:	\$47,334.87

I CERTIFY THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE INFORMATION IS CORRECT. I AGREE TO COMPLY WITH ALL CITY AND COUNTY ORDINANCES AND STATE LAWS RELATING TO BUILDING CONSTRUCTION, AND HEREBY AUTHORIZE REPRESENTATIVES OF THIS CITY TO ENTER UPON THE ABOVE MENTIONED PROPERTY FOR INSPECTION PURPOSES. NOTICE THIS PERMIT WILL EXPIRE BY LIMITATION IF WORK IS NOT STARTED IN 180 DAYS OR IF WORK IS ABANDONED FOR MORE THAN 180 DAYS. DO NOT CONCEAL OR COVER ANY CONSTRUCTION UNTIL THE WORK IS INSPECTED AND THE INSPECTION IS RECORDED ON THE JOB CARD. ALL INSPECTION REQUESTS ARE REQUIRED 24 HOURS IN ADVANCE OF THE INSPECTION.

() Contractor

() Owner

☒ Agent

Signature

Date

Issued By

Date

WHEN PROPERLY VALIDATED - THIS FORM CONSTITUTES A BUILDING PERMIT

THIS APPLICATION IS A BUILDING PERMIT WHEN PROPERLY FILLED OUT, SIGNED AND PERMIT FEES ARE PAID PERMISSION IS THEREFOR GRANTED TO DO SUCH WORK AS INDICATED IN THIS APPLICATION IN ACCORDANCE WITH AND SUBJECT TO ALL OF THE PROVISIONS OF THE BUILDING CODE OF THIS CITY AND RELATED LAWS THIS PERMIT BECOMES NULL AND VOID IF WORK IS NOT COMMENCED WITHIN 180 DAYS FROM THE DATE OF ISSUANCE, OR IF WORK IS SUSPENDED AT ANY TIME DURING CONSTRUCTION FOR MORE THAN 180 DAYS, AND PROVIDES FURTHER, THAT SUCH SUSPENSION OR ABANDONMENT HAS NOT EXCEEDED (1) YEAR.

() City

() Assessor

☒ Applicant

() Building

Recording Requested By:

When Recorded Mail to:

Name: Kimera Hall
Stanislaus County
Department of Planning & Community
Development, Building Permit Division

Mailing
Address: 1010 10th Street, Suite 3400

City, State: Modesto, California
Zip Code: 95354-0847

**CONTRACT TO PAY STANISLAUS COUNTY
PUBLIC FACILITY FEES PURSUANT TO
CALIFORNIA GOVERNMENT CODE SECTION 66007**

This Contract is made and entered into by and between the County of Stanislaus, a political subdivision of the State of California (the "County") and the Owner, McRoy-Wilbur Communities Inc., Jerry Filice, Authorized Agent for McRoy-Wilbur Communities Inc., (the "Owner") of the Property described in Exhibit "A" (the "Property").

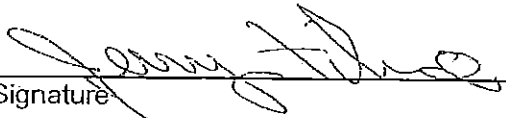
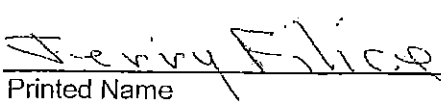
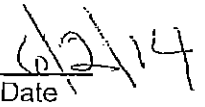
1. As a condition of issuance of the building permit (the "Permit") attached as Exhibit "A", County agrees to defer the payment of the County Public Facility Fees in the amount of \$7,072.00 (the "Fee"), which otherwise is due and payable upon building permit issuance.
2. In consideration for the deferral of payment of the Fee, Owner agrees to pay to the County the Fee prior to the date a "final inspection" or a "Certificate of Occupancy", as defined by Government Code section 66007(e), is issued for the Permit.
3. This Contract, which incorporates the property description set forth in Exhibit "A" by this reference, shall be recorded in the Office of the Stanislaus County Recorder and, from the date of recordation, shall constitute a lien for payment of the Fee in the amount set forth herein, which lien shall be enforceable against successors in interest to the undersigned at the time of building permit issuance and thereafter.
4. This Contract shall be recorded in the grantor/grantee index in the name of Stanislaus County, the grantee, and in the name of the Owner as the grantor.
5. Owner agrees that if the Fee is not paid when due, and where the Owner has failed to obtain a "final inspection" or "Certificate of Occupancy", in addition to any other available remedy and without waiver thereof, the County may, in its sole discretion, cause the disconnection of utilities to the Property, including but not limited to electrical and natural gas. No building or structure on the Property shall be occupied until full payment of the Fee as provided herein. Owner further agrees that if the Fee is not paid within one year from issuance of the building permit on the Property, Owner shall pay the greater of the Fee amount stated in paragraph 1, or in an amount calculated under the County Public Facility Fees program in effect at the date of final inspection or issuance of the Certificate of Occupancy.
6. The County of Stanislaus shall record a release of the obligation to pay the fee upon

