

CONCURRENT MEETING CITY COUNCIL/CRA/RCFC

Tuesday, January 20, 2009

4:00 p.m. – Closed Session

5:30 p.m. – Regular Meeting

AGENDA



Dan Skoglund, Mayor

Ken Cooley, Vice Mayor

Robert J. McGarvey, Council Member

David Sander, Council Member

Linda Budge, Council Member

NOTE: PROPOSED REGULAR CITY COUNCIL MEETING DATES ARE SCHEDULED ON THE 1ST AND 3RD MONDAY'S OF EACH MONTH, UNLESS WHEN FALLING ON A HOLIDAY, THE MEETING WILL BE SCHEDULED ON THE FOLLOWING TUESDAY (THESE DATES ARE SHADED GREY AND ARE SUBJECT TO CHANGE). REFER TO HOLIDAY SCHEDULES BELOW.

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NEW YEAR'S DAY (THURS, JAN 1)														INDEPENDENCE DAY (FRI, JUL 3 [OBSERVED?])														DAY AFTER THANKSGIVING (FRI, NOV 27)									
MARTIN LUTHER KING JR. DAY (MON, JAN 19)														LABOR DAY (MON, SEP 7)														CHRISTMAS EVE (THURS, DEC 24)									
PRESIDENT'S DAY (MON, FEB 16)														VETERAN'S DAY (WED, NOV 11)														CHRISTMAS DAY (FRI, DEC 25)									
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2010

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PRESIDENT'S DAY (MON, FEB 15)						VETERAN'S DAY (THUR, NOV 11)						CHRISTMAS DAY (SAT, DEC 25)																								
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MARTIN LUTHER KING JR. DAY (MON, JAN 17)							LABOR DAY (MON, SEP 5)							CHRISTMAS EVE (SAT, DEC 24)													
PRESIDENT'S DAY (MON, FEB 21)							VETERAN'S DAY (FRI, NOV 11)							CHRISTMAS DAY (SUN, DEC 25)													
MEMORIAL DAY (MON, MAY 30)							THANKSGIVING DAY (THUR, NOV 24)																				



**CONCURRENT MEETING
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY (CRA)/
RANCHO CORDOVA FINANCING CORPORATION (RCFC)**

**City Hall
2729 Prospect Park Drive, Rancho Cordova**

Tuesday, January 20, 2009

**4:00 P.M. – Closed Session
Community Board Room**

**5:30 P.M. – Regular Meeting
David B. Roberts Council Chambers**

AGENDA

A. CLOSED SESSION

Council will meet in Closed Session to discuss the following item:

Conference with Legal Counsel – Public Performance Evaluation (City Attorney Adam U. Lindgren) Pursuant to Government Code Section 54957.

B. ADJOURNMENT OF CLOSED SESSION

1. REGULAR MEETING – CALL TO ORDER / ROLL CALL

Council Members Budge, McGarvey, Sander, Cooley, and Mayor Skoglund

2. METRO CABLE TV TELEVISION ANNOUNCEMENT

The Mayor will announce the meetings video recording and playback schedules.

3. PLEDGE OF ALLEGIANCE

The Mayor will call on someone in attendance to lead the Pledge.

4. INVOCATION

Dan Demuri, First Covenant Church, will give the invocation.

5. OPEN SESSION – REPORT FROM CLOSED SESSION

The City Attorney will report on action taken in Closed Session.

6. PRESENTATIONS

- 6.1 Presentation of Proclamation to Community Prosecutor Kim Zdobnikow in Honor of Services Rendered to the City of Rancho Cordova by Chief of Police Reuben Meeks.
- 6.2 Swearing-in of Americorps National Service Members by Mayor Dan Skoglund.
- 6.3 Presentation of Proclamation to Philip Niederberger, President of Rancho Cordova Rotary Club in Honor of the Club's 50th Anniversary by Mayor Dan Skoglund.
- 6.4 Report from Executive Director Paul Shane on Folsom Cordova Community Partnership Annual Update.
- 6.5 Introduction of New City Employees:
 - Aimee Kellerman, Administrative Secretary, City Clerk's Department by Mindy Cuppy, City Clerk
 - Patty Lohse, Senior Accountant, Finance Department by Donna Silva, Finance Director

7. PUBLIC COMMENT

Citizens wishing to address the Council for any matter on the Consent Calendar or not on the agenda may do so at this time by completing and submitting a (blue) Speaker Card to the City Clerk. **For items on the agenda, speakers will be called up to the podium by the Mayor at the point on the agenda when the item will be heard.** Speakers are encouraged to keep comments to three minutes or less and to state name and community of residence.

Note, under the provisions of the California Government Code, the City Council is prohibited from discussing or taking immediate action on any unagendized item unless it can be demonstrated to be of an emergency nature or the need to take immediate action arose after the posting of the agenda.

8. COUNCIL REPORTS

9. CONSENT CALENDAR ITEMS – ROLL CALL VOTE

- 9.1 **Subject:** Minutes:
 - a) Regular Meeting Minutes of December 15, 2008; and
 - b) Special and Regular Meeting Minutes of January 5, 2009**Recommendation:** Adopt Minutes.
- 9.2 **Subject:** Ordinance Amending Zoning Code Text and Zoning Map (**Continued from January 5, 2009**)
Recommendation: Waive second reading and adopt Ordinance No. 27-2008 as introduced and amended on December 15, 2008. (**Roll Call Vote**)
Result of Recommended Action: Adoption of this ordinance is the second of two steps required to approve amendments to the Zoning Code Text and the Zoning Map. The first step was to adopt Resolution No. 144-2008 on December 15, 2008 to approve amendments to the General Plan. Jointly, these actions update land use regulations

throughout the City and will bring the Zoning Code into compliance with the 2006 Rancho Cordova General Plan.

