



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

AGENDA

TUESDAY, MAY 27, 2014 – 6:00 P.M.

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

- CALL TO ORDER:** Mayor/Chair Richard D. O'Brien
- FLAG SALUTE:** Mayor/Chair Richard D. O'Brien
- INVOCATION:** Riverbank Ministerial Association
- ROLL CALL:** Mayor/Chair Richard D. O'Brien
Vice Mayor/Chair Cal Campbell
Council/Authority Member Darlene Barber-Martinez
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:** Proclamation – Declaring June 2014 as Disability Awareness Month.
- Item 1.2:** Presentation on Water Conservation.
- Item 1.3:** 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 May 13, 2014, City Council and Local Redevelopment Authority Minutes.

Item 3.C: **Second Reading by Title Only and Adoption of Ordinance No. 2014-003 of the City Council of the City of Riverbank, California, Amending Title XV: Land Usage; Chapter 150: Building Regulations, Adding New Section 150.16: Solar/Photovoltaic Power Systems, of the City of Riverbank Code of Ordinances** – It is recommended that the City Council conduct the second reading by title only of Ordinance No. 2014-003 and consider its adoption.

Item 3.D: **Second Reading by Title Only and Adoption of Ordinance No. 2014-004 of the City Council of the City of Riverbank, California, Amending Title XV: Land Usage, Chapter 153: Zoning, Adding New Section 153.004: Application and Processing Fee, of the City Of Riverbank Code of Ordinances** – It is recommended that the City Council conduct the second reading by title only of Ordinance No. 2014-004 and consider its adoption.

Recommendation:

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

4. UNFINISHED BUSINESS

There are no items to consider.

5. PUBLIC HEARINGS

Item 5.1: **Resolution to Enforce California Vehicle Code Sections 22350 (Basic Speed Law), 23103 (Reckless Driving), and 23109 (Speed Contests), and Division 16.5 (Off Highway Vehicles) at the Crossroads at Riverbank Shopping Center Location** – It is recommended that the City Council declare, by resolution and via public hearing, that California Vehicle Code Sections: 22350 (Basic Speed Law), 23103 (Reckless Driving), 23109 (Speed Contests) and Division 16.5 (Off Highway Vehicles) be enforced in the Crossroads at Riverbank Shopping Center, per California Vehicle Code Section 21107.8. (Public Hearing notice published May 14, 2014, in the local newspaper.)

Item 5.2: **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; By Adding New Chapter 157: Water Efficient Landscape and Irrigation, of the City Of Riverbank Code of Ordinances** – It is recommended that the City Council conduct the first reading and introduction by title only of the ordinance presented, and consider its approval, by roll call vote, to conduct a second reading by title only at the June 10, 2014, regular City Council meeting and consider its adoption. (Public hearing notice published May 14, 2014, in the local newspaper.)

6. NEW BUSINESS

LRA - Item 6.1: **Report on Status of LRA Budget for Third Quarter of FY 2013/14** – It is recommended that the Local Redevelopment Authority (LRA) Board receive and approve the status report on the LRA budget for January 1, 2014 through March 31, 2014, the third quarter of fiscal year 2013-14.

Item 6.2: **Consideration of (1) Contract Award to Bartle Wells Associates for the Preparation of Sewer and Water Rate Studies, and (2) Adoption of a Resolution Allocating \$25,000 each from the Water and Sewer Fund Budgets for the Preparation of the Study** – It is recommended that the City Council consider the following actions:

1. Award Contract to Bartle Wells Associates for the preparation of Sewer and Water Rate Studies, and
2. Adopt a Resolution Allocating \$25,000 each from the Water and Sewer Fund Budgets (total cost \$50,000) for the preparation of the Study.

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

LRA - Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: 1 potential case

Item 8.2: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: 1 potential case

Item 8.3: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code Section 54956.8
Property: 3313 Santa Fe Street
Agency Negotiator: Jill Anderson, City Manager
Property Negotiator: Gene Mondo and Betty Mondo Family LP
Under negotiation: Price and Terms of Payment

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

9. REPORT FROM CLOSED SESSION

LRA - Item 9.1: Report from Closed Session LRA - Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Item 9.2: Report from Closed Session Item 8.2: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

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

10. INFORMATIONAL ITEMS (Information Only – No Action)

Item 10.1: Budget Advisory Committee Minutes of April 23, 2104.

ADJOURNMENT (The next regular City Council meeting –**Tuesday, June 10 @ 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.
Open Until Filled	▪ <u>Housing Authority Commission:</u> Applications are currently being accepted. Visit www.riverbank.org or Contact the City Clerk's office at 863-7198.
Ongoing	▪ <u>City Hall Office Hours:</u> Monday – Thursday; 7:30 am to 5:30 pm - o Alternating Friday – Closed; <u>Closed Friday, May 23; For a calendar and time schedule visit www.riverbank.org</u>
Ongoing	▪ <u>Regular City Council Meetings:</u> are now on the 2nd and 4th Tuesday of each month at 6:00 p.m.

AFFIDAVIT OF POSTING

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

Dated this 22nd day of May, 2014

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

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

Notice Regarding Non-English Speakers: Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Council/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, if available, on the City's website. Additional documents may be provided by the City in its efforts of transparency to keep the public well informed. The agenda packet (agenda plus supporting documents) are posted for public review at the City Clerk's Office, 6707 Third Street, Riverbank, CA and at www.riverbank.org upon distribution to a majority of the City Council/LRA Board. A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk's Office.
Public Hearings	In general, a public hearing is an open consideration within a regular meeting of the City Council or a meeting of the LRA, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.
Questions	Contact the City Clerk at (209) 863-7122 or aaguilar@riverbank.org

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.1

SECTION 1: PRESENTATIONS

Meeting Date:	May 27, 2014
Subject:	Proclamation – Declaring June 2014 as Disability Awareness Month
From:	Jill Anderson, City Manager
Submitted by:	Luanne Bain, Administrative Assistant

RECOMMENDATION:

It is recommended that the City Council present a proclamation to Jennifer Dos, Event Coordinator, of the Society for Disabilities or her designee to proclaim June 2014 as Disability Awareness month in the City of Riverbank.

SUMMARY:

On behalf of the residents of Riverbank and of Americans across the Country, the City of Riverbank would like to declare the month of June 2014, as Disability Awareness Month.

FINANCIAL IMPACT:

There is no financial impact to the City.

ATTACHMENTS:

A draft of the proclamation is attached to this report.

CITY OF RIVERBANK

PROCLAMATION

**A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
PROCLAIMING JUNE 2014 AS DISABILITY AWARENESS MONTH**

WHEREAS, freedom and opportunity are the promise to all people of the United States; and

WHEREAS, children and adults with disabilities are participating as full members of their communities in greater and greater numbers; and

WHEREAS, more and more children with disabilities are successfully integrated into their neighborhood schools; and

WHEREAS, the essence of life is not embodied by physical or mental perfection, but it is an integral part of the human spirit; and

WHEREAS, the development of human potential is the commitment we must make to guarantee the brightest possible tomorrow for our future generations; and

WHEREAS, when special assistance is needed, we must take those steps necessary for the full integration of people with disabilities into society; and

WHEREAS, the right to education, to meaningful employment, to make personal choices, and to experience love and friendship with dignity are also among those most basic rights.

NOW, THEREFORE, LET IT BE PROCLAIMED by the City Council of the City of Riverbank that June 2014 is Disability Awareness Month within the City of Riverbank and we urge all our citizens to become aware of the needs and capabilities of persons with disabilities.

May 27, 2014



Richard D. O'Brien, Mayor

Cal Campbell, Vice Mayor

Darlene Barber-Martinez, Councilmember

Leanne Jones Cruz, Councilmember

Jeanine Tucker, Councilmember

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.2

SECTION 1: PRESENTATIONS

Meeting Date:	May 27, 2014
Subject:	Presentation on Water Conservation
From:	Jill Anderson, City Manager
Submitted by:	Michael Riddell, Deputy Director Development Services/Operations

RECOMMENDATION

It is recommended that the City Council receive a brief report on Water Conservation.

SUMMARY

All of the water for Riverbank comes from deep water wells. In periods of drought, extra measures are implemented to ensure that an adequate supply of water is available should the water tables drop. New wells have been installed over the past several years that have made our system-wide pressure higher and more stable. All wells are monitored through the Water Division's telemetry system. This system allows for real-time monitoring of the system and an ability to respond more quickly and effectively to any problems.

The City of Riverbank has an existing water wasting ordinance describing a year-round water conservation program, based on an odd/even watering schedule. The goal of the conservation program is to educate, not penalize. All citizens are encouraged to conserve water whenever possible and to realize there is never a reason to waste our precious resource.

The ordinance includes the issuance of an advisory notice to be left when an issue is identified. Mostly these serve as a reminder to not waste water. For example, when a broken or misadjusted sprinkler is observed or reported, a warning notice is left to alert the owner of the problem and to suggest they re-program or check the automatic sprinkler times.

Each of us can do a little bit to save water and make a difference. The City responds by:

- | Seasonally staff patrols all neighborhoods to educate consumers about water conservation;
- | The City has an anonymous “tip line” for reporting of water wasters and graffiti;
- | The City will be distributing a quarterly newsletter on water issues;
- | Staff responds timely to complaints regarding overwatering, and
- | Staff is available to help set up sprinkler timers **for free!**

Residents can help by doing simple things, such as:

- Turn off the tap while brushing your teeth;
- Run full dish- and clothes washer loads;
- Take a quick (not leisurely) showers, and
- Check for plumbing and irrigation leaks.

FINANCIAL IMPACT

There is no financial impact associated with this report.

ATTACHMENTS

A copy of the warning notice provided to residents is attached.



CITY OF RIVERBANK, WATER DIVISION

6707 Third Street, Riverbank, CA 95367

209-869-7128

No. _____

WATER WASTING NOTICE

Address: _____ Date: _____ Time: _____

☐ 1st Warning

☐ 2nd Warning

☐ 1st Violation

☐ 2nd Violation

☐ 3rd Violation

☐ 4th and subsequent Violation(s)

At the address listed above, it was determined that a violation of the City's Ordinance prohibiting the wasting of water has occurred. The City appreciates your adjustments to conserve water in the future.

VIOLATION(S) NOTED

- () Flooded areas.
- () Water running or spraying off property.
- () Washing asphalt, concrete, or building exteriors.
- () Washing vehicles, boats, or equipment using an open hose.
- () Using water outdoors during wrong hours.
- () Using water outdoors on wrong day.
- () Irrigating while raining.
- () Evaporative cooler not equipped with recirculating pump.
- () Having leaky faucets, sprinklers, or plumbing fixtures on premises.
- () Other: _____

In accordance with the City's Ordinance, a fine is imposed for water wasting in the sum of:

- () \$20.00 (Second Violation)
- () \$50.00 (Third Violation within one year)
- () \$100.00 (Fourth Violation within one year)
- () \$200.00 (Fifth and each subsequent Violation(s) within one year)

This Notice for water wasing was served in the following manner on: _____

- () Personally served.
- () Served by mail.
- () Served by posting a copy of this notice at the residence or business premises.

