



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

**AGENDA  
TUESDAY, APRIL 12, 2016 – 6:00 P.M.**

(THE AGENDA PACKET IS POSTED AT THE CITY CLERK’S OFFICE AND AT [WWW.RIVERBANK.ORG](http://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 Jeanine Tucker  
Council/Authority Member Darlene Barber-Martinez  
Council/Authority Member Cal Campbell  
Council/Authority Member Leanne Jones Cruz
- AGENDA CHANGES:** Mayor/Chair Richard D. O’Brien

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

**1. PRESENTATIONS**

- Item 1.1:** Proclamation of National Library Week.
- Item 1.2:** Proclamation of Autism Awareness Month.
- Item 1.3:** Stanislaus Consolidated Fire Protection District Update.
- Item 1.4:** Update on the “Focus on Prevention” Initiative.
- Item 1.5:** Stanislaus Alliance SBDC 2016 Presentation.
- Item 1.6:** 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 March 22, 2016, City Council and Local Redevelopment Authority Minutes.

**Item 3.B-1:** Approval of the April 5, 2016, Special City Council Minutes.

**LRA Item 3.C:** Environmental Services Cooperative Agreement with the US Army that will Remediate and/or Remove Contamination to Real Property at the (former) Riverbank Army Ammunition Plant.

**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**

*The Public Hearing Notice for the following public hearing item 5.1 was published in the local newspaper of general circulation on March 30, 2016.*

**Item 5.1:** **Proposed Ordinance No. 2016-003 of the City Council of the City of Riverbank, California, Amending the Riverbank Municipal Code by Repealing in its Entirety Section 153.217: Variance and Section 153.218: Appeals of Chapter 153: Zoning of Title XV: Land Usage, and Substitute it with New Sections 153.217 and 153.218** – It is recommended that the City Council conduct the public hearing for the first reading and introduction by title only of the proposed ordinance to consider its approval as presented, which will initiate the scheduling of the ordinance for its second reading by title only on April 26, 2016, to consider its adoption. The proposed ordinance is also recommended by adopted Planning Commission Resolution No. 2016-003.

## **6. NEW BUSINESS**

- Item 6.1:**     **A Resolution of the City Council of the City of Riverbank, California, to Adopt Local Goals and Policies for Community Facilities Districts** – It is recommended that the City Council adopt a Resolution outlining the City of Riverbank’s Local Goals and Policies for Community Facilities Districts. The recommended action will allow Council to establish local goals and policies concerning the formation and use of the Mello-Roos Community Facilities Act of 1982 (the “Act”) prior to the initiation of proceedings to establish new community facilities district (“CFD”) under the Act.
- Item 6.2:**     **A Resolution of the City Council of the City of Riverbank, California, Declaring Its Intention to Establish City of Riverbank Community Facilities District No. 2016-1 (Public Services) and to Authorize the Levy of a Special Tax Therein to Finance Certain City Services** – It is recommended that the City Council adopt a Resolution declaring its intention to establish a City of Riverbank Community Facilities District 2016-1 (Public Services) and to authorize the levy of a special tax therein to finance certain City services. The recommended action will declare the City Council’s intent to create a Community Facilities District (CFD) pursuant to the terms and provisions of the “Mello-Roos Community Facilities Act of 1982”, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the “Act”), as amended, for the purpose of financing police services, street maintenance, parks, storm drainage, and landscaping.
- Item 6.3:**     **Presentation by Neal Colwell of KSN Engineering Regarding Potential Production and Use of Recycled Water** – It is recommended that the City Council receive a presentation by Neal Colwell from KSN Engineering regarding the potential production and use of recycled water at the City’s Wastewater Treatment Plant.
- Item 6.4:**     **Presentation Regarding Options for Becoming a Business- Friendly Community** - It is recommended that Riverbank City Council receive a presentation regarding ways in which the City is promoting a business-friendly environment and options for further development of a business-friendly City.
- Item 6.5:**     **Report on Senate Bill 5 and Compliance with the Central Valley Flood Protection Plan** – It is recommended that the City Council approve Option 4, presented in more detail later in this report, to defer the modeling and mapping obligation to when an identified project, which might be impacted by the 200 year flood elevation determination, is presented for consideration.

**7. COMMENTS (Information only – No action)**

**Item 7.1:** Staff Comments

**Item 7.2:** Council/Authority Member Comments

**Item 7.3:** Mayor/Chair Comments

**8. CLOSED SESSION**

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

**Item 8.1:** **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Pursuant to Government Code Section 54957  
Title: City Attorney

**Item 8.2:** **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Pursuant to Government Code Section 54957  
Title: City Manager

**LRA Item 8.3:** **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Pursuant to Government Code § 54956.9(a)  
Name of Case: In Re: AQH, LLC dba Aquifer LLC  
United States Bankruptcy Court, Northern District of California  
Case No. 15-50553 ASW 11

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

**9. REPORT FROM CLOSED SESSION**

**Item 9.1:** Report from Closed Session Item 8.1: **PUBLIC EMPLOYEE PERFORMANCE EVALUATION – City Attorney**

**Item 9.2:** Report from Closed Session Item 8.2: **PUBLIC EMPLOYEE PERFORMANCE EVALUATION – City Manager**

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

**ADJOURNMENT** (The next regular City Council meeting –Tuesday, April 26 @ 6:p.m.)

### AFFIDAVIT OF POSTING

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

*Posted this 7<sup>th</sup> day of April, 2016*

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

**Notice Regarding Americans with Disabilities Act:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (209) 863-7122 or cityclerk@riverbank.org. Notification 72-hours before the meeting will enable the City to make reasonable arrangements to ensure any special needs are met. [28 CFR 35.102-35.104 ADA Title II].

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

### GENERAL INFORMATION

<b>Meeting Schedule</b>	<p><u>Regular City Council Meetings:</u> 6:00 p.m. on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of every month, unless otherwise noticed.</p> <p><u>Local Redevelopment Authority Board:</u> Meets on an "as needed" basis. The City Council also serves as the LRA Board.</p>
<b>City Council / LRA Agenda &amp; Reports</b>	<p>The City Council/LRA Board agenda is posted pursuant to the California Brown Act, which only requires these agenda title pages to be posted near the entrance of the location where the meeting is to be held and, when technologically able, on the City's website. Additional documents may be provided by the City in its efforts of transparency to keep the public well informed. <b>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 <a href="http://www.riverbank.org">www.riverbank.org</a> upon distribution to a majority of the City Council/LRA Board.</b> A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk's Office.</p>
<b>Public Hearings</b>	<p>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.</p>
<b>Televised / Video of Meetings</b>	<ul style="list-style-type: none"> <li>• Charter – Channel 2</li> <li>• AT&amp;T Uverse – Channel 99</li> </ul> <p>Visit <a href="http://www.riverbank.org">www.riverbank.org</a> to connect to meeting videos. (Note: Technical difficulty occurs on occasion preventing the televising or recording of the meeting.)</p>
<b>City Hall Hours</b>	<p>City Hall is open Monday – Thursday; 7:30 am – 5:30 pm and Fridays: 8:00 am – 5:00 pm; CLOSED alternating Fridays</p>
<b>Questions</b>	<p>Contact the City Clerk at (209) 863-7122 or cityclerk@riverbank.org</p>

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

**UPCOMING EVENTS:**

<p>April 30</p>	<ul style="list-style-type: none"> <li>▪ <b><u>Color Run</u></b> – Early bird registration ends March 31<sup>st</sup>. Begins at 8:30 am, Jacob Myers Park</li> <li>▪ <b><u>River Fest</u></b> – 9:00 am to 3:00 pm at Jacob Myers Park</li> </ul>
<p>City Hall Friday Office Hours</p>	<ul style="list-style-type: none"> <li>▪ <b><u>City Offices are Closed Alternating Fridays</u></b> <ul style="list-style-type: none"> <li>○ Friday: April 8 and April 22 – CLOSED</li> <li>○ Friday: April 15 and April 29: Hours 8:am – 5:pm</li> </ul> </li> </ul>
<p>Registration Now Open</p>	<ul style="list-style-type: none"> <li>▪ <b><u>Swim Lessons and Summer Camps</u></b> – register online at <a href="http://riverbankrecreation.com">riverbankrecreation.com</a></li> </ul>
<p>Available Now</p>	<ul style="list-style-type: none"> <li>▪ <b><u>Spring and Summer Riverbank Recreation Activity Guide</u></b></li> </ul>

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## RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.1

### SECTION 1: PRESENTATIONS

<b>Meeting Date:</b>	April 12, 2016
<b>Subject:</b>	Proclamation of National Library Week
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Luanne Bain, Administrative Assistant

#### **RECOMMENDATION**

It is recommended that the City Council present the Proclamation for National Library Week to Ms. Victoria Holt, Riverbank Library Branch Manager.

#### **SUMMARY**

Riverbank Library Branch Manager Victoria Holt will give a brief presentation of our Library's role in the community, upcoming events scheduled this month at our Riverbank Library, and information about this week's annual National Library Week.

#### **FINANCIAL IMPACT**

There is no financial impact.

#### **ATTACHMENT**

1. Proclamation – National Library Week – April 10-16, 2016

**CITY OF RIVERBANK  
PROCLAMATION**

**STANISLAUS COUNTY NATIONAL LIBRARY WEEK  
APRIL 10-16, 2016**

**WHEREAS**, reading and literacy and the freedom to explore are cornerstones of a free and democratic society; and

**WHEREAS**, libraries support democracy through their commitment to providing equitable access to information for all library users regardless of race, ethnicity, creed, ability, sexual orientation, or socio-economic status; and

**WHEREAS**, literacy is key to achieving personal success in school, in business and in life; and

**WHEREAS**, libraries and librarians open up a world of possibilities through innovative programming and through the power of information; and

**WHEREAS**, librarians are trained, tech-savvy professionals, providing training in and access to technologies; and

**WHEREAS**, libraries offer 24/7 access to library services through online resources such as eBooks, eMagazines, downloadable audiobooks, music, and movies, online language instruction, and research databases; and

**WHEREAS**, libraries partner with parents and caregivers to empower children to enter Kindergarten with the knowledge and skills necessary for success in school and beyond; and

**WHEREAS**, libraries continually grow and evolve in how they provide for the needs of every member of their communities; and

**WHEREAS**, libraries, librarians, library workers and supporters in Stanislaus County and across America are celebrating National Library Week.

**NOW, THEREFORE**, the City Council of the City of Riverbank does hereby proclaim April 10-16, 2016, as National Library Week in the City of Riverbank and urges everyone to visit our local library to take advantage of the wonderful resources available, provided through the voter-approved 1/8-cent sales tax dedicated to the support of libraries.

**APRIL 12, 2016**

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**RICHARD D. O'BRIEN  
MAYOR**

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.2

## SECTION 1: PRESENTATIONS

<b>Meeting Date:</b>	April 12, 2016
<b>Subject:</b>	Proclamation of Autism Awareness Month
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Alvaro Zamora, Human Resources Analyst

### **RECOMMENDATION**

It is recommended that the City Council proclaim April as Autism Awareness Month in the City of Riverbank in support of the national observance of April as Autism Awareness Month to lead to a better understanding of this condition.

### **SUMMARY**

April is National Autism Awareness Month. It is proposed that the City Council of the City of Riverbank support the national effort by proclaiming April as Autism awareness month in the City of Riverbank. It is hoped that this proclamation will serve as encouragement to all City officials, employees, schools and residents to recognize and commend the parents, relatives, and educators of children with autism for their dedication in providing for the special needs of children with autism and to participate in any activities in and/or around the area, in order to become better educated about autism and create a better community for individuals with autism.

### **FINANCIAL IMPACT**

There is no financial impact.

### **ATTACHMENT**

1. Proclamation – National Autism Awareness Month – April 2016
2. 2016 Autism Awareness Poster

**CITY OF RIVERBANK  
PROCLAMATION**

**NATIONAL AUTISM AWARENESS MONTH  
APRIL 2016**

**WHEREAS**, autism is the fastest growing developmental disability in the United States, affecting more than three million people. It is an urgent public health crisis that demands a national response; and

**WHEREAS**, autism is the result of a neurological disorder that affects the normal functioning of the human brain and can affect anyone, regardless of race, ethnicity, gender, or socioeconomic background; and

**WHEREAS**, symptoms and characteristics of autism may present themselves in a variety of combinations and can result in significant lifelong impairment of an individual's ability to learn, develop healthy interactive behaviors, and understand verbal as well as nonverbal communication; and

**WHEREAS**, as the effort to address autism continues, doctors, therapists, and educators can help persons with autism overcome or adjust to its challenges and provide early, accurate diagnosis as well as the resulting appropriate education, intervention, and therapy that are vital to future growth and development; and

**WHEREAS**, it is also important to ensure that persons living with autism have access to the lifelong care and services needed to pursue the full measure of personal happiness and achieve their greatest potential; and

**WHEREAS**, the City of Riverbank is honored to take part in the annual observance of Autism Awareness Month in the hope that it will lead to a better understanding of the condition.

**NOW, THEREFORE**, the City Council of the City of Riverbank does hereby proclaim April 2016, as Autism Awareness Month in the City of Riverbank, and encourages all City Officials, employees, and residents to promote and support the Autism Awareness Month, and to participate in any activities in and/or around the area, in order to become better educated about autism and create a better community for individuals with autism.

**APRIL 12, 2016**

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**RICHARD D. O'BRIEN  
MAYOR**

## RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.3

### SECTION 1: PRESENTATIONS

<b>Meeting Date:</b>	April 12, 2016
<b>Subject:</b>	Stanislaus Consolidated Fire Protection District Update
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Luanne Bain, Administrative Assistant

#### **SUMMARY**

Michelle Guzman, a Riverbank resident and the City's appointed representative to the Stanislaus Consolidated Fire Protection District Board of Directors is scheduled to provide the City Council an update.

#### **FINANCIAL IMPACT**

There is no financial impact.

#### **ATTACHMENT**

There is no attachment with this staff report.

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.4

## SECTION 1: PRESENTATION

<b>Meeting Date:</b>	April 12, 2016
<b>Subject:</b>	Update on the "Focus on Prevention" Initiative
<b>From:</b>	Jill Anderson, City Manager

### **RECOMMENDATION**

It is recommended that the City Council receive a presentation by representatives from the County of Stanislaus regarding the Focus on Prevention initiative.

### **SUMMARY**

The County of Stanislaus spearheaded the Focus on Prevention initiative to bring all sectors of the community together to work more effectively to address some of the major issues of concern in our communities. Representatives from the County are scheduled to present an update on the initiative to the City Council.

### **FINANCIAL IMPACT**

There is no financial impact associated with the presentation.

### **ATTACHMENTS**

There are no attachments to this report.

## RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.5

### SECTION 1: PRESENTATION

<b>Meeting Date:</b>	April 12, 2016
<b>Subject:</b>	Stanislaus Alliance SBDC 2016 Presentation
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Norma Torres-Manriquez, Administrative Analyst II/ Human Services Specialist

#### **RECOMMENDATION**

It is recommended that the City Council welcome Kurtis Clark, Director of the Stanislaus Alliance Small Business Development Center (SBDC), and receive a presentation regarding the 2016 services offered by the SBDC.

#### **SUMMARY**

The mission of the Alliance SBDC is to promote the development, growth and success of small businesses by providing high quality business consulting and training throughout Stanislaus, Merced, Tuolumne and Mariposa Counties, thereby enhancing individual, family, community and regional prosperity.

The SBDC offers extensive resources to help businesses understand and overcome the challenges of owning a business and they help them plan for a more successful future. Most services and resources are offered for free or at a very low cost.

The SBDC is helping local businesses survive and thrive!

#### **FINANCIAL IMPACT**

There is no financial impact for the City.

#### **ATTACHMENTS**

There are no attachments to this report.

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.6

## SECTION 1: PRESENTATION

<b>Meeting Date:</b>	April 12, 2016
<b>Subject:</b>	Strategic Plan Update
<b>From:</b>	Jill Anderson, City Manager

### **RECOMMENDATION**

It is recommended that the City Council receive a presentation to update the community on the outcomes of the April 5, 2016 strategic planning session.

### **SUMMARY**

On April 5, 2016 the City Council met with the management team to update the City's Strategic Plan in order to continue the direction of resources toward the accomplishment of the City's key goals. The session included a review of the City's vision, mission, and values, as well as the City's three year goals. The City's next strategic planning session is scheduled for Thursday, September 29, 2016.

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

### **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**

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

**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***

**FINANCIAL IMPACT**

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

**ATTACHMENTS**

The table outlining the objectives for the next six months is attached to this report.

CITY OF RIVERBANK ⚙ SIX-MONTH STRATEGIC OBJECTIVES

April 5, 2016 – October 1, 2016

THREE-YEAR GOAL: <i>ENHANCE PUBLIC SAFETY</i>						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By July 1, 2016	City Councilmember Darlene Barber-Martinez and the Police Chief	Double (from 60 kids) the number of participants in the Kids Health and Safety Fair.				
2. By July 1, 2016	Development Services Admin Manager	Submit a CMAQ application to fund sidewalks on the north side of Patterson Road between 1 <sup>st</sup> Street and Claus Road.				
3. At the July 12, 2016 City Council meeting	City Manager and Police Chief, working with the Stanislaus County Office of Emergency Services	Recommend to the City Council for direction the draft County Disaster Preparedness Plan.				
4. By August 1, 2016	Development Services Admin Manager and Contract Grant Writer	Submit two active transportation applications for funding of: 1) planning application for non-motorized and Safe Routes to School Plan; 2) joint application with Stanislaus County and City of Modesto for a pedestrian/bike lane along Roselle Avenue from Crawford to Sylvan.				

**THREE-YEAR GOAL: *IMPROVE AND MAINTAIN INFRASTRUCTURE AND FACILITIES***

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By May 1, 2016	Development Services Admin Manager	Bring to the City Council for action the awarding of the contract for the Slurry Seal Project.				
2. By May 1, 2016	Public Works Superintendent, working with a consultant	Make a presentation to the City Council on a conceptual Recycled Water Project				
3. By July 1, 2016	Parks and Recreation Director, working with the Contract Grant Writer	Submit an application for CDBG funding for Community Center renovation.				
4. By July 1, 2016	Development Services Admin Manager, working with a contractor	Complete the 2016 Slurry Seal Project, consisting of 79 roads.				
5. By August 1, 2016	Parks and Recreation Director and Development Services Admin Manager	Complete the redesign and construction documents for trail access at Jacob Myers Park, including providing access to the back parking.				
6. By October 1, 2016	Public Works Superintendent	Present to the City Council a preliminary water usage report following installation of Smart water meters.				
7. By October 1, 2016	Parks and Recreation Director and Planning and Building Manager	Submit the Housing-Related Parks Grant to the State to fund renovation of pool locker rooms.				
8. By October 1, 2016	Public Works Superintendent and the Development Services Admin Manager	Oversee the installation of at least 5500 Smart water meters.				
FUTURE OBJECTIVE	Development Services Admin Manager (lead), City Attorney, Contract Planner and Finance Director	Develop a Stormwater Management Plan, including funding source(s) and present to the City Council for action.				

**THREE-YEAR GOAL: *ENHANCE PROFESSIONALISM AND CUSTOMER SERVICE***

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By May 15, 2016	Local Redevelopment Authority (LRA) Executive Director	Assess website improvements and training needed and make recommendations to the City Manager.				
2. By June 1, 2016	Planning and Building Manager	Provide an update to the City Council on the status of the zoning code update process, including the cost.				
3. By August 1, 2016	Finance Director and City Manager	Provide all staff training on the new phone system.				
4. By September 1, 2016	Planning and Building Manager and Finance Director	Make at least one permit available online (e.g., garage sale).				
5. By October 1, 2016	City Manager and Interim HR Manager	Provide customer service training for management and administrative staff.				

**THREE-YEAR GOAL: *ACHIEVE AND MAINTAIN FINANCIAL STABILITY AND SUSTAINABILITY***

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By August 1, 2016	Police Chief, working with the Contract Grant Writer	Identify and recommend to the City Council for direction potential funding opportunities to increase police services staffing levels.				
2. By October 1, 2016	Local Redevelopment Authority Executive Director and City Attorney	Recommend to the City Council for action a consultant to prepare a feasibility study for an Enhanced Infrastructure Financing District on the East Side.				
3. By October 1, 2016	Finance Director, working with a consultant	Present to the City Council an update on the Classification and Compensation Study.				
4. By October 1, 2016	Finance Director	Develop the Five-Year Financial Forecast and present the Forecast in a consolidated format to the City Council and the public.				
5. By October 1, 2016, contingent upon City Council approval	Development Services Admin Director (lead), Planning and Building Manager, Finance Director, City Attorney and Contract Planner	Create a Maintenance Community Facilities District (CFD) for police, streets, storm, parks, landscaping and lighting for new development.				

**THREE-YEAR GOAL: *RETAIN AND ATTRACT BUSINESSES***

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the April 12, 2016 City Council meeting	LRA Executive Director and Finance Director (co-leads) and the Planning and Building Manager	Identify and recommend to the City Council for direction improvements to service areas that create a business friendly culture.				
2. By June 15, 2016	City Manager, in coordination with the Stanislaus Business Alliance	Create a commercial property searchable database to aid businesses in Riverbank real estate searches for property.				
3. By July 1, 2016	Contract Planner, working with Planning Staff	Present a Funding Plan to the City Manager for the East Riverbank Master Plan that includes a specific scope of work.				
4. By September 1, 2016	Contract Planner and the Planning and Building Manager	Develop and present to the City Council for action a streamlined permitting process for expediting business development.				
5. By September 15, 2016	LRA Executive Director, with input from the Management Team	Present to the City Manager and the Management Team for approval business-friendly, web-based content to assist new businesses with their start-up process.				
6. By October 1, 2016	Contract Planner and the Planning and Building Manager	Present to the City Council for guidance a draft East Riverbank Master Plan.				
7. By October 1, 2016	Mayor Richard O'Brien	Meet with at least 10 local businesses to identify positives and negatives for the business community.				
FUTURE OBJECTIVE	Finance Director	Study the feasibility of allowing business license renewals to be done online and make a recommendation to the City Council for action.				

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

**SECTION 3: CONSENT CALENDAR**

<b>Meeting Date:</b>	April 12, 2016
<b>Subject:</b>	Waiver of Readings
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	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**

<b>Meeting Date:</b>	April 12, 2016
<b>Subject:</b>	Approval of the March 22, 2016, City Council and Local Redevelopment Authority Minutes
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

**RECOMMENDATION**

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

**SUMMARY**

The Draft Minutes of the March 22, 2016, regular City Council and the Local Redevelopment Authority Board meetings have been prepared for review and approval.

**FINANCIAL IMPACT**

There is no financial impact to this item.

**ATTACHMENT**

1. March 22, 2016, City Council and LRA Minutes



City of Riverbank  
**REGULAR CITY COUNCIL AND LOCAL REDEVELOPMENT AUTHORITY MEETINGS**  
(The City Council also serves as the LRA Board)

**MINUTES OF  
TUESDAY, MARCH 22, 2016**

**CALL TO ORDER:**

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

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

**INVOCATION:** Reverend Charles Neal  
*Mayor O'Brien called for a moment of silence for the victims of the Brussels attack.*

**ROLL CALL:** Mayor/Chair Richard D. O'Brien  
Vice Mayor/Chair Jeanine Tucker  
Council/Authority Member Darlene Barber-Martinez  
Council/Authority Member Cal Campbell  
Council/Authority Member Leanne Jones Cruz

**AGENDA CHANGES:** *Mayor/Chair O'Brien affirmed that there were no changes to the agenda.*

**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.

*There were no conflicts declared.*

**1. PRESENTATIONS**

**Item 1.1:** Strategic Plan Update - *City Manager Jill Anderson presented the 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 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.