Staff Report: Jeffrey S. Beiswenger, Planning Department

Advances Goals: 1, 2, 4, 5, 6, 7, 8, and 9

GROWING STRONG NEIGHBORHOODS

- 9.3 **Subject:** Ordinance Adding Chapter 16.85 to the Rancho Cordova Municipal Code to Establish Development Impact Fees for Measure A Transportation Improvements
Recommendation: Waive second reading and adopt Ordinance No. 1-2009. **(Roll Call Vote)**
Result of Recommended Action: Adoption of this ordinance will add Chapter 16.85 to the Rancho Cordova Municipal Code to Establish Development Impact Fees Measure A Transportation Improvements.
Staff Report: Cyrus Abhar, Public Works Department
Advances Goals: 2 and 11
- 9.4 **Subject:** Resolution Declaring the Results of Mail Ballot Election for Rancho Cordova Transit-Related Services Special Tax Area Zone 13 (3581 Mather Field Road Project)
Recommendation: Adopt Resolution No. 2-2009.
Result of Recommended Action: Adoption of this resolution will declare the result of the transit-related services tax election concerning Transit-Related Services Special Tax Area Zone 13, which will assist the City in meeting the costs of providing City transit-related services by establishing a special tax for transit services for the 3581 Mather Field Road Project.
Staff Report: Cyrus Abhar, Public Works Department
Advances Goals: 2 and 11
- 9.5 **Subject:** Resolution Declaring the Results of Mail Ballot Election for Rancho Cordova Transit-Related Services Special Tax Area Zone 14 (Zinfandel and Sunrise Project)
Recommendation: Adopt Resolution No. 3-2009.
Result of Recommended Action: Adoption of this resolution will declare the result of the transit-related services tax election concerning Transit-Related Services Special Tax Area Zone 14, which will assist the City in meeting the costs of providing City transit-related services by establishing a special tax for transit services for the Zinfandel and Sunrise Project.
Staff Report: Cyrus Abhar, Public Works Department
Advances Goals: 2 and 11
- 9.6 **Subject:** Resolution Authorizing the City Manager to Execute Contract No. 1-2009 for Construction of the White Rock Pedestrian and Safety Improvements Project in the Amount of \$865,176.50.
Recommendation: Adopt Resolution No. 6-2009.
Result of Recommended Action: Adoption of this resolution will authorize the City Manager to execute a construction contract with Golden Valley Construction, Inc. for construction of the White Rock Pedestrian and Safety Improvements Project.
Staff Report: Cyrus Abhar, Public Works Department
Advances Goals: 1, 6, 7, 8 and 11
GROWING STRONG NEIGHBORHOODS
- 9.7 **Subject:** Report Describing the Measures Taken to Alleviate the Conditions which Led to the Adoption of a Temporary Moratorium on the Establishment of New Sexually Oriented Businesses and the Expansion of Existing Sexually Oriented Businesses
Recommendation: The Council receives report.

Result of Recommended Action: This report describes the measures taken to alleviate the conditions which led to the adoption of a temporary moratorium on the establishment of new, and expansion of existing sexually oriented businesses pending the review and amendment of zoning regulations. This report complies with the requirements of Government Code § 65858(d).

Staff Report: Adam U. Lindgren, City Attorney's Office

Advances Goals: 1, 5, 6, 87, 10 and 13

GROWING STRONG NEIGHBORHOODS

10. CONSENT PUBLIC HEARING ITEMS

NONE

11. PUBLIC HEARING ITEMS

- 11.1 **Subject:** City Joint Application for State Neighborhood Stabilization Program (NSP) Funds (**CONTINUED FROM DECEMBER 15, 2008**)

Recommendation: That Council continue public hearing to February 17, 2009.

Result of Recommended Action: City may make application with other contiguous cities and or the County of Sacramento for funds to undertake qualified NSP activities associated with a response to the foreclosure crisis.

Staff Report: Reed Flory, Economic Development Department, Housing Division

Advances Goals: 1, 5, 6, 7, and 8

GROWING STRONG NEIGHBORHOODS

- 11.2 **Subject:** Ordinance Amending the Rancho Cordova Municipal Code Relating to the Digital Infrastructure and Video Competition Act of 2006

Recommendation: Waive first reading and introduce Ordinance No. 2-2009. (**Roll Call Vote**)

Result of Recommended Action: Adoption of this ordinance will implement the requirements of the Digital Infrastructure and Video Competition Act of 2006, California Public Utilities Code Sections 5800 et seq. (the "Act"), and authorize the Sacramento Metropolitan Cable Television Commission ("SMCTC") to enforce the requirements of the Act on behalf of the City.

Staff Report: Adam U. Lindgren, City Attorney's Office

Advances Goals: 11 and 13

- 11.3 **Subject:** Resolution Authorizing an Increase of Parking Violations Fines

Recommendation: That Council table this item to a date not yet determined in the future.

Result of Recommended Action: Staff is requesting additional time to prepare resolution for adoption.

Staff Report: Reuben Meeks, Rancho Cordova Police Department

Advances Goals: 4, 6 and 11

12. REGULAR CALENDAR ITEMS

- 12.1 **Subject:** 2009 Legislative Priorities

Recommendation: That Council:

- a) Provide direction to staff for FY 2009 appropriations requests, and a platform for discussion with legislators during the National League of Cities Congressional Conference, March 14-18, 2009; and
- b) Receive update on City's Legislative Program and provide direction about the 2009

program.

Result of Recommended Action: Submission of at least two requests for federal funding for projects consistent with the Council's and community's priorities, and provide topics for discussions that the Mayor and Council Members will hold with congressional representatives with recommended changes and actions for the City's legislative program.

Staff Report: Stephanie Snyder and Alexandra Miller, City Manager's Office; Troy Holt, Public Works Department

Advances Goals: 1 through 13

GROWING STRONG NEIGHBORHOODS

13. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

14. CITY MANAGER'S REPORT

City Clerk's Department and City Attorney's Office Updates

15. ADJOURNMENT

ADDITIONAL INFORMATION

UNLESS THE COUNCIL ADOPTS A MOTION TO EXTEND THE MEETING, ANY ITEM THAT IS NOT INITIATED BEFORE 11 P.M. WILL BE CONTINUED TO THE NEXT DAY AT 5:30 P.M. OR SCHEDULED ON THE NEXT REGULAR MEETING AGENDA OF THE COUNCIL.

Public documents related to items on the open session portion of this agenda, which are distributed to the City Council less than 72 hours prior to the meeting, shall be available for public inspection at the time the documents are distributed to the Council. Documents are available for inspection at the City Clerk's office located in Rancho Cordova City Hall.

