



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, MAY 24, 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

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

### **1. PRESENTATIONS**

- Item 1.1:** Proclamation Proclaiming June 2016 as Disability Awareness Month.
- Item 1.2:** Proclamation Declaring May 2016 as Older Americans Month.

### **2. PUBLIC COMMENTS (No Action Can Be Taken)**

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the City Council/LRA Board.

### **3. CONSENT CALENDAR**

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

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

**Item 3.B:** Approval of the May 10, 2016, City Council and Local Redevelopment Authority Minutes.

**LRA Item 3.C:** Authorize the City Manager to Execute a Tolling Agreement between Watson Road Holding Corporation, DBA Stuart B. Milner & Associates and the City of Riverbank Local Redevelopment Authority.

**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 following public hearing Items 5.1 and 5.2 were published in the local newspaper of general circulation on May 11, 2016*

**Item 5.1:** **Public Hearing to Adopt Resolution of Formation Establishing Community Facilities District No 2016-1 (Public Services); Call and Declare Results of a Special Landowner Election; and Introduce an Ordinance Authorizing the Levy of a Special Tax within the Boundaries of CFD 2016-1.**

**Item 5.2:** **A Resolution of the City Council of the City of Riverbank, California, Authorizing the First Public Hearing for the 2016 Community Development Block Grant Notice of Funding Available (NOFA) Cycle** – It is recommended that the City Council hold the first public hearing regarding the submittal of a potential application for the 2016 Community Development Block Grant Notice of Funding Available.

### **6. NEW BUSINESS**

**Item 6.1:** **Approval to Award the Zoning Code Update Project to JB Anderson Land Use Planning** – It is recommended that the City Council approve awarding the Zoning Code Update Project to JB Anderson Land Use Planning based on the scope of work, proposed budget, and their expedient and exemplary completion of past projects for the City with the understanding that the contract will be presented at a later date when a funding source has been identified.

**LRA Item 6.2:**      **Accept Report on Status of LRA Budget for Third Quarter FY 2015/16** – It is recommended that the Local Redevelopment Authority (LRA) Board of Directors (Board) receive and approve the status report on the LRA budget for the third quarter of fiscal year 2015/16.

**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.

**LRA Item 8.1:**      **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
Government Code Section 54956.8  
Property: APN 062-008-009; 062-031-005; 062-031-006;  
062-031-007; and 062-031-009  
Agency Negotiator: Jill Anderson, City Manager and Debbie Olson,  
LRA Executive Director  
Property Negotiator: U.S. Army  
Under Negotiation: Price, terms of payment, or both

**Item 8.2:**      **CONFERENCE WITH LABOR NEGOTIATORS**  
Pursuant to Government Code § 54957.6  
Agency representative: Jill Anderson, City Manager  
Unrepresented Employee organization: Executive Management

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

**9.      REPORT FROM CLOSED SESSION**

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

**Item 9.2:**      Report from Closed Session Item 8.2: **CONFERENCE WITH LABOR NEGOTIATORS – Unrepresented Executive Management**

**ADJOURNMENT** (The next regular City Council meeting –Tuesday, June 14 @ 6:pm)

**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 19<sup>th</sup> day of May, 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. 4

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.1

## SECTION 1: PRESENTATIONS

<b>Meeting Date:</b>	May 24, 2016
<b>Subject/ Title:</b>	Proclamation Proclaiming June 2016 as Disability Awareness Month
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Luanne Bain, Administrative Assistant

### **RECOMMENDATION:**

It is recommended that the Mayor read the Proclamation Proclaiming the Month of June 2016, as Disability Awareness Month and present this Proclamation to Carolyn Teixeira Gomes, Director of Development, with the Society for disABILITIES.

### **SUMMARY:**

Over 68,840 people in Stanislaus County have a disability, and over 4-million others throughout the State are disabled. For 69-year, the Society for disABILITIES has been dedicated to improving the quality of life for people with disabilities in Stanislaus County. The Society for disABILITIES has a loan closet which loans out mobility and medical equipment to those in need. They loan out crutches, wheelchairs, bedrails, and more to residents in the County at no charge. The Society also offers the disabled recreational opportunities like winter skiing, water skiing, bowling, golfing, a "day at the farm", and the annual "Special Needs Ball".

The Society for disABILITIES provides services and programs that are essential to individual good health, independence, and well-being.

### **FINANCIAL IMPACT:**

There is no financial impact for this item.

### **ATTACHMENTS:**

1. Proclamation.

**CITY OF RIVERBANK  
PROCLAMATION**

**DISABILITY AWARENESS MONTH  
JUNE 2016**

**WHEREAS**, the City Council of the City of Riverbank have recognized healthy communities as a priority; and

**WHEREAS**, disabilities can affect all people, regardless of age, gender, race, or social status and the essence of life is not embodied by physical or mental perfection, but it is an integral part of the human spirit; and

**WHEREAS**, increasing public awareness about diverse abilities is vital to fighting the stigma and discrimination that often serve as a barrier to employment, socialization, and individual well-being; and

**WHEREAS**, there are an estimated 4,050,631 people with disabilities in the State of California, and over 68,840 people over the age of 5, with disabilities in Stanislaus County; and

**WHEREAS**, with the next year, at least one out of eight Californians will experience a disability personally or through a family member; and

**WHEREAS**, the City of Riverbank wants to celebrate and recognize people with different abilities; and

**WHEREAS**, people with different abilities are independent, productive, and part of the community; and

**WHEREAS**, education, understanding, access engagement, and relationships are important components of a connected, livable, and healthy community; and

**WHEREAS**, communities thrive when residents appreciate the unique gifts inside people of all abilities; and

**WHEREAS**, by developing relationships with our neighbors, we make our community a place where everyone participates and is a valued member; and

**WHEREAS**, the Society for disABILITIES will commemorate June 2016 and each June hereafter as *Disability Awareness Month*.

**NOW, THEREFORE, LET IT BE PROCLAIMED** by the City Council of the City of Riverbank that June 2016 is *Disability Awareness Month* with the City of Riverbank and we urge all our citizens to become aware of the needs and capabilities of persons with disabilities.

**May 24, 2016**

\_\_\_\_\_  
**Jeanine Tucker**  
Vice Mayor

\_\_\_\_\_  
**Cal Campbell**  
Councilmember

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

\_\_\_\_\_  
**Darlene Barber-Martinez**  
Councilmember

\_\_\_\_\_  
**Leanne Jones Cruz**  
Councilmember

## RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.2

### SECTION 1: PRESENTATIONS

<b>Meeting Date:</b>	May 24, 2016
<b>Subject/ Title:</b>	Proclamation Declaring May 2016 as Older Americans Month
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Luanne Bain, Administrative Assistant

#### **RECOMMENDATION:**

It is recommended that the Mayor read the Proclamation Declaring the Month of May as Older Americans Month and present this Proclamation to Mr. Edward Jones, whose enthusiasm for life and the well-being City of Riverbank is contagious!

#### **SUMMARY:**

In April of 1963, President John F. Kennedy met with the national Council of Senior Citizens to learn more about the concerns and needs of older Americans. After that meeting, President Kennedy issued a Presidential Proclamation declaring the month of May as Senior Citizens Month, and encouraged the Nation to pay tribute to its senior citizens. In 1980, President Jimmy Carter changed the name to Older Americans Month.

When President Kennedy established Senior Citizens Month in 1963, there were 17-million Americans that were age 65 or older and about a third of those seniors lived in poverty and there were very few programs to meet their needs. Two-years later, in 1965, Congress passed the Older Americans Act to address the lack of community social services for the older people in the United States. The original legislation authorized the Federal Government to make grants to the States for community planning and social services, research and development projects, and personnel training in the field of aging. The Older Americans Act also established the US Administration on Aging (AoA) to administer the newly created grant programs and to serve as the primary federal agency on issues concerning older Americans.

Historically, Older Americans Month has been a time to acknowledge the contributions of past and current older persons to our country, in particular those who defended our country. Every President since Kennedy has issued a formal proclamation during or before the month of May asking that the entire nation pay tribute in some way to older persons in their communities.

Older Americans Month is celebrated across the Country at the State and local levels, through a variety of events and other activities. Perhaps the most important and effective way to celebrate Older Americans Month is to do something direct and personal with the seniors you know and care about.

This evening we will present the Older Americans Month Proclamation to Mr. Edward Jones. Also known as “Fast Eddie”, Mr. Jones is a long-time resident of Riverbank, a veteran, a frequent visitor to our City Council meetings, and a friend to all he meets.

**FINANCIAL IMPACT:**

There is no financial impact for this item.

**ATTACHMENTS:**

1. Proclamation.

**CITY OF RIVERBANK  
PROCLAMATION**

**Older Americans Month**

**WHEREAS**, the City of Riverbank is a thriving community which includes older Americans who deserve recognition for their contributions and sacrifices to ensure a better life for future generations; and

**WHEREAS**, Riverbank is committed to helping all individuals live longer, healthier lives in the communities of their choice for as long as possible; and

**WHEREAS**, since 1965, the Older Americans Act has provided services that help older adults remain healthy and independent by complementing existing medical and health care systems, helping prevent hospital readmissions, and supporting some of life's most basic functions, such as bathing or preparing meals; and

**WHEREAS**, these programs also support family caregivers, address issues of exploitation, neglect and abuse of older adults, and adapt services to the needs of Native American elders; and

**WHEREAS**, we recognize the value of community engagement and service in helping older adults remain healthy and active while giving back to others; and

**WHEREAS**, our community can provide opportunities to enrich the lives of individuals of all ages by:

- Promoting and engaging in activity, wellness, and social inclusion; and
- Emphasizing home- and community-based services that support independent living; and
- Ensuring community members of all ages benefit from the contributions and experience of older adults.

**NOW THEREFORE**, the City Council of the City of Riverbank does hereby proclaim May 2016 to be Older Americans Month. We urge every resident to take time this month to celebrate older adults and the people who serve and support them as powerful and vital individuals who greatly contribute to our community.