*Haskell Moore, Riverbank, spoke in regards to his water meter reading being incorrect and working with the City to solve the problem.*

*Aaron Hansen, Riverbank, spoke in regards to receiving three consecutive water citations.*

*David Taylor, Riverbank, spoke in regards to being homeless and requested to have his property returned to him.*

*Scott McRitchie, Riverbank, spoke in regards to developing a procedure on the collection of homeless people's property, and suggested that the city keep abreast of how money is spent when implementing the surveillance cameras.*

*David Provost, Riverbank Morris Nursery, spoke in regards to the watering schedule and the need to water trees.*

*Ron Hoffman, Riverbank Morris Nursery, spoke in regards to watering schedule for school districts and the need to see various water schedule needs for various entities.*

### **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 March 8, 2016, City Council and Local Redevelopment Authority Minutes.

**Item 3.C:** A Resolution [No. 2016-019] of the City Council of the City of Riverbank, California, Authorizing the Execution of a Performance Agreement with Chris Ricci Presets Inc. for the Planning, Organizing and Implementation of the Cheese and Wine Festival and Appropriating \$15,000 from the General Fund for Those Services.

**Item 3.D:** A Resolution [No, 2016-020] of the City Council of the City of Riverbank, California, Authorizing the Mayor to Execute a Lease with Chris Ricci Presents, Inc. for the Riverbank Cheese and Wine Festival.

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

*Reference 3.C: City Manager Jill Anderson clarified that the cost of the contract was expected to be covered by the revenue from the Festival, and that the requested \$15,000 from the General Fund would only be used if needed.*

**ACTION:** *By motion moved and seconded (Tucker / Jones Cruz / passed 5-0) to approve Items 3.A through 3.D as presented. Motion carried by unanimous City Council and LRA Board roll call vote.*

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

*NAYS: None, ABSENT: None, ABSTAINED: None*

#### **4. UNFINISHED BUSINESS**

There are no items to consider.

#### **5. PUBLIC HEARINGS**

*The Public Hearing Notices for the following public hearing items 5.1 was published in the local newspaper of general circulation on March 30, 2016.*

**Item 5.1:** **A Resolution [No. 2016-021] of the City Council of the City of Riverbank, California, Recommending That Stanislaus Local Agency Formation Commission (LAFCo) Approve the Municipal Service Review (MSR) Update And Sphere Of Influence Plan Dated February 2016, Including the Proposed Sphere Of Influence Expansion And Establishment of An Area of Concern** – After consideration of public testimony, motion to adopt the proposed Resolution to authorize City staff to forward the MSR Update and Sphere of Influence Expansion dated February 2016 to Stanislaus LAFCo which will support an expanded SOI and the establishment of an “Area of Concern” that extends to the limits of the Riverbank General Plan boundaries.

*City Consultant John Anderson of J.B. Anderson Land Use Planning, Inc. presented the staff report.*

*Mayor O'Brien opened the public hearing at 6:53 p.m.*

- *Mr. Scott McRitchie spoke in regards making solid density numbers, and to not leave open ended costs. Mr. Anderson responded.*
- *Mrs. Evelyn Halbert spoke in regards public notification and Planning Commission review without an Environmental Impact Report.*

*Mayor O'Brien closed the public hearing at 6:59 p.m.*

*Mr. Anderson responded, and Mayor O'Brien responded.*

**ACTION:** *By motion moved and seconded (Campbell / Barber-Martinez / passed 5-0) to adopt Resolution No. 2016-021 recommending that Stanislaus Local Agency Formation Commission (LAFCo) Approve the Municipal Service Review (MSR) Update and Sphere of Influence Plan dated February 2016, including the Proposed Sphere of Influence Expansion and Establishment of an area of concern as presented. Motion carried by unanimous City Council roll call vote.*

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

*NAYS: None, ABSENT: None, ABSTAINED: None*

**Item 5.2:** A Resolution [No. 2016-022] of the City Council of the City of Riverbank, California, Recommending Approval of the Riverbank Sustainable Agricultural Strategy Dated February 2016 – After consideration of public testimony, motion to approve a Resolution adopting, as a policy document, the Riverbank Sustainable Agricultural Strategy dated February 2016.

*City Consultant John Anderson of J.B. Anderson Land Use Planning, Inc. presented the staff report.*

*Mayor O'Brien opened the public hearing at 7:11 p.m.*

- *Mrs. Evelyn Halbert, Riverbank, questioned the public noticing of the matter and the mitigation of Riverbank's agriculture land for land anywhere in Stanislaus County.*

*Mayor O'Brien closed the public hearing at 7:12 p.m.*

*Mr. Anderson responded.*

*City Council and Staff discussed the item.*

**ACTION:** *By motion moved and seconded (Tucker / Campbell / passed 5-0) to adopt Resolution No. 2016-022 recommending Approval of the Riverbank Sustainable Agricultural Strategy dated February 2016 as presented. Motion carried by unanimous City Council roll call vote.*

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

*NAYS: None, ABSENT: None, ABSTAINED: None*

## **6 NEW BUSINESS**

**Item 6.1:** **Report on Options for Surveillance Camera System for City and Private Business Use** – It is recommended that Riverbank City Council receive this report on two programs that would use surveillance video camera systems to help enhance public safety throughout the City and provide direction to the staff.

*Police Chief Erin Kiely presented the staff report; City Council and Staff discussed the item. City Council agreed to make use of Option #2, which utilizes a Community Video Partnership Program, and to work towards Option #1, which is the installation of City owned cameras.*

**Public Comment:** *Mr. Aaron Hansen recommended the City asking Burlington Railroad for funding.*

**Item 6.2:** **Outdoor Water Use Plan** – It is recommended that the City Council receive the proposed outdoor water use plan and provide direction as deemed necessary for the implementation of an outdoor water use policy to establish the enforcement and restrictions of water use in accordance with water provisions in Chapter 52 of the Riverbank Municipal Code.

*Public Works Superintendent Michael Riddell presented the staff report. Sr. Management Analyst/City Clerk Annabelle Aguilar was also present to assist in answering questions.*

**Public Comment:**

- *Mr. Scott McRitchie, Riverbank, spoke in regards to wasting water when draining a pool, and the use of gray water.*
- *Mr. Ron Hoffman, Riverbank Morris Nursery, inquired about restrictions on drip irrigation.*
- *Mr. Aaron Hansen, Riverbank, spoke in regards to taking pictures of sprinklers actually being used if citing someone; not just if the concrete is wet.*

*City Council and Staff discussed the item.*

*Mayor O'Brien requested the policy be further reviewed to make the language stronger in regards to the washing of vehicles and language clearer in regards to temporary waivers. Staff was to return with a proposed resolution to set the water use policy. No one objected.*

**LRA Item 6.3:**      **A Resolution [No. 2016-002] of the Local Redevelopment Authority of the City of Riverbank Awarding the Riverbank Army Ammunition Plant Facility Manager Contract to San Joaquin Engineering Solutions LLC** – It is recommended that the Local Redevelopment Authority Board of Directors adopt resolution approving a Riverbank Army Ammunition Plant Facility Management Services Contract.

*LRA Executive Director Debbie Olson presented the staff report.*

**ACTION:**      *By motion moved and seconded (Barber-Martinez / Tucker / passed 5-0) to approve LRA Resolution No. 2016-002 of the Local Redevelopment Authority of the City of Riverbank Awarding the Riverbank Army Ammunition Plant Facility Manager Contract to San Joaquin Engineering Solutions LLC. Motion carried by unanimous LRA Board roll call vote.*  
*AYES: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Chair O'Brien*  
*NAYS: None, ABSENT: None, ABSTAINED: None*

**Item 6.4:**      **Informational Presentation on the Feasibility of a Citywide Storm Water Utility District** – It is recommended that the City Council receive this informational presentation on the feasibility of establishing the formation of a Citywide Storm Water Utility District.

*Development Services Administration Manager Kathleen Cleek presented the staff report. Mr. John Anderson of J.B. Anderson Land Use Planning, Inc. assisted in responding to questions.*

*City Council and Staff discussed the item.*

## **7. COMMENTS (Information only – No action)**

### **Item 7.1:** Staff Comments

*Staff Member Kathleen Cleek provided an update on the Stanislaus County project at Terminal and Claus.*

*Staff Member Michael Riddell provided an update on PG&E street light outages, and the installation of the water meters.*

*City Manager Jill Anderson: 1) commented on the review and revision of water bills in regards to an earlier public comment made on corrections, 2) thanked Morris Nursery representatives for speaking in regards to water conservation, and 3) clarified the matter with Mr. Taylor and the loss of his property.*

### **Item 7.2:** Council/Authority Member Comments

*Council/Authority Member Jones Cruz thanked the public for their comments and sharing their knowledge, and thanked staff for the work on the water plan.*

*Council/Authority Member Campbell agreed with Member Jones Cruz' comments, and encouraged the public to contact their State Representatives on the funding of state mandates.*

*Council/Authority Member Barber-Martinez: 1) announced the volunteer opportunity of the "Love Riverbank" event on April 23<sup>rd</sup>, 2) thanked staff for their work on the detailed staff reports, 3) announced the SAFE (Seniors Against Finance Exploitation) seminar on April 1<sup>st</sup>.*

*Vice Mayor/Chair Tucker expressed appreciation of the strategic planning process and invited everyone to support the effort, and appreciation for staff's work on the reports.*

### **Item 7.3:** Mayor/Chair Comments

*Mayor O'Brien encouraged the public to attend the April 5<sup>th</sup> City Strategic Planning Session, and announced that he would be absent beginning April 20, which could require his alternates to attend Committee meetings.*

## **8. CLOSED SESSION**

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

***MAYOR/CHAIR O'BRIEN ANNOUNCED THE CLOSED SESSION ITEMS AND OPENED ITEMS FOR PUBLIC COMMENT; NO ONE SPOKE. THE MEETINGS WERE RECESSED AND CITY COUNCIL WENT INTO CLOSED SESSION AT 8:52 P.M.***

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

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

**9. REPORT FROM CLOSED SESSION**

*MAYOR/CHAIR O'BRIEN RECONVENED THE MEETINGS AT 9:03 P.M.*

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

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

**Item 9.2:**     Report on Closed Session Item 8.2: **CONFERENCE WITH LEGAL  
COUNSEL – EXISTING LITIGATION**

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

**ADJOURNMENT**

There being no further business, Mayor/Chair O'Brien adjourned the meetings at  
9:04 p.m.

**ATTEST:** (*Adopted 04/12/16*)

**APPROVED:**

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

\_\_\_\_\_  
Richard D. O'Brien  
Mayor / Chair

**RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.B-1**

**SECTION 3: CONSENT CALENDAR**

<b>Meeting Date:</b>	April 12, 2016
<b>Subject:</b>	Approval of the April 5, 2016, Special City Council Minutes.
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

**RECOMMENDATION**

It is recommended that the City Council approve the Special City Council Meeting Minutes as presented.

**SUMMARY**

The Draft Minutes of the April 5, 2016, special City Council a meeting have been prepared for review and approval.

**FINANCIAL IMPACT**

There is no financial impact to this item.

**ATTACHMENT**

1. April 5, 2016, Special City Council Minutes



City of Riverbank  
**SPECIAL CITY COUNCIL MEETING**  
(STRATEGIC PLANNING WORKSHOP)  
**MINUTES**  
**TUESDAY, APRIL 5, 2016**

**CALL TO ORDER:**

The City Council of the City of Riverbank met at 8:30 a.m. on this date at the Riverbank Industrial Complex Conference Room, 5300 Claus Road, Modesto, California, with Mayor Richard D. O'Brien presiding.

**CALL TO ORDER:** Mayor Richard D. O'Brien

**ROLL CALL:** Mayor Richard D. O'Brien  
Vice Mayor Jeanine Tucker  
Councilmember Darlene Barber-Martinez  
Councilmember Cal Campbell  
Councilmember Leanne Jones Cruz

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**1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken)**

Pursuant to Government Code in reference to a special meeting, the public has the opportunity to address the City Council only on items appearing on this special meeting notice. Individual comments are 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.

*No one spoke.*

**2. BUSINESS**

*Business resumed.*

**Item 2.1:** Introductions of Facilitator, Recorder, and Group.

**Item 2.2:** **Discussion and Update of the City's Strategic Plan** – The City Council and Staff will discuss the City's Strategic Plan to consider changes/additions of short-term and long-term goals, and to guide Management Staff on the implementation and accomplishment of the plan's goals and objectives.

*A recess was taken at 9:49 am.  
The meeting reconvened at 10:05 a.m.*

*A recess for lunch was taken at 12:15 p.m.  
The meeting reconvened at 12:48 p.m.*

*(Attached are the Recorder's Notes)*

### **3. CLOSING COMMENTS**

*There were no closing comments.*

### **ADJOURNMENT**

**There being no further business, Mayor O'Brien adjourned the meeting at 2:03 p.m.**

**ATTEST: (Adopted 04/12/16)**

**APPROVED:**

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**T. Jill Anderson  
City Manager**

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**Richard D. O'Brien  
Mayor / Chair**

Attachment: Strategic Planning – Mission, Vision, Values, and SWOT Analysis  
Six Months Strategic Objectives Grid

C I T Y O F R I V E R B A N K

STRATEGIC PLANNING SESSION

April 5, 2016 • Riverbank Industrial Complex

Marilyn Snider, Facilitator – Snider and Associates (510) 531-2904  
Michelle Snider Luna, Graphic Recorder – Snider Education & Communication (510) 610-8242

**MISSION STATEMENT**

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

**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.***

**CORE VALUES**

not in priority order

The City of Riverbank values . . .

- ♦  ***Professionalism***
- ♦  ***Transparency***
- ♦  ***Teamwork***
- ♦  ***Respectful behavior***
- ♦  ***Fiscal responsibility***
- ♦  ***Integrity and Ethical behavior***

**THREE-YEAR GOALS**

2013-2016 \* not in priority order

***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***

# S.W.O.T. ANALYSIS

Strengths – Weaknesses - Opportunities - Threats

## WHAT ARE THE STRENGTHS AND ACCOMPLISHMENTS OF THE CITY OF RIVERBANK SINCE THE OCTOBER 2015 STRATEGIC PLANNING SESSION?

Brainstormed List of Perceptions

- Increased industrial business
- Certified Housing Element
- Approved District elections
- Successful Cheese & Wine Festival
- E-cigarette ordinance
- Installation of Smart meters has started
- Updated regulations related to marijuana
- iMax opening
- Verified eligibility for funding source for the Housing-Related Parks Program
- Extended the Riverbank-Oakdale Buffer Agreement
- Improved partnership with the Chamber of Commerce
- Several new businesses opened in Riverbank
- Christmas Parade
- Staff trained in the new software
- New Planning Commissioners appointed
- Constantly updating the website
- Moving forward with a new phone system
- Assisted other cities in hiring process
- Illicit Discharge Plan for storm drains was established with illicit discharge training conducted
- Continued involvement with the North County Corridor
- Council attended League of California Cities conferences
- Updated street, sewer and water standards adopted
- Roselle Sidewalk Project almost complete
- Tree removal on Crawford Road
- Sidewalks completed by Scout Park and Scout Hall
- Planning Commissioner attended the League of California Cities Planning Academy
- Working with the County to secure funds for a Groundwater Study
- Community Facilities District (CFD) formation progressing
- More positive coverage from the press
- MSR (Municipal Service Review) approved by Council
- Sphere of influence application filed with LAFCO
- Adopted agriculture sustainability strategies
- Employee Appreciation Day with corned beef and other food
- Employee Christmas party and dinner
- Hired 14 lifeguards, 8 of whom are Riverbank residents
- \$40 million Environmental Services Cooperative
- Expedited solar permitting process
- RFP is out for a zoning code update
- Mayor's State of the City was a success
- Implemented Next Door
- Continued use and expansion of community building through social media (e.g., Facebook)
- Completed the 5-Year Financial Review
- Adopted Patterson Road Plan Line
- Implemented new financial software
- Adopted adjusted sewer rates
- Citizen of the Year event
- Established set-aside funds for facility improvement

- Procured a grant writer
- Successful summit with non-profits and faith-based organizations
- Held website refresher training
- Updated MOU with Stanislaus Tuolumne Groundwater River Basin Association
- City participation in community parades (e.g., in Modesto)
- Held an annual planning meeting with legal team
- Staff and Councilmember Darlene Barber-Martinez attended Office of Emergency Services training
- Improved police response time for the past three and a half years
- Supporting the focus on homeless prevention
- Three Councilmembers are participating in League of California Cities committees
- Increased building
- ADA Transition Plan adopted
- Council has established more positive relationship with community, businesses and other entities
- Came to consensus on River Cove issues
- Organizational Culture Team is planning the annual employees and their families BBQ
- Continued commitment to community events
- Budget Advisory seats are filled

## **WHAT ARE THE CITY OF RIVERBANK'S CURRENT INTERNAL WEAKNESSES/ CHALLENGES?**

Brainstormed List of Perceptions

- GIS still isn't done
- Failed to achieve State water conservation mandate
- Lack of online business services
- Lack of resources—staff and money
- Structural deficit in General Fund revenue
- Difficulty encouraging development in context of State mandates
- Lack of full-time Animal Control Services
- Lack of communication from the City to the public
- Lack of thinking and planning time for analysis and creative solutions
- Staff shortages—lack of cross training
- Lack of financial stability of the General Fund
- Lack of clear vision, policy and training for social media
- Lack of updated zoning code
- Overburdened staff, inexperienced staff with depleted training funds
- Unfilled positions left open
- Didn't meet 10% reserve
- Lack of clear watering guidelines
- Lack of funding has resulted in police services being below standard on staffing
- Failure to transition ownership of the Riverbank Industrial Complex
- Lack of updated municipal code
- Lack of funds across the Board for improvements in staffing, etc.
- Delay in presentation to LAFCO

## **WHAT ARE THE EXTERNAL FACTORS/TRENDS THAT WILL/MIGHT HAVE A POSITIVE IMPACT ON THE CITY OF RIVERBANK IN THE COMING YEAR?**

Brainstormed List of Perceptions

- Unemployment is down
- Del Rio Theater has been sold
- Rain
- Grant opportunities slowly returning
- Negative bailout reversed (Prop 13)
- New housing development
- We can now turn right on red lights
- We developed positive relations with CalTrans

- North County Corridor EIR scheduled to be released
- National wage increases
- Low gas prices
- Property values increasing
- iMax spurring development along Patterson Road
- New businesses open at Crossroads
- Wage increases
- Potential sales tax increase due to new businesses
- Proposed regional sales tax may pass, providing more local funds
- Regional transportation solutions
- Some staff have gotten their degrees
- Light at Terminal & Claribel

**WHAT ARE THE EXTERNAL FACTORS/TRENDS THAT WILL/MIGHT HAVE A NEGATIVE IMPACT ON THE CITY OF RIVERBANK IN THE COMING YEAR?**

Brainstormed List of Perceptions

- Unfunded State mandates
- Homeless encroaching on the river
- Part-time employees are leaving for full-time jobs
- Modesto
- Increased crude oil shipments—safety concerns
- Natural and man-made disasters
- Current and potential environmental regulations
- Predicted recession in 2018-2019
- Continued lack of funding from the State for things required by the State
- Impact of railroads
- State elections
- Local elections
- ISIS
- Increase in mosquito population and the threat of Zika
- International impacts on the economy
- Earthquake
- High speed rail mismanagement of cap and trade
- Governor's twin tunnels—water issues
- Increasing stormwater regulations
- Lack of water storage facilities
- Development of zero to low property lot lines/high density housing affecting park use
- Terrorism
- Continued drought
- Marijuana
- Changes in regulatory standards
- Part-time staff minimum wage increase affecting affordability of recreation programs
- Feral cats
- Low gas prices
- Ongoing prison realignment
- Lawsuits
- Possible legalization of marijuana
- Presidential election
- Increasing social acceptance of drug use

**NEXT STEPS/FOLLOW-UP PROCESS**

<b>WHEN</b>	<b>WHO</b>	<b>WHAT</b>
April 6, 2016	City Manager	Distribute the Strategic Plan Session record to attendees.
Within 48 hours	All recipients	Read the retreat record.
April 12, 2016	City Manager	Present the Strategic Plan to the public.
By April 15, 2016	Management Team	Share and discuss the Strategic Plan with staff.
By April 15, 2016	City Manager	Post the Plan, including Strengths, on the city's website.
April 19, 2016	Management Team (City Manager – lead)	Review the “Current Internal Weaknesses/ Challenges” list for possible action items.
Monthly	City Council City Manager	Monitor progress on the goals and objectives and revise objectives (add, amend and/or delete), as needed.
Monthly	City Manager	Prepare and distribute the updated Strategic Plan Monitoring Matrix to the City Council and staff.
May 11, 2016 8:30-12:30	City Council City Manager City Attorney	Complete City Manager evaluation.
September 29, 2016 8:30-3:30	City Council City Manager Management Team	Strategic Planning Session to: <ul style="list-style-type: none"> <li>- more thoroughly assess progress on the Goals and Strategic Objectives.</li> <li>- identify new Three-Year Goals.</li> <li>- develop Strategic Objectives for the first six months for each of the new goals.</li> </ul>

## **STRATEGIC PLAN ELEMENTS**

Marilyn Snider, Strategic Planning Facilitator \* Snider and Associates (510) 531-2904

### **“SWOT” ANALYSIS**

Assess the organization's:

- Internal **S**trengths      - Internal **W**eaknesses
- External **O**pportunities      - External **T**hreats

### **MISSION/PURPOSE STATEMENT**

States WHY the organization exists and WHOM it serves

### **VISION STATEMENT**

A vivid, descriptive image of the future—what the organization will BECOME

### **CORE VALUES**

What the organization values, recognizes and rewards—strongly held beliefs that are freely chosen, publicly affirmed, and acted upon with consistency and repetition

### **THREE YEAR GOALS**

WHAT the organization needs to accomplish (consistent with the Mission and moving the organization towards its Vision) – usually limited to 4 or 5 key areas

### **KEY PERFORMANCE MEASURES**

What success will look like upon achievement of the goal

### **SIX MONTH STRATEGIC OBJECTIVES**

HOW the Goals will be addressed: By when, who is accountable to do what for each of the Goals

### **FOLLOW-UP PROCESS**

Regular, timely monitoring of progress on the goals and objectives; includes setting new objectives every six months

CITY OF RIVERBANK ⚙ SIX-MONTH STRATEGIC OBJECTIVES

April 5, 2016 – October 1, 2016

THREE-YEAR GOAL: <i>ENHANCE PUBLIC SAFETY</i>						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By July 1, 2016	City Councilmember Darlene Barber-Martinez and the Police Chief	Double (from 60 kids) the number of participants in the Kids Health and Safety Fair.				
2. By July 1, 2016	Development Services Admin Manager	Submit a CMAQ application to fund sidewalks on the north side of Patterson Road between 1 <sup>st</sup> Street and Claus Road.				
3. At the July 12, 2016 City Council meeting	City Manager and Police Chief, working with the Stanislaus County Office of Emergency Services	Recommend to the City Council for direction the draft County Disaster Preparedness Plan.				
4. By August 1, 2016	Development Services Admin Manager and Contract Grant Writer	Submit two active transportation applications for funding of: 1) planning application for non-motorized and Safe Routes to School Plan; 2) joint application with Stanislaus County and City of Modesto for a pedestrian/bike lane along Roselle Avenue from Crawford to Sylvan.				