Staff Member: _____

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.3

SECTION 3: PRESENTATION

Meeting Date:	May 27, 2014
Subject:	Strategic Plan Update
From:	Jill Anderson, City Manager

RECOMMENDATION

It is recommended that the City Council consider a presentation on the City's Strategic Plan and provide comment as it deems appropriate.

SUMMARY

A presentation on the City's Strategic Plan has been scheduled to provide an update on the progress being made in accomplishing the current objectives developed at the March 3, 2014 strategic planning session.

BACKGROUND

The City Council met with the management team to update the City's Strategic Plan on March 3, 2014 in order to continue to focus resources toward the accomplishment of the City's key goals. The March session included the preparation of a vision statement to articulate what the City wants to become over the course of the next ten years.

Vision Statement

The City of Riverbank will be recognized as a premier community where individuals, families, and businesses thrive in a safe and beautiful environment.

The vision statement was developed to build upon the work done in previous strategic planning sessions, which included the development of the City's mission statement, identification of the City's core values, and a set of three-year goals, which are summarized below:

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, like this one, are made on a regular basis to update the public, as well as the City Council on the progress being made toward accomplishing those goals. These 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:	May 27, 2014
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:	May 27, 2014
Subject:	Approval of the May 13, 2014, City Council / Local Redevelopment Authority Minutes
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk

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 May 13, 2014, regular City Council / Local Redevelopment Authority Board meeting have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT:

1. May 13, 2014, CC/LRA Minutes



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

MINUTES
TUESDAY, MAY 13, 2014

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 / 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, Riverbank, California, with Mayor/Chair Richard D. O'Brien presiding.

FLAG SALUTE: Mayor/Chair Richard D. O'Brien

INVOCATION: Reverend Charles Neal

ROLL CALL:

Present Mayor/Chair Richard D. O'Brien; Vice Mayor/Chair Cal Campbell
Council/Authority Members: Darlene Barber-Martinez, 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: Proclamation Declaring the Month of May 2014 as Asthma Awareness Month.

Mayor O'Brien presented the proclamation to John Basile on behalf of the Stanislaus County Asthma Coalition, who thanked everyone for the recognition.

Item 1.2: Proclamation Declaring May 15, 2014, as Peace Officers Memorial Day and the Week of May 11-17, 2014, as Police Week.

Mayor O'Brien presented the proclamation to Riverbank's Police Chief Erin Kiely.

Item 1.3: Proclamation Declaring May 18 – 24, 2014 as "National Public Works Week" In the City Of Riverbank.

Mayor O'Brien presented the proclamation to Michael Riddell, Deputy Director of Public Works – Operations for the City of Riverbank.

Item 1.4: Update to Demographic Study Being Prepared By National Demographic Corporation Analyzing the City of Riverbank's At-Large Electoral System Pursuant to the California Voting Rights Act.

City Attorney Tom Hallinan made the presentation.

Item 1.5: Status Report on the Riverbank Downtown Specific Plan Preparation.

John Anderson, Consulting Community Development Director, made the presentation. City Manager Jill Anderson also provided additional information.

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 address the entire City Council/LRA Board.

Ramon Bermudez, Riverbank, spoke in regards to having City representation on the Stanislaus County Commission on Aging and Riverbank High School Students who volunteered to serve at the Senior Luncheon.

Randall Bradley, newly appointed Stanislaus Consolidated Fire Chief, introduced himself, and spoke in regards to looking forward to working with the City Riverbank.

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 April 22, 2014, Regular City Council / Local Redevelopment Authority Minutes.

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

ACTION: *By motion moved/seconded (Tucker / Barber-Martinez / passed 5-0) to approve Consent Calendar Items 3.A and 3.B as presented; motion carried by unanimous City Council / LRA Board roll call vote.*

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

NAYS: *None*

ABSENT: *None*

ABSTAINED: *None*

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

5. PUBLIC HEARINGS

Item 5.1: **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, Adding New Section 150.16: Solar/Photovoltaic Power Systems, of the City of Riverbank Code of Ordinances** – It is recommended that the City Council conduct the first reading and introduction by title only of the ordinance presented, and consider its approval, by roll call vote, to conduct a second reading by title only at the May 27, 2014, regular City Council meeting and consider its adoption. (Public Hearing notice published on April 30, 2014)

Marisela Garcia, Director of Finance, presented the staff report.

Mayor O'Brien opened the public hearing at 6:43:12

· No one spoke for or against the item.

Mayor O'Brien closed the public hearing at 6:43:21

ACTION: *By motion moved/seconded (Jones Cruz / Campbell / passed 5-0) to adopt Ordinance No. 2014-003 as presented; motion carried by unanimous City Council roll call vote.*

AYES: *Barber-Martinez, Jones Cruz, Tucker, Campbell, and Mayor O'Brien*
NAYS: *None*
ABSENT: *None*
ABSTAINED: *None*

Item 5.2: **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 153: Zoning, Adding New Section 153.004: Application and Processing Fee, of the City Of Riverbank Code of Ordinances** – It is recommended that the City Council conduct the first reading and introduction by title only of the ordinance presented, and consider its approval, by roll call vote, to conduct a second reading by title only at the May 27, 2014, regular City Council meeting and consider its adoption. (Public hearing notice published April 30, in the local newspaper.)

John Anderson, Consulting Community Development Director, presented the staff report.

Mayor O'Brien opened the public hearing at 6:51:05

· No one spoke for or against the item.

Mayor O'Brien closed the public hearing at 6:51:17

ACTION: *By motion moved/seconded (Tucker / Barber-Martinez / passed 5-0) to adopt Ordinance No. 2014-004 as presented; motion carried by unanimous City Council roll call vote.*

AYES: *Barber-Martinez, Jones Cruz, Tucker, Campbell, and Mayor O'Brien*
NAYS: *None*
ABSENT: *None*
ABSTAINED: *None*

6. NEW BUSINESS

Item 6.1: **Fiscal Year 2014-15 Proposed Budget Overview** – It is recommended that the City Council receive a presentation regarding the proposed Fiscal Year 2014-15 Budget in anticipation of the May 21, 2014 Budget Workshop.

Marisela Garcia, Director of Finance/Treasurer, presented the staff report; no action was taken.

Item 6.2: **Process for Consideration of Facility Fee Waiver Requests** – It is recommended that the City Council review the information presented and provide direction.

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

Public Comment:

- *Mr. Ramon Bermudez spoke in regards to implementing a cleaning fee.*
- *Mr. Edward Jones spoke in regards to raising funds by conducting a City Flea Market.*

ACTION: *City Council directed Staff to return in June and present options on how to best proceed with the handling of fee waivers.*

7. COMMENTS (Information only – No action)

Item 7.1: Staff Comments

City Manager Jill Anderson: 1) complimented the Stanislaus County Planning Commissioners group for the meeting they provided on water topics, 2) commented on the cause of the watering issue out at the Crossroads Shopping Center; appreciated having it reported to the City, 3) announced a scheduled Budget Workshop on Wednesday, May 21 at 6:00 p.m. at the Teen Center; the Planning Commission the same evening in the Council Chambers; and the Farmer's Market event, and 4) announced the scheduled Budget Advisory Committee meeting tomorrow [Wednesday, May 14].

Police Chief Kiely spoke in regards to the reinstatement of the Drop the Drugs Program in which anyone wanting to dispose of their prescription drugs could do so by dropping them in a secure drop box at the Police Station; needles were not part of the program.

Debbie Olson, LRA Executive Director, announced that the Local Redevelopment Authority and the City of Riverbank are recipients of the 2014 Base Redevelopment Excellence Award, a national award given by the Association Defense Communities.

City Manager Anderson congratulated Ms. Olsen for her efforts and outstanding work as the Executive Director, and commended the City Council for their support in making the project a success.

Item 7.2: Council/Authority Member Comments

Council/Authority Member Jones Cruz: 1) welcomed new Fire Chief Bradley, 2) congratulated Ms. Olson and Staff for their hard work; very proud of the recognition received, 3) commented on her fabulous time with her family at the RiverFest event, 4) reported on her attendance of the Water Workshop, 5) commented on looking forward to attending the Farmer's Market event, 6) stated she was pleased to hear about the reinstatement of the drug drop off program.

Council/Authority Member Barber-Martinez: 1) reported on the success of the first Farmer's Market event, 2) announced that beginning May 28th, senior vouchers for fresh fruits and vegetables will be distributed and several service agencies will be participating in the event, and 3) congratulated Ms. Olson on the award and the Citizen Advisory Committee for their contributions in helping to make the Riverbank Industrial Center a success.

Council/Authority Member Tucker: 1) congratulated the new Fire Chief; was glad to have him join the District, 2) congratulated Director Olson and everyone involved with the LRA in receiving the award for their efforts, 3) commented on looking forward to the upcoming Budget Workshop, and 4) was excited to see the Drop the Drugs Program.

Vice Mayor/Chair Campbell: 1) agreed with all the comments made thus far by the Council/Authority Members, 2) reported on his attendance of the Water Workshop and encouraged everyone to save as much water as possible, 3) encouraged everyone to get family/friends/everyone to attend City Council meetings and provide public input on many decisions that will be made, and 4) commented on his enjoyment of the first Farmer's Market event; encouraged attendance to make the event successful.

Item 7.3: Mayor/Chair Comments

Mayor/Chair O'Brien: 1) commented on the fabulous quality of events provided by Parks and Recreation Director Sue Fitzpatrick, personally thanking her for her endeavors, and 2) congratulated LRA Director Olson for placing the Riverbank Industrial Complex at the top of the list with several other outstanding award recipients.

MAYOR/CHAIR O'BRIEN ANNOUNCED CLOSED SESSION ITEMS AND OPENED THE MEETING FOR PUBLIC COMMENT; NO ONE SPOKE.

THE CITY COUNCIL/LRA ADJOURNED TO CLOSE SESSION AT 7:33 P.M.

8. CLOSED SESSION

Item 8.1: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code § 54956.9(a)

Name of Case: Andria Allen and Frances Allen v. City of Riverbank
Stanislaus Court Case No. 670739

Item 8.2: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: 1 potential case (City Council); 1 potential case (LRA)

Item 8.3: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 3313 Santa Fe Street

Agency Negotiator: Jill Anderson, City Manager

Property Negotiator: Gene Mondo and Betty Mondo Family LP

Under negotiation: Price and Terms of Payment

Recommendation:

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

MAYOR/CHAIR O'BRIEN RECONVENED THE MEETING AT 8:05 P.M.