**MAY 24, 2016**

\_\_\_\_\_  
**Jeanine Tucker**  
Vice Mayor

\_\_\_\_\_  
**Cal Campbell**  
Councilmember

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

\_\_\_\_\_  
**Darlene Barber-Martinez**  
Councilmember

\_\_\_\_\_  
**Leanne Jones Cruz**  
Councilmember

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

**SECTION 3: CONSENT CALENDAR**

<b>Meeting Date:</b>	May 24, 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>	May 24, 2016
<b>Subject:</b>	Approval of the May 10, 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 May 10, 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. May 10, 2016, City Council and LRA Minutes



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

MINUTES OF  
TUESDAY, MAY 10, 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:** Riverbank Ministerial Association

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

**AGENDA CHANGES:** *Mayor/Chair O'Brien confirmed there were no changes.*

**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.

*No one declared a conflict.*

**1. PRESENTATIONS**

**Item 1.1:** Proclamation Declaring May 2016 as Older Americans Month. – *This proclamation was not presented.*

**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.

*Mayor O'Brien apologized to the residents of Riverbank for the water utility billing issues that occurred due to a water meter system update, requested that citizens be given an opportunity to correct their watering systems [landscape systems.],and apologized to those who may have experienced any difficulty with code enforcement.*

*Charles Neal, Riverbank, thanked those who participated in the National Prayer Service.*

*John Foley, Riverbank, commented on his continued water bill payment issue with the City and overgrown vegetation along a river pathway from the River Cove area.*

*Pastor Charles Neal commented on the availability of assistance from the Christian community.*

### **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:** Approval of the April 26, 2016, City Council and Local Redevelopment Authority Minutes.

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

**ACTION:** *By motion moved and seconded (Jones Cruz / Barber-Martinez / passed 4-0) to approve Item 3.A as presented. Motion carried by unanimous City Council and LRA Board roll call vote.*

*AYES: Barber-Martinez, Campbell, Jones Cruz, and Tucker*

*NAYS: None / ABSENT: None / ABSTAINED: Mayor O'Brien*

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

**5. PUBLIC HEARINGS** There were no items to consider.

### **6. NEW BUSINESS**

**Item 6.1:** **Acceptance of the Roselle Ave Sidewalk Project and Authorization to File a Notice of Completion** – It is recommended that the City Council accept the completion of the Roselle Avenue Sidewalk Project and authorize staff to file a Notice of Completion.

*Development Services Administration Manager Kathleen Cleek presented the staff report.*

**ACTION:** *By motion moved and seconded (Tucker / Campbell / passed 5-0) to accept the completion of the Roselle Avenue Sidewalk Project and authorize staff to file a Notice of Completion 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*

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

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

- *City Manager Jill Anderson commented on the water utility billing issue.*
- *Public Works Superintendent Michael Riddell provided a water production update, announced the community outreach efforts for the new water policy effective May 1<sup>st</sup>, and commented on the State Water Board policies that may change.*
- *Development Services Administration Manager Kathleen Cleek introduced the Active Transportation Grants and the outreach efforts.*

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

- *Council/Authority Member Barber-Martinez congratulated local students for their accomplishments, and thanked participants of the Dog Park Task Force.*
- *Council/Authority Member Tucker congratulated the local graduating students and announced the Historical Society's Breakfast.*

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

*Mayor/Chair O'Brien: 1) commended City Staff on the various efforts and successes such as the upcoming Sphere of Influence hearing and consideration of a Community Facilities District, 2) commended Staff for providing Senator Galgiani with the information on areas of work that need funding, and 3) requested that City letters sent in regards to liens not be threatening.*

*MAYOR/CHAIR O'BRIEN ANNOUNCED THE CLOSED SESSION ITEMS AND OPENED THE MEETINGS FOR PUBLIC COMMENT; NO ONE SPOKE. MAYOR O'BRIEN RECESSED THE MEETINGS TO CLOSED SESSION AT 6:33 P.M.*

## **8. CLOSED SESSION**

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

### **Item 8.1:** CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6

Agency representative: Jill Anderson, City Manager

Unrepresented Employee organization: Executive Management

**Item 8.2: PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957

Title: City Manager

**Item 8.3: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

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

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

*MAYOR/CHAIR O'BRIEN RECONVENED THE MEETINGS AT 7:25 P.M.*

**9. REPORT FROM CLOSED SESSION**

**Item 9.1: Report from Closed Session Item 8.1: CONFERENCE WITH LABOR NEGOTIATORS – Unrepresented Executive Management**

*Mayor O'Brien announced that direction was provided to Staff.*

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

*Mayor O'Brien announced that direction was provided to Staff.*

**Item 9.3: Report from Closed Session Item 8.3: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – (1) potential case**

*Mayor O'Brien announced that direction was provided to Staff.*

**ADJOURNMENT**

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 7:26 p.m.

**ATTEST: (Adopted 05/24/16)**

**APPROVED:**

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

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

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

**SECTION 3: CONSENT CALENDAR**

<b>Meeting Date:</b>	May 24, 2016
<b>Subject:</b>	<b>Authorize</b> the City Manager to Execute a Tolling Agreement between Watson Road Holding Corporation, DBA Stuart B. Milner & Associates and the City of Riverbank Local Redevelopment Authority
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Debbie Olson, Executive Director

**RECOMMENDATION**

It is recommended that the City Council authorize the City Manager to execute a tolling agreement between Watson Road Holding Corporation, DBA Stuart B. Milner & Associates (“Milner”) and the City of Riverbank Local Redevelopment Authority (“LRA”).

**SUMMARY**

A tolling agreement is necessary in order to preserve the right to litigate potential claims at some point in the future. The LRA is unable to engage in negotiation or litigation with Milner over a contract dispute until the Army provides key documentation. The receipt of the documentation is uncertain.

**BACKGROUND**

The LRA entered into a contract with Milner on or about June 15, 2010; the contract expired March 31, 2011. The contract was for services related to asset management. In the contract Milner agreed to perform an inventory of the surplus Army equipment and devise and execute a plan for the future liquidation of certain assets located at 5300 Claus Road, the former Army Ammunition Plant.

Prior to expiration of the contract, Milner sold property belonging to the Army without proper authority and retained the payment for these assets in its bank account. The total amount in Milner’s possession, according to legal communications, is \$509,311. It is the opinion of our legal consultants that Milner is in breach of the contract by failing to turn over proceeds to the LRA as provided pursuant to the contract. Furthermore,

Milner is subject to claims for breach of contract and an accounting of the monies being held from the sale of these assets. The LRA has hired special counsel to pursue a claim against Milner.

These issues cannot be resolved until the bills of sale for the assets, both tangible and intangible, are assigned to the LRA. The bills of sale are bound up in the economic development conveyance memorandum of agreement (“EDCMOA”) with the Army. The Army maintains that the EDCMOA is under legal review. Once the EDCMOA is executed, ownership of any surplus equipment left at the (former) Riverbank Army Ammunition Plant by the Army will transfer to the LRA. At that point, the LRA will have the right to resolve this matter through negotiation or litigation with Milner.

Special counsel for the LRA has had numerous communications with Milner’s attorneys and all are in agreement that a tolling agreement is necessary. The LRA and Milner have signed five previous tolling agreements (2011, 2012, 2013, 2014, 2015).

### **STRATEGIC PLAN ALIGNMENT**

This action supports the City’s mission and reinforces the City’s core values of transparency and fiscal responsibility.

### **FINANCIAL IMPACT**

No fiscal impact to the General Fund is associated with this agreement. Without the agreement, the LRA stands to lose claim to any proceeds from the sale of assets which we believe to be in excess of \$500,000.

### **ATTACHMENT**

#### **Attachment 1:**

Tolling Agreement

Document tolling the statutes of limitations for litigation regarding breach of contract between the Local Redevelopment Authority and Watson Road Holding Corporation DBA Stuart B. Milner & Associates

## **TOLLING AGREEMENT**

This Tolling Agreement (öAgreementö) is made as of June 15, 2016 (öEffective Dateö) by and between Watson Road Holding Corporation, D/B/A/ Stuart B. Millner & Associates (öSBMAö) and the City of Riverbank Local Redevelopment Authority (öLRAö). This Agreement terminates on June 15, 2017 (öTermination Dateö) unless it is extended in accordance with the terms and conditions as set forth below. The aforementioned persons and entities are collectively referred to herein as öthe Partiesö.

### **RECITALS**

A. Potential claims have arisen between the Parties arising out of an Asset Management Contract entered into between the Parties on or about June 15, 2010, a true and correct copy of which is attached hereto as Exhibit A.

B. The Parties to this Agreement in consideration of the covenants and conditions contained herein and for other valuable consideration, including, but not limited to, the mutual avoidance of costs, and the inconvenience and uncertainties relating to any litigation of potential claims in the absence of a tolling agreement, desire to enter into this tolling agreement.

C. By entering into this tolling agreement, the Parties intend and desire to toll any and all statutes of limitations or other time limitations, including but not limited to time limitations set forth in the Tort Claims Act (California Government Code Sections 810 et. seq.).

NOW, THEREFORE, in consideration of the above recitals, and the mutual covenants contained herein, each of the undersigned Parties hereby agrees and covenants as follows:

1. The period only from the Effective Date of this agreement to the termination of the Agreement (ötolling periodö) shall not be asserted or relied upon in any way by any Party to this Agreement against any other Party, in computing the running of time under any statute of limitations or by way of laches or other time limitations (whether equitable, statutory, contractual or otherwise) with respect to any action, complaint, cross-complaint, claim, counterclaim or third-party complaint or cross-complaint (hereafter öClaimö), however styled, filed hereafter, by any Party.

2. This Agreement, and the tolling period created hereby, will continue through June 15, 2017, except as follows: If any Party wishes to end the tolling period, such party will give the other Party thirty (30) days written notice of such decision, after which the statute of limitations and laches period will continue to run. Upon termination, the tolling period from the Effective Date to the date of termination shall not be asserted or relied upon in any way in computing the running of time under any statute of limitations (whether equitable, statutory, contractual or otherwise), with respect to any Claim, however styled, filed hereafter, between any Parties hereto.

3. The execution of this Agreement shall in no way operate as an admission of liability or responsibility on the part of any Party hereto.

4. This Agreement is binding on the Parties hereto and their respective parent corporations or shareholders, subsidiaries, affiliated entities, heirs, administrators, successors, and assigns.

5. This Agreement constitutes the entire and integrated agreement of the Parties with respect to the subject matter hereof, and may not be altered, modified or amended except in a writing signed by all of the Parties hereto.