receiving payment in full.

7. The Owner shall provide 10 days written notification to Stanislaus County, Building Permits Division, Department of Planning and Community Development, subsequent to the opening of any escrow for the sale of the Property, and the Owner shall provide in the escrow instructions that the Fee as calculated herein be paid in full to the County of Stanislaus prior to distributing the proceeds to the seller.
8. This Contract shall remain in full force and effect and continue as a lien on the Property until the County of Stanislaus receives the full amount of the Fee, which is the object of this Contract.
9. This Contract constitutes the entire agreement of the parties with respect to the subject matter hereof and supersedes any and all other agreements, understandings, statements or representations, either oral or in writing.

The undersigned is/are the legal owner(s) of the property indicated above and acknowledge(s) responsibility to pay to the outstanding Fee balance according to the terms for payment noted herein.

Legal Owner Signature(s) – Each property owner signature must be notarized.

Signature	Printed Name	Date
		

Signature	Printed Name	Date
-----------	--------------	------

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.2

SECTION 6: NEW BUSINESS

Meeting Date:	October 13, 2015
Subject:	River Cove River Access Review
From:	Jill Anderson, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council hear the report on river access concerns in the River Cove neighborhood for the summer 2015 season, review the options for dealing with this issue in the future and provide direction to staff.

SUMMARY

Over the last two years, the City Parks and Recreation Department, Sheriff's Department and Development Services Department have been working together to deal with the challenges of river access in the River Cove subdivision. Sue Fitzpatrick, the Director of Parks and Recreation will give a report on this past summer season that will include Sheriff Department, Private Security and Park Employees observations as well as citations issued. A neighborhood survey was completed by City staff that will supply the City Council with community comments and suggestions for future options to improve the current situation.

The neighborhood group did not meet during the summer and did not complete their own neighborhood survey regarding the options.

BACKGROUND

The River Cove subdivision has been holding neighborhood meetings for the past few years. These meetings were initiated predominately due to the increased number of people parking in the subdivision and accessing the river from River Cove Drive. The concerns included an excessive number of cars parked along the access points; cars speeding in the neighborhood of alcohol, littering, and overall poor behavior. The City has been working closely with the neighborhood in solving these problems and were successful to some degree over the past two years with the use of private security, park maintenance staff and our Sheriff's Department working together to provide citations

where necessary, increased oversight and litter pickup. The cost to the parks department averages \$4,000- \$5,000 per season to address this situation. These services have been funded through the Jacob Myers Park parking fees but more recently through the General Fund.

The Army Corp of Engineers, California Fish and Wildlife and our legal Counsel have been involved in formulating various options. Due to time constraints and lack of River Cove input at the City Council meeting in April 2015, the City Council directed staff to increase the Sheriff patrols in the area, increase the private security and garbage pick up. It was decided that the options would be re-visited after the summer season.

FUTURE OPTIONS TO BE CONSIDERED

A discussion of options will take place during the presentation.

FINANCIAL IMPACT

The Financial impact would depend on the option chosen but would be a General Fund expense.

STRATEGIC PLAN

This item directly relates to the Strategic Plan to Enhance Public Safety.

ATTACHMENTS

There are no attachments to this report.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.3

SECTION 6: NEW BUSINESS

Meeting Date:	October 13, 2015
Subject:	Resolution of the City of Riverbank, California, Approving the Oakdale and Riverbank Corridor Area Agreement
From:	Jill Anderson, City Manager
Submitted By:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION:

It is recommended that the City Council adopt the proposed Resolution approving the Oakdale and Riverbank Corridor Area Agreement.