The agenda items are accessible on the City's website at www.cityofranhocordova.org on Thursdays prior to the Regular City Council Meeting.

CITYWIDE GOALS - (Adopted March 20, 2006) (goals shown in random order)	
13.	Continue To Provide Regional Leadership
12.	Establish Logical (City) Boundaries
11.	Practice Sound Fiscal Management
10.	Foster Responsible Citizenship
9.	Drive Diverse Economic Opportunities
8.	Sustain a Livable Community
7.	Improve the Quality of Housing In Rancho Cordova
6.	Ensure a Safe Community
5.	Establish a Vibrant Downtown
4.	Ensure the Availability of the Best Public Services in the Region
3.	Champion Employee Development & High Performance Work Environment
2.	Improve Transportation & Connectivity
1.	Foster a Positive Image of Rancho Cordova

UPCOMING MEETINGS	
<i>Monday, February 2, 2009</i>	<i>4:00 p.m. Study Session on TBD 5:30 p.m. Regular Meeting</i>
<i>Friday, February 13, 2009</i>	<i>8:30 a.m. 3rd Annual Financial Issues Workshop</i>
<i>Tuesday, February 17, 2009</i>	<i>5:30 p.m. Regular Meeting</i>
<i>Monday, February 24, 2009</i>	<i>5:30 p.m. Work Session on TBD</i>
<i>Monday, March 2, 2009</i>	<i>4:00 p.m. Study Session on TBD 5:30 p.m. Regular Meeting</i>
<i>Monday, March 16, 2009</i>	<i>REGULAR COUNCIL MEETING CANCELLED</i>
<i>Tuesday, March 24, 2009</i>	<i>5:30 p.m. Work Session on TBD</i>

If you have any technical questions related to the agenda items, please contact the appropriate department as follows:

DEPARTMENTAL GENERAL TELEPHONE NUMBERS	
Building Department	(916) 851-8760
City Attorney's Office	(916) 556-1531
City Clerk's Department	(916) 851-8720
City Manager's Office	(916) 851-8800
Communications Department	(916) 851-8791
Economic Development Department	(916) 851-8780
Finance Department	(916) 851-8730
Human Resources Department	(916) 851-8740
IT Department	(916) 851-8700
Neighborhood Services – Animal Services	(916) 851-8770
Parks & Recreation	(916) 362-9602
Planning Department	(916) 851-8750
Public Works Department	(916) 851-8710
Rancho Cordova Police Department	(916) 875-9673
Redevelopment	(916) 851-8780
Sac Metro Fire District	(916) 566-4000

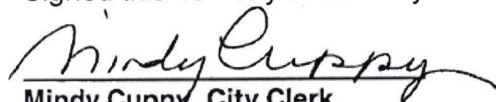
The Rancho Cordova City Council/CRA/RCFC will be videotaped in its entirety and will be cablecast without interruption on Metro Cable 14, the Government Affairs Channel on the Comcast, SureWest and Strategic Technologies Cable Systems. Closed Captioning will be available on the playback cablecast. Tune to Metro Cable Channel 14, for playback times. A VHS copy is available for check out from any library branch, a DVD copy is available from the City Clerk's Department, and a webcast of this meeting will be available for viewing via Granicus Video Streaming from the City's website within 48 hours of adjournment of this meeting. The City does not control scheduling of this telecast and persons interested in watching the televised meeting should confirm this schedule with Metro Cable TV, Channel 14.

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's Office at (916) 851-8720 at least 48 hours prior to the meeting.

CERTIFICATION OF POSTING OF AGENDA

I, Mindy Cuppy, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the January 20, 2009 Special and Regular Meeting of the Rancho Cordova City Council/CRA/RCFC was posted and available for review on January 15, 2009 at City Hall of the City of Rancho Cordova, 2729 Prospect Park Drive, Rancho Cordova, California, 95670. The agenda is also available on the city web site at www.cityofranhocordova.org.

Signed this 15th day of January 2009 at Rancho Cordova, California.


Mindy Cuppy, City Clerk

MEMORANDUM



DATE: January 20, 2009
TO: Honorable Mayor and Council Members
FROM: Jeffrey S. Beiswenger, AICP, Senior Planner
SUBJECT: ZONING CODE UPDATE – SECOND READING AND ADOPTION

RECOMMENDATION

Waive second reading and adopt Ordinance No. 27-2008 as introduced and amended on December 15, 2008 and continued from January 5, 2009.

RESULT OF RECOMMENDED ACTION

Adoption of Ordinance No. 27-2008 is the second of two steps required to approve amendments to the Zoning Code text and the Zoning Map. The first step was to adopt Resolution No. 144-2008 on December 15, 2008 to approve amendments to the General Plan. Jointly, these actions update land use regulations throughout the City and will bring the Zoning Code into compliance with the 2006 Rancho Cordova General Plan.

BACKGROUND

At the December 15, 2008 City Council hearing, the Zoning Code and Map updates were introduced. The City Council voted to approve the update, with specific amendments, as follows:

- **Section 2.5.030 Allowed Land Uses and Permit Requirements, Table 2.5-1: Allowed Uses and Permit Requirements for Mixed Use Districts.** Changes to the Alcoholic Beverage Sales to require a Conditional Use Permit (CUP) for off-site consumption only in all mixed use districts. A footnote has been added to the table to clarify the intent of this requirement. Drive-through establishments will require a CUP instead of Limited Use Permit.
- **Section 4.6.070 Parking Lot Landscaping.** The shade canopy requirement has been changed to require a uniform 50% shading of all parking lots.
- **Section 4.7.080 Parking of RVs, Trailers, and Vessels.** This section has been removed and limitations on RVs, trailer and vessel parking and storage will be reconsidered as part of an update in 2009 after community outreach and options have been carefully considered.
- **Section 4.7.160 Off-Street Loading Requirements.** Buildings smaller than 8,000 square feet in size are exempt from the loading requirement.
- **Section 4.9.070. General Lighting Standards.** Public, civic and religious buildings are exempt from the limitation on level of illuminations to allow for the dramatic lighting effects of entire buildings.

