CITY COUNCIL / LRA BOARD

Mayor/Chair
Richard D. O'Brien
Council/Authority Members
District 1 - Luis Uribe
District 2 - Rachel Hernandez
District 3 - Leanne Jones Cruz
District 4 - Darlene Barber-Martinez

CITY OF RIVERBANK

Regular City Council and Local Redevelopment Authority Board Meetings
Council Chambers, 6707 Third St.
Suite B
Riverbank, CA 95367

choose civility

AMENDED AGENDA

(ADDED ATTACHMENTS TO ITEM 12.1)

TUESDAY, FEBRUARY 28, 2023 – 6:00 P.M.

(THE AGENDA PACKET IS ONLINE AT HTTP://WWW.RIVERBANK.ORG/AGENDACENTER)

1. CALL TO ORDER

2. FLAG SALUTE

3. INVOCATION

4. ROLL CALL

5. AGENDA CHANGES

6. 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.

7. PRESENTATIONS (Informational only)

Item 7.1 **Presentation – Stanislaus Arts Council- Heartland Creative Corps Grant Program-** It is recommended that the City Council receive a presentation from Austin Romito, Project Manager with Stanislaus Arts Council.

8. 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 3 minutes (or as stated by the presiding Officer)** and time cannot be yielded to another person**.** Under State Law, matters presented during the public comment period cannot be discussed or acted upon.

Refer to the last page of this agenda for the Public Comment Procedures via ZOOM.

9. 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 requested by an individual Council/Authority Member or member of the public for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by motion of the City Council/LRA Board.

Item 9.1 Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Any documents that are not privileged or part of a Closed Session provided to a majority of the City Council/LRA Board after distribution of the agenda packet, regarding any item on this agenda, will be made available for public inspection at the City Clerk's Office 6707 Third St., Suite A, Riverbank.

10. PUBLIC HEARING

*The Public Notice for **Item 10.1** and **LRA Item 10.2** was published on February 15, 2023 in the Riverbank News.*

Item 10.1 **A Resolution Approving the Fiscal Year 2022-23 Mid-Year Budget Amendments**- It is recommended that the City Council consider approval of the Fiscal Year 2022-23 Mid-Year Budget Amendments.

LRA Item 10.2 **A Resolution Approving the Local Redevelopment Authority (LRA) Fiscal Year 2022-2023 Mid-Year Budget Amendments**- It is recommended that the Local Redevelopment Authority ("LRA") Board of Directors ("Board") accept and adopt the attached resolution approving mid-year budget adjustments to the Fiscal Year ("FY") 2022/2023 Local Redevelopment Authority Budget.

11. NEW BUSINESS

Item 11.1 **A Resolution Approving the Amendments to the Memorandum of Understanding Between the City of Riverbank and Cary Pope (DBA Ammo Plant Management, Inc.) Relating to the Ward Villas Affordable Housing Project-** It is recommended that the City Council consider adopting a Resolution that will amend the existing Memorandum of Understanding between the City and Cary Pope (DBA Ammo Plant Management, Inc.) for the Ward Villas Affordable Housing Project

12. WORKSHOPS

Item 12.1 **Yard Regulations Workshop-** It is recommended that City Council listen to the presentation, take public comment, and provide staff direction.

13. COMMENTS/REPORTS

A brief report on notable attendance of a meeting or conference or other notable topics of City business shall be made. The Brown Act does not allow for discussion or action of items by the City Council/LRA Board during this time.

Item 13.1 Staff

Item 13.2 Council/Authority Member

Item 13.3 Mayor/Chair

14. CLOSED SESSION

The public will have a limit of **3 minutes** to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing to Closed Session.

Item 14.1 **CONFERENCE WITH LEGAL COUNSEL- POTENTIAL LITIGATION**
(Pursuant to Government Code § 54956.9)
Number of Cases: 1 Potential Case

15. REPORT FROM CLOSSED SESSION

Item 15.1 Report from Closed Session **Item 14.1**
CONFERENCE WITH LEGAL COUNSEL- POTENTIAL LITIGATION
(Pursuant to Government Code § 54956.9)
Number of Cases: 1 Potential Case

16. ADJOURNMENT

- The next regular City Council meeting will be on March 14th, 2023 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 at the meeting location, on the North City Hall public exterior bulletin board, South City Hall public exterior Bulletin, Riverbank Community Center exterior bulletin, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act. Posted this 23rd Day of February, 2023 /s/ *Gabriela Hernandez, City Clerk*

ADA COMPLIANCE STATEMENT

In compliance with the Americans with Disabilities Act, and the Governor's Executive Order N-29-20, the City will make every effort to make reasonable modifications or accommodations from individuals with disabilities. Contact the Administration Dept. at (209) 863-7122 or the City Clerk at cityclerk@riverbank.org at least (48) hours prior to the meeting to enable the City to make reasonable arrangements for accessibility.

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.

TELECONFERENCE/VIRUAL PLATFORM PUBLIC PARTICIPATION COMMENT PROCEDURES FOR CITY COUNCIL MEETING HELD IN CONFORMANCE WITH THE BROWN ACT

PUBLIC "LIVE" VIEWING

- Government Channels: Charter– 2 and AT&T U-VERSE – 99
- YouTube Live – City of Riverbank
- Via ZOOM Platform (See instructions below)

SUBMITTING PUBLIC COMMENTS FOR THE RECORD

Written comments must be received before 4:00 p.m. on the date of the meeting in order for them to be distributed to the Council prior to consideration of the matter. Written comments will not be read aloud at the meeting, but will be reported as received for the record. If you do not receive an acknowledgement of receipt within an hour of submission or by 5:00 pm, please call the City Clerk's Office at (209) 863-7198 or the Administration Dept. at (209) 863-7122.

ACCEPTABLE METHODS OF SUBMITTING COMMENTS BEFORE THE 4:00 PM DEADLINE

- **Via Mail Service:** Mail comments to City of Riverbank, Attn. City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367. (Call 209-863-7198 / 209-863-7122 to ensure they were received.)
- **Via Email: Mail to cityclerk@riverbank.org** ***(Note: This technology is not a guaranteed method.)***
  - Indicate Agenda Item # in the ***subject line***. (Call 209-863-7198 /209-863-7122 to ensure receipt)

- **Oral Comments In-Person:** The Mayor will ask the public if anyone wishes to comment, at that time you may approach the podium.
- **Oral Comments Via Zoom:** The Mayor will announce when public comments may be made for a limit of 3 minutes on the agenda item being considered, at which time you will:
  (please make sure the volume on your video device or any nearby device is turned down.)
  - Using a computer – click on the "raise hand" feature in the webinar controls. This will alert staff that you wish to speak, and you will be unmuted.
  - Using a Phone – press ***9** to "raise the hand". This will alert staff that you wish to speak, and you will be unmuted.

Teleconference Phone Number (This system is a backup for ZOOM technical difficulties only when providing oral comments.) If there are technical difficulties or disconnection with ZOOM while making oral comments, please immediately call the teleconference phone number (209) 863-7151 so that Council may receive your comments. Council will be waiting for your call. Thank you

JOIN THE MEETING VIA ZOOM PLATFORM

Join by this link: https://us02web.zoom.us/j/89944541462

- Join by accessing website: https://zoom.us/join , enter **Webinar ID: 899 4454 1462**
- Join by telephone:**1 669 444 9171 OR 1 669 900 9128, plus Webinar ID: 899 4454 1462**

Learn about using ZOOM - Visit https://zoom.us/j/94943925973?status=success for a free account or to download the app.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 7.1

SECTION 7: PRESENTATIONS

Meeting Date:	**February 28, 2023**
Subject:	**Presentation – Stanislaus Arts Council- Heartland Creative Corps Grant Program**
From:	**Marisela H. Garcia, City Manager**
Submitted by:	**Gabriela Hernandez, City Clerk**

RECOMMENDATION

It is recommended that the City Council receive a presentation from Austin Romito, Project Manager with Stanislaus Arts Council.

SUMMARY:

The Stanislaus Arts Council is providing over $1 million in grants for artists and arts organizations whose work impacts our region to increase awareness of the power of art within our community. The Heartland Creative Corps grant program is designed to support the lives of artists whose projects relate to one of four focus areas: Public health awareness messages to stop the spread of COVID-19, Public awareness related to water and energy conservation, climate mitigation, and emergency preparedness, relief, and recovery, Civic engagement, including election participation, Social justice and community engagement.

Applications are open from February 15 - April 15, 2023. Anyone interested can learn more and apply by visiting the website: stanislausarts.org / info@stanislausarts.org.

FINANCIAL IMPACT

There is no financial impact with the report.

ATTACHMENTS

1. Flyer

ATTACHMENT 1

we heART the arts.

Arts funding is coming to Stanislaus County.

The Stanislaus Arts Council is providing **over $1 million in grants** for artists and arts organizations whose work impacts our region to increase awareness of the power of art within our community. The Heartland Creative Corps grant program is designed to support the lives of artists whose projects relate to one of four focus areas:

- Public health awareness messages to stop the spread of COVID-19
- Public awareness related to water and energy conservation, climate mitigation, and emergency preparedness, relief, and recovery
- Civic engagement, including election participation
- Social justice and community engagement

Applications Open: February 15 - April 15, 2023

LEARN MORE & APPLY TODAY:

stanislausarts.org / info@stanislausarts.org

STANISLAUS ARTS COUNCIL

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RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.1

SECTION 9: CONSENT CALENDAR

Meeting Date:	**February 28, 2023**
Subject:	**Waiver of Readings**
From:	**Marisela H. Garcia, City Manager**
Submitted by:	**Gabriela Hernandez, City Clerk/LRA Secretary**

RECOMMENDATION

It is recommended that the City Council / LRA Board approve the waiver of readings of any proposed ordinances and resolutions for consideration, except by title.