BACKGROUND:

In 2001, the Cities of Oakdale and Riverbank along with Stanislaus County agreed to maintain a community separator between Oakdale and Riverbank with the goal of preserving the individual identity of each community. The area is bounded by the western edge of the Oakdale Sphere of Influence and the eastern edge of the Riverbank Sphere of Influence; bounded on the north by the Stanislaus River and on the south by the Burlington Northern Santa Fe Railroad. Per the agreement, the cities would not expand their respective spheres of influence into this agricultural corridor for a ten-year period.

In April of 2009, Riverbank City Council adopted the Riverbank 2005-2025 General Plan. The General Plan update expanded Riverbank's Sphere of Influence east of Eleanor Avenue, which includes areas that are part of the community separator (see Exhibit A of Attachment A).

On November 17, 2010 staff met with representatives from the City of Oakdale and Stanislaus County. All agencies expressed their support in extending the agreement for an additional ten years. The City of Oakdale moved forward and extended their agreement to 2021. Riverbank's agreement was not extended for reasons unclear to staff and it expired in 2011. At this time, it is requested that the City Council reinstate the agreement.

In September 2015, the City Council approved a resolution to initiate actions to expand the City's Sphere of Influence to the West and to the East near the southern boundary

of the City near Claribel. The action requested this evening does not conflict with the action taken by the City Council in September.

ATTACHMENTS:

1. Proposed Resolution with Exhibit A: Oakdale Riverbank Corridor Area Map

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, APPROVING THE OAKDALE AND RIVERBANK CORRIDOR AREA AGREEMENT

WHEREAS, in 2001 the Riverbank City Council adopted Resolution No. 2001-120, approving the Oakdale and Riverbank Corridor Area Agreement which was in effect for a period of ten (10) years and expired on June 18, 2011; and

WHEREAS, the City of Riverbank staff met with Stanislaus County and the City of Riverbank staff on November 17, 2010 to discuss extending this agreement for an additional ten (10) years to June 18, 2021; and

WHEREAS, the City of Oakdale and City of Riverbank staff agreed to bring a ten (10) year extension of the agreement before their City Councils for consideration and Riverbank did not; and

WHEREAS, communities are desirous of developing and maintaining their individual identity; and

WHEREAS, the cities of Oakdale and Riverbank have adopted general plans which contain specific goals and policies to strengthen and maintain their identities by maintaining a separation between themselves; and

WHEREAS, the cities of Oakdale and Riverbank and Stanislaus County have adopted the countywide "Visioning Project 2000" which calls for clearly defined boundaries between cities; and

WHEREAS, the Stanislaus Local Agency Formation Commission has designated Spheres of Influence which are based on the cities' general plans and maintains an important separation between the cities; and

WHEREAS, the Stanislaus Local Agency Formation Commission must "give great weight" to agreements reached between cities and counties; and

WHEREAS, the Oakdale and Riverbank Corridor Area set forth in **Exhibit A** has been identified by the cities as an area that exhibits characteristics worthy of maintaining their individual identity and character; and

WHEREAS, the north side of Highway 108 is zoned General Agriculture with a forty (40) acre minimum parcel size and those parcels support viable agricultural operations and an overwhelming majority of those parcels are enrolled in the California Land Conservation Act of 1965 (Williamson Act); and

WHEREAS, the Stanislaus County General Plan, including the Agriculture Element, encourages the long-term conservation of viable agricultural operations and the projection of these lands from urban encroachment; and

WHEREAS, the south side of Highway 108 is zoned General Agriculture with ten (10) and three (3) minimum acre parcel sizes and those parcels support some viable agricultural operations and maintain rural residential usage and character; and

WHEREAS, the Stanislaus County General Plan and Board of Supervisors policy is to encourage multi-jurisdictional cooperation regarding land use issues; and

WHEREAS, the City Councils are in agreement that the preservation of the character of this valuable corridor area is essential to maintaining the economic and general welfare of the city and county residents.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Riverbank that the terms of this resolution shall be in effect until June 18, 2021. In the absence of a written request by either party to alter the terms of this resolution, submitted at least 180 days before the expiration of any 10-year period, the terms of this resolution shall remain in effect for an additional 10 year period; and