- **Section 4.11.080 Special Fencing and Screening Requirements.** This section has been amended to allow for walls to be built of decorative masonry or covered with plant materials (not both). This section has also been amended to require that soundwalls be setback in accordance with noise requirements and to provide sufficient room for landscaping and sidewalks.
- **Chapter 4.14 – Public Utilities, Section 4.14.010 Purpose and 4.14.020 Requirements.** Language has been added to clarify that the provisions apply to utilities serving the public. Language has been amended so that undergrounding of utilities is only required if feasible.
- **Section 4.15.020 Basic Policies for Sign Regulations.** The requirement that signs on mixed use buildings must be in front of the related tenant space has been removed. The sign can be located anywhere on the building.
- **Section 5.4.030 Drive-in and Drive-thru Sales and Service.** The hours of operation restrictions have been removed.
- **Coloma Village Center, Chapter 3 Conceptual Land Plan.** The language has been amended to allow auto service and repair uses in existence prior to December 15, 2008. This will allow Al's Automotive to continue as a permitted use.

The above amendments are included as **Attachment 1** for reference.

As directed at the December 15, 2008 City Council, a follow-up Zoning Code update in 2009 will focus on the following topics:

- **Table 4.7-1 Required Minimum Bicycle Parking Ratios.** The City Council had a concern that the bicycle parking requirements may be too high. This will be evaluated and edit will be considered.
- **RV, Trailer and Vessel Parking and Storage.** Public outreach will be conducted and options will be considered related to the parking and storage of RVs, trailers and vessels on private property.
- **Electronic Message Signs.** Edits to the definitions and standards related to these types of signs will be further evaluated.
- **Phone Booths/Pay Phones.** After consultation with the Police Department, regulations will be added to restrict the installation of pay phones.
- **Revise Drive Thru Standards.** Allow drive thru speaker boxes within 300 feet of residences subject to use permit approval.

Once the new Zoning Code is in effect, it is important that other documents with the City are updated for consistency purposes. The Folsom Boulevard Specific Plan (FBSP) and Special Planning Area (SPA) documents (e.g. Villages of Zinfandel, Capital Village, SunRidge, Mather, etc.) have some inconsistencies with the new zoning code. Since these were adopted prior to the Zoning Code, some technical inconsistencies, such as cross-references to the old Sacramento County code exist and require a "clean-up" exercise. In addition, certain elements to the FBSP will be evaluated to increase consistency with the new Zoning Code. Topics to consider will include:

- **Revise FBSP standards related to drive-thru facilities.** The FBSP standards for drive thru facilities will be reviewed and updated as appropriate to be consistent with the Zoning Code.

- **Reconcile use tables in FBSP and the new Zoning Code.** Allowed uses in similar zoning districts should match in both documents or, if different, the differences should be based on achieving an important policy objective. For example, the City may choose to not permit certain Specially Regulated Uses (e.g. check cashing facilities) along Folsom Boulevard, but these facilities may be acceptable in other parts of the community.
- **Review/revise use tables.** The table of allowed uses in the new Zoning Code and FBSP are much shorter, simplified and more generalized than the old Sacramento County Code, which contained long detailed lists of allowed uses. The use listing could benefit from additional refinement in both FBSP and the Zoning Code.
- **Add development standards to FBSP for Special Regulated Uses.** The new Zoning Code has separation requirements and development standards for certain land uses (tattoo parlors, massage parlors, thrift stores, etc.). Staff will look at way to incorporate these into the FBSP where they are most needed.
- **Update provisions related to integrated development in FBSP.** The City gained experience with the mixed-use and integrated development provisions along Folsom Boulevard. Staff will investigate changes to these provisions to add flexibility and clarity to FBSP.

We recommend that all the above tasks be undertaken right away, with formal review of the updated Code and FBSP targeted to begin within a six month time frame.

ATTACHMENTS

1. Ordinance No. 27-2008 including **(Exhibit A*)** Draft Zoning Code, **(Exhibit B*)** Zoning Map Amendments, **(Exhibit C1*)** Bradshaw Village Center Form Based Plan, **(Exhibit C2*)** Coloma Village Center Form Based Plan, and **(Exhibit D*)** Existing SPA's.
2. Revisions to Zoning Code text

***Exhibit's A, B, C1, C2 and D** were previously provided to Council Members and staff on December 15, 2008. For purposes of saving paper and energy, these documents will not be reproduced or included in this packet. Please contact the City Clerk's Department at (916) 851-8720 if you would like to obtain or review a copy of any of the above documents or refer to our website at www.cityofranhocordova.org.

CITY OF RANCHO CORDOVA

ORDINANCE NO. 27-2008

**AN ORDINANCE OF THE CITY COUNCIL OF RANCHO CORDOVA
MAKING FINDINGS AND ADOPTING A ZONING CODE UPDATE**

WHEREAS, upon its incorporation in 2003, the City of Rancho Cordova adopted the Sacramento County Zoning Code, and has since updated and amended individual sections of that code; and

WHEREAS, to (i) reflect the goals, policies, and implementation measures of the City's first General Plan, adopted in June 2006; (ii) ensure compliance with applicable Federal and State legislation; (iii) address the City's key zoning issues; (iv) create development standards reflective of community desires; and (v) improve organization of usability of the Zoning Code, the City now desires to adopt a comprehensive update to its Zoning Code; and

WHEREAS, since at least January, 2007, the City has been in the process of preparing an update to the Zoning Code, which process, as described in more detail below, has included reviewing the existing code, soliciting public input, identifying key land use issues, and designing, drafting, and preparing for adoption of the update; and

WHEREAS, a draft update has now been completed and consists of both (i) a comprehensive Zoning Code Update attached to this Ordinance and incorporated herein by reference as **Exhibit A**; and (ii) a Zoning Map Amendments, attached to this Ordinance and incorporated herein by reference in **Exhibit B** (collectively, "Zoning Code Update"); and

WHEREAS, once adopted, the Zoning Code Update will completely replace the City's existing Zoning Code and all provisions therein, with the exception of the eight existing Special Planning Areas (SPAs), as identified on the Rancho Cordova Zoning Map and depicted in **Exhibit D**, attached to this Ordinance and incorporated herein by reference; and