**THREE-YEAR GOAL: *IMPROVE AND MAINTAIN INFRASTRUCTURE AND FACILITIES***

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By May 1, 2016	Development Services Admin Manager	Bring to the City Council for action the awarding of the contract for the Slurry Seal Project.				
2. By May 1, 2016	Public Works Superintendent, working with a consultant	Make a presentation to the City Council on a conceptual Recycled Water Project				
3. By July 1, 2016	Parks and Recreation Director, working with the Contract Grant Writer	Submit an application for CDBG funding for Community Center renovation.				
4. By July 1, 2016	Development Services Admin Manager, working with a contractor	Complete the 2016 Slurry Seal Project, consisting of 79 roads.				
5. By August 1, 2016	Parks and Recreation Director and Development Services Admin Manager	Complete the redesign and construction documents for trail access at Jacob Myers Park, including providing access to the back parking.				
6. By October 1, 2016	Public Works Superintendent	Present to the City Council a preliminary water usage report following installation of Smart water meters.				
7. By October 1, 2016	Parks and Recreation Director and Planning and Building Manager	Submit the Housing-Related Parks Grant to the State to fund renovation of pool locker rooms.				
8. By October 1, 2016	Public Works Superintendent and the Development Services Admin Manager	Oversee the installation of at least 5500 Smart water meters.				
FUTURE OBJECTIVE	Development Services Admin Manager (lead), City Attorney, Contract Planner and Finance Director	Develop a Stormwater Management Plan, including funding source(s) and present to the City Council for action.				

**THREE-YEAR GOAL: *ENHANCE PROFESSIONALISM AND CUSTOMER SERVICE***

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By May 15, 2016	Local Redevelopment Authority (LRA) Executive Director	Assess website improvements and training needed and make recommendations to the City Manager.				
2. By June 1, 2016	Planning and Building Manager	Provide an update to the City Council on the status of the zoning code update process, including the cost.				
3. By August 1, 2016	Finance Director and City Manager	Provide all staff training on the new phone system.				
4. By September 1, 2016	Planning and Building Manager and Finance Director	Make at least one permit available online (e.g., garage sale).				
5. By October 1, 2016	City Manager and Interim HR Manager	Provide customer service training for management and administrative staff.				

**THREE-YEAR GOAL: *ACHIEVE AND MAINTAIN FINANCIAL STABILITY AND SUSTAINABILITY***

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By August 1, 2016	Police Chief, working with the Contract Grant Writer	Identify and recommend to the City Council for direction potential funding opportunities to increase police services staffing levels.				
2. By October 1, 2016	Local Redevelopment Authority Executive Director and City Attorney	Recommend to the City Council for action a consultant to prepare a feasibility study for an Enhanced Infrastructure Financing District on the East Side.				
3. By October 1, 2016	Finance Director, working with a consultant	Present to the City Council an update on the Classification and Compensation Study.				
4. By October 1, 2016	Finance Director	Develop the Five-Year Financial Forecast and present the Forecast in a consolidated format to the City Council and the public.				
5. By October 1, 2016, contingent upon City Council approval	Development Services Admin Director (lead), Planning and Building Manager, Finance Director, City Attorney and Contract Planner	Create a Maintenance Community Facilities District (CFD) for police, streets, storm, parks, landscaping and lighting for new development.				

**THREE-YEAR GOAL: *RETAIN AND ATTRACT BUSINESSES***

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the April 12, 2016 City Council meeting	LRA Executive Director and Finance Director (co-leads) and the Planning and Building Manager	Identify and recommend to the City Council for direction improvements to service areas that create a business friendly culture.				
2. By June 15, 2016	City Manager, in coordination with the Stanislaus Business Alliance	Create a commercial property searchable database to aid businesses in Riverbank real estate searches for property.				
3. By July 1, 2016	Contract Planner, working with Planning Staff	Present a Funding Plan to the City Manager for the East Riverbank Master Plan that includes a specific scope of work.				
4. By September 1, 2016	Contract Planner and the Planning and Building Manager	Develop and present to the City Council for action a streamlined permitting process for expediting business development.				
5. By September 15, 2016	LRA Executive Director, with input from the Management Team	Present to the City Manager and the Management Team for approval business-friendly, web-based content to assist new businesses with their start-up process.				
6. By October 1, 2016	Contract Planner and the Planning and Building Manager	Present to the City Council for guidance a draft East Riverbank Master Plan.				
7. By October 1, 2016	Mayor Richard O'Brien	Meet with at least 10 local businesses to identify positives and negatives for the business community.				
FUTURE OBJECTIVE	Finance Director	Study the feasibility of allowing business license renewals to be done online and make a recommendation to the City Council for action.				

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

**SECTION 3: CONSENT CALENDAR**

<b>Meeting Date:</b>	April 12, 2016
<b>Subject:</b>	Environmental Services Cooperative Agreement with the US Army that will Remediate and/or Remove Contamination to Real Property at the (former) Riverbank Army Ammunition Plant
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Debbie Olson, Executive Director

**RECOMMENDATION:**

It is recommended that the Local Redevelopment Authority (“LRA”) Board of Directors (“BOD”) review, approve and authorize the City Manager to execute the environmental services cooperative agreement (“ESCA”) with the US Army for the purpose of remediating and/or removing contamination to real property (“Project”) associated with the Army’s mission at the former Riverbank Army Ammunition Plant (“RAAP”), commonly known now as the Riverbank Industrial Complex.

**BACKGROUND**

On January 27, 2016, the LRA BOD directed the City Manager and the Executive Director of the LRA to finalize negotiations on an agreement with the US Army that would assist the Secretary of the Army in fulfilling their responsibilities to identify, investigate and clean up contamination from hazardous substances or pollutants and contaminants at the (former) RAAP. After a complete report on the draft agreement and budget, the City Council directed that the item be placed on the Consent Calendar for final approval when the final details had been completed.

The Army and the LRA concluded negotiations on the scope, sequence and cost for this ESCA project on February 16, 2016. The ESCA total is \$39,464,376. Field work is expected to take 30 months but the project could take up to five years to complete. The proposed scope of work for this ESCA (also known as Phase 2) is provided as an exhibit (E1) to this staff report.

The work associated with this ESCA (Phase 2) generally involves the removal and disposal of Galbestos panels (siding and roofs) and address PCB contamination present in building interiors such as is found on structural steel, walls, floors, and select



## (ADDED TO AGENDA PACKET)

Exhibit 1: Riverbank Army Ammunition Plant  
Environmental Services Cooperative Agreement  
Cost Summary

CLIN	TASK DESCRIPTION	COSTS	Period of Performance
	<b>PART A - TSCA AND CERCLA</b>		
1	WORK PLANS AND REPORTS	\$ 740,622	Year 2016 - 2017
2	MOBILIZATION	\$ 512,643	Year 2016
3	PITS AND TRENCHES	\$ 1,429,182	Year 2016 through 2017
4	PAINT REMOVAL <8 FEET	\$ 4,180,827	Year 2016 through 2017
5	PAINT CLEANING >8 FEET	\$ 4,043,185	Year 2016 through 2017
6	WATER TREATMENT	\$ 1,177,135	Year 2016 through 2017
7	CONCRETE FLOOR HOT SPOT REMEDIATION	\$ 846,958	Year 2016 through 2017
8	PANEL REMOVAL	\$ 8,815,948	Year 2017 through 2018
9	MISCELLANEOUS ITEMS	\$ 1,234,682	Year 2016 through 2018
10	DEMOB	\$ 52,451	Year 2018
11	FIELD OFFICE SUPPORT	\$ 3,888,345	Year 2016 through 2018
12	CLOSURE REPORT	\$ 422,398	Year 2018
13	TRANSPORTATION & DISPOSAL (Variable Price Budget)	\$ 1,170,984	Year 2016 through 2018
14.1	SAMPLE & CLEAN FOUR PRESSES	\$ 215,688	Year 2016 through 2017
14.2	ENCAPSULATE FOUR PRESSES	\$ 113,400	Year 2016 through 2017
15.1	PROJECT MANAGEMENT	\$ 1,644,984	Year 2016 through 2018
15.2	LRA PROGAM MGMT	\$ 1,593,440	Year 2016 through 2018
15.3	Pre-Award	\$ 400,926	Year 2016
	<b>PART A TOTAL</b>	<b>\$ 32,483,799</b>	
	<b>PART B - CERCLA</b>		
16.1	CERCLA PLANS AND REPORTS	\$ 953,547	Year 2016 through 2019
16.2	MOBILIZATION	\$ 84,223	Year 2017
16.3	STORMWATER CLEANING AND EXCAVATION	\$ 608,492	Year 2017 through 2018
16.4	SOIL EXCAVATION	\$ 1,504,411	Year 2017 through 2018
16.6	TRANSPORTATION & DISPOSAL (Variable Price Budget)	\$ 1,998,929	Year 2017 through 2018
16.7	DEMOB	\$ 28,500	Year 2018
16.9	FIELD OFFICE SUPPORT	\$ 968,585	Year 2017 through 2018
16.10	PROJECT MANAGEMENT	\$ 485,857	Year 2017 through 2019
16.11	LRA PROGAM MGMT	\$ 348,034	Year 2017 through 2019
	<b>PART B TOTAL</b>	<b>\$ 6,980,577</b>	
	<b>GRAND TOTAL</b>	<b>\$ 39,464,376</b>	

LRA - ITEM 3.C

Attachment to Item 3.C

(Copy of proposed agreement)

is posted separately due to technical difficulty with  
the file.

## RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.1

### SECTION 5: PUBLIC HEARING

<b>Meeting Date:</b>	April 12, 2016
<b>Subject:</b>	Proposed <b>Ordinance No. 2016-003</b> of the City Council of the City of Riverbank, California, Amending the Riverbank Municipal Code by Repealing in its Entirety Section 153.217: Variance and Section 153.218: Appeals of Chapter 153: Zoning of Title XV: Land Usage, and Substitute it with New Sections 153.217 and 153.218
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Donna M. Kenney, Planning and Building Manager Annabelle Aguilar, Sr. Management Analyst/City Clerk

#### **RECOMMENDATION**

It is recommended that the City Council conduct the public hearing for the first reading and introduction by title only of the proposed ordinance to consider its approval as presented, which will initiate the scheduling of the ordinance for its second reading by title only on April 26, 2016, to consider its adoption. The proposed ordinance is also recommended by adopted Planning Commission Resolution No. 2016-003.

#### **SUMMARY**

A Public Hearing was conducted at the regular City Council meeting on February 9, 2016, to receive public opinions or evidence for or against Ordinance No. 2016-003 after its first reading and introduction by title only. The City Council approved the first reading and introduction of the ordinance which moved said ordinance to the February 23, 2016, regular City Council meeting for its second reading and consideration for adoption. However, after further review and research of the proposed ordinance, it was determined that the ordinance could be further refined and clarified.

On February 23, 2016, City Council unanimously motioned to table the second reading of the proposed ordinance, to allow for further research and modification of the Riverbank Municipal Code (RMC) Chapter 153, Section 153.217 and additional sections as deemed necessary, which would be presented at a future date. As a result, a public notice was published in the Riverbank News on March 30, 2016, to conduct the first reading, re-introducing proposed Ordinance No. 2016-003 on this date, and to consider conducting its second reading for its adoption on April 26, 2016, by the City Council.

The modifications made to Ordinance No. 2016-003, that was previously introduced on February 9, 2016, were to refine the language of Section 153.217 and to clarify the appeals process, hence the inclusion of amending Section 153.218, Appeals. An applicant or aggrieved party may request an appeal hearing before the City Council within ten (10) days after approval or denial of a Planning Commission's decision on a variance. In addition, the modifications made to the ordinance do not alter the reasons for the recommendation of an ordinance amendment that was previously introduced to the Planning Commission, which resulted in the adoption of the Commission's Resolution No. 2016-003.

## **BACKGROUND**

In July 2015, KB Home applied for Variance 01-2015 to decrease a setback on Lot 99 in Cornerstone at Crossroads from four (4) feet to three (3) feet. A public hearing was held by the Planning Commission on October 20, 2015 and the vote was 4-0 to recommend approval of the KB Home Variance to the City Council. A public hearing was then held by the City Council on November 10, 2015 and the variance was approved. During this meeting, the City Council questioned why they were hearing this item and staff explained that the process in RMC Section 153.217 Variance required both bodies to review the variance request in public hearings. Council directed staff to bring back an ordinance amendment to make the Planning Commission the deciding body. An appeal of the Planning Commission's decision on a variance would be heard by the City Council.

An ordinance amendment was prepared and Planning Commission reviewed it in a public hearing at their regular meeting of January 19, 2016. With a vote of 4-0, the Commission recommended approval of the ordinance amendment to the City Council by adoption of Resolution 2016-003 (Attachment 1).

## **GENERAL PLAN**

The Planning Commission, in their recommendation to the City Council, found the ordinance amendment consistent with the following General Plan Policy:

Policy LAND-4.1: The City will encourage, through incentives, streamlining, flexible standards, and other means, development of employment-generating uses.

*By removing the requirement that a variance must be approved or denied by the City Council, it in effect streamlines the variance process by eliminating a second public hearing, thereby allowing projects (home construction jobs) to move forward.*

## **ENVIRONMENTAL DETERMINATION**

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

## **FISCAL IMPACT**

The ordinance amendment will require less staff time to process a variance because there will be one less public hearing involved, including the newspaper posting and the mailing of notices. Therefore, staff expects a small, but positive fiscal impact.

## **STRATEGIC GOALS**

The City of Riverbank Strategic Planning Session is a plan and set of goals that Riverbank will work towards for the next three years. The above action to modify the variance ordinance is not an objective of these goals.

## **ATTACHMENTS**

1. Copy of Planning Commission Resolution 2016-003
2. Proposed Ordinance No. 2016-003

PLANNING COMMISSION

RESOLUTION NO. 2016-003

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK  
RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF AN ORDINANCE  
AMENDING THE RIVERBANK MUNICIPAL CODE BY REPEALING IN ITS ENTIRETY  
CHAPTER 153: VARIANCE OF TITLE XV: LAND USAGE  
AND SUBSTITUTING IT WITH A NEW CHAPTER 153: VARIANCE**

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**WHEREAS**, Pursuant to Riverbank Municipal Code Section 153.217 Variance, an application for a variance in the City of Riverbank is required to be heard in public hearing by the Planning Commission, which then makes recommendation to the City Council on approving or denying the variance during a second public hearing; and

**WHEREAS**, During the City Council's hearing on the last variance proposal, staff was questioned about the variance process and the need for a second public hearing; and

**WHEREAS**, Staff was then directed to work on an ordinance amendment to make the Planning Commission the deciding body on variances; and

**WHEREAS**, The Planning Commission held a public hearing on January 19, 2016, to consider said ordinance and take public comment pursuant to Section 153.232 (A); and

**WHEREAS**, The Planning Commission reviewed and considered, pursuant to the California Environmental Quality Act (CEQA), that the Ordinance regarding Variances is not a project within the meaning of Section 15378 (B)(5) of the State CEQA Guidelines because it has no potential for resulting in a physical change in the environment, directly or ultimately; and

**WHEREAS**, the proposed ordinance is consistent with the following aspect of the General Plan:

Policy LAND-4.1: The City will encourage, through incentives, streamlining, flexible standards, and other means, development of employment-generating uses. *By removing the requirement that a Variance must be heard by the Planning Commission and the City Council, the Council is in effect streamlining the variance process by allowing projects (home construction jobs) to avoid a second public hearing and move forward.*

**NOW THEREFORE, BE IT RESOLVED** by the City of Riverbank Planning Commission that Ordinance No. XXX-2016 is hereby recommended for approval to the City Council as illustrated in Exhibit A.

**PASSED AND ADOPTED** by the Planning Commission of the City of Riverbank at a regular meeting held on the 19<sup>th</sup> of January, 2016, by the following vote:

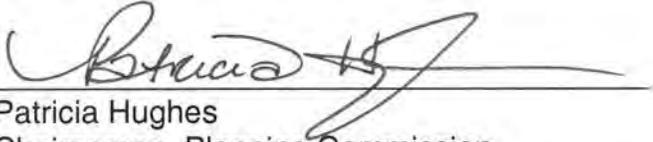
AYES: Chair Hughes, Commissioner's;McKinney, Stewart and Villapudua

NOES: None

ABSENT: None

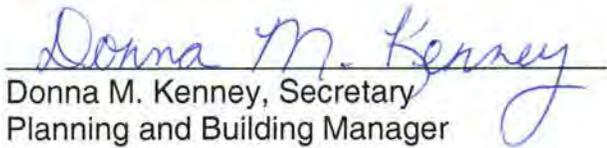
ABSTAIN: None

Approved:



Patricia Hughes  
Chairperson, Planning Commission

Attest:



Donna M. Kenney, Secretary  
Planning and Building Manager

**CITY OF RIVERBANK**

**ORDINANCE NO. 2016-003**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AMENDING THE RIVERBANK MUNICIPAL CODE BY REPEALING IN ITS ENTIRETY SECTION 153.217: VARIANCE AND SECTION 153.218: APPEALS OF CHAPTER 153: ZONING OF TITLE XV: LAND USAGE AND SUBSTITUTE IT WITH NEW SECTIONS 153.217 AND 153.218**

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**WHEREAS**, pursuant to Riverbank Municipal Code Section 153.217, Variance, an application for a variance is required to be heard in a public hearing by the Planning Commission, which then makes a recommendation to the City Council on approval or denial of the application during a second public hearing; and

**WHEREAS**, during a City Council public hearing to consider the Commission's recommendation on a variance application, City Council requested that such considerations for approval or denial of a variance be conducted by the Planning Commission; and

**WHEREAS**, staff was then directed to present an ordinance amendment to make the Planning Commission the deciding body for the approval or denial of a variance; and

**WHEREAS**, Chapter 153 of the Riverbank Municipal Code has provided the opportunity to appeal the Planning Commission's decision to the City Council; and

**WHEREAS**, the amendment of Section 153.218, Appeals, is made to include an appeal of a variance decision, and to clarify the process in which to request an appeal and provisions to set a City Council public hearing.

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

**SECTION 1: Riverbank Municipal Code Section 153.217: Variance, of Chapter 153: Zoning, of Title XV: Land Usage shall be repealed in its entirety and replaced with a new Section 153.217: Variance, which shall read as follows:**

**§ 51.03 VARIANCE.**

Each zoning district has specific development standards and a variance is a special request for the City to waive or alter one or more of those standards. When practical difficulties, unnecessary hardship and outcomes inconsistent with the general purpose of this title may result

from the strict application of certain provisions thereof, a variance may be granted as provided in this section except for uses not permitted by zoning district regulations.

(A) **Form.** An application for variance shall be made in writing on a form prescribed by the City and shall be accompanied by a filing fee (that is subject to change by City Council resolution) and statement, plans and evidence showing:

(1) Because of special circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives the subject property of the privileges enjoyed by other properties in the vicinity and under identical zone classifications.

(2) The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privileges.

(3) The granting of such application will not, under the circumstances of the particular case, materially adversely affect the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

(B) **Public Hearing.** Whenever an application for a variance is submitted to the Planning Commission, the Planning Commission shall give notice of hearing thereof in the same manner and for the same period of time as required for use permits under Section 153.216(B) of this Title.

(C) **Action by the Planning Commission.** After the conclusion of the public hearing, the Planning Commission shall make a finding of facts indicating whether the circumstances enumerated in Division (A) hereof apply to the land, buildings or use for which a variance is sought. If the variance is in harmony with the general purpose of this title, it shall grant, by resolution, such variance.

The Planning Commission may impose such conditions in connection with the variance as it deems necessary to secure the purposes of this chapter and may require a bond guarantee or other assurances that such conditions are being or will be complied with.

(D) **Effect**

(1) No application for a variance which has been denied shall be resubmitted for a period of 1 year from the date of said order of denial became final, except on grounds of new evidence or proof of change of conditions found to be valid by the Planning Commission.

(2) Any variance granted shall be null and void 12 months from the date of final approval thereof unless prior to such expiration date, the property is being used as stated in the variance, or unless a valid building permit is in effect for the construction of buildings or

appurtenances to such variance. The Planning Commission may defer expiration of the variance for a period not exceeding one year upon receiving an application, in writing, by the owner of the property prior to expiration provided the conditions for granting the variance have not changed.

(E) The Planning Commission may revoke or modify the approval of a variance as indicated in Section 153.247 of this chapter.

**SECTION 2: Riverbank Municipal Code Section 153.218: Appeals, of Chapter 153: Zoning, of Title XV: Land Usage shall be repealed in its entirety and replaced with a new Section 153.218: Appeals, which shall read as follows:**

**§ 153.218 APPEALS.**

(A) The Planning Commission shall have the power to hear and decide appeals at a public hearing on the enforcement or interpretation of the provisions of this chapter.

(B) If an applicant or other aggrieved party is not satisfied with the action of the Planning Commission a request for an appeal to the City Council may be made within ten (10) days following the Planning Commission's action.

An *aggrieved party* is anyone who, in person or through a representative, presented testimony at a public hearing in connection with the decision being appealed, or who otherwise informed the city in writing of the nature of their concerns prior to the hearing.

(1) A request for an appeal, along with a filing fee (as set by City Council resolution) shall be made on a form provided by the City. If no form exists, a letter clearly identifying the action being appealed and the reasons for the appeal will be accepted.

(2) If an appeal request and filing fee is received by the City Clerk within ten (10) days following the Planning Commission's determination, the City Clerk shall:

(a) set a date for a City Council public hearing within sixty (60) days after the filing of an appeal request; and

(b) notify the applicant or aggrieved party by U.S. Postal Service not less than ten (10) days prior to the date set for the hearing (Notice by mail is deemed given on the date the notice is placed in the U.S. mail system.); and

(c) follow the same legal public notice requirements that were required for the noticing of the Planning Commission's public hearing to consider the matter; and

(d) give notice to the Community Development Director or his/her designee of such appeal; who shall submit a report to the City Clerk, setting forth the reasons for action taken by the Planning Commission prior to the appeal hearing.

(3) The City Council shall render its decision within thirty (30) days of said hearing.

(C) If the action by the Planning Commission is not appealed, the action becomes effective on the eleventh (11<sup>th</sup>) day following the date of the Planning Commission's action.

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

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on April 12, 2016. Said ordinance was given a second reading by title only and adopted.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Riverbank at a regular meeting on the \_\_\_ day of \_\_\_\_\_, 2016; motioned by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_; moved said ordinance by a City Council roll call vote of \_\_\_\_:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAINED:**

**ATTEST:**

\_\_\_\_\_  
**Annabelle H. Aguilar, CMC**  
City Clerk

**APPROVED:**

\_\_\_\_\_  
**Richard D. O'Brien**  
Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Tom P. Hallinan, City Attorney**

**RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1**

**SECTION: NEW BUSINESS**

**Meeting Date:** April 12, 2016

**Subject:** A **Resolution** of the City Council of the City of Riverbank, California, to Adopt Local Goals and Policies for Community Facilities Districts

**From:** Jill Anderson, City Manager

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

**RECOMMENDATION**

It is recommended that the City Council adopt a Resolution outlining the City of Riverbank’s Local Goals and Policies for Community Facilities Districts.

**INTRODUCTION**

In order to maintain the current level of municipal services, including Police services, in areas of new development and prevent the deterioration of services throughout the currently developed areas of the City, the City is considering the creation of a Maintenance Community Facilities District consistent with the provisions of the Mello-Roos Community Facilities Act of 1982 (the “Act”) for new development in the City of Riverbank. The recommended action will allow the City Council to establish local goals and policies concerning the formation and use of the Act prior to the initiation of proceedings to establish any new community facilities district (“CFD”) under the Act.

**SUMMARY**

The Local Goals and Policies presented as Attachment 2 to this Staff Report (“Policies”) are required under the Mello-Roos Community Facilities District Act of 1982 (the “Act”). The Policies must be adopted prior to the initiation of proceedings to establish a Maintenance or an Improvement CFD under the Act. The Policies, if adopted, will replace previous policies that were significantly outdated; new policies must be adopted in conformance with the Act.

A CFD can be used as a mechanism to finance ongoing maintenance obligations and public safety services, similar to a Landscape and Lighting Maintenance District (“LLMD”). In recent years, public agencies are increasingly opting to use CFDs to

(ADDED TO AGENDA PACKET)

finance the maintenance of roads, storm drainage systems, street lights, parks, public landscape areas and to maintain service levels for police and fire services. CFDs used in this fashion are often referred to as a “Maintenance CFD” and they are more cost-effective to administer than LLMDs. A Maintenance CFD will be proposed at this meeting for new development projects in Riverbank, if the Policies are adopted.