BE IT FURTHER RESOLVED that the County and cities of Oakdale and Riverbank support and encourage property owners with property classified as agriculture located in the corridor area to take full advantage of all non-regulatory programs, e.g., agricultural conservation easements, Williamson Act, etc., that offer financial incentives to conserve farmland and keep in production; and

BE IT FURTHER RESOLVED that the Cities and the County with the involvement of the Stanislaus Council of Governments (StanCOG) and the California department of Transportation investigate several options for non-motorized trails and consider the establishment of non-motorized trails between Riverbank and Oakdale; and

BE IT FURTHER RESOLVED that the Cities and County shall encourage the California Department of Transportation to recognize and establish a scenic corridor designation for the area; and

BE IT FURTHER RESOLVED that the County agrees; 1) to continue to maintain the agricultural designation of the Land Use Element of the General Plan and the present zoning designation of A-2-3, A-2-10 and A-2-40 General Agriculture in the Highway 108 corridor area as shown on **Exhibit A** attached hereto; and 2) to only allow those uses which are allowed in the A-2 General Agriculture Zone District.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 13th day of October, 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:

Annabelle Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

Attachment: Exhibit A – Area Map

PROPOSED

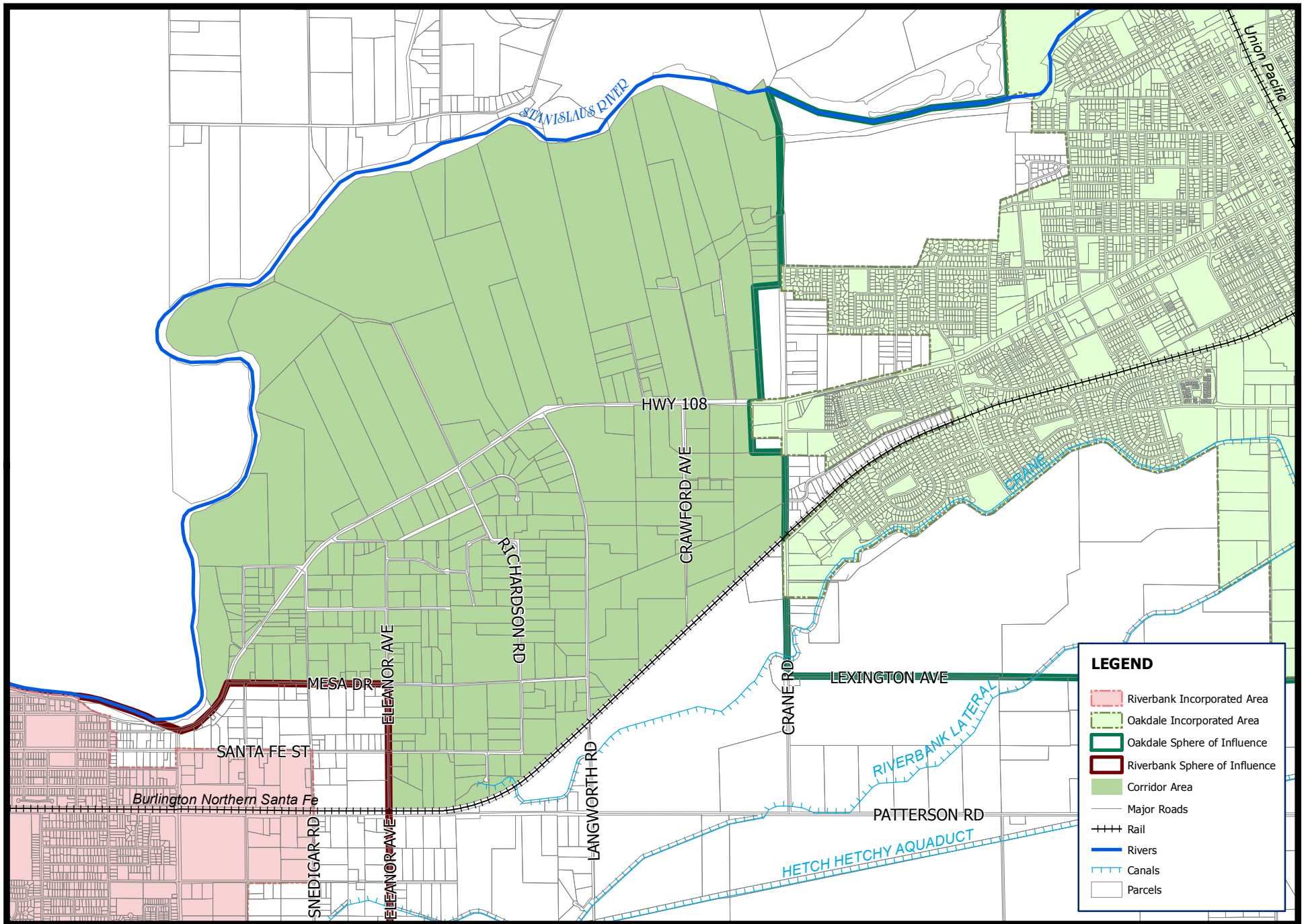
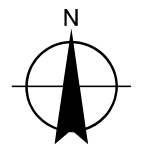
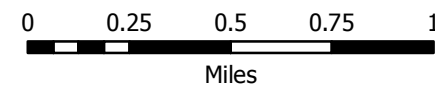