9. REPORT FROM CLOSED SESSION

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

Mayor O'Brien reported that this item was not discussed.

Item 9.2: Report from Closed Session Item 8.2: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Mayor/Chair O'Brien reported that direction was given to Staff.

Item 9.3: Report from Closed Session Item 8.3: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Mayor O'Brien reported that direction was given to Staff.

10. INFORMATIONAL ITEMS (Information Only – No Action)

Item 10.1: Budget Advisory Committee Minutes of April 9, 2014.

Item 10.2: Planning Commission Minutes of January 21, 2014.

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meeting at 8:06 p.m.

ATTEST:

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

APPROVED:

Richard D. O'Brien
Mayor / Chair

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.C

SECTION 3: CONSENT CALENDAR

Meeting Date:	May 27, 2014
Subject:	Second Reading by Title Only and Adoption of Ordinance No. 2014-003 of the City Council of the City of Riverbank, California, Amending Title XV: Land Usage; Chapter 150: Building Regulations, Adding New Section 150.16: Solar/Photovoltaic Power Systems, of the City of Riverbank Code of Ordinances
From:	Jill Anderson, City Manager
Submitted by:	Marisela H. Garcia, Director of Finance Janet Smallen, Sr. Community Development Specialist Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

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

SUMMARY

A Public Hearing was conducted at the regular City Council meeting on May 13, 2014, to introduce by title only and give **Ordinance No. 2014-003** its first reading. The City Council approved the Ordinance for its second reading and its consideration for adoption, to be presented at the regular City Council meeting on May 27, 2014.

The State of California has set forth specific regulations regarding the permitting and inspection of Solar/Photovoltaic Power Systems. In adopting by reference the Solar/Photovoltaic Power Systems guidelines, the City will have the ability to enforce these guidelines and establish the fees necessary to cover the expenses of permitting and inspections.

BACKGROUND

Renewable energy is helping to power the state's economy by reducing California's reliance on imported energy sources and decreasing air pollution. Small-scale renewable energy benefits communities. It increases energy reliability for residents and businesses by generating electricity near where it is consumed. This type of energy can also provide stable electricity prices for consumers.

In order to expand small-scale renewable energy across California, Governor Brown instructed the Office of Planning and Research to help remove barriers to its development. One such barrier is the confusing variety of permitting requirements for small solar photovoltaic (PV) installations throughout the state.

Solar PV systems, which use solar panels to convert sunlight into electricity, have been installed in California for decades. The technology of solar PV systems and the methods to install and maintain these systems are well established. As a result, permitting for these small and simple solar PV projects should be as simple and standardized as possible.

The State of California has included provisions within its 2013 California Residential Code, 2013 California Electrical Code, 2013 California Building Code, 2013 California Fire Code and California State Fire Marshal Solar Photovoltaic Installation Guidelines (the "Solar Photovoltaic Installation Guideline," published April 22, 2008. In adopting by reference the Solar/Photovoltaic Power Systems guidelines, the City will have the ability to enforce these guidelines and establish the fees necessary to cover the expenses of permitting and inspections.

FINANCIAL IMPACT

There is no financial impact to this report.

ATTACHMENT

1. Ordinance No 2014-003

CITY OF RIVERBANK
ORDINANCE NO. 2014-003

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AMENDING TITLE XV: LAND USAGE; CHAPTER 150: BUILDING
REGULATIONS, ADDING NEW SECTION 150.16: SOLAR/PHOTOVOLTAIC POWER
SYSTEMS, OF THE CITY OF RIVERBANK CODE OF ORDINANCES**

The City Council of the City of Riverbank does hereby ordain as follows:

Title XV: Land Usage, Chapter 150: Building Regulations, of the Riverbank Code or Ordinances shall be amended to add new Section 150.16: Solar/Photovoltaic Power Systems and shall read as follows:

§ 150.16 SOLAR/PHOTOVOLTAIC POWER SYSTEMS.

(A) Where installed. Solar photovoltaic Power Systems shall comply with the requirements of the 2013 California Residential Code, 2013 California Electrical Code, 2013 California Building Code, 2013 California Fire Code and California State Fire Marshal Solar Photovoltaic Installation Guidelines (the "Solar Photovoltaic Installation Guideline," published April 22, 2008.

(B) The City may impose fees related to Solar/Photovoltaic Power Systems and from time to time amend said fees by Resolution.

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

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank held on May 13, 2014. Said ordinance was given a second reading at a regular meeting of said Council on May 27, 2014, and Councilmember _____, seconded by Councilmember _____, moved the adoption of said ordinance and upon roll call was carried by the following City Council 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. 3.D

SECTION 3: CONSENT CALENDAR

Meeting Date:	May 27, 2014
Subject:	Second Reading by Title Only and Adoption of Ordinance No. 2014-004 of the City Council of the City of Riverbank, California, Amending Title XV: Land Usage, Chapter 153: Zoning, Adding New Section 153.004: Application and Processing Fee, of the City Of Riverbank Code of Ordinances
From:	Jill Anderson, City Manager
Submitted by:	John B. Anderson, Consulting Planning Director Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council conduct the second reading by title only of Ordinance No. 2014-004 and consider its adoption.

SUMMARY

A Public Hearing was conducted at the regular City Council meeting on May 13, 2014, to introduce by title only and give **Ordinance No. 2014-004** its first reading. The City Council approved the Ordinance for its second reading and its consideration for adoption, to be presented at the regular City Council meeting on March 24, 2014.

BACKGROUND

This project consists of a Zoning Ordinance Amendment to establish Section 153.004: Application and Processing Fees to the City of Riverbank Municipal Code. This section will give the City direction in regards to how application fees are collected and processed. It gives distinct application and processing fee options which are subject to terms as follows:

1. An application fee based on an estimate of the overall processing costs related to the application shall be paid upon submission of the application.
2. An application fee based on actual processing costs shall be calculated using the applicable hourly rate and shall be billed and paid in accordance with administrative rules and regulations enforced by the Community Development Director.

3. The City Manager or Community Development Director may require a deposit or cost recovery agreement, based on the City's estimate of the overall processing costs related to the application.

These options gives the City flexibility on how the application and processing fees are first established and second, collected. The purpose of this Section is to promote cost recovery for large complex entitlement applications. A complex entitlement such as a 50+ Subdivision that also requires a Rezone, General Plan Amendment and Annexation will take more time and City resources to review and process then compared to a more straight forward application, such as a Conditional Use Permit. Currently, Section 32.79 in the RMC is only reference to application processing fees and only covers costs incurred with reviewing and preparing environmental documents such as an Environmental Impact Report or an Initial Study. The purpose of Section 153.004 is to cover application fees and deposit requirements for all planning applications being processed by the City, not just environmental and will ensure that costs are recovered from reviewing applications submitted to the City.

This new structure will make sure that applicants and/or developers pay their "fair share" of the cost of processing applications that are submitted. This ordinance, however, does not modify the current Application Fee Schedule that was adopted by Resolution No. 2008-083 on September 14, 2008. The only "deposit" required, as of right now, is on environmental review per RMC Section 32.79(C) which requires the applicant to pay all costs associated with Environmental Review, including consultant costs and City staff time. Once this Ordinance is adopted and read, the next step is to update the Application Fee Schedule to complement this Section.

The proposed Ordinance will have no environmental impact, and therefore will require no mitigation.

FINANCIAL IMPACT

This will have a positive fiscal impact. The proposed action will modify how an application fee will be collected and processed. It will introduce fee options, such as an application fee based on estimate of processing costs, fee based on actual processing costs, and a deposit based on actual processing costs. This action to amend the City's Municipal Code will not have an immediate effect on the way application fees are currently being collected, but coupled with an updated Application Fee Schedule will ensure that costs are recovered from reviewing applications submitted to the City.

ATTACHMENT

1. Ordinance No 2014-004

CITY OF RIVERBANK

ORDINANCE NO. 2014-004

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AMENDING TITLE XV: LAND USAGE, CHAPTER 153: ZONING,
ADDING NEW SECTION 153.004: APPLICATION AND PROCESSING FEE, OF THE
CITY OF RIVERBANK CODE OF ORDINANCES**

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

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

1. The City Council recognizes the important role of city staff, outside consultants, engineers and legal counsel in evaluating development applications to ensure that the city develops in a logical and orderly manner; and
2. The City Council finds that the developers should pay their fair share of the City's processing costs for advanced planning associated with new development; and
3. The City Council finds that requiring developers to place a deposit as part of the application fee for specific application types will ensure that the city can cover its expenses related to its processing of development applications and related infrastructure requirements; and
4. The City Council finds that requiring developers to pay their fair share of the cost of reviewing larger development projects will ensure that those projects are reviewed on a timely basis; and
5. The City Council finds that establishing a deposit-based fee structure will ensure that application fees maintain a reasonable relationship to the actual costs incurred by the City during its review of larger development projects.

The City Council of the City of Riverbank does hereby ordain as follows:

Title XV: Land Usage, Chapter 153: Zoning, of the Riverbank City Code shall be amended by Adding New Section 153.004: Application and Processing Fees, to read as follows:

§ 153.004 APPLICATION AND PROCESSING FEES.

(A) Application Fee. An application fee is hereby established and imposed on applicants for a permit, a request for legislative change, or an appeal under this chapter,

to cover the costs of all aspects of administration of the city planning agency and all other city departments relating to the processing and decision on the application. Application fees are intended to cover application processing, review, and evaluation; meetings, consultations, and research; hearings and appeals; preparation and revisions to plans and policies that the city is required to adopt to make necessary findings and determinations; environmental review and technical studies; consultant and legal services, city staff and administrative overhead. The amount or method of calculation of the application fee (including deposits and hourly rates), and each component of the fee, shall be established by resolution of the city council.

(B) Application and Processing Fee Options. Application and processing fees shall be in the amount and subject to terms as follows:

(1) Application fee based on estimate of processing costs. An application fee based on an estimate of the overall processing costs related to the application shall be paid upon submission of the application. If the actual cost of processing the application exceeds the initial deposit or fee paid, the Community Development Director may mail notice to the applicant, using the applicant's address stated in the application, specifying the amount of the additional fee and stating that the additional fee is immediately due and payable.

(2) Fee based on actual processing costs. An application fee based on actual processing costs shall be calculated using the applicable hourly rate and shall be billed and paid in accordance with administrative rules and regulations established by the planning director. Monthly invoices shall be mailed to the applicant, using the applicant's address stated in the application, specifying the amount of fees incurred.