In addition to Maintenance CFD’s, a CFD can be used as a mechanism to finance the cost of major public improvements required by new development. Public improvements consist of new infrastructure such as water and wastewater systems, roads, storm drainage facilities, parks and recreational facilities, and government facilities. These are known as “Improvement CFD’s”. Improvement CFD’s often involve bond financing so that adequate funds can be raised to finance large capital investments.

The attached Policies are intended to be general in nature and therefore apply to the Maintenance CFD’s and Improvement CFD’s. It is important to note that the provisions in the Policies related to public improvements, bond financing, credit quality, and debt service do ***not*** apply to the Maintenance CFD that will be proposed in a separate agenda item on the April 12, 2016 City Council agenda.

The Policies incorporate standard industry practices in the formation and administration of CFDs. Nevertheless, these Policies are subject to amendment by the City Council at any time. In the event these Policies conflict with or are incompatible with any provisions of the Act, the provision of the Act shall control.

**Maintenance CFD’s**

For Maintenance CFD’s, The Policies allow for the financing of all services authorized under the Act, such as: police services, and maintenance of streets, storm drainage, parks, landscaping and lighting, etc. The Policies allow the City to prioritize the public services to be financed by a CFD to services that are necessary for the public health, safety and welfare, or would otherwise create an additional burden on the City’s general fund.

Consistent with the Act, maintenance services to be financed by a CFD must be related to the impacts caused by new development. A maintenance CFD cannot be imposed on new development for the purpose of funding maintenance obligations related to existing residents, or to cure past deficiencies.

**Improvement CFD’s**

For Improvement CFD’s, the Policies allow for the financing of a broad range of eligible facilities:

- Streets
- Street lighting
- Traffic signals and safety lighting
- Utility relocations
- Elementary and secondary school sites and facilities
- Libraries

(ADDED TO AGENDA PACKET)

- Landscaping on public property or in public easements
- Sanitary sewer facilities
- Storm drain facilities
- Flood control facilities
- Potable and reclaimed water facilities
- Parks, recreational and open-space facilities
- Public utilities
- Cultural facilities
- Police and fire protection facilities
- Governmental facilities

Ultimately, the facilities to be financed by a CFD must be owned by a public agency or public utility and must have a useful life of at least five (5) years.

The Policies also cover provisions related to bond financings in connection with Improvement CFD's. For example, all CFD bond issues must have at least a three to one (3:1) property value to public lien ratio. Therefore, a CFD could raise \$10 million in bond revenue if the property to be bonded against was worth at least \$30 million. In addition, the Policies require a reserve fund, as a percentage of the bond issuance or debt service. These Policies are standard industry requirements that are intended reduce the risks associated with bond financing.

The Policies also require developers to provide disclosure of the existence of a CFD to prospective purchasers, and other disclosure requirements under the Internal Revenue Code.

The Policies further provide that the special taxes imposed on property within the City shall not exceed two percent (2.0%) of the estimated initial sales price of the property. The City may retain a special tax consultant to prepare a report which recommends a special tax for the proposed CFD, and evaluates the special tax proposed to determine its ability to adequately fund identified public facilities, city administrative costs, services and other related expenditures. Such analysis shall also address the resulting aggregate tax burden of all proposed special taxes plus existing special taxes, ad valorem taxes and assessments on the properties within the CFD.

**City Proceedings**

Consistent with the Act, the Policies allow for the formation of a CFD, by landowner petition, or when desired by the City and accepted by landowners as an acceptable form of financing the conditions of approval for a project. If a landowner chooses not to participate in a CFD, the landowner will be required to provide alternative financing acceptable to the City to finance the same obligations that would be provided in a CFD.

The Policies further provide that all City staff and consultant costs incurred in the formation of a CFD and the issuance of bonds (if applicable) should be paid by advance deposit by the landowners who will be subject to the proposed CFD.

**Exceptions to these Policies**

The City may find in limited and exceptional instances that a waiver to any of the stated policies is reasonable given identified special benefits to be derived from such waiver. Any waiver to these Policies shall only be granted by action of the City Council.

**FISCAL IMPACT:**

All costs associated with the formation and administration of the proposed CFD shall be paid by landowners proposed to annex into the CFD. Expenses not chargeable to the CFD shall be directly borne by the proponents of the CFD.

**STRATEGIC GOAL**

The consideration and possible implementation of a Maintenance CFD was included as an objective during the City's most recent Strategic Planning session on April 5, 2016 in support of the City's goal to "Achieve and Maintain Financial Stability and Sustainability. It specifically mentions the creation of a Maintenance (CFD) for police, streets, storm, parks, landscaping and lighting for new development.

**ATTACHMENTS:**

- 1) Resolution Outlining the City's Local Goals and Policies for Community Facilities Districts
- 2) Attachment 2 - City of Riverbank Local Goals and Policies for Community Facilities Districts

CITY OF RIVERBANK

RESOLUTION NO. 2016 - \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, TO ADOPT LOCAL GOALS AND POLICIES FOR COMMUNITY FACILITIES DISTRICTS**

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**WHEREAS**, the CITY COUNCIL of the CITY OF RIVERBANK, CALIFORNIA (the “City Council”), may determine that it is necessary and desirable to create a community facilities district pursuant to the terms and provisions of the “Mello-Roos Community Facilities Act of 1982”, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the “Act”), as amended; and

**WHEREAS**, the Act (Gov. Code § 53312.7) requires the City Council to adopt goals and policies prior to establishing a community facilities district (“CFD”); and

**WHEREAS**, the existing CFD goals and policies of the City of Riverbank require revision in conformance with the Act; and

**WHEREAS**, the City Council finds that the adoption of a revised set of goals and policies in conformance with the Act is in the best interests of the City.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIVERBANK HEREBY RESOLVES** to adopt the Local Goals and Policies for Community Facilities Districts attached hereto (“Policies”), which may be amended and revised from time to time by resolution of the City Council, in accordance with the Act.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2016; motioned by \_\_\_\_\_, seconded by \_\_\_\_\_, and upon roll call was carried by the following City Council vote of \_\_\_\_ - \_\_\_\_:

AYES: \_\_\_\_\_  
NAYS: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAINED: \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
Annabelle Aguilar, CMC  
City Clerk

\_\_\_\_\_  
Richard D. O’Brien  
Mayor

## ATTACHMENT 2

### CITY OF RIVERBANK LOCAL GOALS AND POLICIES FOR COMMUNITY FACILITIES DISTRICTS

#### I. General

Section 53312.7(a) of the California Government Code requires the City of Riverbank, or the applicable financing district formed by the City (the “City”) to consider and adopt local goals and policies concerning the use of the Mello-Roos Community Facilities Act of 1982 (the “Act”) prior to the initiation of proceedings to establish a new community facilities district (“CFD”) under the Act.

These Local Goals and Policies for Community Facilities Districts (the “Policies”) provide guidance for the City in proceedings to form a CFD under the Act, and in issuing bonds secured by special taxes under the Act. The Policies are intended to be general in nature; specific details will depend on the nature of each particular financing. The Policies are applicable to financings under the Act and are intended to comply with Section 53312.7(a) of the Government Code. The Policies are subject to amendment by the City Council at any time. In the event these Policies conflict with or are incompatible with any provision of the Act, the provision of the Act shall control.

#### II. Financing Priorities

Eligible Facilities. The improvements eligible to be financed by a CFD will be owned by a public agency or public utility and will have a useful life of at least five (5) years. Development proposed within a CFD will be consistent with the City's general plan and will have received any required legislative approvals. A CFD will not vest any rights to future land use on any properties, including those which are responsible for paying special taxes.

The public facilities eligible to be financed through a CFD may include, but shall not be limited to, the following:

- Streets
- Street lighting
- Traffic signals and safety lighting
- Landscaping on public property or in public easements
- Sanitary sewer facilities
- Storm drain facilities
- Flood control facilities
- Potable and reclaimed water
- Utility relocations
- Elementary and secondary school sites and facilities
- Libraries
- Parks, recreational and open-space facilities
- Public utilities
- Cultural facilities
- Police and fire protection facilities
- Governmental facilities

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The Act authorizes a CFD, in the discretion of the City, to finance connection fees and capacity charges, impact fees, lease payments for school facilities, and other fees imposed by governmental agencies the proceeds of which are to be used to fund public capital improvements of the nature listed above. (E.g., Gov. Code § 53345.3.) The City will consider applications to finance such fee obligations on a case-by-case basis. The City's stated preference, however, is to utilize an improvement CFD to finance the construction and acquisition of eligible facilities.

The City will consider, on a case-by-case basis, the funding of public facilities to be owned and operated by public agencies other than the City. If the proposed financing is consistent with a public facilities financing plan approved by the City, or the proposed facilities are otherwise consistent with approved land use plans for the property, the City may consider entering into a joint financing agreement or joint powers authority to finance those facilities. In the event the City elects to pursue a joint financing agreement or joint powers authority, such a joint agreement with the public agency that will own and operate any such facility, will be entered into consistent with the time specified in the Act.

A CFD may also be formed for the purpose of refinancing any fixed special assessment or other governmental lien on property, to the extent permitted under the Act, as applicable.

The City, acting through the City Council, shall have the final determination as to the eligibility of any facility for financing.

Priority Facilities. Priority for CFD financing of public facilities shall be given to public facilities which: (a) benefit the development of City infrastructure; (b) are necessary for development to proceed in an orderly fashion, and (c) are coordinated to correspond to the phasing of the related private development project.

If appropriate, the City may require the preparation of a public facilities financing plan as a part of the specific plan or other land use document that identifies the public facilities and the priority of such facilities required to serve a project, and the type of financing to be utilized for each facility. The City may require preparation of the aforementioned plans as a condition of approval of a project, at the cost of the developer of the project. The City will ensure that CFD-financed facilities are constructed and acquired in a manner such that private development will not occur ahead of the installation of public infrastructure necessary to support that development.

Eligible Services; Priority Services. The services eligible to be financed by a CFD (the "Services") shall include all services authorized in the Act. (E.g., Gov. Code § 53313.) Subject to the conditions set forth in the Act, priority for public services to be financed by a CFD shall be given to services which are: (a) necessary for the public health, safety and welfare or (b) would otherwise be an additional burden to the City's general fund.

The City may finance services to be provided by another public agency if it determines the public convenience and necessity require it to do so, although the City prioritizes financing services to be provided by the City. If appropriate, the City may require the preparation of a public services financing plan as a part of the specific plan or other land use document that identifies the public services required to serve a project and the source of funding for each such service.

### **III. Bond Financings; Credit Quality**

Value-to-Public Lien Ratio. All CFD bond issues should have at least a three to one (3:1) property value to public lien ratio after calculating the value of the financed public improvements to be installed, unless otherwise specifically approved by the City Council as provided in Section 53345.8(b) or (c) of the Act. Property value may be based on either an appraisal (as described in VI below) or on assessed values as indicated on the county secured tax roll. The public lien amount shall include the bond issue currently being sold plus any public indebtedness secured by a lien on the properties to be taxed.

Entitlement Status. The City will require all major land use approvals and governmental permits necessary for development of land in the CFD to be substantially in place before proceedings may be initiated to form the CFD and the issuance of bonds.

Reserve Fund. In most cases, a reserve fund equal to the lesser of: (i) ten percent (10%) of the original proceeds of the bond issue, (ii) the maximum annual debt service on the bonds, or (iii) one hundred twenty-five percent (125%) of the average annual debt service on the outstanding bonds will be required for all bond issues where less than fifty percent (50%) of the buildable acreage has been developed. A smaller reserve fund may be required by the City for bond issues where development thresholds identified by the City have been met (for example, more than fifty percent (50%) of the buildable acreage has been developed).

Failure to Meet Credit Criteria. Less than a three to one (3:1) property value to public lien ratio, excessive tax delinquencies, or projects of uncertain economic viability may cause the City to prohibit the sale of bonds or require credit enhancement prior to bond sale. The City may consider exceptions to the above policies for bond issues that do not represent an unusual credit risk, either due to credit enhancement or other reasons specified by the City, or which otherwise provide extraordinary public benefits, to the extent permitted by and subject to, any applicable requirements of the Act.

If the City requires letters of credit or other security, the credit enhancement shall be issued by an institution, in a form and upon terms and conditions satisfactory to the City. Any security required to be provided by the applicant may be discharged by the City upon satisfaction of the applicable credit criteria specified by the City.

As an alternative to providing other security, and subject to federal tax law, the applicant may request that a portion of the bond proceeds be placed in escrow with a trustee or fiscal agent in an amount sufficient to assure the financing will meet the applicable credit criteria, including, but not limited to, meeting a value-to-lien ratio of at least three to one (3:1) on the outstanding proceeds. The escrowed proceeds shall be released at such times, and in such amounts, as may be necessary to assure the applicable credit criteria has been met.

The City will require that bond financings be structured so that bonds are purchased and owned by suitable investors. For example, the City may require placement of bonds with a limited number of sophisticated investors, large bond denominations or transfer restrictions in situations where there is an insufficient value-to-lien ratio, where a substantial amount of the property within a CFD is undeveloped, where tax delinquencies are present in parcels within the CFD, and in any other situation identified by the City.

#### **IV. Disclosures**

Disclosure Requirements for the Resale of Lots. The developer of property within a CFD that is selling lots, parcels or developed properties therein shall provide disclosure notice to prospective purchasers in compliance with the Act, including but not limited to Government Code section 53341.5.

Continuing Bond Disclosure. If any individual landowner in a CFD is responsible for ten percent (10%) or more of the annual special taxes, upon formation of the CFD the landowner must agree to provide, on an ongoing basis: (i) initial disclosures at the time of issuance of any bonds; and (ii) annual disclosure as required under Rule 15c2-12 of the Securities Exchange Commission, as amended from time to time, until the special tax obligation of the property owned by such landowner drops below ten percent (10%) of the annual special taxes.

Applicants or landowners in a CFD shall keep executed copies of each disclosure document and agree to provide a copy of all applicable executed disclosure documents to the City upon request.

#### **V. Rate and Method of Apportionment of Special Taxes**

Minimum Special Tax Levels. The rate and method of apportionment for special taxes of a CFD must be structured so as to produce special tax revenues sufficient to cover: (a) one hundred ten percent (110%) gross debt service coverage for all CFD bonded indebtedness, (b) the administrative expenses of the CFD, and (c) amounts equal to the differences between expected earnings on any escrow fund and the interest payments due on related bonds of the CFD.

In addition, the special tax formula may provide for the following to be included in the special tax levels: (a) any amounts required to establish or replenish any reserve fund established in association with the indebtedness of the CFD, (b) the accumulation of funds reasonably required for future debt service, (c) amounts equal to projected delinquencies of special tax payments, (d) the costs of remarketing, credit enhancement and liquidity facility fees, (e) the cost of acquisition, construction, furnishing or equipping of authorized facilities, (f) lease payments for existing or future facilities, (g) costs associated with the release of funds from an escrow account, (h) the costs of services, and (i) any other costs or payments permitted by law.

Equity of Special Tax Allocation Formula. The special tax formula shall be reasonable in allocating the CFD's payment obligations to parcels within the CFD. The formula will be clear, understandable, equitable and reasonable. Exemptions from the special tax may be given to parcels which are publicly owned, are used for a public purpose, are affected by public utility easements making impractical their utilization for other than the purposes set forth in the easements, have insufficient value to support bonded indebtedness and any other exemptions permitted by the Act and approved within the discretion of the City.

The special tax formula may include a back-up special tax in the event of significant changes from the initial development plan, and may include procedures for prepayment, as approved within the discretion of the City.

Aggregate Tax Burden. The total projected non-residential property tax levels for any CFD (including ad valorem taxes, any maintenance, landscaping or other impositions on the land in the CFD and other similar annual government charges levied on parcels in the CFD, but excluding property owners' association annual levies) must be reasonable, and will be considered by the City Council on a case-by-case basis.

The total projected residential property tax levels (including ad valorem taxes, any maintenance, landscaping or other impositions on the land in the CFD and other similar annual government charges levied on parcels in the CFD, but excluding property owners' association annual levies) for any CFD (or, if a CFD has multiple improvement areas, for each improvement area and not the entire CFD) shall not exceed the lesser of: (i) two percent (2.0%) of the estimated initial sales prices (from the builder to the first homeowner) of the respective homes to be constructed in the CFD (with such prices to be determined by reference to an absorption study or appraisal prepared for the CFD or such other information as the City shall reasonably determine), or (ii) any maximum amounts specified in the Act. The annual increase, if any, in the maximum special tax for any parcel shall not exceed any maximum specified in the Act. The increase in the special tax levied on any residential parcel as a consequence of delinquency or default by the owner of any other parcel shall not exceed any maximum specified in the Act.

Levy on Entire Parcels. Special taxes will only be levied on an entire county assessor's parcel, and any allocation of special tax liability of a county assessor's parcel to

leasehold or possessory interest in the fee ownership of such county assessor's parcel shall be the responsibility of the fee owner of such parcel and the City shall have no responsibility therefore and has no interest therein. Failure of the owner of any county assessor's parcel to pay or cause to be paid any special taxes in full when due, shall subject the entire parcel to foreclosure in accordance with the Act.

Feasibility Analysis. The City may retain a special tax consultant to prepare a report which: (a) recommends a special tax for the proposed CFD, and (b) evaluates the special tax proposed to determine its ability to adequately fund identified public facilities, City administrative costs, services (if applicable) and other related expenditures. Such analysis shall also address the resulting aggregate tax burden of all proposed special taxes plus existing special taxes, ad valorem taxes and assessments on the properties within the CFD.

## **VI. Appraisals**

The definitions, standards and assumptions to be used for appraisals shall be determined by City staff on a case-by-case basis, with input from City consultants and CFD applicants, and by reference to relevant materials and information promulgated by the State of California (including, but not limited to, the California Debt Investment and Advisory Commission). The appraiser shall be selected by or otherwise acceptable to the City, and the appraisal shall be coordinated by and under the direction of, or otherwise as acceptable to, the City.

The appraisal must be dated within three months of the date the bonds are priced, unless the City Council determines a longer time is appropriate.

All costs associated with the preparation of the appraisal report shall be paid by the entity requesting the establishment of the CFD, if applicable, through the advance deposit mechanism described below.

## **VII. City Proceedings**

Petition. Where proceedings are initiated by a landowner, a petition will be required in accordance with the Act and applicable law. The applicant is urged to obtain unanimous waivers of the election waiting period. In applying to the City for formation of a CFD, the applicant must specify any reasonably expected impediments to obtaining petitions, including from co-owners or lenders of record.

Deposits and Reimbursements. All City staff and consultant costs incurred in the evaluation of CFD applications, formation of the CFD and issuance of bonds, shall be paid by advance deposit by the landowners proposed to annex into the CFD. The City shall not incur any expenses for processing and administering a CFD that are not paid

by the applicant or from CFD bond proceeds. In general, expenses not chargeable to the CFD shall be directly borne by the proponents of the CFD.

A petition for formation of a CFD shall be accompanied by an initial deposit in the amount determined by the City to fund initial staff and consultant costs associated with CFD review and implementation. If additional funds are needed to offset costs and expenses incurred by the City, the City shall make written demand upon the applicant for such funds. If the applicant fails to make any deposit of additional funds for the proceedings, the City may suspend all proceedings until receipt of such additional deposit.

The City shall not accrue or pay any interest on any portion of the deposit refunded to any applicant or the costs and expenses reimbursed to an applicant. Neither the City nor the CFD shall be required to issue eligible reimbursements to any applicant or property owner from any funds other than bond proceeds issued by the CFD.

Representatives. The City and the applicant shall each designate a representative for each financing. The representatives shall be responsible for coordinating the activities of their respective interests and shall be the spokespersons for each such interest. The purpose of this requirement is to avoid duplication of effort and misunderstandings from failure to communicate effectively. In the case of the City, it allows the City's consultants to report to a single official who will, in turn, communicate with other staff members.

Time Schedule. The final schedule of events for any proceeding shall be determined by the City, in consultation with its financing team and the applicant. Any changes will require approval by the appropriate City official. Time schedules will (unless specific exceptions are allowed) observe established City Council meeting schedules and agenda deadlines. To the extent possible, financings will be scheduled to allow debt service to be placed on the tax rolls with a minimum of capitalized interest. Decisions to capitalize interest will be made on a case-by-case basis, with the intent that if allowed, it should improve the credit quality of the bonds and reduce borrowing costs, benefiting both current and future property owners.

## **VIII. Bond Financing Terms**

All terms and conditions of any CFD bonds shall be established by the City. The City and its designated agents will control, manage and invest all CFD issued bond proceeds. Each bond issue shall be structured to adequately protect bond owners and to not negatively impact the bonding capacity or credit rating of the City through the special taxes, credit enhancements, foreclosure covenant, and reserve funds.

All statements and materials related to the sale of bonds shall emphasize and state that neither the faith, credit nor the taxing power of the City is pledged to security or repayment of the Bonds. The sole source of pledged revenues to repay CFD bonds are

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special taxes, bond proceeds and reserve funds held under the bond document, and the proceeds of foreclosure proceedings and additional security instruments provided at the time of bond issuance.

The City shall select all consultants necessary for the formation of the CFD and the issuance of bonds, including the underwriter, bond counsel, disclosure counsel, financial advisor, appraiser, market absorption or pricing consultant, trustee, and special tax consultant. Prior consent of the applicant shall not be required in the determination by the City of the consulting and financing team.

All costs associated with the financing shall be paid by the entity requesting the establishment of the CFD, if applicable, through an advance deposit mechanism described above.

## **IX. Exceptions to These Policies**

The City may find in limited and exceptional instances that a waiver to any of the above stated policies is reasonable given identified special benefits to be derived from such waiver. Any waiver to these Policies shall only be granted by action of the City Council.

**RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.2**

**SECTION 6: NEW BUSINESS**

<b>Meeting Date:</b>	April 12, 2016
<b>Subject:</b>	Resolution of the City Council of the City of Riverbank, California, Declaring Its Intention to Establish City of Riverbank Community Facilities District No. 2016-1 (Public Services) and to Authorize the Levy of a Special Tax Therein to Finance Certain City Services
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Marisela Garcia, Director of Finance Kathleen Cleek, Development Services Administration Manager John B. Anderson, Contract Planner Robin Baral, Legal Counsel

**RECOMMENDATION:**

It is recommended that the City Council adopt a Resolution declaring its intention to establish a City of Riverbank Community Facilities District 2016-1 (Public Services) and to authorize the levy of a special tax therein to finance the maintenance of certain City services, including police, street maintenance, parks, storm drainage, and landscaping within the boundaries of the District.

**INTRODUCTION**

As discussed in a previous agenda report, in order to maintain the current level of municipal services, including Police services, in areas of new development and prevent the deterioration of services throughout the currently developed areas of the City, the City is considering the creation of a Maintenance Community Facilities District consistent with the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act") for new development in the City of Riverbank. The recommended action will declare the City Council's intent to create a Community Facilities District (CFD) pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"), as amended, for the purpose of maintaining financing police services, street maintenance, parks, storm drainage, and landscaping.

**BACKGROUND:**

In 1978 Californians enacted Proposition 13, which limited many local public agencies' ability to finance new projects and maintain adequate levels of service. In 1982, the passage of the Mello-Roos Community Facilities District Act (CFD) authorized local governments to create CFDs for the purpose of collecting special-purpose taxes and selling tax-exempt bonds to fund public improvements. A CFD can be used as a mechanism to finance the cost of public improvements. Public improvements can consist of new infrastructure such as water and wastewater systems, roads, storm drainage facilities, parks and recreational facilities, and government facilities.

A CFD can also be used as a mechanism to finance ongoing maintenance obligations and public safety services, similar to a Landscape and Lighting Maintenance District ("LLMD"). In recent years, public agencies are increasingly opting to use CFDs to finance the maintenance of roads, storm drainage systems, street lights, parks, public landscape areas and to maintain service levels for police and fire services. CFDs used in this fashion are often referred to as a "Maintenance CFD" and they are more cost-effective to administer than LLMDs. This is the type of CFD being proposed in Riverbank at this time.