6. This Agreement shall be deemed to have been drafted by all Parties to this Agreement.

7. This agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute an original; however, all such counterparts shall constitute but one and the same instrument. Fax signed copies shall be treated as originals.

8. Any individual signing this Agreement on behalf of a corporation, partnership, trust, or other entity, represents and warrants that he has full authority to do so, and has obtained all necessary approvals to execute and carry out the terms of this Agreement.

9. Each Party agrees to refrain from filing any claim or suit against the other with respect to the potential claims described above so long as this Agreement remains in effect. However, any Party may file a claim or suit against the other Party once either Party has given written notice of an intent to terminate the Agreement pursuant to paragraph 2.

Dated: \_\_\_\_\_, 2016

Watson Road Holding Corporation, D/B/A  
Stuart B. Millner & Associates

By: \_\_\_\_\_

Name: Stuart B. Millner  
Title: President & CEO

Dated: \_\_\_\_\_, 2016

City of Riverbank Local Redevelopment Authority

By: \_\_\_\_\_

Name: T. Jill Anderson  
Title: City Manager

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.1

## SECTION 5: PUBLIC HEARING

<b>Meeting Date:</b>	May 24, 2016
<b>Subject/ Title:</b>	Public Hearing to Adopt Resolution of Formation Establishing Community Facilities District No 2016-1 (Public Services); Call and Declare Results of a Special Landowner Election; and Introduce an Ordinance Authorizing the Levy of a Special Tax within the Boundaries of CFD 2016-1
<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

### SUMMARY

On April 12, 2016 the City Council adopted a Resolution of Intent, and Local Goals and Policies for Community Facilities Districts, with the intent of forming a Mello-Roos community facilities district to finance maintenance obligations and public services ("CFD 2016-1"). It was 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 (the "Act") for the purpose of financing police services, street maintenance, parks, storm drainage, landscaping and lighting. 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 formation of the CFD is not for infrastructure purposes and is only being formed so new residents will receive the same services that current residents receive.

The City Council set May 24, 2016, as the date of the public hearing to receive public testimony and property owner protests, if any, with regard to the formation of the district and the levy of a special tax.

After receiving public testimony, the City Council will consider (1) adopting a Resolution of Formation forming and establishing CFD 2016-1, (2) calling and declaring the results of a special landowner election, and (3) based on the results of the election, introducing an Ordinance authorizing the levy of a special tax within the boundaries of CFD 2016-1.

## RECOMMENDATION:

1. Open the public hearing and receive public testimony and property owner protests for the proposed formation of Community Facilities District No. 2016-1 (Public Services) and the authorization to levy a special tax within the territory proposed to be included in CFD 2016-1.
2. Adopt Resolution No. \_\_\_\_\_, "RESOLUTION OF FORMATION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK TO ESTABLISH CITY OF RIVERBANK COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES), TO ESTABLISH AN APPROPRIATIONS LIMIT THEREFOR, TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN, AND TO SUBMIT THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT AND THE LEVY OF SPECIAL TAXES TO THE QUALIFIED ELECTORS THEREOF." (EXHIBIT "A")
3. Adopt Resolution No. \_\_\_\_\_, "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK CALLING A SPECIAL ELECTION AND SUBMITTING TO THE QUALIFIED ELECTORS OF CITY OF RIVERBANK COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES) PROPOSITIONS REGARDING THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT AND THE ANNUAL LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT" (EXHIBIT "B")
4. Direct the City Clerk to announce the election results.
5. Adopt Resolution No. \_\_\_\_\_ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK DECLARING THE RESULTS OF A SPECIAL ELECTION IN CITY OF RIVERBANK COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES) AND DIRECTING THE RECORDING OF A NOTICE OF SPECIAL TAX LIEN." (EXHIBIT "C")
6. Waive the reading of the Ordinance text in its entirety and introduce by title only Ordinance No. \_\_\_\_\_, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF RIVERBANK COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES)" (EXHIBIT "D")

## ANALYSIS:

In 1978 voters enacted Proposition 13, which limited the ability of local public agencies to increase property taxes based on a property's assessed value. In 1982, the Mello-Roos Community Facilities Act of 1982 (Gov. Code § 53311 *et seq.*, the "Act") was created to provide an alternate method of financing needed improvements and services. Specifically, the Act allows any county, city, special district, school district or joint powers of authority to establish a Community Facilities District (CFD), which allows for the financing of public services and facilities. The Act allows communities to raise funds for improvements to infrastructure (streets, sewers, storm drains). It also allows raising funds for services required for new growth, including public safety and maintenance of parks, streetlights, storm drains, and landscaping.

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In order to establish a CFD, it must be approved by a two-thirds majority of qualified voters in the district. If there are fewer than twelve registered voters within the district, the vote may be passed by the current property owners. At the close of the legal proceedings, an established CFD has the privileges of a government body.

On April 12, 2016, the City Council adopted a resolution declaring its intention to establish a CFD and authorizing the imposition of a special tax to finance police services, park maintenance, landscaping maintenance, drainage maintenance, and street maintenance. In addition, the City Council set May 24, 2016 as the public hearing date to receive public testimony and protests over the formation of the proposed CFD.

The special tax rate needed to support public safety services for additional development is: (1) \$580 per unit for Detached Developed Single-Family Residence; (2) \$348 per unit for Developed Attached Residence; (3) \$0.369 per square foot of Building Floor Area for Developed Office Property, (4) \$0.211 per square foot of Building Floor Area for Developed Commercial Property, and (5) \$0.148 per square foot of Building Floor Area for Developed Industrial/Business Park/Agricultural Processing Property. The actual tax rate, method of apportionment and manner of collection of the special tax is set forth in the attached Ordinance (Exhibit "D") authorizing the levy of the special tax.

The proposed CFD includes seven (7) noncontiguous developments dispersed throughout the City. These developments include: Diamond Bar West, Diamond Bar East, Hayes 4 Phase I, Hayes 4 Phase II, Riverbank Central Apartments, Monterosso Development, and Ward Villas.

The City has received consent and waiver forms from all seven developments waiving the time limits for conducting the election and waiving the analysis and arguments regarding the ballot measure. The City's consultant has determined that there are less than twelve registered voters residing in the seven developments that comprise the proposed CFD. As a result, an election by property owners is all that is necessary. The property owners have received a special election ballot for the CFD, which allows them one vote per acre or portion thereof. The City Clerk has canvassed the ballots that were returned to the City Clerk.

For your information, staff has included a CFD Report prepared by Willdan Financial Services (Exhibit "E"). This report provides a brief description of the Public Services, which will be required to adequately meet the needs of the CFD and estimates of costs of providing those public services. In addition, the report includes a map showing the boundaries of the proposed CFD.

Staff recommends that the City Council open the public hearing for the purpose of receiving public testimony and property owner protests regarding the formation of the proposed CFD for public services. Once the public hearing has been closed, staff recommends that the City Council adopt the three resolutions and introduce by title only an ordinance authorizing the levy of special taxes and accepting the CFD Report prepared by Willdan Financial Services.

**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>

**ATTACHMENTS:**

1. Resolution No. \_\_\_\_\_, "RESOLUTION OF FORMATION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK TO ESTABLISH CITY OF RIVERBANK COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES), TO ESTABLISH AN APPROPRIATIONS LIMIT THEREFOR, TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN, AND TO SUBMIT THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT AND THE LEVY OF SPECIAL TAXES TO THE QUALIFIED ELECTORS THEREOF." (EXHIBIT "A")
2. Resolution No. \_\_\_\_\_, "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK CALLING A SPECIAL ELECTION AND SUBMITTING TO THE qualified electors OF CITY OF RIVERBANK COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES) PROPOSITIONS REGARDING THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT AND THE ANNUAL LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT" (EXHIBIT "B")
3. Resolution No. \_\_\_\_\_ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK DECLARING THE RESULTS OF A SPECIAL ELECTION IN CITY OF RIVERBANK COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES) AND DIRECTING THE RECORDING OF A NOTICE OF SPECIAL TAX LIEN." (EXHIBIT "C")
4. Ordinance No. \_\_\_\_\_, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF RIVERBANK COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES)" (EXHIBIT "D")
5. CFD Report prepared by Willdan Financial Services

CITY OF RIVERBANK

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

**RESOLUTION OF FORMATION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK TO ESTABLISH CITY OF RIVERBANK COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES), TO ESTABLISH AN APPROPRIATIONS LIMIT THEREFOR, TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN, AND TO SUBMIT THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT AND THE LEVY OF SPECIAL TAXES TO THE QUALIFIED ELECTORS THEREOF**

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**WHEREAS**, on April 12, 2016, the City Council adopted a resolution entitled “A Resolution of the City Council of the City of Riverbank Declaring Its Intention to Establish a City of Riverbank Community Facilities District No. 2016-1 (Public Services)” (the “Resolution of Intention”), stating its intention to form Community Facilities District No. 2016-1 (Public Services) (the “CFD”), of the City pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the “Act”) to finance certain services to serve the CFD (the “Services”);

**WHEREAS**, the Resolution of Intention, setting forth a description of the proposed boundaries of the CFD, Services to be financed by the CFD, including incidental expenses, and the rate and method of apportionment (the “Rate and Method”) of the special tax (the “Special Tax”) to be levied within the CFD to pay for the Services, is on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth herein;

**WHEREAS**, the Resolution of Intention set May 24, 2016, or as soon thereafter as practical, as the date for a public hearing on the establishment of the CFD, the extent of the CFD, the furnishing of the Services within the CFD, and the proposed Rate and Method;

**WHEREAS**, a notice of the public hearing to be held on May 24, 2016 was published in accordance with the Act;

**WHEREAS**, on this date, this Council held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed formation of the CFD;

**WHEREAS**, at the hearing all interested persons desiring to be heard for or against the establishment of the CFD, the extent of the CFD, the furnishing of the Services and the Rate and Method were heard and a full and fair hearing was held;

**WHEREAS**, at the hearing evidence was presented to this Council on such matters before it, including a special report (the “CFD Report”) as to the Services to be

provided through the CFD and the costs thereof, a copy of which is on file with the City Clerk, and this Council, at the conclusion of said hearing, is fully advised in the premises;

**WHEREAS**, written protests with respect to the formation of the CFD, the furnishing of specified types of services and the Rate and Method have not been filed with the City Clerk by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or property owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the proposed special taxes; and

**WHEREAS**, the Special Tax proposed to be levied in the CFD to pay for the proposed services has not been eliminated by protest by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or the owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the special taxes.