(3) Deposit based on actual processing costs. The City Manager or Community Development Director may require a deposit or cost recovery agreement, based on the city's estimate of the overall processing costs related to the application. If a deposit is required, the application shall not be deemed complete until the applicant provides the deposit, in cash or check, to the city. A minimum balance of at least twenty-five percent (25%) of the initial deposit amount must be maintained by the applicant at all times during the city's review and processing of the development application, unless waived by the planning director or city manager because they determine that less than twenty-five percent (25%) of the initial deposit is required to finish the city's review and processing of the development application. The city shall provide monthly notices of the deposit balance to applicants. Notices shall reflect the actual costs incurred by the city in processing the application.

(4) Selection of application fee or deposit. The planning director shall determine whether the fee for an application shall be fee-based or deposit-based taking into account the project type and complexity.

(5) Suspension of application processing. The planning director shall suspend the processing of an application if the applicant does not pay any portion of an application fee or the minimum deposit within 30 days of such request by the city. The

application shall be reactivated following full payment of fees or the minimum deposit, unless the application has been denied or withdrawn.

(6) Fees paid in full prior to public hearing. All application fees and actual processing costs shall be paid in full prior to (i) the first public or administrative hearing to review the application or (ii) the city's final determination regarding the application, whichever occurs first based on the type of application and required approvals. No exceptions shall be made to any developer or applicant.

(C) Appeal and Modification. Notwithstanding section 153.251 of this chapter, the amount or propriety of an application fee or deposit may be appealed to the city council. The city council, by resolution, may waive or modify an application fee.

(D) Refund. If an application is voluntarily or involuntarily withdrawn prior to a decision on the application, the applicant may be entitled to a refund, without interest, of those portions of the application fee or deposit paid to the city for performance of services or payment of costs associated with the application that have not yet been performed or incurred. The applicant must submit an application for the refund within 30 days of withdrawal of the application. Failure to submit a timely application for a refund shall be an absolute waiver of any right to the refund.

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

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank held on May 13, 2014. Said ordinance was given a second reading at a regular meeting of said City Council on May 27, 2014, and Councilmember NAME, seconded by Councilmember NAME, moved the adoption of said ordinance, and upon roll call was carried by the following City Council 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. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date:	May 13, 2014
Subject:	Resolution to Enforce California Vehicle Code Sections 22350 (Basic Speed Law), 23103 (Reckless Driving), and 23109 (Speed Contests), and Division 16.5 (Off Highway Vehicles) at the Crossroads at Riverbank Shopping Center Location
From:	Jill Anderson, City Manager
Submitted by:	Chief Erin Kiely, Riverbank Police Services

RECOMMENDATION

It is recommended that the City Council declare, by resolution and via public hearing, that California Vehicle Code Sections: 22350 (Basic Speed Law), 23103 (Reckless Driving), 23109 (Speed Contests) and Division 16.5 (Off Highway Vehicles) be enforced in the Crossroads at Riverbank Shopping Center, per California Vehicle Code Section 21107.8. (Public Hearing notice published May 14, 2014, in the local newspaper.)

SUMMARY

A large number of vehicles frequent the Crossroads at Riverbank Shopping Center daily. As with any "high traffic count" area this occasionally results in traffic-related problems such as collisions, speeding violations, etc. In order to mitigate, Browman Development Company, Inc. and First Riverbank L.P. have submitted a letter (attachment 1) formally requesting the enforcement of California Vehicle Code (CVC) Section 21107.8 on this private property. They have also submitted a memo (attachment 2) itemizing intended signage and speed bump upgrades to the Center as well.

California Vehicle Code 21107.8 states in part:

(a) Any city or county may, by ordinance or resolution, find and declare that there are privately owned and maintained offstreet parking facilities as described in the ordinance or resolution within the city or county that are generally held open for use of the public for purposes of vehicular parking. Upon enactment by a city or county of the ordinance or resolution, Sections 22350, 23103, and 23109 and the provisions of Division 16.5 (commencing with Section 38000) shall apply to privately owned and maintained offstreet parking facilities, except as provided in subdivision (b).

(b) Notwithstanding the provisions of subdivision (a), no ordinance or resolution enacted thereunder shall apply to any offstreet parking facility described therein unless the owner or operator has caused to be posted in a conspicuous place at each entrance to that offstreet parking facility a notice not less than 17 by 22 inches in size with lettering not less than one inch in height, to the effect that the offstreet parking facility is subject to public traffic regulations and control.

(c) No ordinance or resolution shall be enacted under subdivision (a) without a public hearing thereon and 10 days prior written notice to the owner and operator of the privately owned and maintained offstreet parking facility involved.

Therefore, this item has been scheduled to request approval to enforce applicable traffic laws on the private property known as the Crossroads Shopping Center.

FINANCIAL IMPACT

There is no direct financial impact associated with this item.

STRATEGIC PLAN

The recommended action is consistent with the City of Riverbank's strategic goals.

ATTACHMENTS

1. Letter from Browman Development Company, Inc. and First Riverbank L.P. requesting the enforcement of California Vehicle Code Section 21107.8 at the Crossroads at Riverbank Shopping Center.
2. Memo from Browman Development Company, Inc. and First Riverbank L.P. itemizing related posting and speed bump upgrades to the Crossroads at Riverbank Shopping Center.
3. Map of Crossroads at Riverbank Shopping Center.
4. Resolution.



BROWMAN DEVELOPMENT COMPANY, INC.
Development • Leasing • Management

February 11, 2014

City of Riverbank
Attn: John Anderson, Contract Planner
6707 Third Street
Riverbank, CA 95367

RE: Enforcement of California Vehicle Code 21107.8 on private property
Crossroads at Riverbank Shopping Center (NEC Oakdale & Claribel Rd.)

Dear Mr. Anderson,

Please accept this letter as an immediate and formal request by First Riverbank L.P. ("Landlord"), and Browman Development Company, Inc. (its general partner), that the City of Riverbank take the necessary steps to adopt an ordinance allowing City of Riverbank police forces to enforce California Vehicle Code Section 21107.8(a) on our private property, commonly known as the Crossroads at Riverbank Shopping Center, located on the northeast corner of Oakdale Road and Claribel Road.

This letter will remain in full force and effect until written notice is received from First Riverbank L.P. and/or Browman Development Company, Inc. revoking this request.

If you have any questions regarding the above request, please do not hesitate to contact me. Thank you for your time and consideration.

Sincerely,

BROWMAN DEVELOPMENT COMPANY, INC.

A handwritten signature in black ink, appearing to read 'Brian Aita', is written over a horizontal line.

Brian Aita
Property Manager
Direct: 925.588.2213
Email: baita@browmandevelopment.com



BROWMAN DEVELOPMENT COMPANY, INC.
Development • Leasing • Management

TO: City of Riverbank

ATTN: John Anderson, Contract Planner

FROM: Brian Aita, Property Manager, Browman Development Company, Inc.

RE: Crossroads at Riverbank Shopping Center upgrades in support of
California Vehicle Code Section 21107.8(a)

DATE: February 11, 2014

Dear Mr. Anderson,

Please let this memo serve as notice that First Riverbank L.P. and Browman Development Company, Inc. plan to complete the following work in support of the City of Riverbank enforcing California Vehicle Code Section 21107(a) within the Crossroads at Riverbank Shopping Center (NEC Oakdale Rd. & Claribel Rd.):

1. A total of nine (9) signs will installed at all nine (9) ingress/egress points of the Crossroads at Riverbank Shopping Center. All signs will conform to CA VC 21107.8(b) standards. See attached Exhibit "A" for locations of each sign.
2. Additional speed bumps will be installed behind the shopping center to control speed. Locations of existing speed bumps, and proposed location of new speed bumps, can be found on Exhibit "A".
3. Speed Limit signs will be posted throughout the shopping center to alert all traffic to the speed limit restrictions within the shopping center.

If you have any questions regarding the above, or otherwise, please do not hesitate to contact me.

Sincerely,

BROWMAN DEVELOPMENT COMPANY, INC.

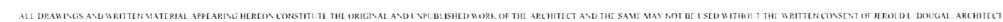
A handwritten signature in black ink, appearing to read 'Brian Aita', is written over a horizontal line.

Brian Aita

Property Manager

Direct: 925.588.2213

Email: baita@browmandevelopment.com



CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, TO ENFORCE CALIFORNIA VEHICLE CODE SECTIONS 22350 (BASIC SPEED LAW), 23103 (RECKLESS DRIVING), AND 23109 (SPEED CONTESTS), AND DIVISION 16.5 (OFF HIGHWAY VEHICLES) AT THE CROSSROADS AT RIVERBANK SHOPPING CENTER LOCATION

WHEREAS, a letter received from Browman Development Company, Inc. and First Riverbank LP is requesting enforcement of California Vehicle Code Sections 22350 (Basic Speed Law), 23103 (Reckless Driving), and 23109 (Speed Contests), and Division 16.5 (Off Highway Vehicles) in the parking lot of Crossroads at Riverbank Shopping Center; and

WHEREAS, California Vehicle Code 21107.8 states in part:

(a) Any city or county may, by ordinance or resolution, find and declare that there are privately owned and maintained offstreet parking facilities as described in the ordinance or resolution within the city or county that are generally held open for use of the public for purposes of vehicular parking. Upon enactment by a city or county of the ordinance or resolution, Sections 22350, 23103, and 23109 and the provisions of Division 16.5 (commencing with Section 38000) shall apply to privately owned and maintained offstreet parking facilities, except as provided in subdivision (b).

(b) Notwithstanding the provisions of subdivision (a), no ordinance or resolution enacted thereunder shall apply to any offstreet parking facility described therein unless the owner or operator has caused to be posted in a conspicuous place at each entrance to that offstreet parking facility a notice not less than 17 by 22 inches in size with lettering not less than one inch in height, to the effect that the offstreet parking facility is subject to public traffic regulations and control.