***Proposed Maintenance CFD***

In 2006 the City Council adopted Resolution No. 2006-115, requiring the Bruinville Developments to annex to and participate in a Maintenance CFD for City services such as public safety, street, storm and park maintenance, landscaping and lighting. Once formed, the Maintenance CFD would create a dedicated revenue source to fund the anticipated taxing shortfalls necessary to maintain existing City service levels in the areas of new development and prevent the deterioration of services in the currently developed areas of the City.

The City was advised by its Special District Consultant, Willdan Financial Services, that rather than form individual Special Districts for Landscape and Lighting and/or Storm Drainage Maintenance, that the City of Riverbank should focus on forming a comprehensive CFD to handle all of the service requirements. The primary reason for this has to do with the "Special Benefit" and "General Benefit" provisions of assessment law that are not required under the Mello-Roos Law. A Maintenance CFD is less costly to administer and gives the City flexibility in collecting special taxes for needed services as determined by the City Council.

As discussed above, new development requires municipal services that would need to be funded by the general fund of the City of Riverbank, which is currently struggling to maintain adequate services, unless an alternative revenue source is established. Therefore, it is crucial for the financial stability of the City that a funding source be created to fully pay for the City services that new development will require and that a Maintenance CFD be formed with the expectation that new development could annex into it in the future.

**DISCUSSION**

It has been determined that it is necessary to create a Maintenance Community Facilities District pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982 (the “Act”) for the purpose of financing the maintenance of police, street maintenance, parks, storm drainage, landscaping and lighting services. The formation of a Maintenance CFD for new development is necessary for the City to meet the increased demands placed upon the City as a result of new development occurring within the boundaries of the proposed CFD. The Act authorizes the City Council to establish a community facilities district and levy special taxes within the community facilities district. The City of Riverbank went through an RFP process and the City Council awarded Willdan Financial Services the contract to assist the City in forming its first Maintenance CFD for new development. The process included the following:

- Reviewing the City’s existing CFD goals and policies;
- Working to identify and develop a full list of improvements, facilities, and related services to be funded by the CFD;
- Completing a preliminary tax spread sheet analysis and developing a rate and method of apportionment of special tax.
- Preparing a preliminary CFD report that includes a description of the public improvements to be maintained, along with cost estimates.
- Preparing a boundary map and City Council Resolutions to create a CFD.

The formation was driven by a comprehensive special tax analysis that took into account the types of property proposed for inclusion in the CFD and an analysis of the level of special tax burden. Data was gathered directly from the developers, as well as from the City, County and other sources to identify the level to which properties can be fairly and equitably taxed. A special tax model was constructed which accurately forecasts the aggregate budget for the proposed and future services, based on the current level of services in the City, which guided the City in determining the special tax obligation to be imposed on a per-unit basis. The final analysis was used as the foundation for the development of the special tax methodology and, ultimately, the setting of the Rate and Method of Apportionment (RMA).

**RATE AND METHOD OF APPORTIONMENT:**

The Rate and Method of Apportionment (RMA) is summarized in Table 1 below, which was taken directly from the proposed City of Riverbank Community Facilities District No. 2016-1 (Public Services) Rate and Method of Apportionment.

(ADDED TO AGENDA PACKET)

**Table 1**  
**Maximum Special Tax for Developed Property**  
**Community Facilities District No. 2016-1**  
**Fiscal Year 2016-17**

Land Use Class	Description	Maximum Special Tax
1	Detached Residential	\$580.00 per Dwelling Unit
2	Attached Residential	\$348.00 per Dwelling Unit
3	Mixed-Use Property	Sum of Maximum Special Tax for each applicable Land Use Class
4	Office	\$0.369 per square foot of Building Floor Area
5	Commercial	\$0.211 per square foot of Building Floor Area
6	Industrial/Business Park/Agricultural Processing	\$0.148 per square foot of Building Floor Area

On each July 1<sup>st</sup> following the Base Year, the Maximum Special Tax rates in Table 1 may be increased by an Annual Escalation Factor using the Consumer Price Index. A different Maximum Special Tax may be added to the CFD as a result of future annexations or if future annexations involve a new Land Use Class.

**DISCOUNTED RATE FOR ATTACHED RESIDENTIAL PROPERTIES**

Willdan Financial Services informed Staff that some Cities apply a discounted tax rate for affordable housing projects. City Staff reviewed and analyzed this option and discovered that the same level of maintenance and public services will be needed for the affordable housing units. The proposed RMA currently recommends that “Attached Residential” (i.e., multifamily) units only pay 60% of the tax rate imposed on “Detached Residential” (i.e., single-family residential) units, therefore, in essence the tax rate is discounted. In this regard, if the City chooses to grant an additional discount for the affordable housing projects, the shortfall would be made up by the entire City population through the use of the City’s general fund, which is used to fund most services, including police. Due to the City’s ongoing fiscal constraints, there are insufficient funds to pay for the level of police and other services that are currently needed to meet the increasing level of service that the community is requesting and unfunded legal mandates established by the State are demanding.

In addition, the City’s General Plan states that the City should be staffed at 1.1 deputy police officers per 1,000 residents. The City is currently at 0.78 officers per 1,000 residents, which is the lowest in Stanislaus County. The proposed RMA will ensure that future development pays its proportional share, based in part on existing police staffing levels. Due to these minimal staffing levels, and the principle that new development should pay its fair share, staff believes that the City is not in a position to provide an additional special tax CFD discount for affordable housing unless it is willing to risk further reducing the level of service to the rest of the City.

Therefore, providing municipal services to the new areas of development without a

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corresponding revenue source will require a reduction in the services, including police, provided in the areas of new development as well as the currently developed areas of the City.

**FORMATION**

The annual special tax must be approved by Council action similarly to Landscape and Lighting Assessments. Once the special tax is adopted and imposed on specific properties, it will be paid by each applicable property owner within the boundaries of the CFD as a special tax illustrated on their County property tax bills. The special tax obligation will be triggered once a building permit is requested for properties within the CFD boundary. Building permits pulled by April 1 of each year will be imposed a special tax on the following County tax bills.

Additional properties may be added to the boundary of CFD 2016-1 through annexation proceedings that may be presented to the City Council in the future. The landowner or developer must fund the processing expenses associated with CFD annexations.

The initial proceedings begin with the Riverbank City Council declaring its intention to conduct proceedings for the formation of a community facilities district pursuant to the provisions of the Act. The proposed community facilities district shall be known and designed as “City of Riverbank Community Facilities District No. 2016-1 (Public Services)” (the “CFD”). A description of the exterior boundaries of the territory proposed for inclusion in the CFD, including properties and parcels of land proposed to be subject to the levy of a special tax by the CFD, is as shown on the boundary map designated as “PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES),” which is on file in the office of the City Clerk and is attached to this staff report as **Exhibit A**.

The intent of the proposed Maintenance CFD is to finance police services, landscaping and lighting maintenance, park maintenance, drainage maintenance, and street maintenance. The proposed special tax to fund these services will be sufficient to pay for such additional services and related incidental expenses authorized by the Act. These funds will be secured by the recordation of a continuing lien against all non-exempt real property in the CFD, which will be levied annually within the boundaries of the CFD. The rate and method of apportionment of the proposed Special Tax to be levied within the CFD is referenced in the attached **Exhibit B**, City of Riverbank Community Facilities District No. 2016-1 (Public Services) Rate and Method of Apportionment. The Special Taxes will be collected in the same manner as ad valorem property taxes.

**ELECTION**

If the City Council following the required public hearing determines to establish the CFD and proposes to levy the Special Tax within the CFD, the City Council shall then submit the levy of the Special Taxes to the qualified electors of the CFD. The vote shall be by

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the landowners of the CFD with each landowner or the authorized representative thereof, having one (1) vote for each acre or portion of an acre of land owned within the CFD.

The election shall be conducted by the City Clerk. If the City received consent from 100% of the property owners within the proposed boundaries of the CFD, the election shall be held on the 24<sup>th</sup> of May, 2016, which is a shortened timeframe. If the City does not receive consent from 100% of the affected property owners to reduce the time frame, the election will be held 90-180 days after the Public Hearing, rather than on May 24<sup>th</sup>. The ballots for the election shall be distributed to the qualified electors of the CFD by mail with return postage prepaid or by personal service, and the special election shall be conducted as a mail ballot election. If a written majority protest against the establishment of the CFD is filed, the proceedings shall be abandoned. If such majority protest is limited to certain services or portions of the Special Tax, those services or that tax shall be eliminated by the City Council.

**PUBLIC HEARING**

As noted above, if the certain conditions are met, a public hearing can take place on the **24<sup>th</sup> day of May, 2016**, at the hour of 6 o'clock p.m. (or as soon thereafter as practical), in the regular meeting place of the City Council being the City Council Chambers, located at 6707 Third Street, Riverbank, CA 95367. The public hearing would include the City Council's consideration of the proposed CFD, the extent of the CFD, the furnishing of the Services within the CFD, and the proposed Rate and Method, and all other matters as set forth in this resolution of intention. At the above-mentioned time and place for public hearing any persons interested, including taxpayers, persons registered to vote within the CFD, and property owners, may appear and be heard.

**FISCAL IMPACT:**

The full fiscal impact will not be seen by the City until the subject properties are developed with Building Permits issued on the respective parcels affected. Probable income projections are detailed below by development:

<b><u>Developer</u></b>	<b><u>Detached Units</u></b>	<b><u>Attached Units</u></b>	<b><u>Total Annual CFD Revenue</u></b>
Diamond Bar West	58		\$ 33,614
Riverbank Central Apts.		72	\$ 25,037
Monterosso	10		\$ 5,795
Diamond Bar East	96		\$ 55,637
Ward Villas		28	\$ 9,736
Hayes 4 Phase I	41		\$ 23,762
Hayes 4 Phase II	47		\$ 27,239
<b>Total Units</b>	<b>252</b>	<b>100</b>	<b>\$180,819</b>

**STRATEGIC GOAL**

The consideration and possible implementation of a Maintenance CFD was included as an objective during the City's most recent Strategic Planning session on April 5, 2016 in support of the City's goal to "Achieve and Maintain Financial Stability and Sustainability. It specifically mentions the creation of a Maintenance (CFD) for police, streets, storm, parks, landscaping and lighting for new development.

**ATTACHMENTS:**

- 1) Resolution of Intention
- 2) Exhibit A - Proposed Boundaries of Community Facilities District No. 2016-1 (Public Services).
- 3) Exhibit B - City of Riverbank Community Facilities District No. 2016-1 (Public Services) Rate and Method of Apportionment
- 4) CFD Processing Milestones

CITY OF RIVERBANK

RESOLUTION NO. 2016 - \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF RIVERBANK, CALIFORNIA,  
DECLARING ITS INTENTION TO ESTABLISH CITY OF RIVERBANK COMMUNITY  
FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES) AND TO AUTHORIZE THE  
LEVY OF A SPECIAL TAX THEREIN TO FINANCE CERTAIN SERVICES**

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**WHEREAS**, the CITY COUNCIL of the CITY OF RIVERBANK, CALIFORNIA (the “City Council”), has determined that it is necessary and desirable to create a community facilities district pursuant to the terms and provisions of the “Mello-Roos Community Facilities Act of 1982”, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the “Act”), as amended, for the purpose of financing police services, landscaping maintenance, park maintenance, drainage maintenance, and street maintenance; and

**WHEREAS**, the Act authorizes the City Council to establish a community facilities district and to levy special taxes within the community facilities district; and

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIVERBANK HEREBY RESOLVES:**

SECTION 1. Recitals. The above recitals are all true and correct.

SECTION 2. Initiation of Proceedings. The City Council hereby declares its intention to conduct proceedings for the formation of a community facilities district pursuant to the provisions of the Act.

SECTION 3. Name of CFD. The proposed community facilities district shall be known and designated as “City of Riverbank Community Facilities District No. 2016-1 (Public Services)” (the “CFD”)

SECTION 4. Boundaries of CFD. A description of the exterior boundaries of the territory proposed for inclusion in the CFD, including properties and parcels of land proposed to be subject to the levy of a special tax by the CFD, is as shown on the boundary map designated as “PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES),” which is on file in the office of the City Clerk and is attached hereto as **Exhibit A** and hereby incorporated by reference.

SECTION 5. Description of Services. It is the intention of this City Council to finance certain services described below (the “Services”). The City Council hereby finds that the Services are in addition to those provided in the territory within the CFD prior to the establishment of the CFD and that such Services will not supplant services already

available within that territory. A general description of the services to be provided is as follows:

### POLICE SERVICES

Police Services includes the estimated and reasonable costs of providing police services, including but not limited to (i) the costs of contracting for police, (ii) the salaries and benefits of City staff, if the City directly provides police services, (iii) the expense related to equipment, apparatus, and supplies related to these services and authorized by the Act, and (iv) City overhead costs associated with providing such services within the CFD.

### LANDSCAPING MAINTENANCE

Landscaping Maintenance includes the labor, material, administration, personnel, equipment and utilities (i.e., water and power) necessary to maintain landscaping improvements within the CFD, including trees, turf, ground cover, shrubs, weed removal, irrigation systems, sidewalk, drainage facilities, lighting, signs, monuments, graffiti removal, walkways, and associated appurtenant facilities located within, or associated with, the CFD.

### PARK MAINTENANCE

Park maintenance includes the estimated and reasonable costs of providing park maintenance, including but not limited to (i) the costs of contracting for park maintenance services, including trees, plant material, restrooms, irrigation systems, sidewalks, drainage facilities, weed control, lighting, and parking lot maintenance, (ii) the salaries and benefits of City staff, including maintenance staff, that directly provide park maintenance services, (iii) the expense related to equipment, apparatus, and supplies related to these services and authorized by the Act, (iv) utility costs such as water, sewer, lighting and power and (v) City overhead costs associated with providing such services within the CFD.

### DRAINAGE MAINTENANCE

Drainage Maintenance includes the labor, material, testing, reporting, remediation, permitting, general administration, personnel, equipment and utilities necessary to maintain drainage improvements for the CFD, including drain inlets, filters, detention basin, storm drain pipeline, and associated appurtenant facilities located within, or associated with, the CFD.

### STREET MAINTENANCE

Street Maintenance includes the labor, material, administration, personnel, equipment and utilities necessary to maintain streets, streetlights and associated appurtenant facilities within, and associated with, the CFD, including City overhead costs associated with providing such services within the CFD.

SECTION 6. Special Tax. It is hereby further proposed that, except where funds are otherwise available to pay for the Services, a special tax sufficient to pay for such Services and related incidental expenses authorized by the Act (the "Special Tax" or "Special Taxes"), secured by recordation of a continuing lien against all non-exempt real property in the CFD, will be levied annually within the boundaries of the CFD. Under no circumstances will the Special Tax authorized to be levied within the CFD be increased as a consequence of delinquency or default by the owner of any other parcel or parcels used for private residential purposes and located within the CFD by more than 10 percent. For further particulars as to the rate and method of apportionment of the Special Tax proposed to be levied within the CFD, reference is made to the attached and incorporated Exhibit B, which sets forth in sufficient detail the rate and method of apportionment of the Special Tax among parcels of real property in the CFD (the "Rate and Method") to allow each landowner or resident within the CFD to clearly estimate the maximum amount that such person will have to pay for such Services. The City Council hereby determines the Rate and Method set forth in **Exhibit B** to be reasonable.

The Special Taxes herein authorized, to the extent possible, shall be collected in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes, or shall be collected in such other manner as may be provided by the City Council. Any Special Taxes that may not be collected on the County tax roll shall be collected through a direct billing procedure by the City Treasurer or duly appointed officer or agent of the City of Riverbank, as appointed by the City Council.

SECTION 7. Public Hearing. Notice is given that on the 24th day of May, 2016, at the hour of 6 o'clock p.m. (or as soon thereafter as practical), in the regular meeting place of the City Council being the City Council Chambers, located at 6707 3rd Street, Riverbank, California 95367, a public hearing will be held where this City Council will consider the establishment of the proposed CFD, the extent of the CFD, the furnishing of the Services within the CFD, and the proposed Rate and Method, and all other matters as set forth in this resolution of intention. At the above-mentioned time and place for public hearing any persons interested, including taxpayers, persons registered to vote within the CFD, and property owners, may appear and be heard. The testimony of all interested persons for or against the establishment of the CFD, the extent of the CFD, or the furnishing of the Services will be heard and considered. Any protests may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk of the City Council on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the public hearing.

If a written majority protest against the establishment of the CFD is filed (as determined in accordance with Section 53324 of the Act), the proceedings shall be abandoned. If such majority protest is limited to certain services or portions of the Special Tax, those services or that tax shall be eliminated by the City Council.

SECTION 8. Election. If, following the public hearing described in Section 7 above, the City Council determines to establish the CFD and proposes to levy the Special Tax within the CFD, the City Council shall then submit the levy of the Special Taxes to the qualified electors of the CFD. The vote shall be by the landowners of the CFD with each landowner or the authorized representative thereof, having one (1) vote for each acre or portion of an acre of land owned within the CFD.

The election shall be conducted by the City Clerk, and shall be held on a date selected by the City Council in conformance with the provisions of Section 53326 of the California Government Code and pursuant to the provisions of the California Elections Code, insofar as they may be applicable. Pursuant to said Section 53326 the ballots for the election shall be distributed to the qualified electors of the CFD by mail with return postage prepaid or by personal service, and the special election shall be conducted as a mail ballot election.

A successful election relating to the Special Tax authorization shall, as applicable, establish the appropriations limit as authorized by Article XIII B of the California Constitution as it is applicable to the CFD.

SECTION 9. Notice. Notice of the time and place of the public hearing shall be given by the City Clerk by causing a Notice of Public Hearing to be published in the legally designated newspaper of general circulation, such publication pursuant to Section 6061 of the Government Code, with such publication to be completed at least seven (7) days prior to the date set for the public hearing. In addition, notice of the time and place of said hearing shall also be given by first-class mail to each registered voter and to each landowner within the proposed CFD as prescribed by Section 53322.4 of said Act. Said notice shall be published at least seven (7) days and may be mailed at least fifteen (15) days before the date of the hearing, and shall contain the information required by said Section 53322 of the Act.

SECTION 10. Exempt Properties. Except as provided in Section 53340.1 of the Act and except for properties that a local agency is a landowner of within the meaning of subdivision (f) of Section 53317 of the Act, pursuant to Section 53340 of the California Government Code, properties of entities of the state, federal, and local governments shall be exempt from the levy of Special Taxes for the financing of the Services of the proposed CFD. Furthermore, reference is hereby made to the Rate and Method for a description of other properties or entities that are expressly exempted from the levy of the Special Taxes.

SECTION 11. Necessity. The City Council finds that the proposed Services described in Section 5 hereof are necessary to meet increased demands placed upon the City as a result of new development occurring within the boundaries of the proposed CFD.

SECTION 12. Annexation of Territory. Other property may be annexed into the CFD pursuant to the provisions of the Act.

SECTION 13. Public Interest. Pursuant to Section 53329.5(c) of the Act, the City Council finds, in its opinion, the public interest will not be served by allowing property owners in the CFD to enter into a contract pursuant to Section 53329.5(a) of the Act.

SECTION 14. Advances. The City or CFD may accept advances of funds or work-in-kind from any source, including, but not limited to, private persons or private entities, and is authorized and directed to use such funds or that work-in-kind for any authorized purpose, including, but not limited to, paying any cost incurred by the City in creating the CFD. The City or CFD may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by the City Council, with or without interest.

Section 15. Reports. Each City officer who is or will be responsible for providing one or more of the proposed types of services to be financed by the CFD, if it is established, is hereby directed to study the proposed CFD and, at or before the time of the public hearing, file a report with the City Council, which is to be part of the record of the public hearing, containing the following: (i) a brief description of the services by type that will in the City officer's opinion be required to adequately meet the needs of the CFD and (ii) an estimate of the cost of providing those services.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the \_\_\_ day of \_\_\_\_\_, 2016; motioned by \_\_\_\_\_, seconded by \_\_\_\_\_, and upon roll call was carried by the following City Council vote of \_\_\_-\_\_\_:

AYES: \_\_\_\_\_  
NAYS: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAINED: \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
Annabelle Aguilar, CMC  
City Clerk

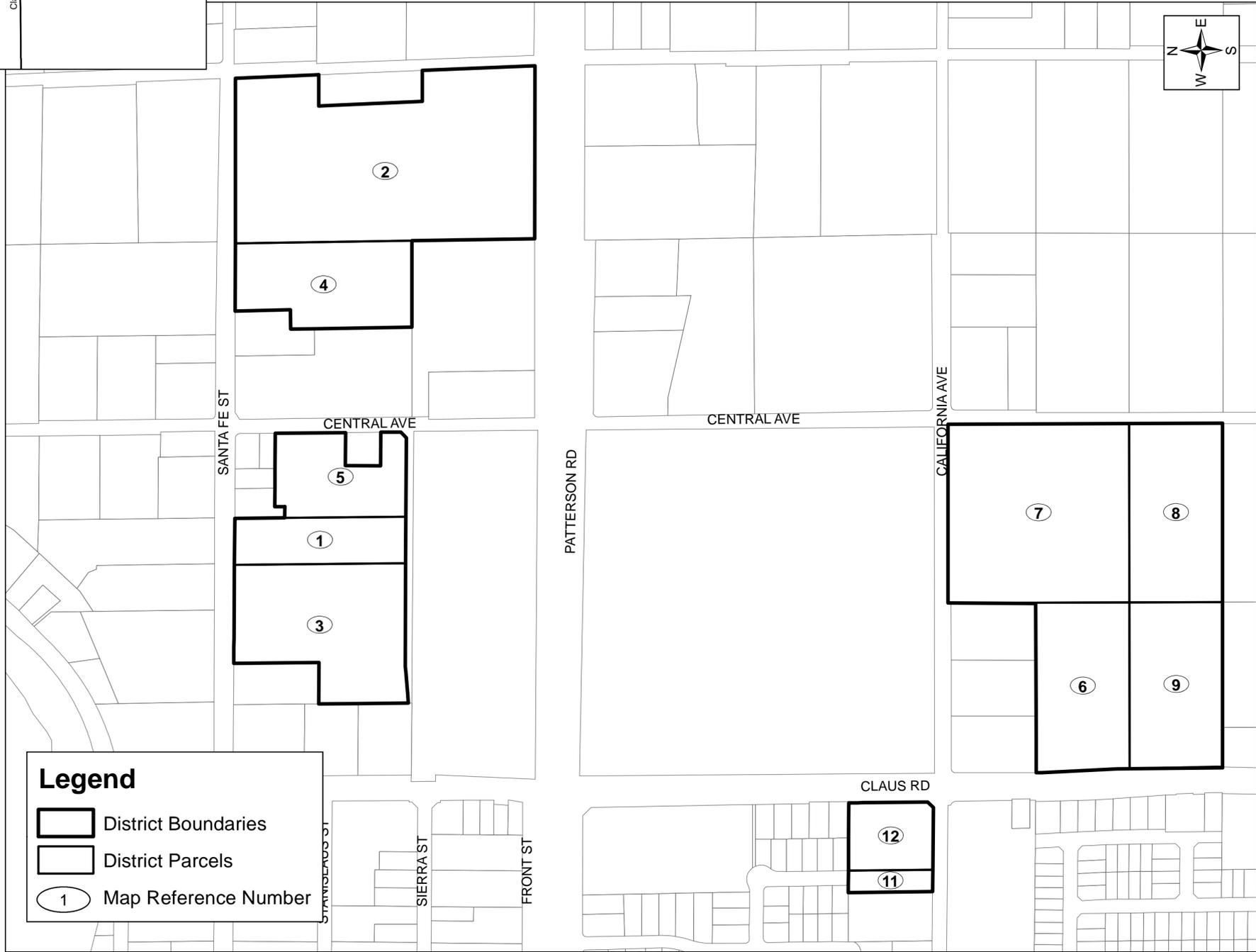
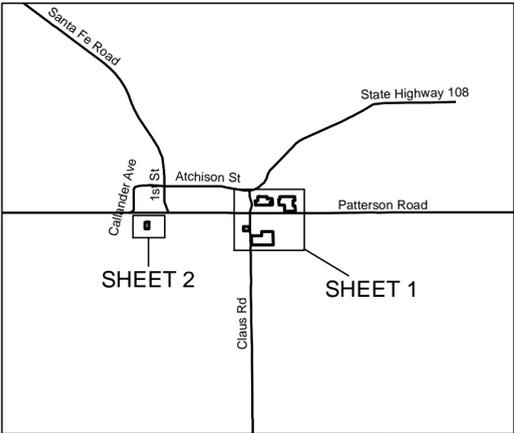
\_\_\_\_\_  
Richard D. O'Brien  
Mayer

# EXHIBIT A

## PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES) CITY OF RIVERBANK

COUNTY OF STANISLAUS  
STATE OF CALIFORNIA

VICINITY MAP



**Legend**

-  District Boundaries
-  District Parcels
-  Map Reference Number

FILED IN THE OFFICE OF THE CITY CLERK THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 20\_\_.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES) OF THE CITY OF RIVERBANK, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF RIVERBANK AT A REGULAR MEETING THEREOF, HELD ON THE \_\_\_\_\_, DAY OF \_\_\_\_\_, 20\_\_, BY ITS RESOLUTION NO. \_\_\_\_\_.