**WHEREAS**, City Staff reviewed the proposed CFD formation and determined that forming the CFD and financing the Services, as described in Section 7 of this Resolution, does not constitute a project for purposes of the California Environmental Quality Act, commencing with Section 21000 of the California Public Resources Code and the California Environmental Quality Act Guidelines, Article 5 of Chapter 3 of Division 6 of Title 14 of the California Code of Regulations, (collectively "CEQA"). CEQA Guidelines Section 15378 specifically state that the term "project" for CEQA purposes does not include "continuing administrative or maintenance activities" or "[t]he creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment." (CEQA Guidelines §§ 15378 (b)(2) and (b)(4).)

**WHEREAS**, the CFD is intended to fund police services, park maintenance, street maintenance, storm drainage maintenance, and landscaping maintenance attributable to new growth within the City..

**WHEREAS**, in addition to the foregoing, because the project is a financing mechanism to fund ongoing administrative and maintenance operations, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore is exempt from CEQA's provisions. (CEQA Guidelines §15061(b)(3).)

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

1. **Recitals Correct.** The foregoing recitals are true and correct.
2. **Public Hearing.** On this date, pursuant to notice thereof duly given as provided by law, the City Council held a public hearing with respect to the establishment of the CFD and the annual levying of the Special Tax within the CFD to pay for the Services.

**3. No Majority Protest.** The proposed Special Tax to be levied within the CFD has not been precluded by majority protest pursuant to section 53324 of the Act.

**4. Prior Proceedings Valid.** All prior proceedings taken by this City Council in connection with the establishment of the CFD and the levy of the Special Tax have been duly considered and are hereby found and determined to be valid and in conformity with the Act.

**5. Name of the District.** The community facilities district designated “City of Riverbank Community Facilities District No. 2016-1 (Public Services) of the City is hereby established pursuant to the Act.

**6. Boundaries of the District.** The Resolution of Intention provides the boundaries of the territory proposed for inclusion in the CFD, as set forth in the map of the CFD heretofore recorded in the Stanislaus County Recorder’s Office on April 21, 2016, in Book 5 at Page 45 as Instrument No. 16-0029064-00 of Maps of Assessment and Community Facilities Districts.

**7. Description of Services.** The Services proposed to be financed by the CFD and pursuant to the Act shall consist of those items shown in Exhibit “A” hereto and by this reference incorporated herein.

**8. Special Tax.**

**a.** Except to the extent that funds are otherwise available to the CFD to pay for the Services, a Special Tax sufficient to pay the costs thereof, secured by the recordation of a continuing lien against all non-exempt real property in the CFD, is intended to be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as may be prescribed by this Council.

**b.** The proposed Rate and Method, in sufficient detail to allow each landowner within the proposed CFD to estimate the maximum amount such owner will have to pay, is shown in Exhibit “B” attached hereto and hereby incorporated herein.

**9. CFD Report.** The CFD Report is hereby approved and is made a part of the record of the public hearing regarding the formation of the CFD, and is ordered to be kept on file with the City Clerk as part of the transcript of these proceedings.

**10. Increased Demands.** It is hereby found and determined that the Services are necessary to meet increased demands placed upon the City, as the result of development occurring in the CFD.

**11. Responsible Official.** The Development Services Administration Manager, or his or her designee, of the City of Riverbank, located at City Hall, 6707 3rd

Street, Riverbank, CA, 95367, telephone number (209) 863-7120, is the officer of the City who will be responsible for preparing annually a current roll of the levy of the Special Tax obligations by assessor's parcel number and who will be responsible for estimating future levies of the Special Tax.

**12. Tax Lien.** Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the Special Tax shall attach to all nonexempt real property in the CFD and this lien shall continue in force and effect until the Special Tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the Special Tax by the CFD ceases.

**13. Description of Voting Procedures.** The voting procedures to be followed in conducting the special election (the "Special Election") on the proposition of the annual levy of the Special Tax and on the proposition to establish an appropriations limit for the CFD, if the CFD is established, shall be as follows:

**a.** If at least 12 persons have been registered to vote within the territory of the CFD for each of the 90 days preceding the close of the public or protest hearing (the "protest hearing"), the vote in the Special Election shall be by the registered voters of the CFD with each voter having one vote. In that event, the Special 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 Act and pursuant to the provisions of the California Elections Code governing elections of cities, insofar as they may be applicable, and pursuant to said Section 53326 the ballots for the Special 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.

**b.** If 12 persons have not been registered to vote within the territory of the CFD for each of the 90 days preceding the close of the protest hearing, the vote in the Special Election is to be by the landowners of the CFD, with each landowner of record at the close of the protest hearing having one vote for each acre or portion of an acre of land that he or she owns within the CFD, the Special Election shall be conducted by the City Clerk pursuant to Section 53326 of the Act as follows:

**(i)** The Special Election shall be held on the earliest date, following the adoption by the City Council of this Resolution and a resolution calling the Special Election, to submit to the qualified electors of the CFD the propositions with respect to: (i) the levy of Special Tax to finance the Services and (ii) the establishment of an appropriations limit for the CFD.

**(ii)** Pursuant to said Section 53326, the Special Election may be held earlier than 90 days following the close of the protest hearing if the qualified electors of the CFD waive the time limits for conducting the elections set forth in said Section 53326 by unanimous written consent

and the Clerk concurs in such earlier election date as shall be consented to by the qualified electors.

**(iii)** Pursuant to said Section 53326, ballots for the Special Election shall be distributed to the qualified electors by the Clerk by mail with return postage prepaid, or by personal service.

**(iv)** Pursuant to applicable sections of the California Elections Code governing the conduct of mail ballot elections of cities, the City Clerk shall mail (or deliver) to each qualified elector an official ballot and shall also mail to all such qualified electors a ballot pamphlet and instructions to voter, including a sample ballot identical in form to the official ballot but identified as a sample ballot, a return identification envelope with prepaid postage thereon addressed to the City Clerk for the return of voted official ballots, and a copy of this Resolution and the exhibits hereto; provided, however, that analysis and arguments regarding the ballot measure may be waived with the unanimous consent of all the landowners, and in such event a finding regarding such waivers shall be made in the resolution adopted by the City Council calling the Special Election.

**(v)** The official ballot to be mailed (or delivered) by the Clerk to each landowner shall have printed or typed thereon the name of the landowner and the number of votes to be voted by the landowner and shall have appended to it a certification to be signed by the person voting the official ballot which shall certify that the person signing the certification is the person who voted the official ballot, and if the landowner is other than a natural person, that he or she is an officer of or other person affiliated with the landowner entitled to vote such official ballot, that he or she has been authorized to vote such official ballot on behalf of the landowner, that in voting such official ballot it was his or her intent, as well as the intent of the landowner, to vote all votes to which the landowner is entitled based on its land ownership on the propositions set forth in the official ballot as marked thereon in the voting square opposite each such proposition, and further certifying as to the acreage of the landowner's land ownership within the CFD.

**(vi)** The return identification envelope delivered by the Clerk to each landowner shall have printed or typed thereon the following: (i) the name of the landowner, (ii) the address of the landowner, (iii) a declaration under penalty of perjury stating that the voter is the landowner or the authorized representative of the landowner entitled to vote the enclosed ballot and is the person whose name appears on the identification envelope, (iv) the printed name and signature of the voter, (v) the address of the voter, (vi) the date of signing and place of execution of said declaration, and (vii) a notice that the envelope contains an official ballot and is to be opened only by the Clerk.

(vii) The instruction to voter form to be mailed by the Clerk to the landowners shall inform them that the official ballots shall be returned to the Clerk properly voted as provided thereon and with the certification appended thereto properly completed and signed in the sealed return identification envelope with the certification thereon completed and signed and all other information to be inserted thereon properly inserted no later than 6:00 p.m. on the date of the Special Election, or immediately after the Resolution Calling the Special Election is adopted.

(viii) Upon receipt of the return identification envelopes, which are returned prior to the voting deadline on the date of the Special Election, the Clerk shall canvass the votes cast in the Special Election, and shall file a statement with the City Council as to the results of such canvass and the election on each proposition set forth in the official ballot.

**14. Annexation Territory.** Other property within the boundaries of the City may be annexed into the CFD pursuant to Article 3.5 of the Act.

**15. Exempt Property.** 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 Act, properties of entities of the state, federal and local governments shall be exempt from the levy of the Special Tax. 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 Tax.

**16. Appropriations Limit.** An appropriations limit for the CFD is hereby established, subject to voter approval, as an amount equal to all the proceeds of the Special Tax collected annually within such CFD and as defined by Article XIII B of the California Constitution, as adjusted for changes in the cost of living and changes in population.

**17. Special Tax Accountability Measures.** Pursuant to and in compliance with the provisions of Government Code Section 50075.1, the City Council hereby establishes the following accountability measures pertaining to the levy by the CFD of the Special Tax described in Section 8 above:

**a.** The Special Tax shall be levied for the specific purposes set forth in Section 7 hereof.

**b.** The proceeds of the levy of the Special Tax shall be applied only to the specific purposes set forth in Section 7 hereof.

**c.** The CFD shall establish an account or accounts into which the proceeds of such Special Tax shall be deposited.

d. The City Manager, or his or her designee, acting for and on behalf of the CFD, shall annually file a report with the City Council as required pursuant to Government Code Section 50075.3.

**18. CEQA.** The City Council hereby finds that the CFD formation involves creation of a funding mechanism for certain ongoing service and maintenance activities that do not have any potential for significantly impacting the environment. Further, the City Council hereby finds that it can be seen with certainty that the proposed financing mechanism and services funded thereby have no possibility of resulting in a significant effect on the environment. Therefore, the City Council, in its independent judgment, finds that the project is exempt from CEQA, and hereby directs City Staff to prepare and file a Notice of Exemption with the County Clerk within five days of adoption of this Resolution pursuant to Section 21152 of the California Public Resources Code and Section 15062 of the CEQA Guidelines.