(c) No ordinance or resolution shall be enacted under subdivision (a) without a public hearing thereon and 10 days prior written notice to the owner and operator of the privately owned and maintained offstreet parking facility involved.; and

WHEREAS, with the increase of growth, vehicle traffic, and potential hazards, the enforcement of these vehicle codes is vital to the safety and well-being of our constituents; and

WHEREAS, upon approval of this Resolution, Browman Development Company, Inc. and First Riverbank LP will post a sign as described in California Vehicle Code 21107.8(b) at all entrances of the Crossroads at Riverbank Shopping Center Location.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby request Riverbank Police Services to enforce California Vehicle Code Sections 22350 (Basic Speed Law), 23103 (Reckless Driving), and 23109 (Speed Contests), and Division 16.5 (Off Highway Vehicles) within the parking lot of Crossroads at Riverbank Shopping Center.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 27th day of May, 2014; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.2

SECTION 5: PUBLIC HEARING

Meeting Date: May 27, 2014

Subject: 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; By Adding New Chapter 157: Water Efficient Landscape and Irrigation, of the City Of Riverbank Code of Ordinances

From: Jill Anderson, City Manager

Submitted by: John B. Anderson, Consulting Community Development Director

RECOMMENDATION

It is recommended that the City Council conduct the first reading and introduction by title only of the ordinance presented, and consider its approval, by roll call vote, to conduct a second reading by title only at the June 10, 2014, regular City Council meeting and consider its adoption. (Public hearing notice published May 14, 2014, in the local newspaper.)

BACKGROUND & SUMMARY

Starting with the drought years of 1918–1920, 1923-1926, 1928-1935, 1947-1950, 1959-1962, 1976-1977 and 1987-1992 the State of California has become increasingly aware of the critical importance of water conservation measures statewide. In 1991, the State of California created the Water Conservation in Landscape Act in an effort to promote drought tolerant landscape standards statewide as a voluntary act. In 2005, Assemblyman Laird pushed forward a Water Conservation bill, AB 1881, which was ultimately approved by the Governor on September 28, 2006. AB 1881 mandated that the State Department of Water Resources develop a model water efficient landscape ordinance (“Model Landscape Ordinance”) and that all local agencies adopt a water efficient landscape ordinance that is at least as effective in conserving water as the State Model Landscape Ordinance. These local water efficient landscape ordinances were to be adopted no later than January 1, 2010. According to AB 1881, any city that failed to adopt a water efficient landscape ordinance on or before January 1, 2010, is subject to the State Model Landscape Ordinance adopted by the State Department of Water Resources.

To the best of my knowledge I can find no evidence that the City of Riverbank ever considered compliance with AB 1881. As the Council is aware we are working on the creation of a New Urban Water Master Plan for the City, which we are under obligation to submit to the State Department of Water Resources in July 2014. One of the sections of the Urban Water Master Plan asks about compliance with AB 1881. The proposed ordinance ("Ordinance") is being presented to the Council to comply with State law and ensure that the New Urban Water Master Plan is complete and approved by the State Department of Water Resources.

The proposed Ordinance establishes minimum landscape areas for new development projects. The Ordinance also establishes requirements to encourage the use of low water/drought tolerant plants, as well as water efficient watering systems. Additionally, the Ordinance references and incorporates certain criteria of the State Model Ordinance to ensure that the Ordinance is at least as effective in conserving water as the State Model Ordinance, as required by State law (California Government Code section 65595(c)(1)).

The proposed Ordinance is not considered to be a project, therefore CEQA is not required.

FINANCIAL IMPACT

This will not have fiscal impact on the City.

ATTACHMENT

1. Ordinance 2014-xxx

CITY OF RIVERBANK

ORDINANCE NO. 2014-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AMENDING TITLE XV: LAND USAGE; BY ADDING NEW CHAPTER 157: WATER EFFICIENT LANDSCAPE AND IRRIGATION, OF THE CITY OF RIVERBANK CODE OF ORDINANCES

WHEREAS, continued development within the City of Riverbank ("City") is important to maintaining and increasing the vitality and prosperity of the community; and

WHEREAS, equally important to development is the assurance that the City will grow in a meaningful and attractive way so that the City will continue to build a community that is sustainable and enjoyable to live; and

WHEREAS, in California and specifically the Central Valley, water is a scarce resource that must be managed responsibly to ensure sufficient supplies for every user; and

WHEREAS, in 2006 the California legislature passed Assembly Bill 1881, which required cities to adopt a water efficient landscape ordinance by 2010 or use a model water efficient landscape ordinance drafted by the state Department of Water Resources; and

WHEREAS, to comply with state laws and ensure that water is used responsibly within the City, the City Council finds that it is in the best interest of the City to adopt a water efficient landscape ordinance.

The City Council of the City of Riverbank does hereby ordain as follows:

Amending Title XV: Land Usage; by adding new Chapter 157: Water Efficient Landscaping and Irrigation, Section 157.01 through Section 157.05 of the Riverbank City Code and shall read as follows:

CHAPTER 157: WATER EFFICIENT LANDSCAPE AND IRRIGATION

Section

- 157.01 Purpose and Intent
- 157.02 Applicability
- 157.03 Water Conservation Definition
- 157.04 Process
- 157.05 Development and Standards

§ 157.01 PURPOSE AND INTENT.

The purpose and intent of this chapter is to establish landscaping regulations that are intended to:

(A) Enhance the aesthetic appearance of development in all areas of the City by providing development standards relating to quality, quantity and functional aspects of landscaping and landscape screening.

(B) Increase compatibility between residential and abutting commercial and industrial uses.

(C) Reduce the heat and glare generated by development.

(D) Establish a water conservation plan to reduce water consumption in the landscape environment using conservation principles important to the State of California and the City of Riverbank.

(E) Protect public health, safety, and welfare by minimizing the impact of all forms of physical and visual pollution, controlling soil erosion, screening incompatible land uses, preserving the integrity of neighborhoods, and enhancing pedestrian and vehicular traffic and safety.

(F) Comply with the California Department of Water Resources Title 23, Division 2, Chapter 2.7 entitled *Model Water Efficient Landscape Ordinance* and the California Green Building Standards of 2013 and/or these standards as amended from time to time.

§ 157.02 APPLICABILITY.

All new development in the City of Riverbank shall comply with the provisions of this chapter and the requirements of the State Model Water Efficient Landscape Ordinance referenced above, which is incorporated herein by this reference. All required landscaping shall be installed by the developer and approved by the Development Services Department prior to the issuance of a certificate of occupancy for any building, unless other arrangements are agreed to by the Community Development Director.

(A) *Exceptions.* The following shall be exempt from the provisions of this section:

(1) Yards and landscape areas for single family homes when not installed by the builder or developer prior to or as a condition of home sales.

(2) Interior remodels, tenant improvements and demolitions.

(3) Changes of use to any existing building.

(4) Replacement or repair of existing plant material or irrigation systems in conjunction with routine maintenance of existing projects.

(5) Modifications or additions to existing structures which do not result in an increase of more than ten (10%) percent of the floor area, or 1,000 square feet, whichever is greater.

(B) *Statutory authority in case of conflicting provisions.* Nothing in this section shall be deemed to affect, annul or abrogate any other laws or ordinances pertaining or applicable to the properties and areas affected by this chapter.

§ 157.03 WATER CONSERVATION DEFINITION.

WATER CONSERVATION. This definition shall mean a combination of landscape features and techniques that in the aggregate reduce the demand for and consumption of water, including but not limited to appropriate low water using plants, non-living groundcover, a low percentage of turf coverage, permeable paving and water conserving irrigation techniques and systems, and other water saving techniques and measures approved by the Community Development Services Department.

§ 157.04 PROCESS.

The Community Development Director shall establish a format for landscape plans and any other procedural guidelines for submittal as deemed necessary.

(A) Plans required. Plans for the development of required landscaping shall be submitted to the Development Services Department for review and approval prior to the issuance of any building permit or as may be required for a site plan permit. Said plans shall be prepared by a licensed landscape architect, landscape contractor, architect or certified irrigation designer.

(B) Plan review and approval. The Community Development Services Department shall review each project and proposed landscape plan for compliance with the landscape and water conservation requirements.

(C) Alternative means of compliance. The Community Development Director may allow alternative means of complying with the requirements in this section provided the alternative achieves results comparable to those achieved through strict application of the provisions of this section.

§ 157.05 DEVELOPMENT STANDARDS.

(A) *Required.* In the following designated districts, not less than the stipulated percent of gross site area shall be landscaped in accordance with this section:

Landscape Area Requirements	
Zone District	Required Landscaping (Gross % of site)
R-1/PD	30
R-2	30 (a)
R-3	30 (a)
C-1/PD	10 (c)
C-2	10 (c)
C-M	7.5 (c)
M-1/PD	7.5 (b)(c)
M-2	7.5 (b) 5 (c)
CX-1	10 (c)

(1) In multiple-family developments of twelve (12) or more dwelling units, ten (10%) percent of the total building site shall be set aside and landscaped for the purposes of common recreational open space. Such ten (10%) percent may be included in the general landscaping requirements.

(2) This requirement may be waived by the Community Development Director for remodeling, alterations, or renovations to existing buildings and developments on parcels or building sites where an existing building occupies a substantial portion of the site and there exists limited space to landscape because of the front yard or corner street side yard setback areas.

(3) In commercial and industrial districts, where a lot larger than 10,000 square feet is to be developed in phases, the Community Development Director may determine that only the developed portion of the site need be landscaped. Provision shall be made, however, to insure that the landscape requirement can still be met upon full development of the site. This exception shall not apply to any setback along a public street which shall be landscaped upon the initial development of the site. Open areas (areas not landscaped) shall be continuously maintained free of weeds, litter and debris, and shall not become a source of nuisance to adjoining property.

(B) *Determination of landscaped areas.* In determining landscaped areas, setbacks, when landscaped, private patios and all other areas not occupied by

buildings, parking lots, vehicle storage areas, and driveways shall be included. Areas occupied by clubhouses, recreation buildings, pools, saunas, inter walkways, and similar amenities may be included as landscaped areas. In industrial zoning districts, areas planted along a public right-of-way shall qualify as one and one-half (1.5) times the area toward the overall required landscaping area.

(C) *Landscape materials and placement.* All landscape areas shall demonstrate a recognizable pattern or theme for the overall development. To accomplish this, new landscaping and landscape areas shall conform to the following:

(1) Plant materials shall be selected for maintenance efficiency, drought tolerance and adaptability and relationship to Riverbank's environment and climate. Trees and shrubs in reasonable numbers shall be used in the landscape design; ground cover alone shall not be acceptable. No one (1) species of plant shall exceed twenty (20) percent of the plant material. Landscaped areas shall incorporate a minimum of two (2) of the following plantings: (1) grasses and ground covers, (2) shrubs, and (3) trees.

(2) In all commercial (C) and industrial (M) districts, plant materials shall be sized and spaced to achieve immediate effect and shall normally not be less than twenty-four (24") inch box for parking lot shade trees, fifteen (15) gallon container for trees, five (5) gallon container for shrubs, and a one (1) gallon container for mass planting. Non-turf areas, such as shrub beds, shall be top dressed with a bark chip mulch or approved alternative.

(3) Turf shall be limited to twenty-five (25%) percent of the total landscaped area in all commercial (C) and industrial (M) districts. In residential districts turf shall not exceed fifty (50%) percent of the total landscaped area.