\_\_\_\_\_  
CITY CLERK  
CITY OF RIVERBANK

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_M. IN BOOK \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) \_\_\_\_\_, IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

LEE LUNDRIGAN  
COUNTY CLERK-RECORDER

\_\_\_\_\_  
BY DEPUTY  
COUNTY RECORDER  
COUNTY OF STANISLAUS  
STATE OF CALIFORNIA

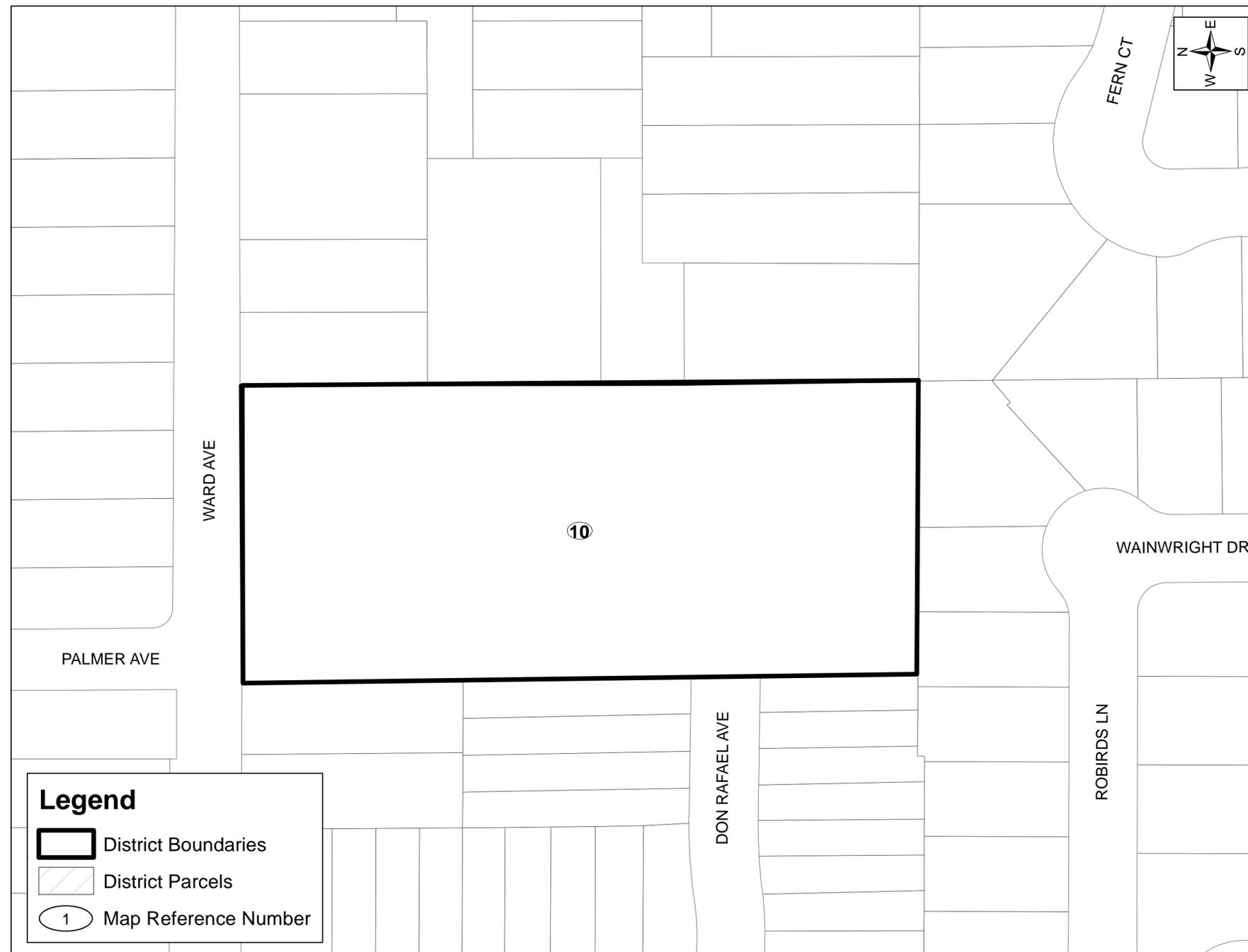
THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE STANISLAUS COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

THE STANISLAUS COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER	SHEET
1	062-020-005-000	1
2	062-020-010-000	1
3	062-020-019-000	1
4	062-020-025-000	1
5	062-020-027-000	1
6	062-022-001-000	1
7	062-022-003-000	1
8	062-022-019-000	1
9	062-022-022-000	1
10	132-036-003-000	2
11	132-046-078-000	1
12	132-046-079-000	1

# PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES) CITY OF RIVERBANK

COUNTY OF STANISLAUS  
STATE OF CALIFORNIA



## EXHIBIT B

### City of Riverbank Community Facilities District No. 2016-1 (Public Services) Rate and Method of Apportionment

A Special Tax of City of Riverbank Community Facilities District No. 2016-1 (Public Services) ("CFD") shall be levied on all Assessor's Parcels within the CFD and collected each Fiscal Year commencing in Fiscal Year 2016-17 in an amount determined by the Special Tax Administrator through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

#### A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

**"Act"** means the Mello-Roos Community Facilities Act of 1982, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California, as amended.

**"Administrative Expenses"** means the following actual or reasonably estimated costs incurred by the City as administrator of the CFD, provided that such costs are directly related to administration of the CFD: costs to determine, levy and collect the Special Taxes, including an allocable share of the salaries and benefits of City employees, the fees of consultants, and legal counsel; the costs of collecting installments of the Special Taxes upon the general tax rolls, including any charges levied by County departments; and the preparation of required reports and any other costs required to administer the CFD in accordance with the Act, as determined by the City.

**"Annual Escalation Factor"** means the greater of (i) two percent (2%) or (ii) the annual percentage increase in the Consumer Price Index for All Urban Consumers for the San Francisco-Oakland-San Jose area as determined by the Bureau of Labor Statistics for the twelve months ending the previous December.

**"Assessor's Parcel"** means a parcel of land shown on an Assessor's Parcel Map with a parcel number assigned by the Assessor of the County that corresponds to a number shown on the County Assessor's roll.

**"Assessor's Parcel Map"** means an official map of the Assessor of the County designating parcels by Assessor's Parcel number.

**“Attached Residential”** means an Assessor’s Parcel within the CFD for which a Building Permit has been issued for purposes of constructing a residential structure or structures sharing common walls consisting of two or more Dwelling Units, including, but not limited to duplexes, triplexes, and apartment units, as of April 1<sup>st</sup> preceding the Fiscal Year in which the Special Tax is being levied.

**“Base Year”** means Fiscal Year ending June 30, 2017.

**“Building Floor Area”** means the sum of the gross horizontal areas of several floors of the building, excluding areas used for accessory garage purposes, and such basement and cellar areas as are devoted exclusively to uses accessory to the operations of the building. All horizontal dimensions shall be taken from the exterior faces of walls including walls or other enclosures or enclosed porches, as obtained from the applicable Building Permit.

**“Building Permit”** means a permit issued for new construction of a residential or non-residential structure. For purposes of this definition, “Building Permit” shall not include permits issued solely for grading, utility improvements, or other such improvements that are constructed and installed and are not intended for human occupancy.

**“CFD”** means City of Riverbank Community Facilities District No. 2016-1 (Public Services).

**“City”** means the City of Riverbank.

**“City Clerk”** means the City Clerk for the City or his or her designee.

**“City Engineer”** means the City Engineer for the City or his or her designee.

**“Commercial Property”** means an Assessor's Parcel of Developed Property for which a building permit(s) has been issued for purposes of constructing non-residential property for any non-residential use located in a commercial zoning district and all other property considered commercial, including hotels, motels, and private schools, as coded by the County’s assessor or as determined by the City, as of April 1st preceding the Fiscal Year in which the Special Tax is being levied.

**“Council”** means the City Council of the City, acting as the legislative body of the CFD.

**“County”** means the County of Stanislaus, California.

**“Detached Residential”** means an Assessors’ Parcel within the CFD for which a Building Permit has been issued for purposes of constructing a residential structure consisting of one single-family detached Dwelling Unit, including Mobile

Homes, as of April 1st preceding the Fiscal Year in which the Special Tax is being levied.

**“Developed Property”** means an Assessor’s Parcel within the CFD for which a Building Permit was issued on or prior to April 1st preceding the Fiscal Year in which the Special Tax is being levied, based on the number of Dwelling Units or the amount of Office, Commercial, or Industrial/Agricultural Building Floor Area in each Building Permit for that Assessor’s Parcel.

**“Drainage Maintenance”** means the labor, material, testing, reporting, remediation, permitting, general administration, personnel, equipment and utilities necessary to maintain drainage improvements for the CFD, including drain inlets, filters, detention basin, storm drain pipeline, and associated appurtenant facilities located within, or associated with, the CFD.

**“Drainage Maintenance Requirement”** means, for any Fiscal Year in which Special Taxes are levied, the amount equal to the budgeted costs for Drainage Maintenance applicable to the CFD for such Fiscal Year.

**“Dwelling Unit”** means each separate residential unit that comprises an independent facility capable of conveyance or rental separate from adjacent residential units, in which a person or persons may live, which comprises an independent facility and is not considered to be for non-residential use only, and as defined in the City of Riverbank’s Municipal Code.

**“Exempt Property”** means for each Fiscal Year, an Assessor’s Parcel within the CFD not subject to the Special Tax. Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, (iii) Assessor’s Parcels with public or utility easements making impractical their utilization for other than the purposes set forth in the easement, such as railroad parcels, roads and landscape lots, (iv) Undeveloped Property, and (v) property reasonably designated by the City or Special Tax Administrator as Exempt Property due to deed restrictions, conservation easement, or similar factors that may make development of such property impractical for human occupancy.

**“Fiscal Year”** means the period starting July 1 and ending on the following June 30.

**“Industrial/Business Park/Agricultural Processing Property”** means an Assessor’s Parcel of Developed Property for which a building permit(s) has been issued for purposes of constructing non-residential property for any allowable use in an industrial or agricultural zoning district, which is not an office or financial institution, and all other property considered industrial or agricultural as coded by the County’s assessor or as determined by the City, as of April 1<sup>st</sup> preceding the Fiscal Year in which the Special Tax is being levied.

**“Landscaping Maintenance”** means the labor, material, administration, personnel, equipment and utilities (i.e., water and power) necessary to maintain landscaping improvements within the CFD, including trees, turf, ground cover, shrubs, weed removal, irrigation systems, sidewalk, drainage facilities, lighting, signs, monuments, graffiti removal, walkways, and associated appurtenant facilities located within, or associated with, the CFD.

**“Landscaping Maintenance Requirement”** means, for any Fiscal Year in which Special Taxes are levied, the amount equal to the budgeted costs for Landscaping Maintenance applicable to the CFD for such Fiscal Year.

**“Land Use Class”** means any of the classes listed in Table 1 and defined herein.

**“Maximum Special Tax”** means the maximum Special Tax, determined in accordance with Section C below, that can be levied by the CFD in any Fiscal Year on any Assessor’s Parcel.

**“Mixed-Use Property”** means an Assessor’s Parcel of Developed Property containing or planned for containing a structure or structures that consists of one or more Dwelling Units, but also has dedicated space for Non-Residential use.

**“Mobile Home”** means a vehicle designed and equipped for human habitation as defined by the California Health & Safety Code § 18008.

**“Non-Residential”** means an Assessors’ Parcel of Taxable Property within the CFD for which a Building Permit has been issued for a non-residential use, including Office Property, Commercial Property, and Industrial/Business Park/Agricultural Processing Property.

**“Office Property”** means an Assessor's Parcel of Developed Property for which a building permit(s) has been issued for purposes of constructing non-residential property for any non-residential use located in an industrial, office, or commercial zoning district and all other property considered office property, including hospitals and convalescent homes, savings and loans property, medical and dental property, and other office buildings, as determined by the City, as of April 1st preceding the Fiscal Year in which the Special Tax is being levied.

**“Park”** means a public park, open space, trail, dog park dedicated to and/or managed by the City of Riverbank.

**“Park Maintenance”** means the estimated and reasonable costs of providing park maintenance, including but not limited to (i) the costs of contracting for park maintenance services, including trees, plant material, restrooms, irrigation systems, sidewalks, drainage facilities, weed control, lighting, and parking lot maintenance, (ii) the salaries and benefits of City staff, including maintenance

staff, that directly provide park maintenance services, (iii) the expense related to equipment, apparatus, and supplies related to these services and authorized by the Act, (iv) utility costs such as water, sewer, lighting and power and (v) City overhead costs associated with providing such services within the CFD.

**“Park Maintenance Requirement”** means, for any Fiscal Year in which Special Taxes are levied, the amount equal to the budgeted costs for Park Maintenance applicable to the CFD for such Fiscal Year.

**“Police Services”** means the estimated and reasonable costs of providing police services, including but not limited to (i) the costs of contracting for police, (ii) the salaries and benefits of City staff, if the City directly provides police services, (iii) the expense related to equipment, apparatus, and supplies related to these services and authorized by the Act, and (iv) City overhead costs associated with providing such services within the CFD.

**“Police Services Requirement”** means, for any Fiscal Year in which Special Taxes are levied, the amount equal to the budgeted costs for Police Services applicable to the CFD for such Fiscal Year.

**“Property Owner Association Property”** means for each Fiscal Year any property within the CFD that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder, to a property owner association, including any master or sub-association, which consists of property owned in common by owners of surrounding properties and intended for use for community purposes.

**“Proportionately”** means, for Taxable Property, that the ratio of the actual Special Tax levied per Assessor's Parcel of Taxable Property to the Maximum Special Tax per Assessor's Parcel of Taxable Property is equal for all Assessor's Parcels of Taxable Property.

**“Public Property”** means for each Fiscal Year any property within the CFD that is, or is expected to be, used for rights-of-way, parks, public schools or any other public purpose determined by the Special Tax Administrator or is owned by or irrevocably offered for dedication to the federal government, the State, the County, the City or any other public agency.

**“Reserve Fund”** means a fund that shall be created and maintained for the CFD for each Fiscal Year to provide necessary cash flow to cover maintenance and repair cost overruns, and delinquencies in the payment of Special Taxes.

**“Special Tax”** means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Taxable Property to fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

**“Special Tax Administrator”** means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

**“Special Tax Requirement”** means that amount required in any Fiscal Year for the CFD to pay for: (i) the Police Services Requirement; (ii) the Drainage Maintenance Requirement; (iii) the Landscaping Maintenance Requirement, (iv) the Park Maintenance Requirement; (v) the Street Maintenance Requirement, (vi) reasonable Administrative Expenses; and (vii) and any amounts required to establish or replenish a reserve fund for that Fiscal Year; less any surplus of funds available from the previous Fiscal Year’s Special Tax levy.

**“State”** means the State of California.

**“Street Maintenance”** means the labor, material, administration, personnel, equipment and utilities necessary to maintain streets, streetlights and associated appurtenant facilities within, and associated with, the CFD, including City overhead costs associated with providing such services within the CFD.

**“Street Maintenance Requirement”** means, for any Fiscal Year in which Special Taxes are levied, the amount equal to the budgeted costs for Street Maintenance applicable to the CFD for such Fiscal Year.

**“Taxable Property”** means all Assessor’s Parcels of Developed Property within the CFD that are not Exempt from the Special Tax pursuant to law or as defined herein.

**“Undeveloped Property”** means, for each Fiscal Year, an Assessor’s Parcel within the CFD for which a Building Permit has not been issued on or prior to April 1<sup>st</sup> preceding the Fiscal Year in which the Special Tax is being levied and is not classified as Property Owner Association Property or Public Property, including an Assessor’s Parcel that is designated as a remainder parcel by any final documents and/or maps available to the Special Tax Administrator.

## **B. ASSIGNMENT TO LAND USE CATEGORIES**

Each Fiscal Year, commencing with Fiscal Year 2016-17, using the definitions above, each Assessor’s Parcel within the CFD shall be classified as Taxable Property or Exempt Property. In addition, each Fiscal Year, beginning with Fiscal Year 2016-17, Taxable Property shall be further classified as Attached Residential, Detached Residential, Mixed-Use Property, Office Property, Commercial Property, or Industrial/Business Park/Agricultural Processing Property.

## C. MAXIMUM SPECIAL TAX RATE

### 1. Developed Property

**Table 1**  
**Maximum Special Tax for Developed Property**  
**Community Facilities District No. 2016-1**  
**Fiscal Year 2016-17**

Land Use Class	Description	Maximum Special Tax
1	Detached Residential	\$580.00 per Dwelling Unit
2	Attached Residential	\$348.00 per Dwelling Unit
3	Mixed-Use Property	Sum of Maximum Special Tax for each applicable Land Use Class
4	Office	\$0.369 per square foot of Building Floor Area
5	Commercial	\$0.211 per square foot of Building Floor Area
6	Industrial/Business Park/Agricultural Processing	\$0.148 per square foot of Building Floor Area

On each July 1<sup>st</sup> following the Base Year, the Maximum Special Tax rates in Table 1 shall be increased by the Annual Escalation Factor. A different Maximum Special Tax may be added to the CFD as a result of future annexations or if future annexations involve a new Land Use Class.

### 2. Exempt Property

No Special Tax shall be levied on Exempt Property as defined in Section A.

For each Fiscal Year, if the use or ownership of an Assessor's Parcel of Exempt Property changes so that such Assessor's Parcel is no longer classified as one of the uses set forth in Section A, therefore making such Assessor's Parcel no longer eligible to be classified as Exempt Property, such Assessor's Parcel shall be deemed to be Taxable Property and shall be taxed pursuant to the provisions of Section C.1.

## D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2016-17, and for each subsequent Fiscal Year, the Special Tax Administrator shall calculate the Special Tax Requirement based on the definitions in Section A and levy the Special Tax as follows until the amount of the Special Tax levied equals the Special Tax Requirement:

The Special Tax shall be Proportionately levied each Fiscal Year on each Assessor's Parcel of Developed Property up to 100% of the applicable Maximum

Special Tax. The applicable Maximum Special Tax shall be based on the Developed Property's classification as Detached Residential, Attached Residential, Mixed-Use Property, Office, Commercial, or Industrial/Business Park/Agricultural Processing Property.

## **E. APPEALS**

Any landowner who pays the Special Tax and believes that the amount of the Special Tax levied on their Assessor's Parcel is in error shall first consult with the Special Tax Administrator regarding such error. If following such consultation, the Special Tax Administrator determines that an error has occurred, the Special Tax Administrator may amend the amount of the Special Tax levied on such Assessor's Parcel. If following such consultation and action, if any, the landowner believes such error still exists, such person may file a written notice with the City Clerk of the City appealing the amount of the Special Tax levied on such Assessor's Parcel. Upon the receipt of any such written notice, the City Clerk shall forward a copy of such notice to the City Engineer, who shall either (1) refer the matter to the City's existing hearing board for administrative appeals; or (2) establish as part of the proceedings and administration of the CFD, a special three-member Review/Appeal Committee. The Review/Appeal Committee may establish such procedures, as it deems necessary to undertake the review of any such appeal. The hearing board or Review/Appeal Committee shall interpret this Rate and Method of Apportionment and make determinations relative to the annual administration of the Special Tax and any landowner appeals, as herein specified. The decision of the hearing board or Review/Appeal Committee shall be final and binding as to all persons.

## **F. MANNER OF COLLECTION**

Special Taxes levied pursuant to Section D above shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided however that (i) the CFD may directly bill the Special Tax, and (ii) the CFD may collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the CFD or as otherwise determined appropriate by the City Council.

## **G. TERM OF SPECIAL TAX**

Taxable Property in the CFD shall remain subject to the Special Tax in perpetuity or until the City Council takes appropriate actions to terminate the Special Tax pursuant to the Act.



## COMMUNITY FACILITIES DISTRICT 2016-1 FORMATION TIMELINE

DAY	DATE	ACTION OR TASK TO PERFORM
Tuesday	4/12	<b>INTENT MEETING</b> <ul style="list-style-type: none"> <li>• Adopt Amended Goals and Policies</li> <li>• Adopt Resolution of Intention to Establish CFD</li> <li>• Set time and place of Public Hearing</li> </ul>
Thursday	4/14	<b>Notice and Ballot Mailed to Property Owner (If 100% Consent and Waivers Received)</b>
Friday	5/13	<b>City publishes Notice of Public Hearing</b>
Thursday	5/19	<b>Start to tabulate ballots (If 100% Consent and Waivers Received)</b>
Tuesday	5/24	<b>PUBLIC HEARING and ELECTION COUNCIL MEETING (If 100% Consent and Waivers Received)</b> <ul style="list-style-type: none"> <li>• City adopts Resolution of Formation</li> <li>• City adopts Resolution calling for Special Tax Election</li> <li>• Election is held (If 100% Consent and Waivers Received)</li> <li>• City adopt Resolution Declaring Special Tax Election Results (If 100% Consent &amp; Waivers Received)</li> <li>• First reading of Ordinance Authorizing the Levy of Special Taxes (If 100% Consent &amp; Waivers Received)</li> </ul>
Tuesday	6/14	<b>Second Reading of Ordinance Authorizing the Levy of Special Taxes (If 100% Consent &amp; Waivers Received)</b>

**IF 100% CONSENT AND WAIVERS ARE NOT RECEIVED BY PUBLIC HEARING DATE OF MAY 24, THEN THE FOLLOWING IS REQUIRED**

Tuesday	8/23	<b>SPECIAL TAX ELECTION COUNCIL MEETING</b> <ul style="list-style-type: none"> <li>• Election is held</li> <li>• Adopt Resolution Declaring Special Tax Election Results</li> <li>• First reading of Ordinance Authorizing the Levy of Special Taxes (If it passed)</li> </ul>
Tuesday	9/6	<b>Second Reading of Ordinance Authorizing the Levy of Special Taxes</b>

Regular City Council meetings are scheduled on the 2nd and 4th Tuesday of each month at 6:00 p.m.

## RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.3

### SECTION 6: NEW BUSINESS

<b>Meeting Date:</b>	April 12, 2016
<b>Subject:</b>	Presentation by Neal Colwell of KSN Engineering Regarding Potential Production and Use of Recycled Water
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Michael Riddell, Public Works Superintendent

#### **RECOMMENDATION**

It is recommended that the City Council receive a presentation by Neal Colwell from KSN Engineering regarding the potential production and use of recycled water at the City's Wastewater Treatment Plant.