SUMMARY

In lieu of reading the entire text of a proposed ordinance or resolution that is introduced for consideration for adoption and approval, by majority vote, the City Council/LRA Board may waive the reading of the text and introduce the ordinance or resolution by title only for the record.

The full text of the proposed ordinances and resolutions, and any related documents that are part of the agenda packet, are available for review by the public on the City's website and in the City Clerk's office at City Hall (North) upon distribution to a majority of the City Council/LRA Board; typically 72 hours prior to the scheduled date and time of the meeting.

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. 10.1

SECTION 10: PUBLIC HEARING

Meeting Date:	**February 28, 2023**
Subject:	**Resolution Approving the Fiscal Year 2022-23 Mid-Year Budget Amendments**
From:	**Marisela H. Garcia, City Manager**
Submitted by:	**Tammy Alcantor, Assistant City Manager/Finance Director**

RECOMMENDATION

It is recommended that the City Council consider approval of the Fiscal Year 2022-23 Mid-Year Budget Amendments.

SUMMARY

The Finance Department has performed a mid-year review of the Fiscal Year 2022-23 budget and is recommending the following: 1) budget amendments based on actual beginning reserve changes and, 2) amendments based on revenue and expenditure trends and department requests.

BACKGROUND

On June 28, 2022 the City Council adopted the FY 2022-23 Annual Operating Budget. This operating budget was prepared using estimates and projections on anticipated revenues and expenditures and was the result of the collaboration of all of the City's departments. For the General Fund, the City Council approved a budget reflecting a structural deficit where expenditures were projected to exceed revenues by $455,414 and was projected to end with a reserve of 33%.

An important component of a mid-year budget evaluation is determining whether projections made during the budget adoption continue to remain true as revenues are received and expenditures have been incurred. In addition, new information that is received from Stanislaus County and/or the State of California is reviewed for its potential impact to the City's budget and amendments are requested accordingly.

The following is a **major** fund analysis of recommended adjustments to revenues and expenditures highlighting those changes that are of significant impact to the budget. A detailed listing of all funds and accounts being adjusted is attached as Exhibit A.

General Fund (Fund 101)

Revenues

The mid-year review of all General Fund revenues resulted in a recommended net increase of **$563,274, the majority of which represents an increase in Sales Tax Revenue**. Significant adjustments were made to the following revenue sources:

Account	Adjustment	Reasoning
Property Tax Current Secured	$100,000	Increase based on actual assessed values.
Sales Tax	$200,000	Increase in taxable retail activities
VLF Swap Property Tax	$175,000	Increase based on actual assessed values.
Franchise Fees	$20,000	Increase based on current revenue trend.
Plan Check Fees	$20,000	Increase based on current revenue trend.
Transfers In/Mgmnt Fees	$38,374	Increased based on personnel changes/updates

Expenditures

Expenditure reviews consisted of evaluating all accounts to ensure that the original budget would be sufficient to meet anticipated expenditures through the end of the fiscal year. When evaluating accounts Finance has taken into consideration new information affecting expenditures as well as spending trends. This mid-year evaluation (review) has resulted in a recommended net increase in expenditures for the General Fund of **$388,652**.

Only Major expenditure adjustments over $10,000 or staffing-related adjustment are reflected below, please see Exhibit A for additional recommended adjustments:

Department	Adjustment	Reasoning
City Council	$11,000	Additional cost for Centennial Events
Finance	$50,000	Collections backlog on closed accounts due to COVID
Building	-$70,000	Salary savings for an unfilled position
	+$20,000	Increase use of outside consultants
Building Maintenance	+$14,600	Increase for emergency sewer repairs at City Hall South
Admin Services	-$20,000	Elections cost less than budgeted
Police Services	+$125,000	Increase to contract cost

Storm Water Admin	+$140,000	Subsidy to the Gas Tax Fund for Operations (MOE Allocation)
	+$13,000	Increase cost of equipment rental
Parks	$0	Salary Request reallocated to personnel cost for hired Parks Maintenance Worker and part-time staff.

With the approved amendments, the General Fund is anticipated to end this fiscal year with a reserve of 40% or approximately $5.6 million. An adjustment of +$1,300,000 has been reflected to the General Fund's Beginning Reserve. This increase was due to continued increases in Sales Tax, planning fees, savings in multiple department expenditures for unexpended personnel cost, and unexpended sheriff contract cost. However, the fund continues to experience a structural deficit with expenses outpacing revenues.

The General Fund reserve as of June 30, 2023, will be as follows:

Beginning Reserve Amended 07/1/2022	$6,105,506
Amended Revenues	$13,511,614
Amended Expenditures	$14,018,516
Anticipated Ending Reserve 06/30/2023	**$ 5,598,605(40%)**
Structural Deficit	**$506,902**

General Fund Analysis

The City must take into consideration the continued increase in expenditures, particularly the CalPERS Unfunded Liability which is projected to increase by almost $2 million by 2026.

Staff continues to recommend that the City Council consider appropriating a portion of the reserve to mitigate the impact of future expenditures (i.e. economic impacts such as COVID, unfunded liability, or capital needs).

Gas Tax Fund (Fund 102)

The Gas Tax Fund receives revenues from a variety of Highway User Taxes collected from the State of California via vehicle fuel purchases. Revenues may only be used to fund Street & Roads related maintenance and project expenses.

Revised revenue projections for the City's Gas Tax Revenues have been received from the State of California. Updated projections are based on the increase in fuel prices experienced and the annual inflationary adjustment to all per-gallon fuel excise taxes. This will result in a decrease of **$133,707** being received by the City in Gas Tax and SB1 Funding for projects. The General Fund subsidy has been adjusted to reflect the loss of revenue.

Expenditures remain steady for the Gas Tax Account which funds important services such as street maintenance repairs, street sweeping, and street light utilities. Expenditure increases are recommended in the Gas Tax Fund for the new vehicle leases through Enterprise including some one-time costs. A net increase of $36,300 in expenses has been projected for this mid-year revision.

The Gas Tax Fund reserve as of June 30, 2023, will be as follows:

Beginning Reserve 07/1/2022 Amended	**$196,422**
Amended Revenues	$1,685,021
Amended Expenditures	$2,267,198
Anticipated Ending Reserve 06/30/2023	**($385,755) (17%)**

Gas Tax Fund Analysis

Unfortunately, operating expenses in this fund continue to outpace the operating Gas Tax Revenues that are received by the city. For this fiscal year, the City's General Fund will need to subsidize expenditures by approximately $219,800 in order to ensure that there are sufficient funds to continue maintaining our streets to the highest level possible. For FY 2023-24, the City will be recommending a possible decrease in services in order to avoid the need for further subsidies.

It is important to note, that Reserve funds in the Gas Tax Fund account reflect balances held from the SB1-Road Maintenance and Rehabilitation Account received from the State of California. These funds are allocated by the City Council via the approval of the SB 1 Expenditure List that is presented to the Council on an annual basis. It is normal for this fund to run a deficit as revenues are collected in one fiscal year and projects are completed in another.

Sewer Fund (Fund 106)

The Sewer Fund is a business-type account that has been established to fund the necessary maintenance and improvements of the sewer collection and sewer treatment systems. Revenues are received through user fees from residential, commercial, and industrial entities and may only be used for sewer-related expenditures.

The Sewer Fund beginning reserve projection is being amended to $8,033,598. A significant portion of this reserve is related to Sewer Collection improvements that will be made in future years.

Sewer revenue projections for the current fiscal year have been increased by $1,376,617 which includes $132,469 from a Water Recycle Grant and bond funds of $1,201,148 for the SiteLogiQ for the energy efficiency project.

Sewer Expenditures were increased by $1,322,548 which includes the energy efficiency project cost of $1,201,128, increases for professional service cost, additional cost for the communications upgrade project, vehicle leases, and bad debt from uncollectable utility accounts.

Overall, the Sewer Fund is anticipated to end with a reserve of over 100% providing funds for future projects and addressing deferred maintenance. **Future years are anticipated to continue reflecting a structurally balanced budget for operations**.

In summary, the Sewer Fund is anticipated to end as follows:

Beginning Reserve Amended 07/1/2022	**$8,033,598**
Estimated Revenues	$6,499,278
Estimated Expenditures**	$6,270,670
Anticipated Ending Reserve 06/30/2023	**$8,262,206 (132%)**

Water Fund (Fund 114)

The Water Fund is a business-type account that has been established to fund the necessary maintenance and improvements of the water distribution system. Revenues are received through user fees from residential, commercial, and industrial entities and may only be used for water-related expenditures.

The Fiscal Year 2022-23 beginning reserve is being adjusted to $2,814,686. This operating reserve is available for annual ongoing maintenance and operations costs of the Water utility fund.