(D) *Landscape irrigation.* Provisions shall be made for a permanent "in place" irrigation system to all landscaped areas required herein, including street tree wells. All new irrigation systems shall use Xeriscaping principles including such techniques and materials as low precipitation sprinkler heads, bubblers, drip irrigation systems, timing devices and moisture sensors. All irrigation systems must be designed to comply with the "State Model Water Efficient Landscape Ordinance" and shall minimize overspray onto impervious surfaces, such as building, sidewalks, parking areas, etc., through the use of such techniques as low-trajectory spray nozzles or underground low volume applicators. All irrigation system controllers shall be set in compliance with the day and hour watering requirements of the City and shall be designed to minimize water use by installing automatic systems such as multi-start controllers and soil moisture sensors.

(E) *Site preparation and installation.*

(1) Prior to the planting of any materials, the compacted soils surrounding a building site will be returned to a friable condition. Friable condition shall mean returning the soil to an easily crumbled or loosely compacted condition down to a minimum depth per planting material requirements, whereby the root structure of newly

planted material will be allowed to spread unimpeded. The soil must be returned to a friable condition to a minimum depth as required for the planting material.

(2) Trees should be adequate in trunk diameter to support the top area of the tree. Trees, shrubs, and vines should have body and fullness that is typical of the species.

(3) All ground cover should be healthy, densely foliated, and well rooted cuttings, or one-gallon container plants.

(4) The spacing of trees and shrubs should be appropriate to the species used. The plant materials should be spaced so that they do not interfere with the adequate lighting of the premises or restrict access to emergency apparatus such as fire hydrants or fire alarm boxes. Proper spacing should also insure unobstructed access for vehicles and pedestrians in addition to providing clear vision of the intersections from approaching vehicles. Plant material should conform to the following spacing standards:

(a) A minimum of twenty-five (25') feet from the property corner at a street intersection to the center of the first tree or large shrub.

(b) A minimum of fifteen (15') feet between center of trees and large shrubs to light standards.

(c) A minimum of fifteen (15') feet between center of trees or large shrubs and fire hydrants.

(d) A minimum of fifteen (15') feet from the intersection of a driveway with a street right-of-way to the center of any tree having a diameter larger than eighteen (18") inches at maturity or large shrub.

(F) Maintenance. Required planting areas shall be permanently maintained. As used in this section, "maintained" includes: watering, weeding, pruning, insect control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of plant materials.

(G) *Parking lot landscaping.* Parking lots and parking structures shall have interior and perimeter landscaping areas as prescribed by the following:

(1) Parking lots or parking structures adjoining street property lines or public streets shall have a perimeter landscape buffer with a minimum width as follows:

(a) If abutting an expressway: twenty (20') feet.

(b) If abutting an arterial: fifteen (15') feet.

(c) If abutting a collector: fifteen (15') feet.

(d) If abutting a local collector: ten (10') feet.

(e) If abutting a local street: five (5') feet.

(2) Vehicle overhang may encroach a maximum of two (2') feet into landscape areas which are a minimum of ten (10') feet wide.

(3) An average three (3') foot high [minimum two and one-half (2.5') foot and maximum three and one-half (3.5') foot] continuous screen shall be installed between all parking areas and public streets. A screen shall consist of one (1) or any combination of the following:

(a) *Walls.* A wall shall consist of concrete, concrete block, stone, brick, tile or similar type of solid masonry material.

(b) *Berms.* A berm shall be constructed of earthen materials and it shall be landscaped.

(c) *Solid fences.* A solid fence shall be constructed of wood, or other materials.

(d) *Plant materials.* Vegetation, consisting of trees or shrubs.

(4) Interior landscaped areas shall be a minimum of five (5') feet in width, exclusive of curbs.

(5) The end of each row of parking stalls shall be separated from aisle ways by a landscaped planter or sidewalk.

(6) In all parking lots with a capacity of five (5) parking spaces or more, a minimum of one (1) shade tree for every five (5) spaces shall be provided in landscape islands within the parking lot. Tree spacing shall be such that every designated parking space is within thirty (30') feet of the trunk of a tree.

(7) All planting areas within or abutting a parking lot shall be protected with raised concrete curbs.

(H) *Landscaping in rights-of-way.* All land area within the public right-of-way adjoining all sides of any parcel or building site that is not otherwise covered with a building, structure, paving, or similar impervious surface shall be landscaped and maintained in conjunction with the landscaping installed on the adjoining property as regulated in this chapter. Landscaping within the right-of-way shall not be used when determining the required percentage of landscaping area as required in this chapter.

(1) *Design.* The design of the landscaping of the public right-of-way shall be included in the landscape plan and shall meet the requirements set forth in this chapter. Adequate space shall be provided in the landscape area to allow free, unrestricted growth and development of the landscaping and street trees.

(2) *Street trees.* Street trees shall be planted in accordance with the Theme Street List, as it may be amended from time to time, or as otherwise set forth in the City Code of Riverbank Chapter 96: Trees, 96.03 through 96.06 relating to street trees and in accordance with the street tree planting standards as established by the City Engineer.

(I) *Driveway and corner visibility.* All landscaping material shall be maintained in accordance with the provisions of Section 96.11 of the City Code of Riverbank.

(J) *Landscaping along walls.* All solid walls over three (3') feet in height that are adjacent to public streets or right-of-ways shall comply with one (1) of the following:

(1) Be fully landscaped with vines and/or other plant materials to prevent the placement of graffiti. All landscaping shall include the installation of a permanent irrigation system.

(2) If not landscaped, shall be constructed of split-face concrete, brick or some other type of material that will discourage the placement of graffiti.

(K) *Landscape screening of Residential (R) properties.* Where a commercial or industrial site adjoins a residential (R) district, screening which is at least seventy-five (75%) percent opaque shall be provided. Where fences are required, such fencing shall be landscaped as appropriate.

(L) *Model homes.* To promote landscape water conservation through education, all single family residential developments with more than two (2) model homes to be constructed by a developer, shall provide for landscaping the models entirely with water saving landscaping and irrigation in accordance with the following requirements:

(1) *Plant Materials.* Each "water saving" model home to be landscaped shall contain exclusively low water use plant materials as identified on a suggested planting list available from the Community Development Department or approved by the Community Development Director.

(2) *Irrigation System.* Each "water saving" model home shall contain exclusively an irrigation system that provides a high efficiency in water application according to site conditions. (Drip or trickle may not be used in turf areas).

(3) *Signs.* Each development with "water saving" model homes shall provide the following information to potential buyers:

(a) *Front Yard Sign.* A four (4) square foot sign shall be located in the front yard of each "water saving" model such that it is clearly visible to buyers. The sign shall indicate that the model features a water saving landscape and irrigation design.

(b) *Interior Display.* A drawing, or combination of drawings, shall be displayed inside each “water saving” model or the sales office which provides a schematic of the landscape. These drawings shall include a key identifying the common name of the plants used in the “water saving” model yards. A brochure with the same information may be distributed with the sales information to potential buyers to satisfy this requirement.

(4) *Literature.* Additional literature describing water conserving landscaping and irrigation shall also be made available to the potential buyer and displayed.

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

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank held on May 27, 2014. Said ordinance was given a second reading at a regular meeting of said City Council on June 10, 2014, and Councilmember NAME, seconded by Councilmember NAME, moved the adoption of said ordinance, and upon roll call was carried by the following City Council vote of___:

AYES:

NAYS:

ABSENT

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O’Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan, City Attorney

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date:	May 27, 2014
Subject:	Report on Status of LRA Budget for Third Quarter of FY 2013/14
From:	Jill Anderson, City Manager
Submitted by:	Melissa Holdaway, Administrative Analyst II

RECOMMENDATION

It is recommended that the Local Redevelopment Authority (LRA) Board receive and approve the status report on the LRA budget for January 1, 2014 through March 31, 2014, the third quarter of fiscal year 2013-14.

SUMMARY

In April 2010, the LRA Board adopted a resolution that requires LRA staff to provide a quarterly report to the LRA Board on the status of the budget. This report is intended to comply with that requirement and covers the first fiscal quarter, specifically the time period from January 1, 2014 through March 31, 2014. Highlights of that quarter's budget include:

- Revenues are in line with expected expenditures
- The Army is in arrears for more than \$30,000 on their utility bills, collection efforts in place on recovering the outstanding balance
- Legal fees are over budget due to unexpected litigation; reallocation of OEA funds will cover a portion of the costs incurred with the remainder coming from lease revenue
- Security fencing surrounding open pits where Army surplus equipment was removed under ESCA #1 (OSHA safety requirement) has not yet received funding approval from the Army

FINANCIAL IMPACT

A reallocation of funds will be necessary in the next quarter to shore up categories that are over budget. A reallocation request has been submitted to OEA to shift unexpended funds from salaries to professional services. Additional reallocation of funds between categories will be done in the final fiscal quarter, as is typical of end of year budgets, prior to closing out the 2013-14 books.

STRATEGIC PLANNING ALIGNMENT

The presentation of the LRA's quarterly budget supports the City's mission and reinforces the City's core values of transparency and fiscal responsibility.

ATTACHMENTS

The LRA Budget Spreadsheet is attached for your review.