**19. Effective Date.** This resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 24th day of May, 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

## **EXHIBIT A**

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

#### **DESCRIPTION OF SERVICES**

The services (the “Services”) described below are proposed to be financed by City of Riverbank Community Facilities District No. 2016-1 (Public Services) (the “CFD”). Nothing in this description of services or any Resolution of the City Council shall be construed as committing the City or the CFD to provide all of the authorized Services. The provision of Services shall be subject to the successful formation of the CFD and the availability of sufficient proceeds of special taxes within the CFD.

#### **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.

## 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 it is 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.

**CITY OF RIVERBANK**

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK CALLING A SPECIAL ELECTION AND SUBMITTING TO THE QUALIFIED ELECTORS OF CITY OF RIVERBANK COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES) PROPOSITIONS REGARDING THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT AND THE ANNUAL LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT**

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**WHEREAS**, on May 24, 2016, the City Council (the "City Council") of the City of Riverbank (the "City") held a public hearing (the "Public Hearing") on the establishment of Community Facilities District No. 2016-1 (Public Safety Services, Open Space Operation and Park Maintenance) (the "District").

**WHEREAS**, following the Public Hearing, the City Council adopted a resolution entitled "Resolution of Formation of the City Council of the City of Riverbank to Establish City of Riverbank Community Facilities District No. 2016-1 (Public Services), to Establish an Appropriations Limit therefore, to Authorize the Levy of a Special Tax therein, and to Submit the Establishment of an Appropriations Limit and the Levy of a Special Tax to the Qualified Electors Thereof (the "Resolution of Formation") ordering the formation of the District, and subject to approval of the qualified electors of the District, authorizing the levy of a special tax (the "Special Tax") on property within the District and establishing an appropriations limit for the District, pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the California Government Code (the "Act"); and

**WHEREAS**, pursuant to the Resolution of Formation, the propositions relating to the levy of the Special Tax and the establishment of an appropriations limit will be submitted to the qualified electors of the District as required by the Act; and

**WHEREAS**, the City Clerk has advised the City Council that she has received a statement from the Registrar of Voters of the County of Stanislaus that less than twelve (12) persons are registered to vote in the territory of the District; and

**WHEREAS**, the City Clerk has advised the City Council that she has received Consent and Waiver forms from each and every landowner within the District, pursuant to which each landowner has expressly waived certain requirements related to the conduct of the election.

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

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

**SECTION 2. Call of Election.** The City Council hereby calls and schedules a special election for May 24, 2016, to consider the proposition described in Section 3 below.

**SECTION 3. Proposition.**

- a. Pursuant to Sections 53325.7, 53326 and 53353.5 of the Act, the proposition relating to the levy of the Special Tax and the proposition relating to the establishment of the appropriations limit shall be combined into one ballot proposition and shall be submitted to the qualified electors of the District as required by the Act.
- b. If the combined proposition for the levy of the Special Tax and the establishment of the appropriations limit receives the approval of more than two-thirds of the votes cast on the proposition, the Special Tax may be levied and the appropriations limit may be established as provided for in the Resolution of Formation.
- c. The amount, method of collection and purpose of the Special Tax are specified in the Resolution of Formation, on file in the office of the City Clerk and by this reference incorporated herein.
- d. The proposition to be submitted to the voters of the District at such special election shall be as follows:

Shall special taxes with a rate and method of apportionment as set forth in Exhibit "B" to the resolution entitled "Resolution of Formation of the City Council of the City of Riverbank to Establish City of Riverbank Community Facilities District No. 2016-1 (Public Services), to Establish an Appropriations Limit therefor, to Authorize the Levy of a Special Tax Therein, and to Submit the Establishment of an Appropriations Limit and the Levy of a Special Tax to the Qualified Electors Thereof" (the "Resolution of Formation") be levied annually on taxable property within City of Riverbank Community Facilities District No. 2016-1 (Public Services), to pay for police services, streets, landscaping, park and drainage maintenance services, and incidental expenses related thereto, and shall the appropriations limit be established, all as set forth in the Resolution of Formation?

**SECTION 4. Electors Determined.** The City Council finds that 12 persons have not been registered to vote within the territory of the District for each of the 90 days preceding the close of the Public Hearing and that pursuant to Section 53326 of the Act, the vote in the special election called by this Resolution shall be by the landowners of the District whose property would be subject to the special taxes if they were levied at the time of the election, and each landowner shall have one vote for each acre, or

portion thereof, which he or she owns within the District which would be subject to the proposed special taxes if they were levied at the time of the election.

**SECTION 5. Conduct of Election.** Except as otherwise provided in Section 6 hereof, the special election shall be conducted by the City Clerk in accordance with the provisions of the California Elections Code governing mail ballot elections of cities, and in particular the provisions of Division 4 (commencing with Section 4000), of that Code, insofar as they may be applicable.

**SECTION 6. Election Procedures.**

- a. The procedures to be followed in conducting the special election on the proposition described in Section 3 shall be as provided in the Resolution of Formation. It is hereby acknowledged that the City Clerk has on file a copy of the Resolution of Formation.
- b. The City Council hereby finds that the qualified electors of the CFD have waived the time limits for conducting the special election by unanimous written consent.

**SECTION 7. Concurrence of City Clerk.** The City Council hereby finds and determines that the City Clerk has concurred in the shortened time for the election, pursuant to Section 53326 of the Act.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 24th day of May, 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

CITY OF RIVERBANK

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK DECLARING THE RESULTS OF A SPECIAL ELECTION IN CITY OF RIVERBANK COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES) AND DIRECTING THE RECORDING OF A NOTICE OF SPECIAL TAX LIEN**

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**WHEREAS**, in proceedings heretofore conducted by the City Council of the City of Riverbank (the "City Council") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311, of the California Government Code (the "Act"), the City Council adopted Resolution No. 2016-    , on May 24, 2016, entitled "Resolution of the City Council of the City of Riverbank Calling a Special Election and Submitting to the Qualified Electors of City of Riverbank Community Facilities District No. 2016-1 (Public Services) Propositions Regarding the Establishment of an Appropriations Limit and the Annual Levy of a Special Tax within the Community Facilities District" (the "Resolution Calling Election"), calling for a special election (the "Special Election") of the qualified electors within Community Facilities District No. 2016-1 (Public Services) (the "District"); and

**WHEREAS**, pursuant to the terms of the Resolution Calling Election, which are by this reference incorporated herein, the Special Election was held on May 24, 2016, and the City Clerk has on file a Certificate of the City Clerk as to the Results of the Canvass of the Election Returns (the "Certificate"), a copy of which is attached hereto as **Exhibit A** and by this reference incorporated herein; and

**WHEREAS**, this City Council has reviewed said Certificate and hereby approves it.

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

1. Recitals. The above recitals are all true and correct.
2. Ballot Measure. The ballot measure (the "Ballot Measure") presented to the qualified electors is set forth in **Exhibit B** attached hereto and by this reference incorporated herein.
3. Election Results. The results of the Special Election are as set forth in the Certificate on file with the City Clerk and attached hereto as Exhibit A. Pursuant to the Certificate, the Ballot Measure presented at the Special Election was approved by the qualified electors of the District.

4. Ballot Measure Authorized. This City Council, acting in its capacity as legislative body of the District, is hereby authorized to levy on the land within the District the special tax described in the Ballot Measure for the purposes described therein and to take the necessary steps to levy the special tax authorized by the Ballot Measure. The appropriations limit as specified in the Ballot Measure is hereby established.
  
5. Finding of Validity. It is hereby found that all prior proceedings and actions taken by this City Council with respect to the District were valid and in conformity with the Act.
  
6. Notice of Special Tax Lien. The City Clerk is hereby directed to record in the office of the County Recorder of the County of Stanislaus within fifteen days of the date hereof a notice of special tax lien with respect to the District in substantially the form required by California Streets and Highways Code Section 3114.5.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 24th day of May, 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

**EXHIBIT A**

**CITY OF RIVERBANK  
COMMUNITY FACILITIES DISTRICT NO. 2016-1  
(PUBLIC SERVICES)**

**CERTIFICATE OF THE CITY CLERK AS TO THE  
RESULTS OF THE CANVASS OF THE ELECTION RETURNS**

I, Annabelle Aguilar, City Clerk of the City of Riverbank, hereby certify that I canvassed the returns of the Special Election in the City of Riverbank Community Facilities District No. 2016-1 (Public Services) (the "District"), that the election was held in the Chambers of the City Council at 6707 3rd Street, Riverbank, California 95367 on May 24, 2016.

I further certify that the total number of ballots cast in said election and the total number of votes cast for and against the measure are full, true and correct:

<b>Community Facilities District No. 2016-1 (Public Services) Special Tax Election, May 24, 2016</b>	<b>Qualified Eligible Votes</b>	<b>Votes Cast</b>	<b>Yes</b>	<b>No</b>
Ballot Measure	60			

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this \_\_\_  
day of \_\_\_\_\_, 2016.

By:

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

## EXHIBIT B

### Ballot Measure:

Shall special taxes with a rate and method of apportionment as set forth in Exhibit "B" to the resolution entitled "Resolution of Formation of the City Council of the City of Riverbank to Establish City of Riverbank Community Facilities District No. 2016-1 (Public Services), to Establish an Appropriations Limit therefor, to Authorize the Levy of a Special Tax Therein, and to Submit the Establishment of an Appropriations Limit and the Levy of a Special Tax to the Qualified Electors Thereof" (the "Resolution of Formation") be levied annually on taxable property within City of Riverbank Community Facilities District No. 2016-1 (Public Services), to pay for police services, streets, landscaping, park and drainage maintenance services, and incidental expenses related thereto, and shall the appropriations limit be established, all as set forth in the Resolution of Formation?