Overall, the Water Fund is anticipated to end with a reserve of 38% providing funds for future projects and addressing deferred maintenance. For this Fiscal Year the Water Fund continues to run a structural deficit based on original revenue projections. Other than the Water Meter Project, the City has been unable to perform any other Capital Improvement Projects listed in the adopted Five-Year Rate Study due to the postponement of consumption billing. As the City continues to collect funds from consumption billing, it is anticipated that a Capital Reserve can be established to begin addressing the projects anticipated in the Study.

Water Revenues were slightly adjusted for some additional inspection fees. Expenditures were adjusted for the retirement of personnel and hiring of new personnel with and overall result of a decrease to expenditures of ($141,810).

In summary, the Water Fund is anticipated to end the 2022-23 fiscal year as follows:

Beginning Reserve Amended 07/1/2022	**$2,814,686**
Estimated Revenues	$3,251,549
Estimated Expenditures	$4,390,885
Anticipated Ending Reserve 06/30/2023	**$1,673,350 (38%)**

Public Benefit Fund (Fund 230)

In June 2018, the City Council authorized the creation of the Public Benefit Fund. The intent of the fund was to ensure that all cannabis-related revenues were segregated and easily accounted for in a specific fund. In addition to establishing the fund, the City Council developed an expenditure policy which was focused on allocating the funds received for public safety (including police and code enforcement) and other projects that would provide a public benefit, including recreation.

This fund accounts for cannabis revenue which have come directly from the Development Agreements between the City and three cannabis-related businesses in the City. Currently only two of the cannabis-related business are operating.

Ongoing costs include the funding of a Sheriff Deputy & Community Resource Officer, leasing of the camera system, and a Neighborhood Improvement Officer position.

For the current fiscal year, the Public Benefit fund status as of June 30, 2023 is as follows:

Beginning Reserve Amended 07/1/2022	**$1,452,903**
Estimated Revenues	$377,000
Estimated Expenditures	$529,870
Anticipated Ending Reserve 06/30/2022	**$1,300,033 (245%)**

There was only one adjustment to the revenues and that was a decrease of $100,000 from Canna+Rise based on recent decreases in their sales and changes to their operations.

Public Benefit Fund Analysis

As Development Agreements are re-negotiated there is an impact to revenues that must be taken into consideration. With fixed costs such as the camera project monthly fee and funding for two law enforcement officers, and a Neighborhood Improvement Officer it is important to consider that the City should designate portions of the reserve to ensure continued funding for these ongoing costs.

Future impacts to the fund include:

1. The City has approved a fourth Development Agreement with DT California, LLC (DBA: Aeriz) which has proposed a project to be located at the current Cannery site. Aeriz has requested an amendment to its Development Agreement which will impact future revenues if approved.

2. Perfect Union dispensary has been in contact with staff indicating a plan to reopen their retail location. A date has not been confirmed at this time.

OTHER FUND ACTIVITY

As part of the developer agreement for Crossroads West Subdivision the City is obligated to drill a test well. Staff has included a request of $465,000 from the System Development fees for this project.

CONCLUSION

The mid-year budget review is an opportunity for the City Departments to revisit their initial budgets and recommend adjustments based on actual activity that is occurring or on activity that is anticipated to occur. Therefore, it is recommended that the City Council approve the mid-year budget amendments as presented in Exhibit A.

FINANCIAL IMPACT

Fund	Net Revenue Adjustment	Net Expenditure Adjustment
General Fund	+$563,274	+$388,652
Gas Tax Fund	+$7,293	+$36,278
Sewer Fund	+$1,376,617	+$1,356,148
Sewer Capital Improvement Fund	+$21,700	$0
Water Fund	+$6,000	-$141,810
Neighborhood Improvement Fund	+$2,000	+$5,950
Community Center Fund	+$10,000	+$11,000
Fleet Services Fund	$0	+$2,000
Recreation Fund	+$1,000	+$1,000
Workers' Comp Liability Fund	+$29,300	$0
Water Connection Fee Fund	-$45,000	$0
Sewer Connection Fee Fund	-$30,000	+$68,000
Sys Dev Fees -Streets/Pub Wrks	$0	+$4,026
Sys Dev Fees – Water	$0	+$465,000
Public Benefit Fund	-$100,000	$0

STRATEGIC PLAN

In August 2021, the City Council established a Strategic Plan Goal to “Ensure Financial Stability”. This report addresses this matter.

ATTACHMENT

1. Resolution
2. Exhibit A: FY 2022-23 Mid-Year Budget Adjustments

CITY OF RIVERBANK

RESOLUTION 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK APPROVING THE FISCAL YEAR 2022-2023 MID-YEAR BUDGET AMENDMENTS

THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS THE "CITY COUNCIL") DOES HEREBY RESOLVE THAT:

WHEREAS, as part of the mid-year budget review, staff has projected that all reserve accounts will remain within or above the parameters as initially forecast; and,

WHEREAS, certain critical needs for personnel, supplies, programs, and equipment have arisen in certain operational areas; and,

WHEREAS, to satisfactorily meet all current needs of the City, it is recommended that the adjustments presented in Exhibit A: FY 2022-2023 Mid-Year Budget Adjustments be approved.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby authorizes the budget adjustments presented in Exhibit A: FY 2022-2023 Mid-Year Budget Adjustments to satisfactorily meet the needs of our residents.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 28th day of February, 2023; motioned by Councilmember ______, seconded by Councilmember ______, and upon roll call was carried by the following vote of ___:

AYES:
NAYS:
ABSENT:
ABSTAIN:

ATTEST:	**APPROVED:**
______________________	______________________
Gabriela Hernandez **City Clerk**	**Richard D. O'Brien** **Mayor**

Attachments: Exhibit A – Mid Year Budget Adjustments

EXHIBIT A: FY 2022-23 Mid-Year Budget Adjustments

Fund	Account	Account Name	Amendment Justification	Amendment	Budget Original	Budget Amended
101: General Fund						
Revenues	100-000.000-400.010	Property Tax Current Secured	Increase in revenues based on actual Assessed Value	100,000	1,406,100	1,506,100
	101-000.000-400.050	Sales Tax	Increase in revenues with increase in retail activities	200,000	4,700,000	4,900,000
	101-000.000-400.190	VLF Swap - Property Tax	Increase in revenues based on actual Assessed Value	175,000	2,250,000	2,425,000
	101-000.000-600.000	Franchise Fees - Garbage	Increase in revenues based on current trend.	20,000	330,000	350,000
	101-000.000-600.090	Plan Check Fees	Increase in revenues based on current trend.	20,000	75,000	95,000
	101-000.000-600.160	Misc. Current Services	Increase in revenues based on current trend.	2,800	200	3,000
	101-000.000-664.000	Interest Income	Increase in revenues based on current trend.	4,000	15,000	19,000
	101-000.000-665.020	Electronic Sign Rental Revenue	Increase in revenues based on current trend.	3,100	7,500	10,600
	101-000.000-699.000	Transfers In	Based on personnel changes/corrections	38,374	2,466,340	2,504,714
	Net General Fund Revenue Adjustments			**$ 563,274**	**$ 11,250,140**	**$ 11,813,414**
General Fund Expenditure Amendments						
City Council	101-401.000-706.034	Centennial Celebration	Increase in event cost	11,000	28,000	39,000
	101-401.000-706.056	State/County Fees	Increase cost for Property Tax additional property	7,000	27,000	34,000
City Manager	101-402.000-708.008	Health Dental Vision Insurance	Mid-Year personnel formula error correction	3,500	3,600	7,100
Finance	101-403.000-703.024	Postage	Increase postage cost and mailings	2,000	12,000	14,000
	101-403.000-706.999	Bad Debts	Closed accounts to collections backlog from COVID Years	50,000	0	50,000
	101-403.000-708.006	PERS Retirement	Mid-year personnel corrections	4,000	123,300	127,300
	101-403.000-708.008	Health Dental Vision Insurance	Mid-year personnel corrections	8,800	53,000	61,800
	101-403.000-708.012	Deferred Compensation	Mid-year personnel corrections	2,900	13,800	16,700
Planning	101-405.000-701.003	Personnel Overtime	Increase based on current trends	150	0	150
	101-405.000-708.006	PERS Retirement	Mid-year personnel corrections	2,300	72,700	75,000
	101-405.000-708.012	Deferred Compensation	Mid-year personnel corrections	800	4,200	5,000
Building	101-406-000-701.001	Personnel Overtime	Increase based on current trends	2,500	2,000	4,500
	101-406.000-701.080	Salary Request	Decrease salary request for position backfill not expected to be completed before year end	(70,000)	110,000	40,000
	101-406.000-702.032	Professional/Special Service	Increase use of outside consultants	20,000	25,000	45,000

EXHIBIT A: FY 2022-23 Mid-Year Budget Adjustments

Fund	Account	Account Name	Amendment Justification	Budget Amendment	Budget Original	Budget Amended
Building Maintenance	101-407.000-706.056	State/County Fees	Increase of property tax expense	700	2,600	3,300
	101-407.000-707.002	Capital Expenditures	Scout Hall Roof Repair and Museum Flooring cost increase	800	17,500	18,300
	101-407.000-707.003	Equipment/Projects	Increase for emergency sewer repairs	14,600	9,500	24,100
	101-406.000-708.006	PERS Retirement	Mid-year personnel corrections	3,100	64,000	67,100
	101-406.000-708.008	Health Dental Vision Insurance	Mid-year personnel corrections	5,600	58,200	63,800
	101-406.000-708.012	Deferred Compensation	Mid-year personnel corrections	3,300	3,900	7,200