WHEREAS, the City's Planning Department solicited input on the Zoning Code Update through a Policy Advisory Team composed of public officials and stakeholders, a City Staff Working Group, a total of six joint workshops of the City Council and Planning Commission, stakeholder meetings with the business community and advocacy groups, and property-owner outreach; and

WHEREAS, pursuant to Government Code §§ 65853, *et seq.*, on November 13, 2008, the Planning Commission held a lawfully noticed public hearing on the Zoning Code Update, at which time it received testimony on the proposed Update and recommended, by resolution, that the City Council adopt the Zoning Code Update; and

WHEREAS, upon receiving the Planning Commission's recommendation the City Council held a lawfully noticed public hearing on December 15, 2008, to consider adoption of the Zoning Code Update; and

WHEREAS, by Resolution No. 144-2008, the City Council has adopted amendments to the text of the General Plan and the General Plan Land Use Map, which amendments were required to maintain consistency between the General Plan and proposed Zoning Code Update; and

WHEREAS, the City Council finds that the Zoning Code Update is consistent with the City's General Plan (as amended by Resolution No. 144-2008) because the Zoning Code Update is compatible with numerous General Plan goals, policies, and actions, and does not impede achievement of remaining goals, policies, and actions; among the many General Plan objectives furthered by the Zoning Code Update are the following:

Goal LU.1: Achieve a balanced and integrated land use pattern throughout the community.

Finding: The Zoning Code Update, which includes a comprehensive update to the existing Zoning Code and corresponding amendments to the Zoning Map, establishes a variety of permitted and conditionally permitted residential, commercial, office, and industrial uses. The broad range of land uses established in the Zoning Code update have been systematically and strategically implemented to achieve a balanced and efficient land use pattern throughout the City.

Policy LU.1.1 - Utilize and maintain the Land Use Map to designate the location and extent of each land use designation within the Planning Area.

Finding: By Resolution No. 144-2008 the City Council has updated the Land Use Map to maintain consistency between the General Plan and Zoning Code Update. All of the uses on the Land Use Map are consistent with and implement uses depicted on the General Plan Land Use Map and the General Plan Land Use Element.

Action LU.1.1.4 - Amend the Zoning Code text to include the appropriate findings required for General Plan land use and text amendment requests.

Finding: By Resolution No. 144-2008 the City Council have Amended the Zoning Code at Chapter 1 to include specific finds and procedures for General Plan Land Use text and Map amendments requests.

Action LU.1.4.1 - Establish performance and development standards in the Zoning Code and guidelines in the Citywide Design Guidelines to address compatibility between existing and proposed development and within proposed mixed-use development (vertical and horizontal).

Finding: By Resolution No. 144-2008 the City Council have Amended the Zoning Code at Chapter 1 to include specific finds and procedures for Design Review.

Policy LU.1.5 - Maintain consistency between the land use categories of this General Plan and the City Zoning Code.

Finding: This project is primarily a comprehensive update to the City's Zoning Code. However, to maintain consistency between the Zoning Code and the General Plan, as required by state law and Policy LU.1.5, the project also incorporates limited amendments to both the General Plan text and map, which the City Council has adopted by Resolution No. 144-2008.

Action LU.1.5.1 - Update the Zoning Code Text and Map to reflect new land use designations and distributions throughout the City as established in this General Plan.

Finding: The Zoning Code Update includes a comprehensive update to both the Zoning Code text and map to incorporate General Plan land use designations.

Action UD.1.1.1 – Amend the Zoning Code and Design Guidelines to be consistent with the urban vision. Select areas where a “form based” approach to zoning is appropriate.

Finding: The update to the Zoning Code proposes two areas where a "form based" zoning approach may be appropriate: (1) Bradshaw Village Center; and (2) Coloma Village Center.

Action UD.1.5.2 - Revise the Zoning Code provisions to identify appropriate solutions to create compatibility between developments. The use of walls and fences to segregate uses does not inherently create compatibility.

Finding: Zoning Code text amendments, included as part of the Zoning Code Update, address compatibility of uses by allowing for integration of different land use across zoning district boundaries; allowing for mixed-use development; and requiring, in some cases that adjacent properties connect to one another.

Action UD.2.2.1 - Amend the Zoning Code text and map to implement the new mixed-use designations in this General Plan.

Finding: Applying the General Plan's mixed-use designations, the Zoning Code Update maintains existing mixed-use districts for residential, commercial, office, and industrial properties. The Zoning Code Update also incorporates new mixed-use districts for Village Center (VC), Local Town Center (LTC) and Regional Tower Center (RTC)

Goal C.2 – Establish an extensive, complete, smooth, interconnected, and continuous pedestrian and bicycle network that is a safe and attractive option for local or regional trips or recreation and that connects to the City's neighborhoods, parks and schools, employment areas, and retail centers.

Finding: Development standards found throughout Chapter 4 of the new Zoning Code require that a comprehensive bicycle and pedestrian network is integrated into development projects. These standards are applicable to all residential and commercial properties.

Policy C.2.3 – In designing development projects, design for the pedestrian first.

Finding: Development standards found in Chapter 4 require that development projects are designed with pedestrian safety and comfort in mind. A special Chapter 4.8 Standards for Pedestrian Oriented Spaces will create the desired pedestrian environment.

Action C.2.3.3 – Ensure safe, efficient pedestrian connections are made between the sidewalk, parking areas, and entrances to stores, offices, and other uses as part of development design review.

Finding: Development standards found throughout Chapter 4 of the new Zoning Code require that a comprehensive bicycle and pedestrian network is integrated into development projects. These standards are applicable to all residential and commercial properties.