**CITY OF RIVERBANK**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,  
CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF RIVERBANK  
COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES)**

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**WHEREAS**, on April 12, 2016, the City Council of the City of Riverbank (the "City Council") adopted Resolution No. 2016-024 entitled "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" (the "Resolution of Intention"), stating its intention to establish the City of Riverbank Community Facilities District No. 2016-01 (Public Services) (the "District") to fund certain services described therein (the "Services") pursuant to the Mello-Roos Community Facilities Act of 1982, California Government Code section 53311 *et seq.* (the "Act"); and

**WHEREAS**, notice was published as required by the Act of the public hearing called pursuant to the Resolution of Intention as to the City Council's intention to form the District and to provide for the costs of the Services; and

**WHEREAS**, the Resolution of Intention called for a public hearing on the District to be held on May 24, 2016, and on this date the City Council held a public hearing, as required by the Act, relative to its decision to proceed with the formation of the District and the levy of special taxes therein; and

**WHEREAS**, at the public hearing all persons desiring to be heard on all matters pertaining to the formation of the District and the levy of the special taxes were heard, evidence was presented and considered by this City Council and a full and fair hearing was held; and

**WHEREAS**, subsequent to the close of the public hearing, this City Council adopted resolutions entitled "Resolution of Formation of the City Council of the City of Riverbank to establish City of Riverbank Community Facilities District No. 2016-1 (Public Services), to establish an Appropriations Limit therefor, to authorize the Levy of A Special Tax therein, and to Submit the establishment of an Appropriations Limit and the Levy of Special Taxes to the Qualified Electors thereof" (the "Resolution of Formation"), and "Resolution of the City Council of the City of Riverbank calling a Special Election and submitting to the Qualified Electors of City of Riverbank Community Facilities District No. 2016-1 (Public Services) propositions regarding the establishment of an appropriations Limit and the annual Levy of a Special Tax Within the Community Facilities District", which resolutions established the District, authorized the levy of a special tax with the District, and called an election within the District on the

proposition of levying a special tax within, and establishing an appropriations limit for, the District; and

WHEREAS, an election was held within the District in which the landowners approved said propositions by ballots cast in the election.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the City Council of the City of Riverbank as follows:

**Section 1.** By the passage of this Ordinance, this City Council hereby authorizes and levies special taxes within the District, pursuant to the Act, at the rate and in accordance with the rate and method of apportionment of special taxes appended as **Exhibit B** to the Resolution of Formation (the "Rate and Method of Apportionment"), which Resolution of Formation is by this reference incorporated herein. The Special Tax is hereby levied to pay for the Services for the District, as contemplated by the Resolution of Formation and the Rate and Method of Apportionment, commencing in fiscal year 2016-17 and in each fiscal year thereafter.

**Section 2.** The Finance Director of the City or her designee is hereby authorized and directed each fiscal year to determine the specific special tax rate and amount to be levied for each parcel of real property within the District, in the manner and as provided in the Rate and Method of Apportionment.

**Section 3.** Exemptions from the levy of the Special Tax shall be as provided in the Resolution of Formation and the applicable provisions of the Act. In no event shall special taxes be levied on any parcel within the District in excess of the maximum tax specified in the Rate and Method of Apportionment.

**Section 4.** All of the collections of the special tax shall be used as provided for in the Act and in the Resolution of Formation, including, but not limited to, the payment of costs of providing the Services, the payment of City costs in administering the District and the costs of collecting and administering the special tax.

**Section 5.** The special taxes shall be collected from time to time as necessary to meet the financial obligations of the District. The special taxes will be collected in the same manner as ordinary ad valorem property taxes, and the special taxes shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes. In addition, the provisions of California Government Code section 53356.1 shall apply to delinquent special tax payments. The Finance Director or her designee is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of Stanislaus and to take all actions necessary to effect proper billing and collection of the special tax, so that the special tax shall be levied and collected in sufficient amounts and at the times necessary to satisfy the financial obligations of the District in each fiscal year.

Notwithstanding the foregoing, any special taxes that cannot be collected on the County tax roll, or are not so collected, may be collected through direct billing by the City.

**Section 6.** If for any reason a court with jurisdiction finds any portion of this ordinance to be invalid or finds the special tax to be inapplicable to any particular parcel, then the balance of this ordinance and the application of the special tax to the remaining parcels shall not be affected.

**Section 7.** This ordinance shall take effect and be in force immediately as a tax measure; and before the expiration of fifteen (15) days after its passage the same shall be published, with the names of the members voting for and against the same, at least once in a newspaper of general circulation published and circulated in the District.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on May 24, 2016. On a motion by Council Member \_\_\_\_\_ seconded by Council Member \_\_\_\_\_, this ordinance was passed and adopted by the City Council of the City of Riverbank, State of California, this \_\_\_\_ day of \_\_\_\_\_ 2016, by the following roll-call vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

ABSTAIN: Council Member(s):

\_\_\_\_\_  
Richard O'Brien, Mayor

ATTEST:

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



# City of Riverbank Community Facilities District No 2016-1 (Public Services)

## CFD REPORT

27368 Via Industria  
Suite 200  
Temecula, CA 92590  
T 951.587.3500 | 800.755.6864  
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[www.willdan.com/financial](http://www.willdan.com/financial)



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## *I. INTRODUCTION*

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WHEREAS, the City Council of the City of Riverbank (hereinafter referred to as the “Council”), in the State of California, did, pursuant Section 53321.5 of Chapter 2.5 of Part 1, of Division 2, of Title 5 of the Government Code of the State of California, as amended (the “Act”), expressly order the filing of a written Community Facilities District Report (“Report”) with the City of Riverbank for a proposed Community Facilities District, which Community Facilities District shall be referred to as Community Facilities District No. 2016-1 (Public Services), (hereinafter referred to as the “CFD”); and

WHEREAS, the Report generally contains the following:

A brief description of the public services (the “Services”) which are required to adequately meet the needs of the CFD; and

an estimate of the cost of financing such Services; and

the rate and method of apportionment of the special tax in sufficient detail to allow each property owner within the proposed CFD to calculate the Maximum Special Tax that may be levied against their property.

For particulars, reference is made to the Resolution of Intention, Resolution No. 2016-024, as previously approved. All capitalized terms not defined herein are defined in the Rate and Method of Apportionment of Special Tax section of this Report.

NOW THEREFORE, Willdan Financial Services, the appointed responsible firm directed to prepare the Report, pursuant to the provisions of the Act, does hereby submit said Report.

## **II. DESCRIPTION OF SERVICES**

---

The Services that are to be financed by the CFD are described below and are permitted by the Act.

### **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.

All Services shall be provided by the City of Riverbank, with its own forces or by contract with third parties, or any combination thereof, to be determined entirely by the City of Riverbank.

Nothing in this description of Services or any Resolution of the City Council shall be construed as committing the City or the CFD to provide all of the authorized Services. The provision of Services shall be subject to the successful formation of the CFD and the availability of sufficient proceeds of special taxes within the CFD.

### **Substitution of Services**

The description of the Services, as set forth herein, is general in its nature. The final nature of the Services will be determined upon the City's approval of services. The approval thereof may show substitutes in lieu of, or modification to, the proposed Services in order to provide the public Services necessitated by development occurring in the CFD, and any such substitution shall not be a change or modification in the proceedings as long as such substitute Services serve a function or provide a service substantially similar to that function served or the service provided by the Services described in this Report.

### /// COST ESTIMATE

#### Cost Estimates for Services

The CFD is being formed to mitigate the financial impact of providing additional Public Services created by new development in the City. The initial Maximum Special Tax that may be levied annually for each land use type is shown in Table 1 of the Rate and Method of Apportionment.

On each July 1 following the Base Year (fiscal year 2016-2017), the initial Maximum Special Tax rates shall be automatically increased for each fiscal year in accordance with the Annual Escalation Factor.

The budget below represents the estimated cost of Services. The Special Tax was calculated as the amount necessary to pay for the CFD's proportionate share of the Services, which are in addition to the Services already provided to the area, if any, before the CFD was created.

Description	FY 2015/16 Total Budget	FY 2015/16 Total Net Budget <sup>(6)</sup>
Police Services	\$3,808,800	\$2,856,600
Street Maintenance <sup>(1)</sup>	107,100	80,325
Park Maintenance <sup>(2)</sup>	651,500	488,625
Drainage Maintenance <sup>(3)</sup>	426,817	426,817
Landscaping Maintenance <sup>(4)</sup>	171,301	171,301
Administration	7,000	7,000
Reserve	403,067	403,067
<b>Total</b>	<b>\$5,575,585</b>	<b>\$4,433,735</b>

(1) Includes Utilities and Gas Tax deficit toward Street Maintenance. Excludes Mgt Fees and Capital Outlay.

(2) Excludes JMP Parking Fee Reimbursement and Crossroads L&L Reimbursement.

(3) Average drainage maintenance cost per dwelling unit of \$64.27 per Sterling Drainage District FY 15/16 budget, excluding admin and reserve.

(4) Base level - weed abatement plus average landscaping cost per dwelling unit of \$24.74 per Crossroads L&L FY 15/16 budget.

(5) Per 2015 City of Riverbank Housing Element, Table III-1.

(6) The total net budget for Police Services, Street Maintenance, and Parks represents a reduction of 25% to account for ad valorem property tax revenue.

#### ***IV. DESCRIPTION OF BOUNDARIES***

---

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 “MAP OF PROPOSED BOUNDARIES OF CITY OF RIVERBANK COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES),” which is on file in the office of the City Clerk and shown in the following pages for reference.

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

COUNTY OF STANISLAUS  
STATE OF CALIFORNIA

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.