Exhibit A
Oakdale and Riverbank Corridor Area



**RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 6.4**

SECTION 6: NEW BUSINESS

Meeting Date:	October 13, 2015
Subject:	Local Redevelopment Authority (LRA) Budget Report Fiscal Year End 2014-2015
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) receive and accept the fiscal year end 2014-15 LRA Budget Report.

SUMMARY

The LRA Board adopted the FY 2014/15 operating budget on June 24, 2014, per Resolution 2014-004. The budget provided a working financial plan for the year based on best estimates of revenues and expenditures.

On February 24, 2015, the LRA Board adopted the Mid-Year Budget per Resolution 2015-001 with changes recommended by LRA staff. Additional adjustments were made in the ensuing months between mid-year and year end in consultation with granting agencies and funding needs in accordance with Resolution 2010-021 that allows the LRA to shift funds up to \$50,000 to meet critical needs.

The spreadsheet outlining the revenues and expenditures for FY 2014/15 through June 30 is presented with this report and shows fiscal year revenues, expenditures, remaining balances and percent of change from beginning balance.

BACKGROUND:

A snapshot of the revenue/expenditures is shown below.

Revenues (Jul 1, 2014 – Jun 30, 2015)	\$ 4,099,172
Expenditures (Jul 1, 2014 – Jun 30, 2015)	\$ 3,905,602
Ending Balance (June 30, 2015)	\$ 193,570

These numbers reflect \$4,099,172 in revenues received in FY 2014-15. Expenditures in the same fiscal year were \$3,905,602. The ending balance is receipts over expenditures for the RLRA budget for Fiscal Year 2014-15 totaling \$193,570. Note that this number does not include the LRA's estimated beginning cash-on hand of \$721,793.

Site Revenue – Fund 197

Revenues in this category are made up of Rents, Sale of Personal Property, Department of Defense (DoD) Caretaker Revenue, Utility Revenue and a miscellaneous category of Other Revenue.

FY 2014-15 Budget	Actual	Difference	% Change from Beginning Balance
\$2,514,014	\$2,794,182	\$280,168	11% (over)

A couple of factors have contributed to the overall increase in site revenue.

1. Increase in leased property and, therefore, additional tenant revenue.
2. Utility Revenue increased due to additional tenant users.
3. Misc Revenue increased due to lawsuit settlement.

Site Expenditures

FY 2014-15 Budget	Actual	Difference	% Change from Beginning Balance
\$2,690,551	\$2,918,512	\$-124,330	8% (over)

Expenditures this fiscal year ended in a structural deficit due to utility costs exceeding initial budget projections, fallout from a tenant bankruptcy which include associated cost overruns in legal.

OEA Grant Revenue – Fund 198

FY 2014-15 Budget	Actual	Difference	% Change from Beginning Balance
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\$434,552	\$433,775	\$777	1% (under)
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Fund 198 consists of grant revenue from Office of Economic Adjustment (“OEA”). The LRA received approval from OEA for a grant of \$434,552 in FY 2014-15. The LRA disencumbering \$777 to the agency as unspent.