Fund	Account	Account Name	Amendment Justification	Amendment	Original	Amended
Admin Services	101-408.000-702.032	Professional/Special Service	Annual Increase in IT Contract	1,600	98,700	100,300
	101-408.000-706.014	Misc Personnel Expense	Addition of Bilingual testing	1,500	2,500	4,000
	101-408.000-706.037	Conferences & Meetings	Increase additional training and conferences	3,500	4,000	7,500
	101-408.000-706.066	Elections	Elections cost less than expected	(20,000)	30,000	10,000
	101-408.000-708.006	PERS Retirement	Mid-year personnel corrections	1,335	82,465	83,800
	101-408.000-708.010	Self Ins. Premium	Mid-year personnel corrections	(767)	54,667	53,900
	101-408.000-708.012	Deferred Compensation	Increase based on new MOU contracts	4,500	5,900	10,400

Fund	Account	Account Name	Amendment Justification	Amendment	Original	Amended
Police Department	101-409.000-702.060	Contract Sheriff Services	Increase in contract cost	125,000	4,886,887	5,011,887
	101-409.000-704.022	Communications	Increase based on additional Internet Services	1,500	1,000	2,500

Fund	Account	Account Name	Amendment Justification	Amendment	Original	Amended
Animal & Code Control	101-411.000-999.000	Transfers Out	Increase subsidy Fund 117 Code Enforcement	3,950	108,800	112,750

Fund	Account	Account Name	Amendment Justification	Amendment	Original	Amended
Development Services Administration	101-412.000-701.001	Personnel Regular	Based on PW Director Retirement and new PW Director	8,900	524,100	533,000
	101-412.000-704.022	Communications	Correction to budget	4,500	0	4,500
	101-412.000-706.028	Small Tools	Additional tools for construction inspector to complete job duties efficiently.	1,500	600	2,100
	101-412.000-708.005	Medicare	Based on personnel changes	100	7,600	7,700
	101-412.000-708.006	PERS Retirement	Based on personnel changes	5,500	119,100	124,600
	101-412.000-708.008	Health Dental Vision Insurance	Based on personnel changes	1,300	93,300	94,600
	101-412.000-708.010	Self Ins. Premium	Based on personnel changes	1,400	79,800	81,200
	101-412.000-708.012	Deferred Compensation	Based on personnel changes	2,800	8,200	11,000

Fund	Account	Account Name	Amendment Justification	Amendment	Original	Amended
Storm Water Admin	101-413.000-702.031	Rents & Leases	Increase cost for equipment rental	13,000	12,000	25,000
	101-413.000-702.032	Professional/Special Services	Additional expense to revise Spill Emergency Response Plan based on new State requirements	5,644	22,400	28,044
	101-413.000-706.029	Main. of Bldg/Structures/Grds	Increase based on current trends	750	1,500	2,250
	101-413.000-999.000	Transfers Out	Subsidy Streets /Gas Tax Operations	140,000	79,800	219,800

EXHIBIT A: FY 2022-23 Mid-Year Budget Adjustments

Fund	Account	Account Name	Amendment Justification	Amendment	Budget Original	Budget Amended
Parks	101-414.000-701.001	Personnel Regular	Hired a Parks Maintenance Worker	50,590	270,110	320,700
	101-414.000-701.002	Personnel Part-time	Move funds from Salary request 701.080	5,000	52,380	57,380
	101-414.000-701.003	Personnel Overtime	Move funds from Salary request 701.080	2,000	2,500	4,500
	101-414.000-701.004	Standby Pay	Increase based on new MOU contract	2,500	2,500	5,000
	101-414.000-701.080	Salary Request	Staff hired split into personnel cost items	(102,000)	102,000	0
	101-414.000-706.038	Staff Development	Additional training for park maintenance personnel	1,000	4,000	5,000
	101-414.000-706.073	Uniforms & Rags	Increase for additional uniform cost for new personnel	600	3,800	4,400
	101-414.000-706.081	DownTown& Water Fall Maint	Increase maintenance cost irrigations/trees	1,500	2,500	4,000
	101-414.000-707.003	Equipment/Projects	Increase for trailer hitches & tool boxes for new trucks	2,500	8,000	10,500
	101-414.000-708.005	Medicare	Hired a Parks Maintenance Worker	800	3,900	4,700
	101-414.000-708.006	PERS Retirement	Hired a Parks Maintenance Worker	12,600	60,200	72,800
	101-414.000-708.008	Health Dental Vision Insurance	Hired a Parks Maintenance Worker	18,700	73,000	91,700
	101-414.000-708.009	National Retirement	Hired a Parks Maintenance Worker	4,700	18,900	23,600
	101-414.000-708.010	Self Ins. Premium	Hired a Parks Maintenance Worker	7,600	40,800	48,400
	Net General Fund Expenditure Adjustments			**$388,652**	**$7,498,209**	**$7,886,861**

Net General Fund Revenue Adjustments	**$ 563,274**
Net General Fund Expenditure Adjustments	**$388,652**
Net Effect to the General Fund Reserve	**$174,622**

EXHIBIT A: FY 2022-23 Mid-Year Budget Adjustments

Fund	Account	Account Name	Amendment Justification	Budget Amendment	Budget Original	Budget Amended
102: Gas Tax Fund						
Revenues	102-000.000-400.140	State Gas Tax 2106	Decrease based on revised State estimates	(6,446)	97,207	90,761
	102-000.000-400.150	State Gas Tax 2107	Decrease based on revised State estimates	(42,697)	222,022	179,325
	102-000.000-400.170	State Gas Tax 2105	Decrease based on revised State estimates	(12,821)	162,516	149,695
	102-000.000-400.175	State Gas Tax 2103	Decrease based on revised State estimates	(35,132)	248,086	212,954
	102-000.000-600.050	SB1-RMRA Revenue	Decrease based on revised State estimates	(36,111)	574,175	538,064
	102-000.000-664.000	Interest Income	Increase based on current revenue trends	500	250	750
	102-000.000-699.000	Transfers In	Increase from General Fund subsidy	140,000	363,272	503,272
	Net Gas Tax Fund Revenue Adjustments			**7,293**	**1,667,528**	**1,674,821**
Expenditures	102-418.000-701.003	Personnel Overtime	Unanticipated Cost storm coverage	7,000	7,000	14,000
	102-418.000-701.004	Standby Pay	Increase based on new MOU contracts	6,000	16,000	22,000
	102-418.000-702.031	Rents & Leases	Increase due to Enterprise Vehilce leases with one-time costs	18,000	2,000	20,000
	102-418.000-708.012	Deferred Compensation	Increase based on new MOU contracts	3,000	6,300	9,300
	102-418.000-708.006	PERS Retirement	Mid-year Personnel projections corrections	1,900	68,500	70,400
	102-418.000-999.000	Transfers Out	Based on personnel changes/corrections	378	42,633	43,011
	Net Gas Tax Fund Expenditure Adjustments			**36,278**	**142,433**	**178,711**

EXHIBIT A: FY 2022-23 Mid-Year Budget Adjustments

Fund	Account	Account Name	Amendment Justification	Budget Amendment	Budget Original	Budget Amended
106: Sewer Fund						
Revenues	106-000.000-501.001	Grants	Record Water Recycle Grant	132,469	0	132,469
	106-000.000-664.000	Interest Income	Decrease based on current trends	(7,000)	10,000	3,000
	106-000.000-675.160	Industrial Permits Revenues	Increase based on current revenue trends	50,000	20,000	70,000
	106-000.000-699.000	Transfer In	Increase from Bond for Energy Efficiency Project	1,201,148	206,421	1,407,569
	Net Sewer Fund Revenue Adjustments			**1,376,617**	**236,421**	**1,613,038**
Expenditures	106-423.000-701.003	Personnel Overtime	Increase based on current trends	700	1,000	1,700
	106-423.000-701.004	Standby Pay	Increase based on new MOU contracts	2,000	15,000	17,000
	106-423.000-702.032	Professional/Special Service	Increase based on current trends	10,000	38,700	48,700
	106-423.000-706.073	Uniforms & Rags	Increased based on current trends	700	1,600	2,300
	106-423.000-706.999	Bad Debts	Closed accounts to collections backlog from COVID Years	50,000	0	50,000
	106-423.000-707.003	Equipment/Projects	Increase due project change orders for communication upgrade	35,000	340,000	375,000
	106-423.000-708.006	PERS Retirement	Mid-year Personnel changes	700	23,500	24,200
	106-423.000-708.008	Health Dental Vision Insurance	Mid-year Personnel formula corrections	18,000	27,300	45,300
	106-423.000-708.012	Deferred Compensation	Increase based on new MOU contracts	2,100	1,125	3,225
	106-423.00-999.000	Transfers Out	Based on personnel changes/corrections	13,300	1,707,797	1,721,097
	106-424.000-701.004	Standby Pay	Increase based on new MOU contracts	7,000	0	7,000
	106-424.000-702.031	Rents & Leases	Increase based on Enterprise Leased vehicles	11,200	35,000	46,200
	106-424.000-704.022	Communications	Increase based on current trends	1,700	1,700	3,400
	106-424.000-706.073	Uniforms & Rags	Increase based on current trends	1,000	2,500	3,500
	106-424.000-707.100	Energy Project- SiteLogiQ	Energy Efficiency Project	1,201,148	0	1,201,148
	106-424.000-708.006	PERS Retirement	Mid-year Personnel projections corrections	1,600	54,200	55,800
	Net Sewer Fund Expenditure Adjustments			**1,356,148**	**2,249,422**	**3,605,570**