Statement of Revenue and Expenses

Riverbank Local Redevelopment Authority 2013-14 Approved Budget						
	2013-14 <u>Approved Mid</u> <u>Year Budget</u>	1st Quarter <u>Jul-Sept</u> <u>Rev/Exp</u>	2nd Quarter <u>Oct-Dec</u> <u>Rev/Exp</u>	3rd Quarter <u>Jan-Mar</u> <u>Rev/Exp</u>	<u>2013-14</u> <u>Year to Date</u>	<u>Remaining</u> <u>Balance</u>
<u>Revenue</u>						
<u>Beginninng Balance</u>	647,678					
<i>OEA Grants</i>	470,283	103,234	136,189	99,103	338,526	131,757
<i>Rents</i>	1,050,000	276,113	284,648	301,174	861,936	188,064
<i>Sale of Real Property</i>	0				0	0
<i>Sale of Personal Property</i>	0				0	0
<i>DOD Caretaker Revenue</i>	85,500	28,481	42,722	14,297	85,500	0
<i>ED Bank - Specific Plan</i>	50,000	20,622	15,811		36,433	13,567
<i>Utility Revenue from Tenants</i>	211,500	6,492	54,188	75,765	136,445	75,055
<i>Miscellaneous Revenue</i>	20,000	3,619	4,260	7,881	15,759	4,241
<i>Other Revenue</i>	0				0	0
<i>ESCA #1</i>	10,997,453		9,364,993	208,759	9,573,752	1,423,701
Total Revenue	13,532,414	438,561	9,902,811	706,978	11,048,350	2,484,064
<u>Expenditures</u>						
<i>Salaries/Benefits</i>	432,680	102,108	110,268	82,649	295,025	137,655
<i>Administrative Expenses</i>						
<i>Travel</i>	8,000	995	1,092	971	3,058	4,942
<i>Equipment</i>	2,400		1,884	0	1,884	516
<i>Office Supplies/Legal Ads</i>	10,000	1,352	1,545	1,817	4,714	5,286
<i>Phones</i>	4,800	699	1,070	1,069	2,838	1,962
<i>Copier</i>	6,060	1,879	547	759	3,185	2,875
<i>Postage</i>	3,000	47	84	20	152	2,848
<i>Janitorial</i>	1,740			502	502	1,238
<i>Professional Services</i>	0					
<i>Legal</i>	122,451	20,500	55,702	64,212 ^a	140,415	-17,964
<i>Other Services</i>	10,000				0	10,000
<i>Insurance Premiums</i>	130,000			4,687	4,687	125,313
<i>Facilty Operations & Maintenance</i>						
<i>Well maintenance</i>	1,500				0	1,500
<i>Permits</i>	4,000			5,913 ^b	5,913	-1,913
<i>Water Testing</i>	5,000	480	400	810	1,690	3,310
<i>Electrical PM</i>	140,000	27,675	1,935	33,210	62,820	77,180
<i>Fire Supression Maintenance</i>	7,000	1,911	606	1,880	4,397	2,603
<i>Landscaping</i>	8,000	2,740	2,165	1,840	6,745	1,255
<i>Propane</i>	3,000		1,782	2,529 ^c	4,310	-1,310
<i>Repairs</i>	50,000	23,967	5,907	19,815	49,689	311
<i>Common Area Costs</i>	363,000	62,047	91,933	104,224	258,204	104,796
<i>Infrastructure Improvements</i>	25,000			0	0	25,000
<i>Future Grant Match</i>	145,000			0	0	145,000
<i>Tenant Improvements</i>	0			0	0	0
<i>Facility Mgmt/Security Services Contracts</i>						
<i>Security</i>	145,000	24,573	36,402	36,025	97,000	48,000
<i>Facility Management</i>	475,000	104,348	99,053	115,993	319,393	155,607
<i>Marketing/Branding</i>	15,000				0	15,000
<i>Weston Contract ESCA #1</i>						0
<i>Fixed Cost</i>	8,357,939		1,734,186	4,537,398	6,271,584	2,086,355
<i>Variable Cost</i>	1,632,460			427,412	427,412	1,205,048
<i>SJES ESCA #1</i>	481,010		264,628	282,671 ^d	547,299	-66,289
<i>ED Bank</i>	185,500		185,500	0	185,500	0
<i>Administrative Expenses</i>	340,544		35,394	0	35,394	305,150
<i>DCE Contract</i>	50,000	20,622	15,811	0	36,433	13,567
Total Expenditures	13,165,084	395,943	2,647,893	5,726,407	8,770,243	4,394,841
Net Revenues Less Expenditures	367,330	42,619	7,297,537	2,278,108	2,278,108	

^a Legal fees associated with Stanislaus Fire District and additional Specific Plan review not part of initial budget planning

^b Stan Cty Recorder fee for Specific Plan not factored in initial budget

^c Propane use by our tenants is higher than normal but recouping those cost in Misc revenue

^d Awaiting Army funding approval under ESCA 1 for OSHA-required safety fencing

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.2

SECTION 6: NEW BUSINESS

Meeting Date: May 27, 2014

Subject: Consideration of (1) Contract Award to Bartle Wells Associates for the Preparation of Sewer and Water Rate Studies, and (2) Adoption of a Resolution Allocating \$25,000 each from the Water and Sewer Fund Budgets for the Preparation of the Study

From: Jill Anderson, City Manager

Submitted by: Marisela H. Garcia, Director of Finance
Michael Riddell, Deputy Director of Development Services

RECOMMENDATION

It is recommended that the City Council consider the following actions:

1. Award Contract to Bartle Wells Associates for the preparation of Sewer and Water Rate Studies, and
2. Adopt a Resolution Allocating \$25,000 each from the Water and Sewer Fund Budgets (total cost \$50,000) for the preparation of the Study.

SUMMARY

This report has been prepared to complete the following strategic objective, which can be found at www.riverbank.org : Identify and recommend to the City Council for action a consultant to conduct a Sewer and Water Rate Study, including a recommendation regarding water and sewer rates.

BACKGROUND

As enterprise funds, both Water and Sewer 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 Water and Sewer Enterprise Funds have been suffering from structural deficits where revenues collected are not sufficient to cover necessary day-to-day maintenance and capital upgrades. 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)	-\$220,745	+\$27,050

The Water Fund last received a rate increase in July 2010 as a result of an annual Consumer Price Index increase that had been approved by City Council. Since that time, no increase has been made to water rates. An official rate study for the Water Fund has not been performed in well over 15 years.

The Sewer Fund last received an increase in July 2008 also as a result of an annual Consumer Price Index increase. Two subsequent attempts to raise rates in 2010 and 2011 were not successful.

BUDGET ADVISORY COMMITTEE RECOMMENDATION

In June 2013, the Budget Advisory Committee provided the following recommendation to the City Council:

A utility rate study should be performed on the Water and Sewer rates to ensure that revenues are sufficient to cover current operating expenditures and future capital needs.

Rationale: The City last conducted a rate study in 2006. A rate study would ensure that revenues are sufficient to cover current operating expenditures & future needs. Should a rate increase be considered, the City should incrementally raise rates.

At the August 12, 2013 meeting, the City Council agreed with this recommendation and provided direction to staff to review a potential rate study. With this direction provided, staff began to evaluate the feasibility of performing this rate study in-house.

MARCH 2014 STRATEGIC PLANNING

At the March 3, 2014 Strategic Planning Session the City Council and staff discussed the potential Sewer and Water Rate studies. A thorough rate study that would take into consideration not only current maintenance needs but also future capital needs would be necessary in order for the City to have the necessary documentation to perform a Proposition 218 protest vote for rate increases. The assistance of a consultant is essential to developing user rates that would be fair and equitable and that would provide sufficient funding for necessary improvements.

Under the three-year goal to “Achieve and Maintain Financial Stability and Sustainability” the City Council and City Staff adopted the following objective:

When:	At the May 13, 2014 City Council Meeting
Who:	Deputy Director of Development Service & Finance Director
What:	Identify and recommend to the City Council for action a consultant to conduct a Sewer and Water Rate Study, including a recommendation regarding water and sewer rates.

With this objective in mind, the Deputy Director of Development Services-Operations and the Finance Director issued a Request for Proposal to firms with experience performing Sewer & Water Rate Studies. The City received three proposals from the following firms:

- Bartle Wells Associates
- KSN, Inc.
- Willdan Financial Services

Proposed costs from the interested firms ranged between \$39,600 and \$69,700.

RECOMMENDATION

Staff is recommending that the award of this contract be made to Bartle Wells Associates. The cost proposal by Bartle Wells Associates is of \$39,635, which includes two meetings with the City Council and public. Staff is recommending the addition of a contingency amount of \$10,000 should the City Council desire to have additional town hall meetings for the public.

FINANCIAL IMPACT

An allocation of \$25,000 from both the Water and Sewer Fund (total cost of \$50,000) is recommended to be included in the Fiscal Year 2013-14 Water budget.

ATTACHMENT

1. Resolution

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK AUTHORIZING A BUDGET AMENDMENT TO THE FISCAL YEAR 2013-14 SEWER FUND PROFESSIONAL SERVICES ACCOUNT OF \$25,000 AND THE WATER FUND PROFESSIONAL SERVICES ACCOUNT OF \$25,000 FOR THE PREPARATION OF THE SEWER AND WATER RATE STUDIES

WHEREAS, the Sewer and Water Funds are Enterprise Funds designed to be self-sufficient by recouping its operating and capital improvements costs from residential, commercial, and industrial rate payers and,

WHEREAS, over the past three fiscal years the Sewer and Water Enterprise Funds have been suffering from structural deficits where the revenues collected are not sufficient to meet day to day operating costs and necessary capital improvement costs; and,

WHEREAS, the 2013 Budget Advisory Committee provided a recommendation to the City Council to perform Sewer and Water Rate Studies; and,

WHEREAS, the City Council, at its March 3, 2014 Strategic Plan Meeting, did establish the preparation of the Sewer and Water Rate Studies as a strategic objective; and,

WHEREAS, staff has obtained proposals for the preparation of the Sewer and Water Rate Studies at a cost not to exceed \$50,000.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby authorizes a budget amendment to the Fiscal Year 2013-14 Sewer Fund Professional Services Account (702.032) of \$25,000 and the Water Fund Professional Services Account (702.032) of \$25,000 for the preparation of the Sewer and Water Rate Studies.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 27th day of May, 2014; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

Approved: 05/14/2014

**BUDGET ADVISORY COMMITTEE
RIVERBANK CITY HALL NORTH
COUNCIL CHAMBER
6707 THIRD STREET
RIVERBANK CA 95367-2305**

MINUTES

WEDNESDAY, APRIL 23, 2014 – 6:00-7:30PM

CALL TO ORDER: *Chair Suzanne Dean called the meeting to order at 6:00 pm.*

ROLL CALL: *Present: Committee Members Arlene Figueroa, Evelyn Halbert, Anthony McKinney, Chair Suzanne Dean, and Council Member Leanne Jones Cruz.
Absent (excused): Committee Member Zack Davidson, and Vice Chair Erick Winchester*

There is currently one (1) Committee Vacancy

CONFLICT OF INTEREST

No Conflict of Interest was declared.

1. PUBLIC BUSINESS FROM THE FLOOR (No action can be taken.)

No public business was presented.

2. ACTION & DISCUSSION ITEMS

(These items will be individually discussed prior to Committee action)

Item 2.1: Approval of Minutes from the April 9, 2014 Meeting.

Motion by Committee Member Halbert to approve the minutes, 2nd by Committee Member Figueroa.

Vote: 3-Ayes 0-Nays 1-Abstentions (Chair Dean)

Motion passes 3-0

Item 2.2: Fiscal Year 2014-15 General Fund Projection Overview

Marisela Garcia, Director of Finance, provided an update regarding the current status of the General Fund.

Approved: 05/14/2014**Item 2.3: Fiscal Year 2014-15 Departmental Expenditure Review****(A) Development Services**

Marisela Garcia, Director of Finance introduced Kathleen Cleek, Sr. Management Analyst for Development Services and Michael Riddell, Deputy Director of Development Services -Operations, to discuss the Development Services Budgets.