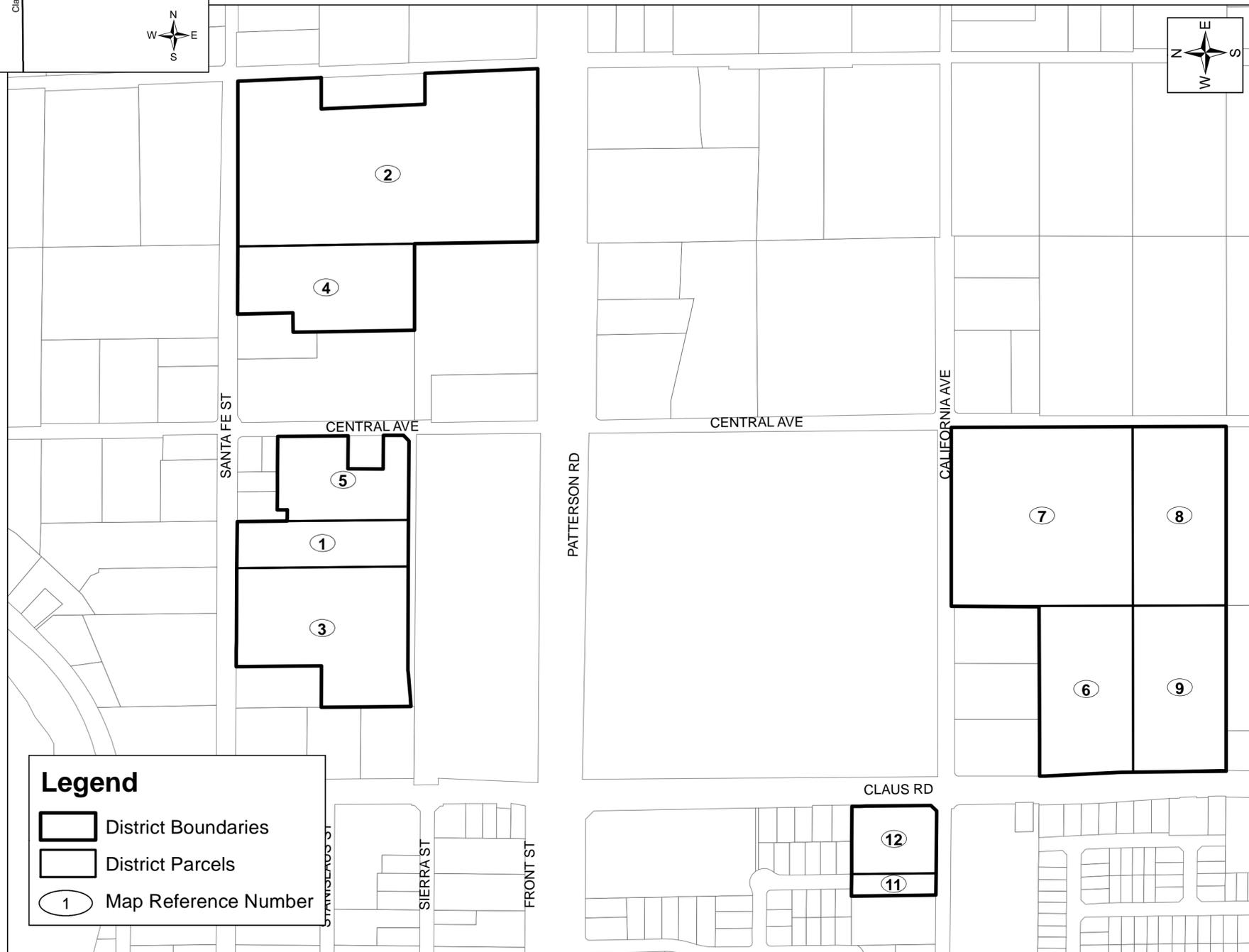
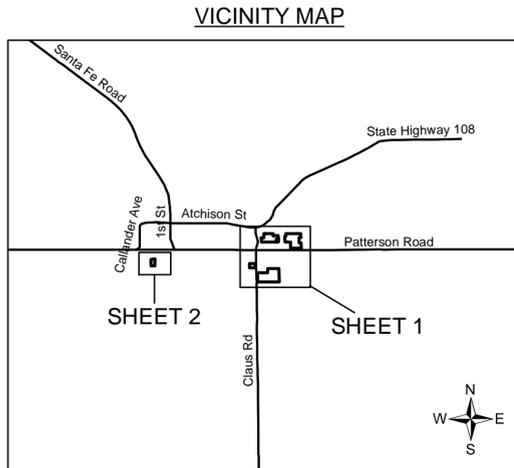
LEE LUNDRIGAN  
COUNTY CLERK-RECORDER

\_\_\_\_\_  
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

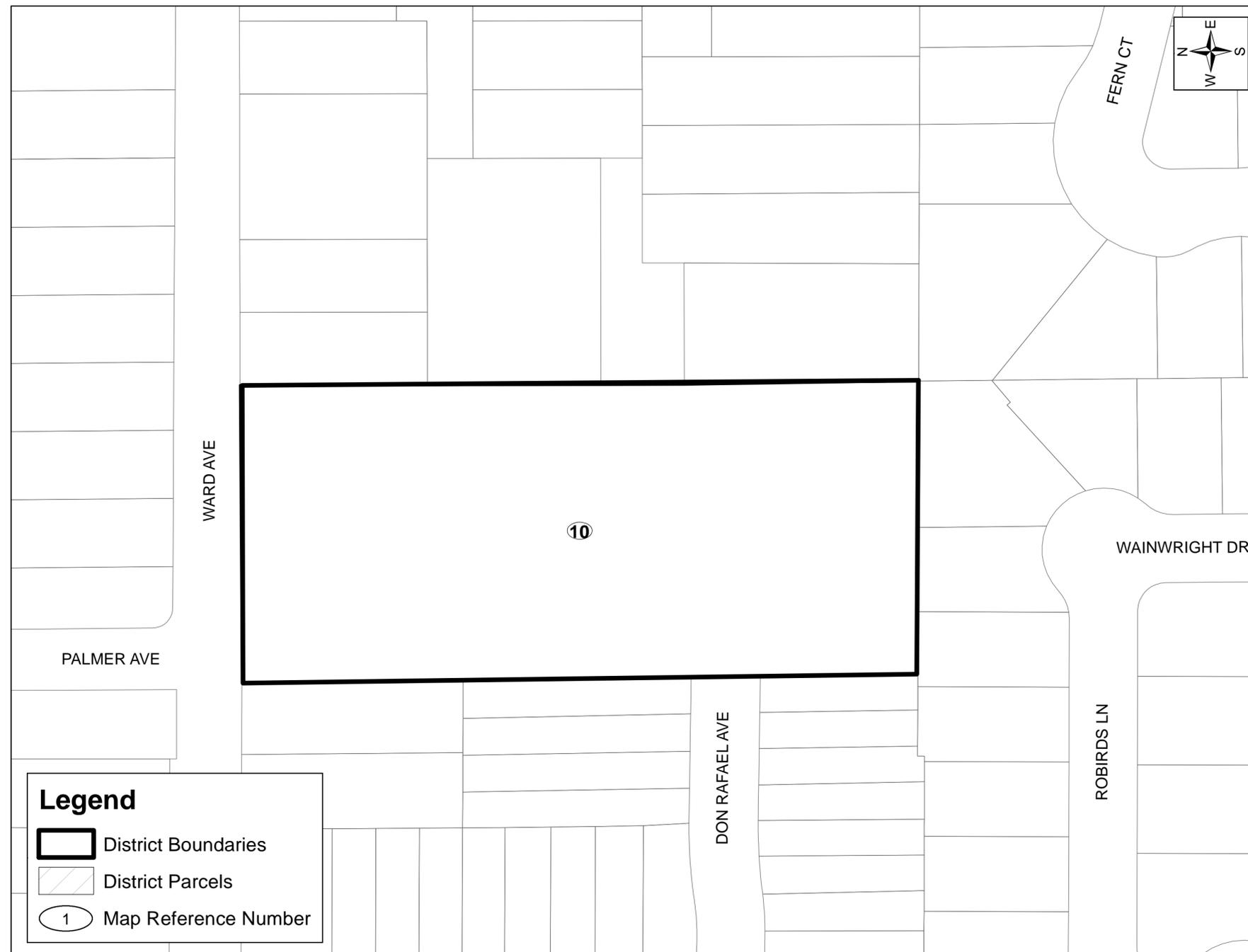


**Legend**

- District Boundaries
- District Parcels
- 1 Map Reference Number

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

COUNTY OF STANISLAUS  
STATE OF CALIFORNIA



## V. 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 it is 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.

## RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.2

### SECTION 5: PUBLIC HEARING

<b>Meeting Date:</b>	May 24, 2016
<b>Subject:</b>	A <b>Resolution</b> of the City Council of the City of Riverbank, California, Authorizing the First Public Hearing for the 2016 Community Development Block Grant Notice of Funding Available (NOFA) Cycle
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Debbie Olson, Executive Director Melissa Holdaway, Administrative Analyst II

#### **RECOMMENDATION**

It is recommended that the City Council hold the first public hearing regarding the submittal of a potential application for the 2016 Community Development Block Grant Notice of Funding Available.

#### **SUMMARY**

The City of Riverbank Housing Division and Local Redevelopment Authority is seeking input from the City Council and the public regarding the submittal of a grant application in response to the 2016 Notice of Funding Available issued by the State of California Department of Housing & Community Development for the Community Development Block Grant (CDBG) Program. Applicants are required to hold a public hearing to solicit public input on possible activities to be included in the application that the City of Riverbank Housing Division and/or Local Redevelopment Authority is anticipated to submit in June 2016.

#### **BACKGROUND**

The State of California Department of Housing and Community Development (HCD) has released the 2016 Notice of Funding Available for the Community Development Block Grant (CDBG) Program. The Notice of Funding Available (NOFA) announced the availability of approximately \$27,000,000 in federal fund allocations available to local non-entitlement municipalities. It is estimated that up to \$2,000,000 could be available to the City of Riverbank. A second application may be submitted to apply for Economic Development Over-the-Counter (OTC) grants and is limited to \$5,000,000 per year.

Eligible activities funded under the CDBG allocations consist of the following programs:

- Ø Business Assistance (BA) Projects and Programs;
- Ø Microenterprise (ME) Assistance Programs;
- Ø Housing Rehabilitation (HR) Programs and Projects;
- Ø Homeownership Assistance (HA) Programs;
- Ø Housing Acquisition Projects;
- Ø Public Infrastructure Projects;
- Ø Public Facility Projects;
- Ø Public Service Programs; and
- Ø Planning and Technical Assistance Grants

Every CDBG-funded activity we apply for must meet one of the following two National Objectives:

1. Benefit to low- and moderate-income persons; or,
2. Prevention or elimination of slums or blight.

The City has been very successful in the submittal of grant applications in previous years. Previously awarded grants include the following:

- Ø 2003: \$500,000 – 4 Home Rehabilitation Projects
- Ø 2004: \$1,454,000 – 17 Home Rehabilitation & First-Time Home Buyer Projects
- Ø 2010: \$400,000 – 5 Home Rehabilitation Projects
- Ø 2013: \$1,000,000 – Housing Rehabilitation & First-Time Home Buyer Projects (program is currently in progress).

The Housing Division is considering applying for the following projects:

1. First Time Home Buyers Acquisition with Home Rehabilitation,
2. First Time Home Buyers Acquisition,
3. Public Facility Projects.

It is recommended that the City Council open the public hearing to solicit public input on additional projects or programs to be considered for inclusion on the 2016 CDBG NOFA application.