ESCA #1 – Fund 199

FY 2014-15 Budget	Actual	Difference	% Change from Beginning Balance
\$871,213	\$555,213	\$316,000	36% (under)

In FY 2013-14 an environmental services cooperative agreement (“ESCA”) was executed. The initial FY 2014-15 budget reflected a balance of \$871,213 for work yet to be completed. The LRA completed the work with a savings of \$316,000, which we are allowed to retain as this was a fixed price grant. It will be moved to Misc Revenue.

Additional Budget Items of Note

A shortfall in revenue expectations due to a bankruptcy filing leaves Fund 197 (site revenue) with a structural deficit. While the tenant owes the LRA in excess of \$300,000, the deficit below was reduced to \$124,330 due to increases in Other Revenue from the ESCA and the settlement of a lawsuit in favor of the LRA.

FINANCIAL IMPACT

Revenues exceeded expenditures this fiscal year.

STRATEGIC PLANNING ALIGNMENT

The presentation of the LRA's FY 2014-15 budget supports the City's mission and reinforces the City's core values of transparency and fiscal responsibility.

ATTACHMENT

1. FY 2014-15 Fiscal Year End Schedule
2. FY 2014-15 Fund 197 Revenue Expenditure Report
3. FY 2014-15 Fund 198 Revenue Expenditure Report
4. FY 2014-15 Fund 199 Revenue Expenditure Report

Riverbank Local Redevelopment Authority
Schedule of Receipts and Expenditures
All Funds Combined
For the Year Ended June 30, 2015

	July 1, 2014 - June 30. 2015	July 1,2013 - June 30, 2014
Cash Receipts		
Rents	\$ 1,482,828	1,172,170
Sale of Personal Property	\$ 5,500	
DOD Caretaker O & M	\$ 74,014	167,077
Utility Revenue	\$ 1,085,208	356,081
Misc Revenue	\$ 146,632	26,006
OEA Grant	\$ 433,777	447,325
ESCA #1	\$ 871,213	9,840,779
ED Bank - Specific Plan		36,433
Total Cash Receipts	\$ 4,099,172	\$ 12,045,871
Expenditures		
Salary	\$ 239,739	\$ 281,833
Fringe	\$ 124,717	\$ 100,539
Travel	\$ 4,660	\$ 9,262
Equipment	\$ 286	\$ 2,287
Office	\$ 4,359	\$ 7,474
Phones	\$ 4,487	\$ 3,919
Copier	\$ 4,221	\$ 5,307
Postage	\$ 132	\$ 356
Janitorial	\$ 1,922	\$ 1,670
Marketing/Branding	\$ 2,253	\$ 2,445
Legal	\$ 358,809	\$ 232,778
Other Prof Svcs	\$ 40,074	
Insurance Premiums	\$ 98,920	\$ 126,813
Well Maintenance	\$ 35	\$ 2,005
Permits	\$ 3,588	\$ 6,759
Water Testing	\$ 5,590	\$ 2,930
Electrical PMs	\$ 56,729	\$ 102,431
Electrical Infrastructure	\$ 693,037	
Fire Suppression Maint	\$ 71,160	\$ 6,749
Landscaping	\$ 6,454	\$ 8,750
Propane	\$ 3,575	\$ 4,310
Repairs	\$ 70,564	\$ 108,712
Infrastructure Improvements		\$ 26,261
Fire Assessment Fees	\$ -	
Common Area Costs (electric, water, garbage)	\$ 921,662	\$ 462,553
Security	\$ 166,634	\$ 145,099
Facility Management	\$ 466,781	\$ 466,706
DCE Contract		\$ 44,512
Weston Contract	\$ 213,852	\$ 9,060,264
Debt Service	\$ 294,512	\$ 185,500
SJES Contract	\$ 45,254	\$ 480,702
Administrative Expense (ESCA)	\$ 1,596	\$ 134,060
Total Expenditures	\$ 3,905,602	\$ 12,022,986
Receipts (Over) under Expenditures	\$ 193,570	\$ 22,885
Unencumbered Cash, Beginning	\$ 721,793	\$ 698,908
Unencumbered Cash, Ending	\$ 915,363	\$ 721,793