#### **SUMMARY**

In consideration of the ongoing drought, the Mayor, with support from the City Council, has asked for information on the potential for a recycled water project at the City's Wastewater Treatment Plant (WWTP). In order to evaluate the potential for a project, KSN Engineering, a firm that currently provides water and wastewater expertise to the City, was asked for a preliminary assessment of the potential for a project, including the possibility of partnerships with other municipalities.

#### **STRATEGIC PLAN**

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

#### **FISCAL IMPACTS**

None at this time.

#### **ATTACHMENTS**

The draft presentation is attached for your information.

## RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.4

### SECTION 6: NEW BUSINESS

<b>Meeting Date:</b>	April 12, 2016
<b>Subject/ Title:</b>	Presentation Regarding Options for Becoming a Business- Friendly Community
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Debbie Olson, Executive Director, Local Redevelopment Authority Donna Kinney, Director of Community Development and Planning Marisela Garcia, Director of Finance

#### **RECOMMENDATION**

It is recommended that Riverbank City Council receive a presentation regarding ways in which the City is promoting a business-friendly environment and options for further development of a business-friendly City.

#### **SUMMARY**

The City Council will be led through a presentation and open discussion on what elements are common to the Cities regarded as business-friendly.

#### **BACKGROUND**

In October 2015, the City Council met to discuss and update the City's Strategic Goals & Objectives. One of the strategic elements put forth related to retaining and attracting businesses is to develop a business marketing action plan. Staff took this to mean provide action steps that would create a business-friendly environment and foster the reputation of a City where businesses want to locate and grow.

Staff researched the elements common to cities regarded as business friendly across the United States. Staff also looked at areas where Riverbank is succeeding in meeting business expectations. Additionally, staff created a list of areas that may be easily implemented toward the goal. Finally, staff looked at future steps that could be included when resources become available.

**FINANCIAL IMPACT**

There are no financial impacts to the General Fund associated with the presentation.

**ALIGNMENT WITH THE STRATEGIC PLAN**

The presentation is directly relates to the City's three-year goal to retain and attract business.

**ATTACHMENT:**

None.

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.5

## SECTION 6: NEW BUSINESS

<b>Meeting Date:</b>	April 12, 2016
<b>Subject:</b>	Report on Senate Bill 5 and Compliance with the Central Valley Flood Protection Plan
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	John B. Anderson, Contract Planner

### RECOMMENDATION

It is recommended that the City Council approve Option 4, presented in more detail later in this report, to defer the modeling and mapping obligation to when an identified project, which might be impacted by the 200 year flood elevation determination, is presented for consideration.

### BACKGROUND

Recognizing the significance of flood risk in California and its negative consequences to public safety, economic development, and environmental stability, the California Legislature enacted six (6) interrelated bills in 2007 – Senate Bills 5 and 17, and Assembly Bills (AB) 5, 70, 162, and 156. These bills are commonly referred to as Senate Bill (SB) 5.

The 2007 California flood legislation package contained many provisions related to the requirements for incorporating flood risk considerations into land use planning and management. In summary, SB 5 requires that cities and counties within the Sacramento-San Joaquin Valley amend their general plans to include:

- The locations of SPFC facilities and areas protected by the facilities;
- Location of flood hazard zones; and
- Goals, policies, objectives, and feasible mitigation measures based on the data and analysis contained in the CVFPP for the protection of lives and property to reduce the risk of flood damage.

These Bills created the Central Valley Flood Protection Plan (CVFPP). The CVFPP identified six regions: Upper/Mid-Sacramento River, Feather River, Lower Sacramento/Delta North, Lower San Joaquin River/Delta South, Mid-San Joaquin River

and Upper San Joaquin River. The City of Riverbank falls under the Mid-San Joaquin River Region. The overall purpose of SB 5 was to strengthen the link between flood management and land use decisions at the local level. This law essentially requires cities and counties to incorporate flood risk considerations in to floodplain management and planning based on a 200 year flood plain protection as opposed to the traditional 100 year flood plain protection required by FEMA. A 200 year flood is a flood event that has a 1-in-200 chance (0.5%) of occurring in any given year.

SB 5 substantially limits the ability of urban communities to approve development projects (residential, commercial and industrial) after July 2016, unless:

- ✓ 200-year flood protection has been provided, or
- ✓ The community is making adequate progress toward achieving 200-year flood protection.

With this new higher standard for flood protection, the City is required by SB 5 to update the General Plan and Zoning Code to incorporate the requirements of SB 5 by July of 2016. Thereafter, without a finding of adequate 200-year flood protection, the City will be prevented from entering into Development Agreements, approving discretionary permits, approving ministerial permits for new residences or approving subdivision and parcel maps that would result in construction within urban and urbanizing areas. Also without the finding of adequate 200-year flood protection (mapping of 200 year flood zone) the City is required to fall back to the FEMA determination for a 500 year flood zone for any new construction within the affected area (please see the attached map as Attachment A).

This is yet another example of an unfunded mandate by the State of California. General compliance with SB 5 is a laborious process. It is presumed that each jurisdiction will be required to define the physical flood elevations affected by the new legislation. The State Department of Water Resources (DWR) has in our opinion performed the bare minimum as is required by the law and has consequently transferred their obligation to local governments for interpretation and implementation.

## **ANALYSIS**

There are two (2) parts to compliance with SB 5. Over the past year research has been conducted on the best approach for the City of Riverbank to comply with provisions of SB 5.

First, the City is under the obligation to process a modification to the Riverbank General Plan's Safety Element to incorporate the provisions of SB 5 as well as modify the City's Zoning Ordinance to insert language concerning the SB 5 and the policy provisions added to the General Plan Safety Element. The state has imposed a deadline for these changes of July 1, 2016. Staff has been actively engaged in compliance efforts associated with SB 5 and has therefore processed the required General Plan

amendment through the City Council who officially took action on July 28, 2015. City staff has delayed the processing of the associated Zoning Text Amendments in light of the discussion below and a determination by the Council on the appropriate processing option. Once the City Council gives staff direction we will continue to process the Zoning Text Amendment to implement the General Plan Policies previously adopted.

Second, the City of Riverbank is under obligation to consider the physical effects of the 200 year flood possibility on the City. In this regard, essentially four (4) options for compliance were explored by staff in coordination with the adjacent Cities of Ripon and Oakdale both of which are affected by the river flows associated with the Stanislaus River.

### **Option 1**

Option 1 would include the development of a “Decision Tree” to help guide the City of Riverbank with planning efforts that aim to comply with SB 5. The essence of this strategy is that the Urban Level of Protection (ULOP) states that if an area of the community has or will have a population of 10,000 within 10 years, then a ULOP finding is required. The strategy with this option would be to divide the City of Riverbank into hydrologically separable “areas of the community”, and that the most flood prone areas of the community would fall below the 10,000 population threshold. This would mean that all decisions would likely only require FEMA compliance rules, which the City is already adept at administering.

This strategy does come with some risk to the City. This approach is based on an interpretation of SB 5’s intent and has yet to be challenged or vetted out in court. It is the opinion of the Christopher Neudeck of Kjeldsen, Sinnock & Neudeck, Inc (KSN) that a community can be divided into separable “flood areas of the community” based on topographic relief. While this approach appears sound and reasonable it has yet to be vetted with the Resource agencies and has inherent risk. We are of the opinion that SB 5 will be enforced similar to CEQA, in that each community must make findings which are subject to citizen, stakeholder and special interest lawsuits as a mechanism for challenge. No State or Federal agency has superior decision authority of veto authority over a local agency’s decision so therefore interpretation of compliance falls to the courts. KSN, the consultant with the most knowledge with SB 5, is of the opinion that the “Decision Tree” approach is sound, however it is subject to legal challenge. So as with other CEQA documents and processes, the consultants cannot guarantee that this approach will prevail in a legal challenge.

This option provided by (KSN) together with Peterson Brustad, Inc. (PBI) was available to the City of Riverbank as a one third share of a larger contract leaving Riverbank with a share costs of \$13,167. On March 8, 2016, the City Council of Ripon chose to pursue a definitive process of Modeling and Mapping the 200- year flood prone areas of their City at costs of \$25,347. This means that if Riverbank wishes to proceed with the “Decision Tree” process an agreement will need to be reached with Oakdale to share

the \$39,500 costs or \$19,750 per share. Staff is not recommending this option. (KSN proposal is attached as Attachment B.)

### **Option 2**

Option 2 would include modeling and mapping of the 200 year flood plain, in greater detail than provided by the DWR in compliance with SB 5. This approach provides less exposure for the City. By modeling and mapping the 200-year flood plain for the City of Riverbank, future decisions regarding development in and around the 200 year boundary become somewhat black and white. No development would be allowed within the 200 year flood plain unless a project applicant can show and/or prove that they have built up their project elevation to remove it from the 200 year flood plain. This option provided by Peterson, Brustad, Inc (PBI) is available to the City of Riverbank for \$35,797 and is attached to this staff report as Attachment C. This effort is more time consuming than the Ripon proposal which is why the proposed costs are higher than those suggested for Ripon. Staff is not recommending this option.

### **Option 3**

Option 3 would include a combined modeling and mapping effort of the 200 year flood plain with the City of Riverbank. The modeling effort is very similar for both Cities as it involves river flow projections of the Stanislaus River. This option provided by Peterson, Brustad, Inc (PBI) is available to both the City of Oakdale and Riverbank for \$41,668 and is attached to this staff report as Attachment D. The City of Riverbank's share of this expense would be \$20,834. Staff is not recommending this option.

### **Option 4**

Option 4 would be to defer the modeling and mapping obligation to the when an identified project, which might be impacted by the 200 year flood elevation determination, is presented for consideration. This option would transfer the implied costs associated with the modeling and mapping effort to a project proponent who wishes to pursue a development project in any area subject to the 500 year flood zone.

At this time, staff is recommending approval of Option 4 to defer modeling and mapping of the 200-year Flood Plain to future development in areas identified within the 500-year flood plain to preserve vital General Fund revenues to be used to meet current City obligations.

## **LEGAL OPINION**

As noted in this report, SB 5 establishes numerous mandates on local government. A brief summary of those mandates, and the City's compliance with such mandates, is as follows:

(1) General Plan Amendment. Cities within the Sacramento-San Joaquin Valley drainage areas are required to amend their general plans within 24 months of the adoption of the Central Valley Flood Protection Plan, to incorporate goals, policies and feasible mitigations that will reduce the risk of flood damage. (See Gov. Code § 65302.9)

*City Compliance:* As noted above, the City amended its General Plan in July 2015 to incorporate numerous goals, policies and mitigations into its Public Safety Element to address flood risks, in order to comply with SB 5. In relevant part, the City will require any public facilities and critical facilities (e.g., hospitals, emergency command centers, communication facilities, fire stations, and police stations) in the 100- and 200-year flood zones to be flood-proofed and be designed to mitigate potential flood risk to ensure functional operation during a flood event (Policy SAFE-1.7), and the City will not allow the development of housing in the 100- and 200-year floodplain, and may permit placement of nonresidential improvements within the 100- and 200-year floodplain under a very limited set of circumstances.... (Policy SAFE-1.6)

(2) Zoning Code Amendment. Within 12 months of amending its general plan, each city must amend its zoning code to conform to the new general plan provisions for mitigating and addressing flood risks as required under SB 5.

*City Compliance:* The City Council is being asked to amend the City's zoning ordinance in accordance with the above and other provisions enacted by the July 2015 General Plan amendment. This action is to be completed by July of 2016. Staff anticipates this matter being brought before the Planning Commission in May and the City Council in June of 2016.

(3) Substantive Limits to Discretionary Entitlements. Once the General Plan and zoning ordinance amendments are in place, the City will be prohibited from adopting a development agreement (Gov. Code § 65865.5), discretionary housing permit (Gov. Code 65962), or subdivision map (Gov. Code § 66474.5) unless it makes certain findings that the development is not located in a 200 year flood zone, or if it is located in such zone, that adequate protection is provided by the State Plan of Flood Control or the City has imposed conditions that will address risks to human life at that development from a 200 year flood.

*City Compliance:* This report notes several options that have been proposed by engineering consultants for the City to perform mapping of the contours of the 200 year flood zone. Mapping of the 200 year flood zone is required to justify with substantial evidence the findings that must be made in compliance with SB 5.

The levees along the City of Riverbank do not appear to be part of the State Plan of Flood Control and are therefore not subject to DWR mapping requirements. In order to meet the requirements of SB 5, the City should allow no development in any area subject to the 500 year flood risk, unless the project proponent can illustrate that the risks of a 200-year flood have been effectively mitigated. Effective mitigation can be

shown by providing detailed maps of the 200 year flood risk to illustrate that the project is not subject to SB 5, or by proposing project-specific mitigation measures to reduce risks of a 200 year flood.

This approach will allow the City to prohibit development in the 500 year flood zones, unless a project proponent can provide substantial evidence in compliance with SB 5 that such development should be allowed.

The City's wastewater treatment center may be located in the 500-year flood zone. Therefore, if the City proposes to expand its existing treatment facility, the City will be required to perform site-specific mapping to determine the extent to which any future expansion would be subject to flood risks from a 200 year flood. If the proposed expansion falls within the 200 year flood zone, additional mitigation will be necessary to reduce risks associated with the 200 year flood, or the expansion will need to be re-envisioned in an area that is not subject to a 200 year flood risk.

### **FINANCIAL IMPACT**

Action to implement SB5 requires additional staff time, but is part of the current General Planning Services contract with JB Anderson Planning. No additional appropriation of General Fund revenue is necessary to satisfy SB 5.

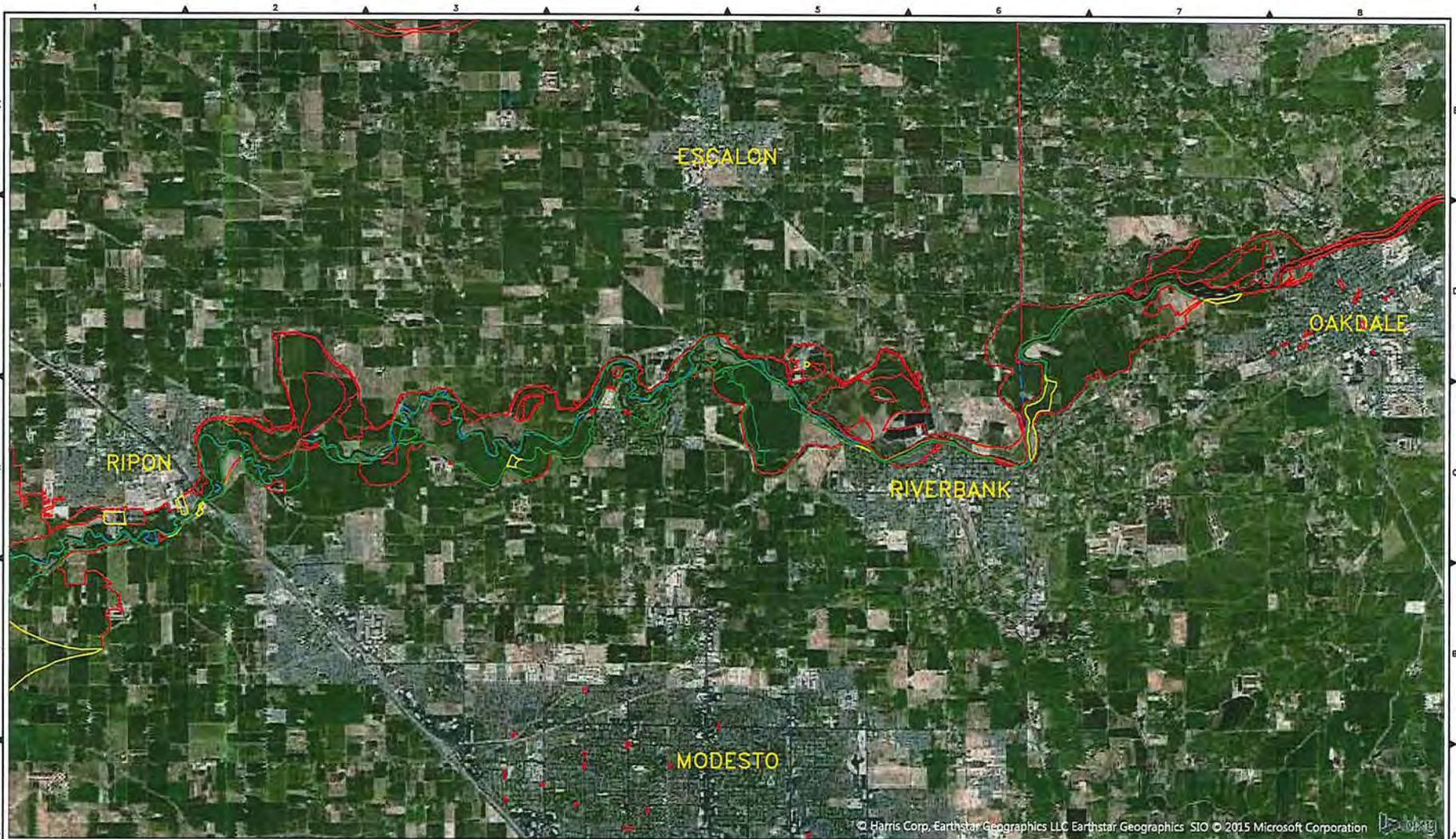
### **STRATEGIC GOALS**

The City of Riverbank Strategic Planning Session is a plan and set of goals that Riverbank will work towards for the next three years. The proposed actions associated with implementation with SB 5 are not part of these goals; however, it is critical that we consider the City's legal obligations to be consistent with the City's mission to provide exceptional municipal services in a fiscally sound and professionally responsible manner for our community.

### **ATTACHMENTS**

- Attachment A – FEMA 100 and 500 year Flood Plain Mapping.
- Attachment B – KSN Proposal for a “Decision Tree” matrix dated July 22, 2015.
- Attachment C – PBI Proposal dated February 9, 2016 – Riverbank Only.
- Attachment D – PBI Proposal dated February 8, 2016 – Riverbank and Oakdale.

FILE: SPCD\_P\0015\_2015\_Proposal\0300\_088K\_200\_Year\_Flood\_Sivdy\04\_Research\100\_GIS\_Data\150124-Proposing.dwg  
 PLOT DATE: Aug 15, 2015 - 9:00am



SPECIAL FLOOD HAZARD ZONE-A
SPECIAL FLOOD HAZARD ZONE-AT
SPECIAL FLOOD HAZARD ZONE-AH
SPECIAL FLOOD HAZARD ZONE-AO
SPECIAL FLOOD HAZARD ZONE-X

**K S N** **KJELDEN SINNOCK NEUDECK**  
 INC. Civil Engineers and Land Surveyors  
 711 N Parshing Avenue  
 Stockton, CA 95203  
 209-246-0288  
 1355 Holyard Drive, Suite 100  
 West Sacramento, CA 95691  
 916-423-2900  
 www.ksninc.com

Scale  
 1" = 3000'  
 Original Drawing Scale  
 0 1/2" 1"



OAKDALE, RIVERBANK & RIPON  
 200 YEAR FLOOD STUDY  
 MAPPING AREA  
 PLANNING EXHIBIT

EXHIBIT  
 A  
 PAGE 1

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FILE: S:\GIS\PROJECTS\2015\_Planet\GIS\200\_Year\_Flood\_Survey\04\_Riverbank\100\_GIS\_Data\100241-Flooding.dwg  
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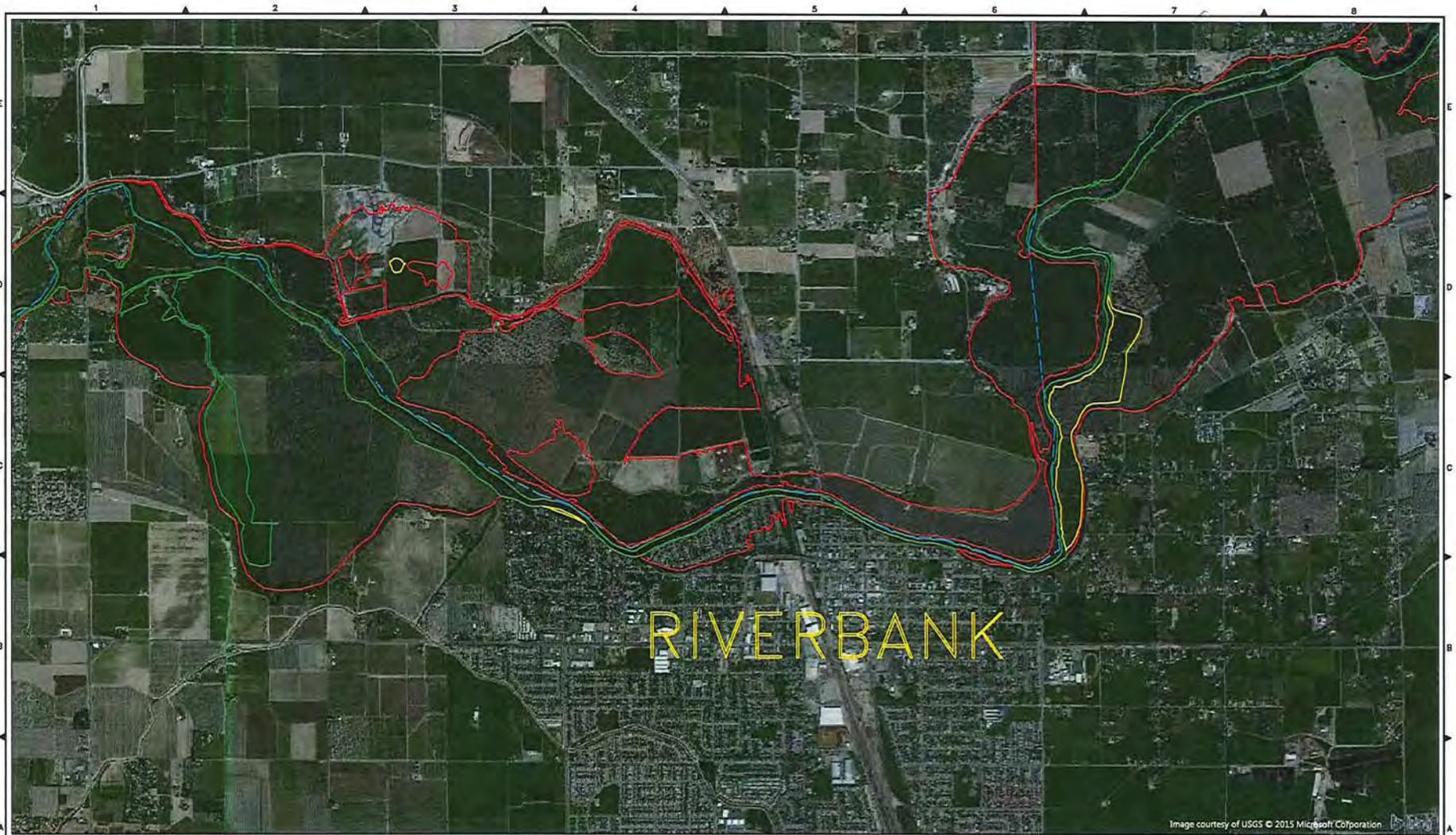


Image courtesy of USGS © 2015 Microsoft Corporation

SPECIAL FLOOD HAZARD ZONE-A
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SPECIAL FLOOD HAZARD ZONE-BO
SPECIAL FLOOD HAZARD ZONE-AO
SPECIAL FLOOD HAZARD ZONE-X

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Scale  
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 Original Drawing Scale  
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OAKDALE, RIVERBANK & RIPON  
 200 YEAR FLOOD STUDY  
 MAPPING AREA  
 PLANNING EXHIBIT

EXHIBIT  
 A  
 PAGE 3

July 22, 2015

**ADVANCE EMAIL**

**John@jbandersonplanning.com**

John B. Anderson  
J.B. Anderson Land Use Planning  
139 S. Stockton Avenue  
Ripon, CA 95366

Re: City of Oakdale, City of Riverbank, and City of Ripon  
Senate Bill 5 (200 Year) Compliance Process

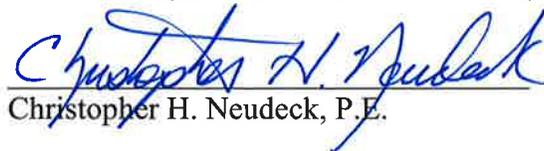
Dear John,

Kjeldsen, Sinnock & Neudeck, Inc. (KSN) together with Peterson Brustad, Inc. (PBI) are pleased to submit herewith our proposed approach to assisting the City of Riverbank, City of Oakdale and City of Ripon with developing a process to comply with SB 5. KSN will serve as the prime consultant for the project and retain PBI as subconsultant. KSN will not mark up PBI's labor on its invoice to the City.