107: Sewer Debt Service						
Revenues	107-000.000-664.000	Interest Income	Increase based on current revenue trends	3,500	400	3,900
	Net Sewer Debt Service Fund Revenue Adjustments			**3,500**	**400**	**3,900**
Expenditures	107-426.000-999.000	Transfer Out	Increase from Bond for Energy Efficiency Project transfer funds to 106	1,201,148	0	1,201,148
	Net Sewer Debt Service Fund Expenditure Adjustments			**1,201,148**	**0**	**1,201,148**

108: Sewer Capital Improvement Fund						
Expenditures	108-427.000-707.002	Capital Expenditures	Increase for Flow Study on Topeka Sewer Trunk Main	21,700	30,000	51,700
	Net Sewer Capital Improvement Fund Expenditure Adjustments			**21,700**	**30,000**	**51,700**

EXHIBIT A: FY 2022-23 Mid-Year Budget Adjustments

Fund	Account	Account Name	Amendment Justification	Amendment	Budget Original	Budget Amended
114: Water Fund						
Revenues	114-000.000-606.225	Inspection Fees	Decrease based on current revenue trends	(8,000)	8,550	550
	114-000.000-600.226	Backflow Inspections	Increase based on current revenue trends	14,000	5,000	19,000
	Net Water Fund Revenue Adjustments			**6,000**	**13,550**	**19,550**
Expenditures	114-433.000-701.001	Personnel Regular	Hired two Water Maintenance Workers 1/2023, Retirement of Water Supervisor	6,000	351,500	357,500
	114-433.000-701.004	Standby Pay	Increase based on new MOU contracts	16,000	32,000	48,000
	114-433.000-701.080	Salary Requested	Staff hired split into personnel cost items	(185,000)	185,000	0
	114-433.000-702.031	Rents & Leases	Increase based on Enterprise Leased vehicles	6,000	32,000	38,000
	114-433.000-702.034	Other Contract Services	Increase based on current expense trends	10,000	45,000	55,000
	114-433.000-706.037	Conferences & Meetings	Increase for training for existing and new staff	2,500	1,000	3,500
	114-433.000-706.056	State/County Fees	Increase in State fees	5,000	34,000	39,000
	114-433.000-706.999	Bad Debt	Closed accounts to collections backlog from COVID Years	50,000	0	50,000
	114-433.000-708.005	Medicare	Based on Personnel changes	600	3,800	4,400
	114-433.000-708.006	PERS Retirement	Based on Personnel changes	(4,900)	82,200	77,300
	114-433.000-708.008	Health Dental Vision Insurance	Based on Personnel changes	(17,500)	86,200	68,700
	114-433.000-708.009	National Retirement	Based on Personnel changes	(48,480)	23,600	(24,880)
	114-433.000-708.010	Self Ins. Premium	Based on Personnel changes	(3,800)	53,700	49,900
	114-433.000-708.012	Deferred Compensation	Increase based on new MOU contracts	1,100	7,800	8,900
	114-433.000-999.000	Transfers Out	Based on personnel changes/corrections	20,670	1,197,020	1,217,690
	Net Water Fund Expenditure Adjustments			**(141,810)**	**2,134,820**	**1,993,010**

Fund	Account	Account Name	Amendment Justification	Amendment	Budget Original	Budget Amended
117: Neighborhood Improvement Fund						
Revenues	117-000.000-655.000	Fines, Forfeitures, Penalties	Based on current revenue trends	2,000	30,000	32,000
	Net Neighborhood Improvement Fund Revenue Adjustments			**2,000**	**30,000**	**32,000**
Expenditures	117-411.000-701.003	Personnel Overtime	Based on current expense trends	750	0	750
	117-411.000-702.031	Rents & Leases	Increase based on Enterprise Leased vehicles	4,500	0	4,500
	117-411.000-708.012	Deferred Compensation	Mid-year Personnel projections corrections	700	3,900	4,600
	Net Neighborhood Improvement Fund Expenditures Adjustments			**5,950**	**3,900**	**9,850**

Fund	Account	Account Name	Amendment Justification	Amendment	Budget Original	Budget Amended
118: Community Center Fund						
Revenues	118-000.000-680.002	Contract Programs	Based on current revenue trends	10,000	8,500	18,500
	Net Community Center Fund Revenue Adjustments			**10,000**	**8,500**	**18,500**
						0
Expenditures	118-441.008-703.066	JMP Parking Expenses	Increase Part Time Personnel cost	11,000	97,000	108,000
	Net Community Center Fund Expenditure Adjustments			**11,000**	**97,000**	**108,000**

EXHIBIT A: FY 2022-23 Mid-Year Budget Adjustments

Fund	Account	Account Name	Amendment Justification	Amendment	Budget Original	Budget Amended
119: Fleet Services Fund						
Expenditures	119-442.000-708.012	Deferred Compensation	Mid-year Personnel projections corrections	2,000	0	2,000
	Net Fleet Services Fund Expenditure Adjustments			**2,000**	**0**	**2,000**
134: Recreation Fund						
Revenues	134-000.000-672.001	Pool Concessions	Based on current revenue trends	1,000	500	1,500
	Net Recreation Fund Revenue Adjustments			**1,000**	**500**	**1,500**
Expenditures	134-459.000-701.002	Personnel Part Time	Increase Part Time Staff hours to assist with programs	7,000	132,000	139,000
	134-459.000-701.080	Salary Request	Decrease position not filled utilizing agency staffing	(62,700)	92,500	29,800
	134-459.000-702.031	Rents & Leases	Increase based on Enterprise Leased vehicles	4,200	100	4,300
	134-459.000-702.032	Professional/Special Serv	Transfer budget from Salary Request(701.080) for staffing agency personnel	50,000	8,750	58,750
	134-459.000-703.027	Recreation Program Supplies	Increase in expense due to additional event	1,500	7,000	8,500
	Net Recreation Fund Expenditures Adjustments			**1,000**	**240,850**	**241,850**
137: Workers Comp Liability Fund						
Revenues	137-000.000-675.445	Premium Rebate	Rebate of previous years premium savings	29,300	67,894	97,194
	Net Workers Comp Liability Fund Revenue Adjustments			**29,300**	**67,894**	**97,194**
157: Water Connection Fee Fund						
Revenues	157-000.000-600.150	Water Connection Fees	Reduce Connection fees based on current trends	(45,000)	102,900	57,900
	Net Water Connection Fund Revenue Adjustments			**(45,000)**	**102,900**	**57,900**
158: Sewer Connection Fee Fund						
Revenues	158-000.000-660.050	Sewer Connection Fees	Reduce Connection fees based on current trends	(30,000)	82,000	52,000
	Net Sewer Connection Fund Revenue Adjustments			**(30,000)**	**82,000**	**52,000**
Expenses	158-421.000-707.003	Equipment/Projects	Increase cost of sludge removal project	68,000	206,000	274,000
	Net Sewer Connection Fund Expenditures Adjustments			**68,000**	**206,000**	**274,000**

EXHIBIT A: FY 2022-23 Mid-Year Budget Adjustments

Fund	Account	Account Name	Amendment Justification	Amendment	Budget Original	Budget Amended
205: Sys Dev Fees-Streets/Pub Wrks						
Expenses	205-000.000-999.000	Transfers Out	Based on personnel changes/corrections	4,026	33,099	37,125
	Net SDF Water Fund Expenditures Adjustments			**4,026**	**33,099**	**37,125**

Fund	Account	Account Name	Amendment Justification	Amendment	Budget Original	Budget Amended
206: Sys Dev Fees-Water						
Expenses	206-474.000-707.085	Sys Dev Water Projects	Per DA City responsible for Test Well	465,000	0	465,000
	Net SDF Water Fund Expenditures Adjustments			**465,000**	**0**	**465,000**

Fund	Account	Account Name	Amendment Justification	Amendment	Budget Original	Budget Amended
230: Public Benefit Fund						
Revenues	230-000.000-600.200	Canna+Rise Public Benefit	Decrease based on current trend	(100,000)	117,000	17,000
	Net Public Benefit Fund Revenue Adjustments			**(100,000)**	**117,000**	**17,000**

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 10.2

SECTION 10: PUBLIC HEARING

Meeting Date:	**February 28, 2023**
Subject:	**A Resolution Approving the LRA Fiscal Year 2022-2023 Mid-Year Budget Amendments**
From:	**Marisela H. Garcia, City Manager**
Submitted by:	**Cody Bridgewater, LRA Executive Director and Melissa Holdaway, Administrative Analyst II**

RECOMMENDATION

It is recommended that the Local Redevelopment Authority ("LRA") Board of Directors ("Board") accept and adopt the attached resolution approving mid-year budget adjustments to the Fiscal Year ("FY") 2022/2023 Local Redevelopment Authority Budget.

SUMMARY

The LRA has performed a mid-year review of the Fiscal Year 2022/2023 budget and is recommending amendments based on revenue and expenditure trends the first half of this budget year.

Based on this assessment, budget adjustments are proposed for the remainder of the fiscal year. These suggested changes are presented to the LRA Board for discussion, consideration, and possible amendment.