WHEREAS, the City is authorized to adopt this Zoning Code Update pursuant to its "police power" granted by section 7 of article XI of the California Constitution, in that by establishing appropriate land uses and development standards for the efficient, orderly, and compatible development of real property, adoption of the Zoning Code Update is reasonably related to the protection of the public health, safety, and welfare; and

WHEREAS, the Zoning Code Update reflects the input of hundreds of residents, stakeholders, and public officials, and implements the General Plan's visions and desires for the community, is adopted in the public's interest, and is otherwise consistent with federal and state law; and

WHEREAS, pursuant to the California Environmental Quality Act, Public Resources Code, §§ 21000, *et seq.* (CEQA), in 2006 the City prepared and certified an Environmental Impact Report (EIR) for its General Plan (State Clearinghouse No. 2005022137), which analyzed adverse environmental impacts of land use and zoning decisions within the City; and

WHEREAS, the Zoning Code Update, including the limited General Plan amendments, would not substantially change the existing policies and actions in the General Plan; would not cause a new significant impact or substantially increase the severity of a previously identified significant impact from the General Plan Final EIR that would require major revisions to the General Plan Final EIR; there are no substantial changes in the circumstances that would cause a new significant impact or substantially increase the severity of a previously identified significant impact requiring major revisions to the General Plan EIR; and there is no new information of substantial importance (which was not known or could not have been known at the time of the General Plan adoption in June 2006) that identifies: a new significant impact; a substantial increase in the severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects of the General Plan; or mitigation measures or alternatives which are considerably different from those analyzed in the General Plan EIR which would substantially reduce one or more significant effects on the environment; and

WHEREAS, because the environmental impacts of the Zoning Code Update have generally been addressed in the General Plan EIR, would require only minor technical changes to the General Plan EIR, and would not trigger any of the conditions in CEQA Guidelines § 15162 requiring preparation of a supplemental or subsequent EIR, an Addendum to the General Plan EIR has been prepared for the Update, pursuant to CEQA Guidelines § 15164; and

WHEREAS, the City Council has considered the EIR Addendum, and in its independent judgment hereby finds that the Addendum in conjunction with the General Plan EIR adequately evaluates the environmental impacts of the Zoning Code Update, consistent with the requirements of CEQA; and

WHEREAS, the City Council finds that the foregoing recitals and findings are true and correct, and adopts this Ordinance based on the entirety of the record, which includes without limitation, the Rancho Cordova General Plan and General Plan EIR; the Zoning Code Update EIR Addendum; all reports, testimony, and transcripts from the City's joint work sessions; all reports, testimony, and transcripts from the Planning Commission's November 13, 2008 meeting; and reports, testimony, and transcripts from the City Council's December 15, 2008 meeting.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Adoption of Zoning Code Update

(a) The City Council hereby adopts the comprehensive Zoning Code Update, attached to this Ordinance and incorporated herein by reference as **Exhibit A**. The Zoning Code attached as **Exhibit A** completely replaces the City's existing Zoning Code and all provisions therein except for the designation of, and zoning provisions applying to, Special Planning Areas, as depicted in **Exhibit D**.

(b) The City Council hereby amends the Zoning Map as proposed in **Exhibit B**, attached to this Ordinance and incorporated herein by reference.

Section 2. Severability

If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Ordinance that can be given effect without the invalid provision and, to this end, the provisions of this Ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 3. Publication and Effective Date

Within fifteen (15) days after adoption, a Summary of this Ordinance shall be published once in the Grapevine Independent or the Sacramento Bee, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with Government Code section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its inception.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this 20th day of January, 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Skoglund, Mayor

ATTEST:

Mindy Cuppy, City Clerk

Chapter 2 – Zoning Districts, Allowable Uses, and General Development Standards

- Office uses (primary or secondary uses)
- Medium density residential (6.1 to 18 units per acre)
- High density residential (20.1 to 40 units per acre)
- High density residential with transit bonus (20.1 to 80 units per acre)
- Transit-oriented developments when adjacent to fixed station locations

2.5.030 Allowed Land Uses and Permit Requirements

Table 2.5-1 below identifies allowed uses and corresponding permit requirements for the Mixed Use Districts subject to compliance with Chapter 2.2 (Land Use Classification) and all other provisions of this Title. Descriptions/definitions of the land uses can be found in Chapter 10 (Definitions). The Specific Use Regulations column in the table identifies the specific chapter or section where additional regulations for that use type are located within this Title.

Use regulations in the table are shown with representative symbol by use classification listing: "P" symbolizes uses allowed by right, "L" symbolizes uses that require approval of a Limited Use Permit, "C" symbolizes uses that require approval of a Conditional Use Permit, and "N" symbolizes uses that are not permitted.

Table 2.5-1: Allowed Use and Permit Requirements for Mixed Use Districts

Land Use Category	RMU	CMU	OPMU	OIMU	LBP	VC	LTC	RTC	Specific Use Regulations
Residential Uses									
Adult Day Care Home	P	N	N	N	N	N	N	N	
Caretaker Housing	P	P	P	P	P	P	P	P	5.1.020
Dwelling, Multi-Family	P ¹	P ^{1,2}	P ^{1,2}	N	N	P ¹	P ¹	P ¹	
Dwelling, Second Unit	P	N	N	N	N	N	N	N	5.1.060
Dwelling, Single-Family	P ¹	P ^{1,2}	P ^{1,2}	N	N	P ¹	P ¹	P ¹	
Dwelling, Two-Family	P ¹	P ^{1,2}	P ^{1,2}	N	N	P ¹	P ¹	P ¹	
Emergency Shelter	C	C	C	C	N	N	N	N	
Family Day Care Home, Large	C	N	N	N	N	N	N	N	
Family Day Care Home, Small	P	N	N	N	N	N	N	N	
Group Residential	L	N	N	N	N	N	N	N	
Home Occupations	P	P	P	N	N	P	P	P	5.1.030
Live-Work Facility	P ¹	P ¹	P ¹	N	N	P ¹	P ¹	P ¹	5.1.040
Residential Care Home	P	N	N	N	N	N	N	N	
Transitional Housing	P	N	N	N	N	N	N	N	
Recreation, Education, and Public Assembly Uses									
Clubs, Lodges, and Private Meeting Halls	P	P	P	P	C	P	P	P	