(1) Planning Division

Mrs. Garcia introduced the Planning Division budget. She explained that there is currently a vacant Development Services Director position within this budget. It was anticipated that this vacancy would be filled during the last quarter of the current fiscal year but that will not occur. The City Manager is determining the best way to organize the Development Services Department. Once the determination is made, the budget will be updated accordingly.

Committee Member McKinney inquired as to the Professional Services Budget (account 702.032). He requested additional explanation regarding the various professional services budgeted for and the traffic engineering services budgeted under Other Contract Services (account 702.034).

Committee Member McKinney inquired as to the budget request for \$50,000 for a Housing Element Update. The current proposal was received from our contract Planning Consultant. Mrs. Garcia explained that an RFP could be issued if the Committee would like to recommend requesting additional proposals for the preparation of the report.

City Manager Jill Anderson provided information regarding the benefit of having our current consultant, John Anderson, to prepare the Housing Element Update as his firm is familiar with our city and our documents.

Committee Member McKinney requested having this item as a recommendation that an RFP be issued for the Housing Element.

(2) Building Division

Committee Member McKinney inquired as to the Office Expense and Boot & Jacket Allowance funds that are allocated through various departments. Mrs. Garcia explained that each division is responsible for their own purchases. Costs related to office equipment is allocated based on use to each department. Employees within the Miscellaneous Bargaining Unit have a clause

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within their contract regarding the City providing a boot & jacket allowance and uniforms.

Committee Member McKinney inquired as to the Rents & Leases (Vehicles) account. Mrs. Garcia explained that these funds are an internal charge made to the departments. Fees are allocated to each department for vehicle maintenance including the labor costs of our City Mechanic. These costs are allocated based on how much time is spent by our mechanic servicing the vehicles in the department.

(3) Development Services Administration Division

Mrs. Garcia explained that there is currently a labor contract with all employees that will expire in December 2014. At this time the City has not included any costs associated with potential Cost of Living Adjustments or benefit increases. The increase in costs reflect merit increases and normal increases from outside agencies (such as PERS and Health Insurance).

Committee Member McKinney requested additional information regarding Contract Engineering. Mrs. Cleek explained that these funds are for Civil Engineering for services provided by Giuliani & Kull. She explained that this contract was recently awarded after an RFP was issued. Giuliani & Kull prepares infrastructure plans for construction projects that the City is anticipating. Mrs. Garcia explained that a flat dollar amount is budgeted each year based on some of the upcoming projects that are not reimbursed by federal funds.

Council Member Jones-Cruz inquired as to the decrease in the Professional Services account. This decrease is due to the fact that this year the city budgeted for an ADA Transition Plan update that will not need to occur next fiscal year.

(4) Street Maintenance Division

Committee Member McKinney inquired as to the difference between the traffic signal maintenance budget included in this department and the traffic engineering budget in the Planning Division budget. Mr. Riddell explained that this budget was for the maintenance of the traffic signal that the City contracts for with the City of Modesto.

Committee Member McKinney inquired as to the Rents & Leases (Vehicles) charge within the account. This charge appears throughout all City budgets for the maintenance of the vehicles. Chair Dean commented regarding all of the personnel costs being budgeted for this division within other accounts but the operating costs were still reflected in this division.

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Committee Member McKinney inquired as to the funds budgeted for street light repair. Mr. Riddell clarified that the expense was for city-owned street lights.

Committee Member Figueroa inquired regarding the decrease in Professional Services. Mrs. Garcia explained that the decrease was due to the fact that the landscaping of a median on Oakdale Road was determined that it can be funded by the Landscape & Lighting budgets.

(5) Gas Tax Fund

Mrs. Garcia explained that the Gas Tax Fund receives its revenue from the State of California Highway Users Tax. The City receives revenue projections from the State. She explained that to remain conservative, the city budgets 5% less than the projections. She explained that other revenues received included reimbursement from the State of California for the street sweeping of Highway 108 and from Management Fees.

Committee Member McKinney inquired as to whether the reimbursement from the State is adjusted annually for our increase in costs. Mrs. Garcia explained that this is a fixed dollar amount based on the contract with the State and can be re-negotiated when the contract expires.

Mrs. Garcia explained that the decrease in Personnel Costs is due to filling a vacant Sr. Maintenance Worker position with a lower level Maintenance Worker I position.

Committee Member McKinney inquired as to the decrease in the Street Sweeping Contract account. Mrs. Garcia explained that this was due to a dumpster provided by Gilton that was being paid via this account and is now being allocated to the other divisions that use it.

Committee Member McKinney inquired as to the utility expenses. Mr. Riddell explained that these costs were associated to our storm drain lift stations and our street light utilities. Committee Member McKinney inquired as to whether we had investigated the use of solar energy for our buildings. Mr. Riddell explained that studies have been completed by PG&E and Schneider Electric and the payback period is too long to be able to request grant funds or low interest loans and we would need to finance these ourselves through the General Fund. Mrs. Garcia explained that the Director of Parks & Recreation presented a three-year plan to upgrade HVAC systems on our City buildings.

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Committee Member McKinney inquired as to the request for the Storage Bay at the corporation yard. Mr. Riddell explained that this was to be able to store equipment so that it is not directly in the sun. Committee Member Halbert inquired as to a prior project that had been approved by the City Council for storage. Mr. Riddell explained that the project was not completed due to engineering issues. Mrs. Garcia explained that the funds were released and placed back into the reserve.

(6) Sewer Fund

Mrs. Garcia explained that this fund receives revenue from the rates charged to residents. She explained that for several fiscal years this fund has been running a deficit where expenditures are exceeding the revenues being collected. Mrs. Garcia explained that Industrial Permit Revenues have decreased due to businesses that have moved and are no longer in the city. Mrs. Garcia explained that the reserve is projected to be at 7.5% which is extremely low. She explained that if there were to be an emergency maintenance issue the City would most likely have to look at its General Fund to help offset any costs. Mr. Riddell explained that he has issued an RFP for Sewer & Water Rate Studies. He is currently researching the references for the selected firm.

Committee Member McKinney inquired as to whether the fund was ever at a higher reserve level. Mrs. Garcia explained that this has not occurred within the past several fiscal years. She explained that there was attempts in 2006 and 2008 to increase rates that were not successful. Mr. McKinney inquired if the fund was ever balanced and if the deficit occurred due to a decrease in revenues. Mrs. Garcia explained that the largest factor affecting revenues was due to the closure of the tomato processing plant that provided the city with over \$500,000 in revenues.

Mrs. Garcia explained that the increase in the Personnel Expenses was due to the fact that this year an employee was on medical leave and was not drawing a paycheck. Next year this employee is expected to work full-time with no salary savings anticipated.

Committee Member McKinney inquired as to the Bad Debt and whether that had gone away. Mrs. Garcia explained that this is an annual item prepared that is not budgeted as it is based on multiple factors, such as how long an account has been outstanding.

Committee Member McKinney inquired as to whether the Maintenance of Operation Equipment and the Rents & Leases accounts were the same. Mr. Riddell explained that the

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Maintenance account is related to the maintenance of the lift stations and the Rents & Leases is for the vehicles.

Committee Member McKinney inquired as to the information included from Neal Cowell. Mr. Riddell explained that the information was for the preparation of the Sanitary Sewer Management Plan (SSMP) required by the State that needed to be updated.

Council Member Jones-Cruz wanted to ensure that everyone understood the deficit within the sewer fund. Chair Dean explained that the Committee did make the recommendation last year to perform a Sewer Rate Study and that it should be completed as soon as possible.

Committee Member McKinney inquired as to the utility costs included within the Sewer Treatment budget. Mr. Riddell explained that those were the costs associated with running the plant. He also explained that Schneider Electric is currently undergoing a project that will change the way in which the water is treated and will be more efficient and provide energy savings. These savings will be used to pay the loan obtained for these improvements. Mrs. Garcia explained that the Committee will not see a budget decrease due to the energy savings since those savings will be used to make the loan payments.

(7) Water Fund

Mrs. Garcia explained that the fund would end the upcoming fiscal year with a structural surplus due to a bond that has been fully paid off and no further payments are due.

Questions arose regarding the postage charge which is a shared cost between the General Fund, Sewer Fund, and Water Fund for the mailing of utility bills.

Committee Member McKinney inquired as to the increase in Professional Services. Mr. Riddell explained that it is a report that is necessary in order for the City to be eligible to apply for future state funding.

Mrs. Garcia explained to the Committee that the Water Division was currently working on a project that would upgrade the meter reading system to a fixed system that would read meters from a central location. The RFP will be issued soon.

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(8) Neighborhood Improvement Fund

Mrs. Garcia explained that this fund is to track our code enforcement expenses. It is designed to be self-sufficient but currently it is not. The fund receives a subsidy from our General Fund. The fund receives revenue from the State for Abandoned Vehicle Abatements, fines, and through the issuance of noise permits.

A discussion ensued regarding the duties of the Neighborhood Improvement officer.

(9) Equipment Pool Fund

Mrs. Garcia explained that this was the City's vehicle maintenance fund. All costs associated with supplies and equipment necessary to maintain vehicles and equipment are funded through this account as well as the personnel costs for the City Mechanic.

Committee Member McKinney inquired as to the CNG Fueling Pump Maintenance account. Mr. Riddell explained that the funds are kept in reserve in case there is maintenance to be done on the CNG Pump. He explained that there is only one supplier in California who is available to work on the system.

Committee Member McKinney inquired as to whether it would be more efficient to have vehicles that were all either CNG or gas fueled. Mr. Riddell explained that the CNG vehicles are more environmentally friendly but there is only a limited amount of fueling stations throughout the State. A diesel truck is able to more efficiently tow heavy equipment that a CNG vehicle cannot.

Committee Member McKinney inquired as to the request for a forklift. Mr. Riddell explained that the current forklift is from 1967 and it has become difficult to obtain replacement parts and can be a safety issue. This equipment is used by all of the departments.

3. INFORMATIONAL ITEMS

No Informational Items.

4. COMMENTS (Informational Only – No action to be taken)

Item 4.1: Staff Comments.

Mrs. Garcia announced that the next meeting was scheduled for May 14, 2014 at 6:00 pm. The Committee will review the proposed budget to be presented

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to the City Council at their budget workshop and discuss their recommendations for Council.

Item 4.2: Council Liaison Comments.

No comments.

Item 4.3: Committee Member Comments.

Committee Member McKinney expressed his appreciation for the work done.

5. ADJOURNMENT

Motion to adjourn meeting at 7:43 pm by Committee Member McKinney, 2nd by Committee Member Figueroa.

Vote: 4 Ayes 0 Nays 0 Abstentions

Motion Passes 4 - 0

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