In general the approach includes preparing a "decision tree" and mapping designated "areas of community" to help guide local officials with planning efforts that aim to comply with SB 5. Existing LiDAR data, photography, and parcel data will be used to determine the most suitable designated "areas of community". A maximum of three on-site meetings are anticipated with all parties participating.

We appreciate the opportunity to submit this proposal and we look forward to working with you on this project. If you should have any questions regarding this proposal, or if you should require additional information, please call me at (209) 946-0268.

Sincerely,  
KJELDEN, SINNOCK & NEUDECK, INC.

  
Christopher H. Neudeck, P.E.

w/enclosures

cc: David Peterson (w/encls)

**City of Oakdale, City of Riverbank, and City of Ripon  
Senate Bill 5 (200 Year) Compliance Process Development (SB5)**

**Kjeldsen, Sinnock & Neudeck, Inc. and Peterson Brustad Inc.  
Scope of Services  
July 20, 2015**

**Introduction:**

SB 5 impacts cities and counties within the 200 year flood plain in the California Central Valley. By no later than July 2016, General Plans and Zoning Ordinances must be updated to reflect new requirements from the package of laws passed with SB 5, plus the 2012 Central Valley Flood Protection Plan, and then permitting and development restrictions take effect in July of 2017 for affected cities and counties. The Urban Levee Design Criteria (ULDC) and Urban Level of Flood Protection (ULOP) requirements developed pursuant to SB 5 pose onerous “finding” requirements on local land-use authorities, which can make achieving an ULOP in many developed areas particularly difficult.

For these reasons, it is critical that community planning officials and development community representatives take the critical next steps to be in compliance with SB 5 in order to minimize the impact on local economies and the overall economy of the Central Valley.

The team of KSN and PBI have a strategy for the communities of Riverbank, Ripon, and Oakdale which will streamline compliance with SB 5 at very little cost. However, an important caveat is in order. SB 5 will be enforced similar to CEQA, in that communities make findings which are subject to citizen and stakeholder lawsuits as a mechanism of challenge. No State or Federal agency has superior decision authority or veto authority over a local agency’s decision; it falls to the courts. So although we feel our approach to compliance is sound, it is subject to legal challenge. So as with CEQA documents and processes, we cannot guarantee that this approach will prevail in a legal challenge.

The essence of the strategy is this: the Urban Level of Protection (ULOP) essentially states that if ‘an area of the community’ has, or will have a population of 10,000 within 10 years, then a ULOP finding is required. And ULOP findings are not needed if the area is not within a 500-yr floodplain, 200-yr flood depths are less than 3’, or if flooding sources have a drainage area of less than 10 square miles. If a ULOP finding is not required, then a 100-yr finding consistent with FEMA processes and procedures is required. We believe that for each of the 3 communities, a map can be prepared which divides the communities into hydrologically separable “areas of the community”, that the most flood prone areas of the community will fall below the 10,000 population threshold, and that the other areas will fall below one of the other thresholds. This means that all decisions will likely only require FEMA compliance rules, which all 3 communities are adept at administering.

Our approach will be to develop a narrative and flowchart that can be used by planning staffs of the 3 agencies, and 3 maps dividing the 3 SOIs into ‘areas of the community’ with appropriate population projections. These items are intended to be used by planning staffs of the 3 agencies, when presented with one of the land use decisions referenced in SB 5.

### **Task No. 1 – Developing Planning Guidance**

A brief narrative and decision flowchart will be prepared to assist planning staff in making SB 5 findings. It will take the planner to the point of finding that FEMA standards and procedures apply, but will not restate FEMA standards or procedures. It is assumed that the communities will maintain separate documentation and training for the FEMA NFIP. The intent is that planners will document each decision for the record using the guidelines presented, and will make public those decisions per ULOP guidelines.

Discussion and guidance will be required from the cities to confirm how to handle borderline cases: shallow flooding, bisected parcels, elevation requirements, etc. This will be done in meetings scoped under task 4.

### **Task No. 2 – Develop ‘Areas of the Community’ Maps**

The spheres of influence of each of the 3 cities will be divided into hydrologically separable areas; meaning, areas of distinct hydrologic risk. For instance, areas between the river bluffs may be considered separable because it represents deep flooding from the river watershed. And areas on top of the bluffs may still be subject to shallow or local flooding, and therefore maybe classified as a separate hydrologic risk area. Population projections for each of the areas will be prepared, including existing, 10 yr hence, and 20 yr hence projections.

### **Task No. 3 – Critical Infrastructure**

FEMA guidelines call for critical infrastructure to be protected from, or located outside 500 yr floodplains. This requirement has been loosely administered by communities nationwide. The KSN/PBI team feel that recent flooding events and executive orders have day lighted the importance of maintaining a higher standard for critical infrastructure. This task will include preparation of additional guidance for critical infrastructure, along with a partial listing of the types of things that constitute critical infrastructure; basically, elements that must remain in service and/or cannot be effectively evacuated during a major flood event: water, wastewater, power, and communications services, major evacuation routes, confined populations (hospitals, jails), command and control, law enforcement, health and safety, and emergency response.

### **Task No. 4 – Meetings**

Three on-site meetings have been included in the scope and budget; we assume 3 combined meetings with staff of the 3 cities. Additional meetings with staff, stakeholders, or policy makers will be on a time and materials basis.

**Fee Estimate**

The KSN/PBI Team proposes to provide the above described scope of work on a time and materials bases, for a total not to exceed fee broken down by task as follows:

Task No. 1 – Developing Planning Guidance	\$ 12,500.00
Task No. 2 – Develop ‘Areas of the Community’ Maps	\$ 14,500.00
Task No. 3 – Critical Infrastructure	\$ 2,500.00
Task No. 4 – Meetings	\$ 10,000.00
<b>Total Not to Exceed Fee</b>	<b>\$39,500.00</b>



February 9, 2016

Mr. John Anderson  
J.B. Anderson Land Use Planning  
139 S. Stockton Avenue  
Ripon, CA 95366

**Subject: Proposal – City of Riverbank 200-year Flood Mapping**

Dear John,

This letter represents our proposal to provide 200-year flood mapping services for the City of Riverbank.

The flood mapping would be accomplished through hydraulic modeling of the Stanislaus River. The Department of Water Resources (DWR) Central Valley Floodplain Evaluation and Delineation (CVFED) program has already developed a hydraulic model for the Lower San Joaquin River basin which PBI has reviewed and modified for the areas downstream of the Stanislaus River. The existing model ends 2 miles downstream of Highway 99 on the Stanislaus River and will need to be extended approximately 18 miles further upstream on the Stanislaus River to cover the Riverbank area of interest.

The following scope of work includes updating and running a hydraulic model to analyze a 200-year overbank flooding scenario on the Stanislaus River and mapping the 200-year floodplain for the City of Riverbank.

It should be noted that other communities along the Stanislaus River are proposing to conduct the same modeling exercise. However, for the purposes of this scope and the cost estimate that is presented in Attachment 1, it is assumed that Riverbank is the only community pursuing this analysis and there is no cost sharing or coordination with other communities.

### *Scope of Analysis*

#### **1. HEC-RAS Model Development**

It is assumed that PBI will use the HEC-RAS model described above as the base model for this analysis. The existing HEC-RAS model includes the Stanislaus River, but the river extents end approximately 2 miles downstream of Highway 99. The model will therefore be updated and the Stanislaus River will be extended upstream so that it sufficiently covers the City of Riverbank area of interest.

Model cross sections will be placed roughly 1,000 feet apart near cities and channel transitions, but the area between Highway 99 and Riverbank can be more coarsely defined with cross sections placed about every mile. This task includes addition of 35 cross sections to the CVFED HEC-RAS model. High resolution topographic data (CVFED LiDAR data) will be used in cutting cross sections to represent channel geometry. Manning's n values will be assigned to each cross section based on review of aerial photographs and a field visit.

There are also 8 bridge decks that cross the Stanislaus River between Highway 99 and City of Riverbank. Bridges will be coded into the model and bridge geometry will be based on LiDAR data and hand measurements taken during field visits. No field surveying is contemplated.

Two (2) field visits are included in the scope for the purpose of gathering necessary data for model setup.

The model will be coded with 200-year hydrology. Hydrology will be taken from the Central Valley Hydrology Study (CVHS).

\*Note: An initial investigation will be conducted to determine if any other significant upstream flooding is expected to impact the City of Riverbank. If flooding sources other than the Stanislaus River look like they may impact the City, additional scope will be required to analyze and map these sources.

## **2. HEC-RAS Simulation**

The HEC-RAS model will be run with the parameters described above to analyze 200-year overbank flooding along the Stanislaus River and adjacent to the City of Riverbank. One (1) model simulation is expected for this task. Results will then be extracted to GIS format for mapping.

\*Note: This scope of work assumes that all flooding comes from bank overtopping in a non-leveed reach of the Stanislaus River.

## **3. Floodplain Mapping**

HEC-RAS water surfaces will be projected into a GIS-based map and underlying topography (CVFED LiDAR data) will be used to map the extents and depths of the 200-year floodplain. Maps will include distinction between flood depths that are greater than vs. less than 3 feet.

**4. Reporting**

A final Technical Memorandum will be provided and will detail all procedures and assumptions used in the analysis.

*Deliverables: Electronic copy of the final technical memorandum and 200-year floodplain map.*

***Fee***

The scope of work described above will be completed for a not-to-exceed fee of \$35,797 as outlined in Attachment 1.

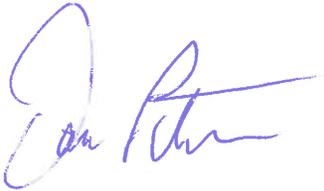
One (1) meeting and two (2) field visits are included in the scope. If additional meetings, field reviews, or analyses beyond the stated scope of work are required, additional budget may be required.

***Schedule***

The tasks will be completed within 10 weeks of the notice to proceed.

Please don't hesitate to call if you have any questions or would like to discuss this proposal.

Sincerely,



Dave Peterson, P.E.  
Principal  
916-608-2212 ext. 122  
dpeterson@pbieng.com



Mike Rossiter, P.E.  
Project Manager  
916-608-2212 ext. 127  
mrossiter@pbieng.com

**ATTACHMENT 1:**  
**PROJECT BUDGET**

**City of Riverbank  
200-year Floodplain Mapping  
Estimated Work Effort and Cost  
Peterson Brustad, Inc.**

<i>Task No.</i>	<i>Task Description</i>	<i>Principal in Charge</i>	<i>Project Manager 1</i>	<i>Staff Engineer 2</i>	<i>Administrative 4</i>	<i>PBI Labor</i>	<i>Total PBI Labor (\$)</i>	<i>PBI Expenses (\$)</i>	<i>Total Cost (\$)</i>
	<b>2016 Rates</b>	<b>\$ 240.00</b>	<b>\$ 175.00</b>	<b>\$ 127.00</b>	<b>\$ 88.00</b>				
<b>Task 1 - HEC-RAS Model Development</b>									
1.1	Extend Model with 35 Cross Sections	1	16	40		57	\$8,120	\$812	\$8,932
1.2	Code 8 Bridges into Model	1	16	40		57	\$8,120	\$812	\$8,932
1.3	Code 200yr Hydrology into Model	1	4	12		17	\$2,464	\$246	\$2,710
1.4	Code Downstream Boundaries into Model	1	1	2		4	\$669	\$67	\$736
	<b>Subtotal Task 1</b>	<b>4</b>	<b>37</b>	<b>94</b>	<b>0</b>	<b>135</b>	<b>\$19,373</b>	<b>\$1,937</b>	<b>\$21,310</b>
<b>Task 2 - HEC-RAS Simulation</b>									
2.1	One (1) HEC-RAS Simulation		1	2		3	\$429	\$43	\$472
2.2	Export HEC-RAS Results to GIS		1	2		3	\$429	\$43	\$472
	<b>Subtotal Task 2</b>	<b>0</b>	<b>2</b>	<b>4</b>	<b>0</b>	<b>6</b>	<b>\$858</b>	<b>\$86</b>	<b>\$944</b>
<b>Task 3 - Floodplain Mapping</b>									
3.1	Creating 200-year Floodplain Maps in GIS	1	4	16		21	\$2,972	\$297	\$3,269
	<b>Subtotal Task 3</b>	<b>1</b>	<b>4</b>	<b>16</b>	<b>0</b>	<b>21</b>	<b>\$2,972</b>	<b>\$297</b>	<b>\$3,269</b>
<b>Task 4 - Reporting</b>									
4.1	Technical Memorandum	4	4	24	2	34	\$4,884	\$488	\$5,372
	<b>Subtotal Task 4</b>	<b>4</b>	<b>4</b>	<b>24</b>	<b>2</b>	<b>34</b>	<b>\$4,884</b>	<b>\$488</b>	<b>\$5,372</b>
<b>Task 5 - Project Management and Meetings</b>									
5.1	Project Management	8	4		2	14	\$2,796	\$280	\$3,076
5.2	One (1) Meeting	4	4			8	\$1,660	\$166	\$1,826
	<b>Subtotal Task 5</b>	<b>12</b>	<b>8</b>	<b>0</b>	<b>2</b>	<b>22</b>	<b>\$4,456</b>	<b>\$446</b>	<b>\$4,902</b>
	<b>COLUMN TOTALS</b>	<b>21</b>	<b>55</b>	<b>138</b>	<b>4</b>	<b>218</b>	<b>\$32,543</b>	<b>\$3,254</b>	<b>\$35,797</b>

<b>TOTAL COST</b>	<b>\$35,797</b>
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**ATTACHMENT 2:**  
**PBI 2016 STANDARD RATE SCHEDULE**

**2016 STANDARD RATE SCHEDULE \***

<b>Position</b>	<b>Description</b>	<b>Hourly Billing Rate</b>
E9	Principal Engineer	\$240
E8	Project Manager 3	\$210
E7	Senior Engineer 2 Project Manager 2	\$190
E6	Senior Engineer 1 Project Manager 1	\$175
E5	Project Engineer 3	\$165
E4	Project Engineer 2	\$155
E3	Project Engineer 1	\$145
E2	Staff Engineer 2	\$127
E1	Staff Engineer 1	\$110
T4	Technician 4	\$122
T3	Technician 3	\$110
T2	Technician 2	\$93
T1	Technician 1	\$83
A4	Administrative 4	\$88
A3	Administrative 3	\$78
A2	Administrative 2	\$66
A1	Administrative 1	\$56

**Expenses**

- **At cost plus 10% for outside printing, plotting, copying, travel, subconsultants, and outside services and charges**
- **At 5% of Labor for in-house expenses including telephone, computer, and incidental copying and printing**
- **Auto mileage per current Federal Rates**

**\* Rates will be modified January 1 of each year.**



February 8, 2016

Mr. John Anderson  
J.B. Anderson Land Use Planning  
139 S. Stockton Avenue  
Ripon, CA 95366

**Subject: Proposal – Cities of Riverbank & Oakdale 200-year Flood Mapping**

Dear John,

This letter represents our proposal to provide 200-year flood mapping services for the Cities of Riverbank and Oakdale.

The flood mapping would be accomplished through hydraulic modeling of the Stanislaus River. The Department of Water Resources (DWR) Central Valley Floodplain Evaluation and Delineation (CVFED) program has already developed a hydraulic model for the Lower San Joaquin River basin which PBI has reviewed and modified for the areas downstream of the Stanislaus River. PBI has proposed extending the model on the Stanislaus River up to 2 miles east of Highway 99 under contract to the City of Ripon. Assuming that the Ripon contract is approved and that Ripon approves the release of the extended model to the Cities of Riverbank and Oakdale, PBI will need to extend the model approximately 20 miles further upstream on the Stanislaus River to cover the Riverbank and Oakdale areas of interest.

The following scope of work includes updating and running a hydraulic model to analyze a 200-year overbank flooding scenario on the Stanislaus River and mapping 200-year floodplains for the Cities of Riverbank and Oakdale.

### *Scope of Analysis*

#### **1. HEC-RAS Model Development**

It is assumed that PBI will use the HEC-RAS model described above as the base model for this analysis. The existing HEC-RAS model includes the Stanislaus River, but the river extents end approximately 2 miles downstream of Highway 99. The model will therefore be updated and the Stanislaus River will be extended upstream so that it sufficiently covers the Cities of Riverbank and Oakdale areas of interest.

Model cross sections will be placed roughly 1,000 feet apart near the Cities, but the area between Highway 99 and Riverbank can be more coarsely defined with cross sections placed about every mile. This task includes addition of 50 cross sections to the CVFED HEC-RAS model. High resolution topographic data (CVFED LiDAR data) will be used in cutting cross sections to represent channel geometry. Manning's n values will be assigned to each cross section based on review of aerial photographs and a field visit.

There are also 10 bridge decks that cross the Stanislaus River between Highway 99 and City of Oakdale. Three (3) of these bridge decks are presumed to already be coded into the model from the City of Ripon study. The remaining 7 bridge decks will be coded into the model for the Riverbank and Oakdale studies. Bridge geometry will be based on LiDAR data and hand measurements taken during field visits. No field surveying is contemplated.

Two (2) field visits are included in the scope for the purpose of gathering necessary data for model setup.

The model will be coded with 200-year hydrology. Hydrology will be taken from the Central Valley Hydrology Study (CVHS).

\*Note: An initial investigation will be conducted to determine if any other significant upstream flooding is expected to impact the Cities of Riverbank and Oakdale. If flooding sources other than the Stanislaus River look like they may impact the Cities, additional scope will be required to analyze and map these sources.

## **2. HEC-RAS Simulation**

The HEC-RAS model will be run with the parameters described above to analyze 200-year overbank flooding along the Stanislaus River and adjacent to the Cities of Riverbank and Oakdale. One (1) model simulation is expected for this task. Results will then be extracted to GIS format for mapping.

\*Note: This scope of work assumes that all flooding comes from bank overtopping in a non-leveed reach of the Stanislaus River.

## **3. Floodplain Mapping**

HEC-RAS water surfaces will be projected into a GIS-based map and underlying topography (CVFED LiDAR data) will be used to map the extents and depths of the 200-year floodplain. Maps will include distinction between flood depths that are greater than vs. less than 3 feet.

**4. Reporting**

A final Technical Memorandum will be provided and will detail all procedures and assumptions used in the analysis.

*Deliverables: Electronic copy of the final technical memorandum and 200-year floodplain map.*

***Fee***

The scope of work described above will be completed for a not-to-exceed fee of \$41,668 as outlined in Attachment 1.

Flood mapping for the Cities of Riverbank and Oakdale require the same modeling effort and therefore the scopes were combined for efficiency purposes. It is assumed that this fee can be cost shared between the Cities.

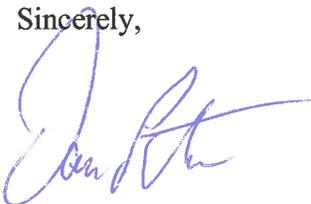
One (1) meeting and two (2) field visits are included in the scope. If additional meetings, field reviews, or analyses beyond the stated scope of work are required, additional budget may be required.

***Schedule***

The tasks will be completed within 10 weeks of the notice to proceed.

Please don't hesitate to call if you have any questions or would like to discuss this proposal.

Sincerely,



Dave Peterson, P.E.  
Principal  
916-608-2212 ext. 122  
dpeterson@pbieng.com



Mike Rossiter, P.E.  
Project Manager  
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mrossiter@pbieng.com

**ATTACHMENT 1:**  
**PROJECT BUDGET**

**Cities of Riverbank & Oakdale  
200-year Floodplain Mapping  
Estimated Work Effort and Cost  
Peterson Brustad, Inc.**

<i>Task No.</i>	<i>Task Description</i>	<i>Principal in Charge</i>	<i>Project Manager 1</i>	<i>Staff Engineer 2</i>	<i>Administrative 4</i>	<i>PBI Labor</i>	<i>Total PBI Labor (\$)</i>	<i>PBI Expenses (\$)</i>	<i>Total Cost (\$)</i>
	<b>2016 Rates</b>	<b>\$ 240.00</b>	<b>\$ 175.00</b>	<b>\$ 127.00</b>	<b>\$ 88.00</b>				
<b>Task 1 - HEC-RAS Model Development</b>									
1.1	Extend Model with 50 Cross Sections	1	20	50		71	\$10,090	\$1,009	\$11,099
1.2	Code 7 Bridges into Model	1	16	35		52	\$7,485	\$749	\$8,234
1.3	Code 200yr Hydrology into Model	1	4	12		17	\$2,464	\$246	\$2,710
1.4	Code Downstream Boundaries into Model	1	1	2		4	\$669	\$67	\$736
	<b>Subtotal Task 1</b>	<b>4</b>	<b>41</b>	<b>99</b>	<b>0</b>	<b>144</b>	<b>\$20,708</b>	<b>\$2,071</b>	<b>\$22,779</b>
<b>Task 2 - HEC-RAS Simulation</b>									
2.1	One (1) HEC-RAS Simulation		1	2		3	\$429	\$43	\$472
2.2	Export HEC-RAS Results to GIS		1	4		5	\$683	\$68	\$751
	<b>Subtotal Task 2</b>	<b>0</b>	<b>2</b>	<b>6</b>	<b>0</b>	<b>8</b>	<b>\$1,112</b>	<b>\$111</b>	<b>\$1,223</b>
<b>Task 3 - Floodplain Mapping</b>									
3.1	Creating 200-year Floodplain Maps in GIS	1	8	32		41	\$5,704	\$570	\$6,274
	<b>Subtotal Task 3</b>	<b>1</b>	<b>8</b>	<b>32</b>	<b>0</b>	<b>41</b>	<b>\$5,704</b>	<b>\$570</b>	<b>\$6,274</b>
<b>Task 4 - Reporting</b>									
4.1	Technical Memorandum	4	4	32	2	42	\$5,900	\$590	\$6,490
	<b>Subtotal Task 4</b>	<b>4</b>	<b>4</b>	<b>32</b>	<b>2</b>	<b>42</b>	<b>\$5,900</b>	<b>\$590</b>	<b>\$6,490</b>
<b>Task 5 - Project Management and Meetings</b>									
5.1	Project Management	8	4		2	14	\$2,796	\$280	\$3,076
5.2	One (1) Meeting	4	4			8	\$1,660	\$166	\$1,826
	<b>Subtotal Task 5</b>	<b>12</b>	<b>8</b>	<b>0</b>	<b>2</b>	<b>22</b>	<b>\$4,456</b>	<b>\$446</b>	<b>\$4,902</b>
	<b>COLUMN TOTALS</b>	<b>21</b>	<b>63</b>	<b>169</b>	<b>4</b>	<b>257</b>	<b>\$37,880</b>	<b>\$3,788</b>	<b>\$41,668</b>

<b>TOTAL COST</b>	<b>\$41,668</b>
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**ATTACHMENT 2:**  
**PBI 2016 STANDARD RATE SCHEDULE**

**2016 STANDARD RATE SCHEDULE \***

<b>Position</b>	<b>Description</b>	<b>Hourly Billing Rate</b>
E9	Principal Engineer	\$240
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**Expenses**

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- **Auto mileage per current Federal Rates**

**\* Rates will be modified January 1 of each year.**