	<u>Approved</u> <u>2014-15</u> <u>Budget</u>	<u>2014-15</u> <u>Mid Yr</u> <u>Budget</u>	<u>2014-15</u> <u>Year End</u>
Fund 197			
<i>Rents</i>	1,267,000	1,320,000	1,482,828
<i>Sale of Personal Property</i>	1,000,000	500,000	5,500
<i>DOD Caretaker Revenue</i>	74,014	74,014	74,014
<i>Utility Revenue from Tenants</i>	225,000	600,000	1,085,208
<i>Miscellaneous Revenue</i>	20,000	20,000	146,632
Total Revenue	2,586,014	2,514,014	2,794,182
<i>Salaries</i>	21,459	23,844	25,146
<i>Fringe</i>	11,212	12,456	12,601
Administrative Expenses			
<i>Travel</i>	1,204	1,204	864
<i>Equipment</i>	2,500	2,500	2,186
<i>Office Supplies/Legal Ads</i>	1,163	1,163	1,346
<i>Phones</i>	488	488	449
<i>Copier</i>	466	466	422
<i>Postage</i>	30	30	13
<i>Janitorial</i>	200	200	192
<i>Marketing/Branding</i>	5,000	5,000	2,253
Professional Services			
<i>Legal</i>	100,000	146,000	304,809
<i>Other Services</i>	3,500	3,500	3,500
<i>Insurance Premiums</i>	130,000	99,000	98,920
Facility Operations & Maintenance			
<i>Well maintenance</i>	1,500	1,500	35
<i>Permits</i>	4,000	4,000	3,588
<i>Water Testing</i>	5,000	5,000	5,590
<i>Electrical PM</i>	70,000	140,000	56,729
<i>Electrical Infrastructure Upgrade/Repair</i>	400,000	610,000	693,037
<i>Fire Supression Maintenance</i>	7,000	60,000	71,160
<i>Landscaping</i>	8,000	8,000	6,454
<i>Propane</i>	3,000	3,000	3,575
<i>Repairs</i>	50,000	100,000	70,564
<i>Fire Assessment Fees*</i>	200	200	-
<i>Common Area Costs (electric, water, garbage)</i>	375,000	750,000	921,662
<i>Tenant Improvements</i>	20,000	0	-
Facility Mgmt/Security Services Contracts			
<i>Security</i>	155,000	168,000	166,634
<i>Facility Management</i>	475,000	475,000	466,781
Total Expenditures	1,850,922	2,620,551	2,918,512
Net Revenues Less Expenditures	735,092	-106,537	(124,330)

Structural Deficit

	<u>Approved</u> <u>FY 2014-15</u> <u>Budget</u>	<u>2014-15</u> <u>Mid Year</u> <u>Budget</u>	<u>2014-15 Year</u> <u>End</u>	
Fund 198				
<i>OEA Grants</i>	493,099	434,552	433,777	
Total Revenue	493,099	434,552	433,777	
Administrative Expenses				
<i>Salaries</i>	263,744	214,593	214,593	
<i>Fringe</i>	117,925	112,116	112,116	
<i>Travel</i>	4,278	3,796	3,796	
<i>Equipment</i>	3,040	0	0	
<i>Office Supplies/Legal Ads</i>	6,120	2,997	3,012	
<i>Phones</i>	4,212	4,212	4,038	
<i>Copier</i>	5,454	4,194	3,799	
<i>Postage</i>	450	270	119	
<i>Janitorial</i>	2,376	1,800	1,730	
<i>Marketing/Branding</i>	0	0	0	
Professional Services				
<i>Legal</i>	54,000	54,000	54,000	
<i>Other Services</i>	31,500	36,574	36,574	
<i>Insurance Premiums</i>		0		
Total Expenditures	493,099	434,552	433,777	
Net Revenues Less Expenditures	0	0	775	Disencumber

	<u>Approved FY 2014-15 Budget</u>	<u>2014-15 Mid Yr Budget</u>	<u>2014-15 Year End</u>
<u>Fund 199</u>			
ESCA #1	823,512	871,213	871,213
Total Revenue	823,512	871,213	871,213
Weston Contract ESCA #1	166,149	213,850	213,852
Fixed Cost	313,000	313,000	-
Variable Cost (T & D)			-
SJES Contract ESCA #1	44,363	45,254	45,254
Administrative Expenses		4,597	1,596
Debt Service	300,000	294,512	294,512
Total Expenditures	823,512	871,213	555,214
Net Revenues Less Expenditures	0	0	316,000

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.5

SECTION 6: NEW BUSINESS

Meeting Date:	October 13, 2015
Subject:	Parks and Recreation Department Strategic Plan Update
From:	Jill Anderson, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council review the update on the Strategic Plan objectives presented by the Director of Parks and Recreation and give input.