BACKGROUND

The LRA Board adopted the FY 2022/2023 preliminary proposed operating budget on June 28,2022. After a mid-year review of the budget, some fiscal assumptions have changed. An updated budget is provided with this report that shows proposed revisions to the financial plan for the remainder of the fiscal year.

After the proposed mid-year adjustments, the LRA budget will show a structural deficit of $-4,029,129. This deficit will carry over and decrease as funds become available to cover the Capital Improvement Project – Transformer Replacement in phases.

A summary of the revenue and expenditures for the LRA budget mid-year proposed changes are listed by category below:

REVENUES

Office of Economic Adjustment Grant –This grant funds a large portion of our salaries and fringe benefits, a portion of professional services (legal, engineering, and other consultant services), a portion of administrative expenses including equipment, office supplies, phones, copier costs, postage, and janitorial. This grant will continue to support the LRA until the transfer.

FY 22/2023 Preliminary Budget	FY 22/2023 Mid-year Budget	Change
$283,218	$283,218	$0

Sale of Real Property –Sale of Parcel B to Master Developer.

FY 22/2023 Preliminary Budget	FY 22/2023 Mid-year Budget	Change
$0	$1,200,000	$1,200,000

Master Developer Initial Consideration and Annual Payment –Executed in April 2022.

FY 22/2023 Preliminary Budget	FY 22/2023 Mid-year Budget	Change
$145,000	$145,000	$0

Environmental Services Cooperative Agreement (ESCA) #2.

FY 22/2023 Preliminary Budget	FY 22/2023 Mid-year Budget	Change
$379,820	$1,006,339	$626,519

EXPENDITURES

Salary/Fringe Benefits – Increases for staffing adjustments and wage and benefit increases with new labor contracts.

FY 22/2023 Preliminary Budget	FY 22/2023 Mid-year Budget	Change
$224,431	$245,067	$20,636

Administrative Expenses –Equipment, office supplies, Phones, copier, postage, janitorial, etc.

FY 22/2023 Preliminary Budget	FY 22/2023 Mid-year Budget	Change
$12,280	$12,280	$0

Legal General Municipal –Legal Services for General counsel, Aemetis CEQA, Property Transfer, etc.

FY 20/2021 Preliminary Budget	FY 20/2021 Mid-year Budget	Change
$100,000	$100,000	$0

Legal Conveyance –Legal representation for the transfer of the Riverbank Army Ammunition Plant. The majority of funding comes from the Office of Economic Adjustment grant with a match from LRA proceeds.

FY 22/2023 Preliminary Budget	FY 22/2023 Mid-year Budget	Change
$75,000	$75,000	$0

Capital Improvement Commitment – Estimated Costs of repair/replacement of Transformers

FY 22/2023 Preliminary Budget	FY 22/2023 Mid-year Budget	Change
$0	$5,525,000	$5,525,000

ESCA Expenses – Weston Solutions and San Joaquin Engineering Services contracts Administrative costs.

FY 20/2021 Preliminary Budget	FY 20/2021 Mid-year Budget	Change
$379,820	$1,006,339	$626,519

At mid-year, there is an opportunity to assess the revenues and expenditures for the first half of the fiscal year (through December 31, 2022) and identify variances between actual transactions and estimated budget amounts that might be considered material. Based on this assessment, budget adjustments are proposed for the remainder of the fiscal year. These suggested changes are presented to the LRA Board for discussion, consideration and possible amendment.

STRATEGIC PLAN

The presentation of the LRA's mid-year budget adjustment request supports the City's mission and reinforces the City's core values of transparency and fiscal responsibility.

FINANCIAL IMPACT

LRA funds are currently generated from grants, Master Developer payments, and the ESCA. No General Fund revenues are used to operate the agency or for upkeep of the Riverbank Industrial Complex. By agreement with the Army, all revenues from the site must be reinvested in the property and used for the protection, repair, operation, and maintenance of the facilities. We will have a structural deficit that will carry over into the following fiscal year.

ATTACHMENT

1. Resolution 2023-
2. Exhibit A: Proposed Mid-Year LRA Budget

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY

RESOLUTION 2023-

A RESOLUTION OF THE LOCAL REDEVELOPMENT AUTHORITY BOARD OF THE CITY OF RIVERBANK APPROVING THE MID-YEAR BUDGET FOR FISCAL YEAR 2022-23

THE CITY OF RIVERBANK LOCAL REDEVELOPMENT AUTHORITY (HEREAFTER REFERRED TO AS THE "LRA") DOES HEREBY RESOLVE THAT:

WHEREAS, the Riverbank Local Redevelopment Authority ("LRA") acts in accordance with the Defense Base Closure and Realignment Act of 1990; and,

WHEREAS, the LRA has obtained a lease to operate and manage the 175-acre premises, including the private sector businesses leasing space on the site; and,

WHEREAS, as a condition of the lease with the Army, the LRA must obligate all of its revenues to be spent on the protection, maintenance and improvement of the facilities; and,

WHEREAS, the LRA has executed an agreement with Aemetis as the Master Developer to manage leases with said tenants and incurred obligations to expend funds in maintaining and improving the site; and,

WHEREAS the LRA is projecting financing the project in accordance with the attached budget.

NOW, THEREFORE, BE IT RESOLVED that the Local Redevelopment Authority Board of the City of Riverbank hereby approves the Mid-Year budget for Fiscal Year 2022-23 as follows:

1. Revenues are estimated to be approximately $2,934,557
2. Expenditures are estimated to be approximately $6,963,686
3. Ending balance structural deficit is estimated to be approximately $-4,029,129

PASSED AND ADOPTED by the Local Redevelopment Authority Board of the City of Riverbank at a meeting held on the 28th day of February, 2023; motioned by Authority Member ______, seconded by Authority Member ______, and upon roll call was carried by the following vote of ___:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:	**APPROVED:**
______________________________	______________________________
Gaby Hernandez **LRA Secretary**	**Richard D. O'Brien** **Chair**

EXHIBIT A

FY 2022/23 Mid Year Budget

	FY 2022-23 Proposed	FY 2022-23 Mid Year
Revenue		
OEA Grants	283,218	283,218
ESCA #2	379,820	1,006,339
Sale of Real Property		1,200,000
MDA annual payment	145,000	145,000
MDA Initial Consideration	300,000	300,000
Total Revenue	1,108,038	2,934,557
Expenditures		
Salaries/Benefits	224,431	245,067
Administrative Expenses		
Travel	0	0
Equipment	1,500	1,500
Office Supplies/Legal Ads	4,920	4,920
Phones	2,880	2,880
Copier	1,260	1,260
Postage	100	100
Janitorial	1,620	1,620
CIP - Transformer replacement/repair		5,525,000
Professional Services		
Legal - General Municipal	100,000	100,000
Legal - Conveyance	75,000	75,000
Weston Contract ESCA #2	379,820	673,311
SJES Contract ESCA #2		303,954
ESCA Admin		29,074
Total Expenditures	791,531	6,963,686
Net Revenues Less Expenditures**	316,507	-4,029,129

EXHIBIT A

	FY 2022-23 Proposed
Revenue 197	
Sale of Real Property	1,200,000
MDA annual payment	145,000
MDA Initial Consideration	300,000
Total Revenue	1,645,000
Expenditures	
Salaries/Benefits	38,961
Administrative Expenses	
Travel	0
Equipment	1,500
Office Supplies/Legal Ads	492
Phones	288
Copier	126
Postage	100
Janitorial	162
*CPI - Transformer replacement/repair***	5,525,000
Professional Services	
Legal - General Municipal	100,000
Legal - Conveyance	7,500
Total Expenditures	5,674,129
Net Revenues Less Expenditures**	-4,029,129

	FY 2022-23 Proposed
Revenue 198	
OEA Grants	283,218
Total Revenue	**283,218**
Expenditures	
Salaries/Benefits	206,106
Administrative Expenses	
Travel	0
Equipment	0
Office Supplies/Legal Ads	4,428
Phones	2,592
Copier	1,134
Postage	0
Janitorial	1,458
Professional Services	
Legal - Conveyance	67,500
Total Expenditures	283,218
Net Revenues Less Expenditures**	0

	FY 2022-23 Proposed
Revenue 199	
ESCA #2	1,006,339
Total Revenue	**1,006,339**
Expenditures	
Weston Contract ESCA #2	673,311
SJES Contract ESCA #2	303,954
ESCA Admin	29,074
Total Expenditures	1,006,339
Net Revenues Less Expenditures**	0

**Transformer replacement quote is an estimate

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.1

SECTION 11: NEW BUSINESS

Meeting Date:	**February 28, 2023**
Subject:	**A Resolution Approving the Amendments to the Memorandum of Understanding Between the City of Riverbank and Cary Pope (DBA Ammo Plant Management, Inc.) Relating to the Ward Villas Affordable Housing Project**
From:	**Marisela H. Garcia, City Manager**

RECOMMENDATION

It is recommended that the City Council consider adopting a Resolution that will amend the existing Memorandum of Understanding between the City and Cary Pope (DBA Ammo Plant Management, Inc.) for the Ward Villas Affordable Housing Project

SUMMARY

In October 2020, the City of Riverbank approved a Memorandum of Understanding with Ammo Plant Management, Inc. for the development of the Ward Villas Affordable Housing Project. Due to significant changes in the housing market, including delays related to lack of supplies and equipment needed to complete the development, the developer has been exploring options to facilitate the completion of the project. The proposed amendments will provide the developer the flexibility necessary to continue with the project.