The City will hold a second public hearing on June 28, 2016 to request the formal submittal of the grant application for an Over-the-Counter grant. Submittal of a grant application is highly dependent on whether the City has expended at least 50% of the grant funds received in 2015 for any other eligible activities.

## **FINANCIAL IMPACT**

There is no financial impact during the Public Hearing phase.

## **ATTACHMENT**

1. Resolution

**CITY OF RIVERBANK**

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,  
CALIFORNIA, AUTHORIZING THE FIRST PUBLIC HEARING FOR THE 2016  
COMMUNITY DEVELOPMENT BLOCK GRANT NOTICE OF FUNDING AVAILABLE  
(NOFA) CYCLE**

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**WHEREAS**, THE State of California Department of Housing and Community Development has issued the 2016 Notice of Funding Available (NOFA) for the Community Development Block Grant (CDBG) Program; and,

**WHEREAS**, a requirement of the NOFA is the holding of a public hearing prior to the grant application submittal in order to seek City Council and public input regarding potential application activities; and,

**WHEREAS**, a City of Riverbank, Public Hearing Notice was published in the local newspaper of general circulation and posted on May 11, 2016; and,

**WHEREAS**, the City Council of the City of Riverbank acknowledges the Public Hearing for a future grant application for the 2016 CDBG NOFA funding cycle; and,

**WHEREAS**, each public hearing adheres to the Citizen Participation/Public Hearing requirements as established by the State of California and as outlined by the Notice of Funding Available.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Riverbank hereby acknowledges the first Public Hearing for the 2016 CDBG NOFA funding cycle.

**PASSED AND ADOPTED** by the City Council of the City of Riverbank at a regular meeting held on the 24<sup>TH</sup> day of May, 2016; motioned by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and upon roll call was carried by the following vote of \_\_\_\_:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

**APPROVED:**

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

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

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

## SECTION 6: NEW BUSINESS

<b>Meeting Date:</b>	May 24, 2016
<b>Subject:</b>	Approval to Award the Zoning Code Update Project to JB Anderson Land Use Planning
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Donna M. Kenney, Planning and Building Manager

### **RECOMMENDATION**

It is recommended that the City Council approve awarding the Zoning Code Update Project to JB Anderson Land Use Planning based on the scope of work, proposed budget, and their expedient and exemplary completion of past projects for the City with the understanding that the contract will be presented at a later date when a funding source has been identified.

### **SUMMARY**

The City of Riverbank has not had a comprehensive Zoning Code update since 1967. During this time, Federal, State, and City requirements have changed and many sections now conflict with other sections or are obsolete, like signage for example. Some individual sections have been modified or replaced, but in general, the code needs to be revised in numerous areas. Having moved forward with an RFP selection process, staff can now determine the funding needed to get this item in the FY2016-2017 Budget.

### **BACKGROUND**

The schedule for the issuance of the RFP and its review are detailed below:

Release of RFP	April 1, 2016
Proposals Due Date	May 6, 2016 @ 5:00 pm
Proposal Evaluation Completed	May 13, 2016
Notification of Intent to Award	May 16, 2016
Award of Contract	When funding is available.

Nine consultants were contacted and three proposals were received by the May 6<sup>th</sup> deadline: JB Anderson Land Use Planning, Mintier Harnish Planning Consultants, and Lisa Wise Consulting, Inc. While all three consultants provided excellent proposals that

met the requirements of the RFP, JB Anderson Land Use Planning, with an optional task to research and apply for grant funding for the project, came in at a substantially less cost than the other two proposals (Totals “Not To Exceed”):

JB Anderson Land Use Planning - \$135,032  
Mintier Harnish Planning Consultants - \$257,010  
Lisa Wise Consulting - \$265,266

The proposals were reviewed by a select committee made up of the Planning and Building Manager, Development Services Administrator, and Senior Community Development Specialist. After a thorough analysis of the proposals, utilizing the established criteria set forth in the RFP, the committee presents to Council the recommended planning consultant and request to award the project to JB Anderson Land Use Planning.

If approved by the City Council, a resolution to authorize the City Manager to enter into an agreement with JB Anderson Land Use Planning to perform a Comprehensive Zoning Code Update for the City of Riverbank will be presented when funding is secured.

### **STRATEGIC GOALS**

Riverbank’s Strategic Planning sessions allow the Council and staff to reaffirm the City’s Mission Statement, Vision Statement, Core Values and Three-Year Goals. In addition, strategic objectives are drafted and completed as the City works towards its long range goals. One “Enhance Professionalism and Customer Service” objective is to provide an update to the City Council on the status of the zoning code update, including the cost. Therefore, this item relates to a current strategic objective.

### **FINANCIAL IMPACT**

An RFP is used to find interested consultants and determine the costs for work conducted on the zoning code update. Staff recommends selecting JB Anderson Land Use Planning and finding \$135,032 for the FY2016-2017 Budget.

### **ATTACHMENTS**

None.

**RIVERBANK LOCAL REDEVELOPMENT AUTHORITY  
AGENDA ITEM NO. 6.2**

**SECTION 6: NEW BUSINESS**

<b>Meeting Date:</b>	May 24, 2016
<b>Subject:</b>	Accept Report on Status of LRA Budget for Third Quarter FY 2015/16
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Debbie Olson, Executive Director Melissa Holdaway, Administrative Analyst II

**RECOMMENDATION**

It is recommended that the Local Redevelopment Authority (LRA) Board of Directors (Board) receive and approve the status report on the LRA budget for the third quarter of fiscal year 2015/16.

**SUMMARY**

This report covers the third quarter revenue and expenditures specifically for the time period from January 1, 2016 through March 31, 2016.

**BACKGROUND:**

In April 2010, the LRA Board adopted a resolution that requires LRA staff to provide a quarterly report to the LRA Board on the status of the budget. This report is intended to comply with that requirement.

This report was developed to apprise the LRA Board of the year-to-date status of the budget. Information in this report is intended to highlight some of the critical elements of each fund presented and any supplemental information with explanations of significant changes to the line items affected.

**Please note this report does not reflect beginning cash-on-hand.**

**FINANCIAL IMPACT**

**Fund 197 – Leasehold Revenue**

Revenue is in line with expenses for the third quarter. Leasehold revenue is down slightly as a result of the new software implementation which created delays in recording receipts of payment. Missing payments from this quarter will be captured in the year-end report.

Miscellaneous Revenue is above expectations due to an insurance settlement from prior year received and recorded in this year.

Most Expenditures were down except for Fire Suppression Maintenance which went slightly over budget due unexpected repairs to the pumps.

### **Fund 198 – Office of Economic Adjustment Grant (OEA)**

Revenue and expenditures in line with expectations for the quarter.

### **STRATEGIC PLANNING ALIGNMENT**

The presentation of the LRA's FY 2015-16 Third Quarter supports the City's mission and reinforces the City's core values of transparency and fiscal responsibility.

### **ATTACHMENT**

1. FY 2015-16 LRA Budget by Fund

	<u>2015-16 Budget</u>	<u>First Quarter Jul-Sept</u>	<u>Second Quarter Oct-Dec</u>	<u>Third Quarter Jan-Mar</u>	<u>Year to Date</u>	<u>2015-16 Balance</u>
<b>Fund 197</b>						
<i>Rents</i>	1,456,800	389,125	368,092	343,869	1,101,086	355,714
<i>Sale of Personal Property</i>	-					-
<i>DOD Caretaker Revenue</i>	98,685		74,014	24,671	98,685	0
<i>Utility Revenue from Tenants</i>	725,000	81,719	211,938	148,419	442,075	282,925
<i>Miscellaneous Revenue</i>	24,000	3,050	6,307	20,679	30,036	0
<b>Total Revenue</b>	<b>2,304,485</b>	<b>473,894</b>	<b>660,351</b>	<b>537,637</b>	<b>1,671,882</b>	<b>632,603</b>
<i>Salaries</i>	21,602	5,701	6,205	4,694	16,600	5,002
<i>Fringe</i>	11,297	2,787	3,458	2,927	9,172	2,125
<b>Administrative Expenses</b>						
<i>Travel</i>	4,105	787	1,073	622	2,481	1,624
<i>Equipment</i>					0	
<i>Office Supplies/Legal Ads</i>	397	136	93	86	315	82
<i>Phones</i>	521	121	81	81	283	238
<i>Copier</i>	509	177	52	51	280	229
<i>Postage</i>	50	5	4	4	13	37
<i>Janitorial</i>	257				0	257
<i>Marketing/Branding</i>	4,300	625			625	3,675
<b>Professional Services</b>						0
<i>Legal</i>	146,000	6,936	50,567	19,229	76,731	69,269
<i>Other Services</i>	27,995		3,255	6,578	9,833	18,163
<i>Insurance Premiums</i>	100,000				0	100,000
<b>Facility Operations &amp; Maintenance</b>						
<i>Well maintenance</i>	1,000				0	1,000
<i>Permits</i>	6,000	80		818	898	5,102
<i>Water Testing</i>	3,000	180	690	330	1,200	1,800
<i>Electrical PM</i>	70,000		12,962		12,962	57,038
<i>Electrical Infrastructure Upgrade/Repair</i>	0				0	0
<i>Fire Supression Maintenance</i>	24,500	7,315	17,110	2,248	26,673	-2,173
<i>Landscaping</i>	8,000	790		2,370	3,160	4,840
<i>Propane</i>	1,500		554	702	1,256	244
<i>Repairs</i>	115,000	11,914	79,391	17,350	108,655	6,345
<i>Fire Assessment Fees</i>	200				0	200
<i>Common Area Costs (electric, water, garbage)</i>	840,000	165,446	212,366	261,618	639,430	200,570
<i>Tenant Improvements</i>	20,000			321	321	19,679
<b>Facility Mgmt/Security Services Contracts</b>						
<i>Security</i>	168,000	28,215	41,946	46,033	116,194	51,806
<i>Facility Management</i>	475,000	72,911	120,163	115,530	308,603	166,397
<b>Total Expenditures</b>	<b>2,049,233</b>	<b>304,125</b>	<b>549,969</b>	<b>481,590</b>	<b>1,335,684</b>	<b>713,549</b>
<b>Net Revenues Less Expenditures</b>	<b>255,252</b>	<b>169,769</b>	<b>110,381</b>	<b>56,047</b>	<b>336,198</b>	<b>255,252</b>