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RANCHO CORDOVA MUNICIPAL CODE, TITLE 23 - ZONING CODE

ATTACHMENT 2

Chapter 2 – Zoning Districts, Allowable Uses and General Development Standards

Land Use Category	RMU	CMU	OPMU	OIMU	LIBP	VC	LTC	RTC	Specific Use Regulations
Community Centers/Civic Uses	P	P	P	P	C	P	P	P	
Indoor Amusement/ Entertainment Facility	C	P	P	P	C	L	P	P	
Indoor Fitness and Sports Facility	L	P	P	P	C	L	P	P	
Libraries and Museums	P	P	P	P	P	P	P	P	
Outdoor Commercial Recreation	N	C	P	P	P	C	C	C	
Parks and Public Plazas	P	P	P	P	C	P	P	P	
Public Safety Facility	P	P	P	P	P	P	P	P	
Religious Institutions	P	P	P	P	P	P	P	P	
Schools, Private and Special/Studios	P	P	P	P	C	P	P	P	
Schools, Public	P	P	P	P	P	P	P	P	
Theaters and Auditoriums	C	P	P	P	N	L	P	P	
Utility, Transportation, and Communication Use Listings									
Broadcasting and Recording Studios	N	P	P	P	P	N	N	N	
Bus and Transit Shelters	P	P	P	P	P	P	P	P	
Freight Yard/Truck Terminal	N	N	N	C	C	N	N	N	
Fuel Storage and Distribution	N	N	N	N	C	N	N	N	
Heliports	N	C	C	C	C	N	N	N	
Park and Ride Facility	C	P	P	P	P	C	C	P	
Parking Facility	C	P	P	P	P	C	P	P	
Telecommunication Facility	C	C	C	C	C	C	C	C	5.3.020
Transit Facilities	N	N	N	C	P	N	N	N	
Transit Stations and Terminals	C	P	P	P	P	P	P	P	
Utility Facility and Infrastructure	L	L	L	L	L	L	L	L	5.3.030

Effective February 5, 2009.

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RANCHO CORDOVA MUNICIPAL CODE, TITLE 23 - ZONING CODE

ATTACHMENT 2

Chapter 2 – Zoning Districts, Allowable Uses, and General Development Standards

Land Use Category	RMU	CMU	OPMU	OIMU	LIBP	VC	LTC	RTC	Specific Use Regulations
Retail, Service, and Office Uses									
Adult Day Care Facility	N	C	C	C	C	C	C	C	
Alcoholic Beverage Sales, off-site ¹⁹	C	C	C	C	C	C	C	C	
Ambulance Service	N	C	C	P	P	N	N	N	
Animal Sales and Grooming	C	P	P	N	N	P	P	P	
Art, Antique, collectable	P	P	P	P	N	P	P	P	
Artisan Shops	C	P	P	P	P	P	P	P	
Banks and Financial Services	P	P	P	P	P	P	P	P	
Bars and Nightclubs	C ³	C ³	C ³	C ³	C ³	C ³	C ³	C ³	
Bed and Breakfast Inns	P	N	N	N	N	N	N	N	
Building Materials Stores and Yards	N	P ⁴	N	C ⁴	N	N	C ⁴	C ⁴	
Business Support Services	L ^{4,5}	P	P	P	C	P ⁵	P	P	
Call Centers	N	N	P	P	C	N	N	N	
Child Day Care Facility	P	C	C	C	C	P	C	C	
Convenience Stores	C	L	L	L	C	L	L	L	
Drive-in and Drive-through Sales and Service	N	G ⁶	G ⁶	G ⁶	G ⁶	N	N	N	5.4.030
Equipment Sales and Rental	N	N	N	P	P	N	N	N	
Furniture, Furnishings, and Appliance Stores	N	P	N	N	N	N	C	P	
Garden Center/ Plant Nursery	N	P	N	C	N	N	C	C	
Grocery Stores/ Supermarket	L ⁷	P	P	C	N	L ⁷	P	P	
Home Improvement Supplies	N	P ⁸	N	P	P	N	P ⁹	P ⁹	
Hotels and Motels	C	P	P	C	N	C	P	P	
Hotels and Motels, Extended Stay	C	C	C	C	N	C	C	C	
Kennels, Commercial	C ⁴	C ⁴	C ⁴	L ⁴	C ⁴	N	N	N	
Maintenance and Repair, Small Equipment	N	P	N	P	P	L	P	P	
Medical Services, General	P	P	P	P	P	P	P	P	
Medical Services, Extended Care	P	C	C	C	N	N	N	N	
Medical Services, Hospitals	P	P	P	P	P	P	P	P	
Mortuaries and Funeral Homes ¹⁵	N	P	P	P	P ¹⁵	N	N	N	

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Chapter 2 – Zoning Districts, Allowable Uses and General Development Standards

Land Use Category	RMU	CMU	OPMU	OIMU	LIBP	VC	LTC	RTC	Specific Use Regulations
Neighborhood Market	P	P	P	C	N	P	P	P	
Offices, Business and Professional	P ²	P ²	P	P	N	P ²	P ²	P ²	
Offices, Accessory	P	P	L ¹⁰	L ¹⁰	P ¹⁰	P	P	P	
Personal Services	P ⁵	P	P	P	P	P	P	P	
Residential Care Facility	L	C	C	N	N	N	N	N	
Restaurants	P ²	P	P ²	P ²	P ²	P	P	P	
Retail, Accessory	P ²	P	P ⁶	P ⁶	P ⁶	P	P	P	
Retail, General	P ^{2, 11}	P	N	N	N	P	P	P	
Retail, Warehouse Club	N	P	N	N	N	N	C	P	
Veterinary Facility	C	P	P	P	C	C	P	P	
Automobile and Vehicle Uses									
Auto and Vehicle Sales and Rental	N	P	N	N	P	N	N	N	
Auto and Vehicle Sales, Wholesale	N	N	N	C	P	N	N	N	
Auto and Vehicle Storage	N	N	N	C ¹²	P ¹²	N	N	N	
Auto Parts Sales	N	P ^{11, 12}	N	N	P ^{11, 12}	N	N	N	
Car Washing and Detailing	N	C ¹³	C ¹³	C ¹³	P	N	C	C	
Service Stations	N	C	C	C	P	N	C	C	
Vehicle Services, Major	N	N	N	C ¹²	P ¹²	N	N	N	
Vehicle Services, Minor	N	C ^{12, 13}	N	C ¹²	P ¹²	N	N	N	
Industrial, Manufacturing, and Processing Uses									
Agricultural Products Processing	N	N	N	N	C	N	N	N	
Manufacturing, Major	N	N	N	N	C ¹⁴	N	N	N	
Manufacturing, Minor	N	N	N	P	P	N	N	N	
Manufacturing, Small Scale	N	P	P	P	P	P	N	N	
Printing and Publishing	N	C	C	P	P	N	N	N	
Recycling Facility, Processing	N	N	N	N	C	N	N	N	
Recycling Facility, Scrap and Dismantling Facility	N	N	N	N	C	N	N	N	
Research and Development	N	N	P	P	P	N	N	N	
Storage, Personal Storage Facility	N	N	N	C	P	N	N	N	
Storage, Warehouse	N	N	N	P	P	N	N	N	
Storage, Yards	N	N	N	P ¹⁴	P ¹⁴	N	N	N	
Wholesaling and Distribution	N	N	N	P ¹⁴	P ¹⁴	N	N	N	
Special Regulated Uses									
Card Rooms	N	P	C	C	C	N	N	N	5.7.020