BACKGROUND

On October 13, 2020 the City Council approved a Development Agreement with Cary Pope (DBA Ammo Plant Management, Inc.) for the development of an approved twenty-eight (28) lot single-family residential subdivision located at 2912 Ward Ave (APN 132-036-003). The project site is in Riverbank and bound by Ward Avenue to the north; Roselle Avenue to the east; Fern Court to the south; and Don Ramon Avenue to the west. The project site was vacant land except for an older residence which was demolished. The site is surrounded by developed subdivisions.

As part of our on-going desires to provide affordable housing within our city, staff and the developers discussed opportunities to provide funding that would ensure that housing prices could remain low. With that thought in mind, the City Council, during their authorization and spending plan discussion for the Permanent Local Housing Assistance (PLHA) funds, prioritized the Ward Villas affordable housing project as an eligible project that would qualify for that funding. Given that direction, staff began negotiating a Memorandum of Understanding (MOU) with Cary Pope to detail the specifics of City assistance on the project and the commitment to affordability within the project. The financial (grant related) assistance to the project provided by the City is intended to lower the overall cost for development thereby facilitating the affordability of the for purchase single family homes. This MOU was approved by the City Council on October 27, 2020.

CURRENT STATUS OF THE DEVELOPMENT

Over the past two years the developer has been working on the offsite infrastructure, such as sewer, water, streets, storm, electrical, etc. The project is paved and they are in the process of completing some final items that were identified as needing to be completed before City Council can consider accepting offsite improvements. The landscaping for the storm drain basin is currently in review and ready for installation as soon as approval is received. PG&E has coordinated the energizing of the site within 30 days. Staff is actively working with the developer to submit their Final Map for Council consideration and on the Architectural and Site Plan Review which will be presented to the Planning Commission at an upcoming meeting. Once the items are approved, the developer will move forward with construction.

PROPOSED AMENDMENTS

To continue to facilitate this development, the City and Ammo Plant Management, Inc. have been discussing amendments to the original MOU. These amendments are as follows:

1. Allow for homes to be sold to residents who earn up to 120% of Area Medium Income.

   Previous agreement restricted the homes to be sold to applicants with a household income at or below 80% low to medium income levels. Unfortunately, the applicants we have received who qualify at this income level have not been able to qualify with a lender based on their debt to income ratios. In increasing the allowable income level, this would provide an opportunity for moderate income households to be eligible, including families with two working individuals.

2. Allow for the City to advance the reimbursement to the developer using other City funds, pending the approval of the State for the use of the grant funds from the Permanent Local Housing Allocation (PLHA) program.

   The City allocated three (3) years of PLHA program funds for reimbursement of the offsite improvements. The City has reimbursed 2 years and is pending approval of the third year of funding. The Developer has completed the majority of the offsite improvements and being able to advance the funds would assist with cash flow.

3. The developer shall not assign its obligations under the Agreement without the consent of the City. Any Assignments of the Agreement would bind the Assignee to all of the requirements set forth in the Agreement.

   The Developer has been discussing the possibility of partnering and/or selling this project to another developer. Should they decide to move forward, future developers would be required to conform to the regulations noted in the Agreement.

All other Terms and Conditions will remain as is.

STRATEGIC PLAN

Although not directly related to the City's Strategic Plan, this development project does help to "Promote Sustainable Development" and "…Promote Job-Housing Balance".

FINANCIAL IMPACT

There are no new financial impacts associated with the amendments to the Memorandum of Understanding. The City has committed it's remaining Low-Moderate Income Housing Funds that were remaining from the former Redevelopment Agency and three (3) years of its PLHA Funding towards this project.

ATTACHMENTS

1. Resolution
2. Memorandum of Understanding – Redline Version
3. Resolution 2020-080

CITY OF RIVERBANK

RESOLUTION 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA APPROVING THE AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF RIVERBANK AND CARY POPE (DBA AMMO PLANT MANAGEMENT, INC.) RELATING TO THE WARD VILLAS AFFORDABLE HOUSING PROJECT

THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS THE "CITY COUNCIL") DOES HEREBY RESOLVE THAT:

WHEREAS, the City of Riverbank has a long history of encouraging affordable housing development within the City of Riverbank**;** and

WHEREAS, Council has considered new and innovative ways to encourage and facilitate affordable housing projects within Riverbank**;** and

WHEREAS, on October 13, 2020 the City Council approved a Development Agreement with Cary Pope for the Ward Villas project; and

WHEREAS, when the City Council approved the PLHA spending plan it included and prioritized the Ward Villas project as eligible for funding; and

WHEREAS, On October 27, 2020 the City Council adopted Resolution 2020-080 which approved a Memorandum of Understanding between the City and Ammo Plant Management, Inc. for the development of the Ward Villas Project**;** and

WHEREAS, the Ward Villas Project has been under development for the past couple of years and has been subjected to delays due to the skyrocketing costs of construction and lack of inventory for certain supplies due to the COVID-19 pandemic**;** and

WHEREAS, the developer has been exploring options to aid in the completion of the development including the possibility of establishing a partnership with another local developer or selling the project to another developer**;** and

WHEREAS, the proposed amendments to the Memorandum of Understanding will provide the developer the flexibility necessary to continue with their project**.**

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby approve the amendments to the Memorandum of Understanding between the City and Cary Pope (DBA Ammo Plant Management, Inc.) relating to the Ward Villas Project.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 28th day of February, 2023; 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:**
________________________________	________________________________
Gabriela Hernandez **City Clerk**	**Richard D. O'Brien** **Mayor**

Attachment(s): ***Memorandum of Understanding***

ATTACHMENT 2

MEMORANDUM OF UNDERSTANDING

Ward Villas Affordable Housing Project

Purpose - The purpose of this agreement is to establish the terms of a cooperative agreement between the City of Riverbank ("the City") and developer Cary Pope (DBA Ammo Plant Management Inc.) (the "Developer") related to the development of a 28 single family unit for purchase affordable housing project located at 2912 Ward Avenue (APN 132-036-003). The City of Riverbank is providing incentives to this project to ensure that the development is sold as affordable to assist in diversifying the housing stock within Riverbank. The following outline City and Developer agreements with regard to this project:

1. In order to qualify for City assistance, the Developer shall commit to selling the homes to meet the needs of a growing workforce to applicants ~~with a household income at or below 80% low to medium income levels~~ earning up to 120 percent of Area Median Income (AMI) . If this criteria is not followed the City may revoke (and if required request repayment of) any of the assistance listed below.

2. If awarded by the State of California, the City will commit to funding $110,000 per year for a three-year period from Permanent Local Housing Allocation funds to assist with offsite infrastructure improvements needed to serve the project. These funds will only be expended on offsite infrastructure improvements in support of affordable housing. At the City's discretion, funds may be advanced pending approval of any Standard Agreements between the City of Riverbank and the State of California Department of Housing and Community Development.

~~2.~~3. Developer shall not assign any of its obligations under this Agreement without the prior written consent of City. Notwithstanding the above, all representations, covenants and warranties specifically set forth in this agreement, by or on behalf of or for the benefit of Developer or City, shall be binding upon and inure to the benefit of Developer or City, its successors and assigns.

~~3.~~4. The City will commit approximately $100,000 of leftover housing funds from the former Riverbank Redevelopment Agency to assist with offsite infrastructure improvements need to service the project.

~~4.~~5. If other affordable housing funds are available for this project (for example HOME funds) the City Council in its sole discretion may allocate additional funding for infrastructure improvements.

~~5.~~6. The City will agree to defer system development fees on the project. The fees will be placed as a lien against the property title and if sufficient equity exists when the homes are sold by the initial purchaser those funds will be remitted to the City of Riverbank and deposited into the appropriate system development fee account.

~~6.~~7. To the extent that funding exists and the applicants qualify the homebuyers may apply to be considered under the City of Riverbank First Time Homebuyers or Down Payment Assistance programs.

~~7.~~8. The City of Riverbank in its sole discretion may amend this MOU if market conditions or funding availability changes in the future.

~~8.~~9. The Developer shall execute a document to be provided by the City Attorney holding harmless and indemnifying the City related to any actions in connection with this project. Developer shall maintain occurrence version general liability insurance or an equivalent form with a limit of not less than Two Million Dollars ($2,000,000) per claim and Two Million Dollars ($2,000,000) for each occurrence.

~~9.~~10. The MOU may be signed under separate cover.