SUMMARY

At the March 31st, 2015 strategic planning session the Parks and Recreation Director was given five objectives to accomplish and provide a report to the City Council. The Parks and Recreation Director will report on the progress of these four objectives.

STRATEGIC PLAN OBJECTIVES AND PROGRESS

The objectives that were assigned to the Director of Parks and Recreation all fall under the three year goal to ***Improve and Maintain Infrastructure and facilities.***

Objective #1: Recommend to the City Council for consideration a consultant to prepare a conceptual design and cost estimate for Phase II and III for the Sports Complex

Phase II: Additional soccer field (possibly an indoor field), additional parking, BMX pump track.

Phase III: Acquisition of property to the west (8.9 acres) for Baseball or Soccer Fields and additional parking.

Progress: A Request for Qualifications was sent out for this project. We had four firms respond and all were interviewed. The interview panel rated the four firms and the "rrm" design was the preferred firm. We are currently negotiating a cost for a conceptual design. The final cost for a conceptual design and cost estimate will be presented to the

City Council for consideration at Mid-Year Budget. Other funding sources will also be researched.

Funding Source: The funding source for the conceptual design and the project itself will need to come from system development fees, grants and fundraising. We have some funding available for acquisition but not development.

Objective #2: Recommend to the City Council for consideration a consultant to prepare a conceptual design and cost estimate for completion of Phase II and III of Jacob Myers Park.

Phase II: Additional parking area and amphi-theatre.

Phase III: Lease of Army Corp property to the west and development of a mountain bike/hiking trail.

Progress: A Request for Qualification was sent out and interviews were held. The interview panel rated rrm design the highest and we are currently negotiating a cost. The cost for a conceptual design and cost estimate will be presented to the City Council for review during Mid-Year Budget.

Funding Source: There are many grants that are available and I am confident we could secure if we have a professional design and cost estimate to submit with our grant. Some of these grants do require a match that would need to come from donations or the General Fund.

Objective #3: Identify funding for a Parks and Recreation Master Plan and present to the City Council for consideration

Progress: This item was also included in the Request for Qualifications. One firm, Verde Designs, responded and is the same firm that did the original Master Plan for Jacob Myers Park, Silva Park and the Sports Complex. We are currently waiting for a cost proposal. Research has been done on what other Cities have spent on Park Master Plans and the range is anywhere from \$102,000 (Ceres) to \$242,000 according to population.

Funding Source: The only funding source identified is through future system development fees or the General Fund. This item was recently adopted within system development fees but will not be available until sufficient funding is accrued from new housing construction. This does not include KB Homes since they paid the old fees.

City staff has heard of the possibility of Cal Fire Grants but we have not identified a way this could be done under the grants available that would be feasible for our City. Research will continue.

Objective #4: Research and recommend to the City Council for consideration financing options for pool locker room renovation.

Progress: On September 23, 2015 the Parks and Recreation Director and Planning Manager attended the 2015 Funding Fair in Sacramento. After the workshop the Director of Parks and Recreation spoke with a representative that oversees CDBG Funding. The pool project would not meet the requirements for this funding source or most of the other funding sources that were presented that day.

Funding Source: At this time the only funding source that could be identified is the General Fund or a Fund Raising Campaign. Funds needed with the ADA items included are \$250,000.

Objective #5: Research funding options for renovation of the Community Center and report the results to the City Council.

Progress: In attending the Funding Fair, the representative from CDBG was also asked about the Community Center renovation and that project would most likely meet the criteria for funding. There is a workshop in January that City staff will attend to prepare to apply for funding. The City should do an income study to update our figures used to qualify for the grant funds.

Funding Source: CDBG Funds. Research will continue for other grant funding. Funds needed for the renovation: \$525,000.

FINANCIAL IMPACT

None at this time.

ATTACHMENTS

There are no attachments to this report.