IN WITNESS WHEREOF, the Parties have entered into this Memorandum of Understanding as of the Effective Date, _______

CITY	DEVELOPER
The City of Riverbank, a California municipal corporation	Cary Pope (DBA Ammo Plant Management Inc),
By: ______________________________ Marisela H. Garcia, City Manager Date: ______________________________	By: ______________________________ Cary Pope, President Date: ______________________________
ATTEST: By: ______________________________ Gabriela Hernandez, City Clerk (CC Resolution No. 2023-XXX)	
APPROVED AS TO FORM:	

{CW125505.2}

By: __________________________________ Tom Hallinan, City Attorney	

CITY OF RIVERBANK

RESOLUTION NO. 2020-080

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF RIVERBANK AND CARY POPE (DBA AMMO PLANT MANAGEMENT INC.) RELATING TO THE WARD VILLAS AFFORDABLE HOUSING PROJECT

WHEREAS, the City of Riverbank has a long history of encouraging affordable housing development within the City of Riverbank; and

WHEREAS, Council has considered new and innovative ways to encourage and facilitate affordable housing projects within Riverbank; and

WHEREAS, the City Council has recently approved a Development Agreement with Cary Pope for the Ward Villas project; and

WHEREAS, when the City Council approved the PLHA spending plan it included and prioritized the Ward Villas project as eligible for funding; and

WHEREAS, the project developer Cary Pope (DBA Ammo Plant Management, Inc.) has requested that Council also consider use of leftover housing funds from the former Riverbank Redevelopment Agency and deferral of system development fees; and

WHEREAS, the City Attorney will review the final document and will suggest any changes to the legal language of the document, prior to execution.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby declare as follows:

1. The draft MOU, that is subject to any suggested changes by the City Attorney and the City Manager, herein referred to as **Attachment A**, is approved and authorized to be executed upon final review of the City Attorney; said final MOU will be herein incorporated as **Exhibit A** to this Resolution.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 27th day of October, 2020; motioned by Vice Mayor (CM-D1) Luis Uribe, seconded by Councilmember District 4 Darlene Barber-Martinez, and upon roll call was carried by the following City Council vote of *4-0:

AYES:	**Barber-Martinez, Campbell, Fosi, Uribe, and Mayor O'Brien**
NAYS:	**None**
ABSENT:	**None**
ABSTAINED:	**None**

ATTEST:

for **Annabelle H. Aguilar, CMC**
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

Attachment: **Attachment A: Copy of Draft MOU**
Exhibit A: Copy of Final MOU

***Councilmember District 4 Darlene Barber-Martinez recused herself due to a conflict of interest.**

MEMORANDUM OF UNDERSTANDING

Ward Villas Affordable Housing Project

Purpose - The purpose of this agreement is to establish the terms of a cooperative agreement between the City of Riverbank ("the City") and Developer Cary Pope (DBA Ammo Plant Management Inc.) related to the development of a 28 single family unit for purchase affordable housing project located at 2912 Ward Avenue (APN 132-036-003). The City of Riverbank is providing incentives to this project to ensure that the development is sold as affordable to assist in diversifying the housing stock within Riverbank. The following outline City and Developer agreements with regard to this project:

1. In order to qualify for City assistance, the developer shall commit to selling the homes to applicants with a household income at or below 80% low to medium income levels. If this criteria is not followed the City may revoke (and if required request repayment of) any of the assistance listed below.

2. If awarded by the State of California, the City will commit to funding $110,000 per year for a three-year period from Permanent Local Housing Allocation funds to assist with offsite infrastructure improvements needed to serve the project. These funds will only be expended on offsite infrastructure improvements in support of affordable housing.

3. The City will commit approximately $100,000 of leftover housing funds from the former Riverbank Redevelopment Agency to assist with offsite infrastructure improvements need to service the project.

4. If other affordable housing funds are available for this project (for example HOME funds) the City Council in its sole discretion may allocate additional funding for infrastructure improvements.

5. The City will agree to defer system development fees on the project. The fees will be placed as a lien against the property title and if sufficient equity exists when the homes are sold by the initial purchaser those funds will be remitted to the City of Riverbank and deposited into the appropriate system development fee account.

6. To the extent that funding exists and the applicants qualify the homebuyers may apply to be considered under the City of Riverbank First Time Homebuyers or Down Payment Assistance programs.

7. The City of Riverbank in its sole discretion may amend this MOU if market conditions or funding availability changes in the future.

8. The Developer shall execute a document to be provided by the City Attorney holding harmless and indemnifying the City related to any actions in connection with this project. Developer shall maintain occurrence version general liability insurance or an equivalent form with a limit of not

less than Two Million Dollars ($2,000,000) per claim and Two Million Dollars ($2,000,000) for each occurrence.

9. The MOU may be signed under separate cover.

IN WITNESS WHEREOF, the Parties have entered into this Memorandum of Understanding as of the Effective Date, 10-27-2020

CITY	DEVELOPER
The City of Riverbank, a California municipal corporation	Cary Pope (DBA Ammo Plant Management Inc),
By:	By:
Marisela H. Garcia, Interim City Manager	Cary Pope, President
Date: 10-27-2020	Date: 10-27-2020
ATTEST:	
By:	
Kathy Teixiera, Interim City Clerk	
(CC Resolution No. 2020-080)	
APPROVED AS TO FORM:	
By:	
Tom Hallinan, City Attorney	

RIVERBANK CITY COUNCIL/ LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 12.1

SECTION 12: WORKSHOP

Meeting Date:	**February 28, 2023**
Subject:	**Yard Regulations Workshop**
From:	**Marisela H. Garcia, City Manager**
Submitted by:	**Donna Kenney, Planning and Building Manager** **Joshua Jordan, JB Anderson Land Use Planning**

RECOMMENDATION

It is recommended that City Council listen to the presentation, take public comment, and provide staff direction.

BACKGROUND

The City of Riverbank is conducting a workshop to review and discuss zoning codes which permit and regulate the front and street-side yards of R-1 (Single Family Residential), R-2 (Duplex Residential), CX-1 (Mixed Use), and PD (Planned Development) zoned lots. The Downtown Specific Plan provides height limits for fences but is silent on fence locations for residential properties. Therefore, Staff refers to the underlying zoning on the zoning map and in the zoning code for these fence regulations.

Staff has been receiving citizen complaints about residents who have paved over 50% of their front yards, those who live in corner houses and have installed a second driveway using the corner handicap ramp as a driveway approach, street-side fences which have been moved into the 10 feet public utilities easement (PUE), and other such complaints which violate City codes. Staff is seeking direction from the City Council on whether or not they want to amend the zoning code.

ATTACHMENTS

1. PowerPoint Slides

City of Riverbank

Yard Regulations Workshop

City Council Meeting
February 28, 2023 at 6:00 pm

2

Summary

Review of front yard and street side setbacks, pavement, and fencing locations within the following zones:

- **Single Family Residential (R-1)**
- **Duplex Residential (R-2)**
- **Mixed Use (CX-1)**
- **Planned Development (PD)**

3

Current Regulations

No more than **50%** of a residential front yard shall be paved and no more than **50%** of a rear yard shall be paved.

An interior side yard may be paved if a minimum of one foot is left unpaved along the side property line (behind the front setback and into rear setback).

4

Current Regulations

Fencing

- Height - **6 feet without a permit**
  - **- 7 feet with permission**
  - **- 8 feet with a permit**
- No higher than **3 feet** when solid and located in the required front yard and street side setback areas. **4 feet** for wrought iron and chain link fences.

5

Code Issues

- Property owners are paving more than 50% of their front yards to add parking, which decreases storm water percolation.
- A permit is not required for flatwork and the paving regulations are not easily accessible to the public.
- ADA sidewalk ramps are being used by vehicles in addition to moving fences into the setbacks to accommodate RV parking.

6

Enforcement Issues

- Currently 8 open cases for vehicles parked on the front or side yard areas (off pavement)
- 6 illegal driveways using ADA ramps for side yard access
- 3 homes with over 50% paved front yards

7

Example

Property exceeding 50% front yard paving.

8

Example

Property exceeding 50% paving with side setback paved.

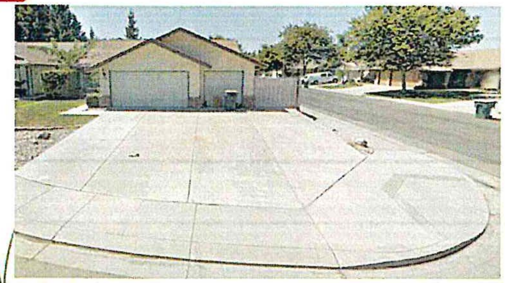
9

Example

Property exceeding 50% paving with side setbacks paved.

10

Example



Property exceeding 50%, using the ADA ramp as a driveway, fence in street side setback.

11

Survey of Nearby Jurisdictions

Ceres	<u>Landscaping/Pavement Requirements:</u>
18.08.060 (I)(2)(a)	Maximum of 50% of front yard area shall be paved
18.27.030	<u>Fence Requirements:</u> Max height: 7 feet height 3 feet within front and side yard setbacks *Setback from property line silent*

12

Survey of Nearby Jurisdictions

Lodi	<u>Landscaping/Pavement Requirements:</u>
17.30.050 (A)	Maximum of 50% of the front and street side yard area may be paved with hardscape materials
17.14.100	<u>Fence Requirements:</u> Max height: 6 feet 4 feet within front yard setback *Setback from property line silent*

ADDED TO ITEM 12.1
(ATTACHMENT 1)

13

Survey of Nearby Jurisdictions

Patterson	Landscaping/Pavement Requirements:
18.78.070 (A)	Maximum of 50% of front yard and street side yard area may be nonpervious surface
18.70.040	Fence Requirements: Max height: 6 feet/8 feet 3 feet, 6 inches front setback 10 feet setback from street side

14

Survey of Nearby Jurisdictions

Turlock	Landscaping/Pavement Requirements:
9-2-207 (e)(7)	Maximum of 55% of front yard area may be paved
9-3-203 (8)	Fence Requirements: Max height: 7 feet 3 feet for solid fences/4 feet for nonsolid fences *Setback from property line silent*

15

Options

Staff is requesting direction from Council:

- Keep regulations as they are

  or

- Identify need for text amendment(s) to amend the Zoning Code

16

Thank You

Questions?