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Chapter 2 – Zoning Districts, Allowable Uses, and General Development Standards

Land Use Category	RMU	CMU	OPMU	OIMU	LIBP	VC	LTC	RTC	Specific Use Regulations
Check Cashing Businesses	N	P	N	N	N	N	N	N	5.7.030
Massage Parlor	N	P	N	N	N	N	N	N	
Pawn Shops	N	P	N	N	N	N	N	N	5.7.040
Recycling Facility, Collection Facility	N	C	C	C	P	C	C	C	5.7.050
Sexually Oriented Businesses	N	N	N	N	P	N	N	N	5.7.060
Smoke Shops	N	P	N	N	C	N	N	N	5.7.070
Tattoo Parlors	N	P	N	N	N	N	N	N	5.7.080
Thrift Store	N	P	N	N	C	N	N	N	5.7.090

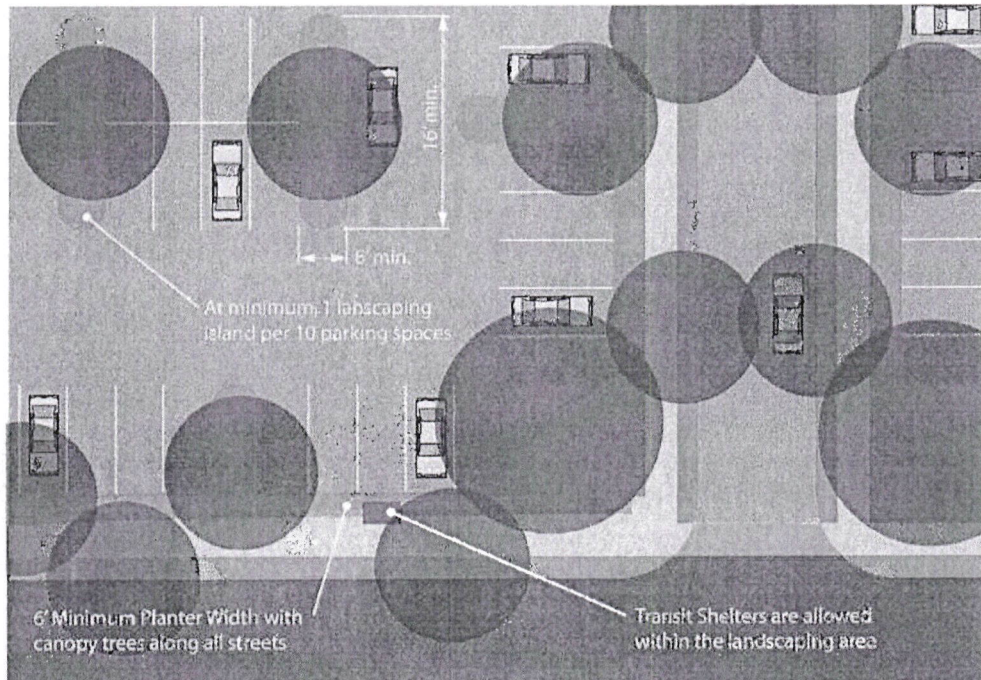
Notes:

1. See the density restrictions in the underlying zoning district.
2. This use is permitted or conditionally permitted as specified only in conjunction with the predominant use of the mixed use district. In other words, this use is only allowed as part of an integrated development.
3. All forms of speaker amplification exterior to the building shall be prohibited unless authorized in combination with project approval or amendment thereto.
4. All activities shall occur within a completely enclosed building or shall be located behind a solid/screened enclosure directly adjacent to the building.
5. Maximum gross floor area is less than 5,000 square feet.
6. Limited to a maximum of 25 percent of the gross floor area of the integrated development.
7. Maximum tenant space shall be 25,000 square feet.
8. Maximum tenant space shall be 50,000 square feet.
9. Uses 25,000 square feet and over require a Conditional Use Permit.
10. Limited to less than 50 percent of the gross floor area of the integrated development.
11. Maximum tenant space shall be 15,000 square feet.
12. All activity and storage must be located within an enclosed structure.
13. No portion of the use shall be located within 500 feet of an intersection..
14. All activity must be entirely screened from public view and not within 500 feet of a residential use.
15. Crematory are prohibited in all zones with the exception of LIBP where it is permitted in association with a Mortuary or Funeral Home.
16. Only establishments that sell alcoholic beverages for off-site consumption require a Conditional Use Permit. On site consumption is considered a permitted use if the related use is a permitted use.

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Chapter 4 – Site Planning and Development Standards

Figure 4.6-4: Planter Requirements



1. A planter at least five feet wide, excluding curbing, shall be provided adjacent to all street rights-of-way. The planter shall be increased to a minimum of six feet wide when canopy trees are used.
2. Transit shelters are allowed within the landscaping area.
3. Parking lots of five spaces or more shall provide a landscaped island measuring a minimum of eight feet by 16 feet at a ratio of one island for every eight spaces. As a minimum, the islands shall be placed every ten spaces.
4. Shade canopy requirement:
 - a. Parking lot landscaping shall include shade trees placed so as to cover 50% of the total parking area with tree canopies within 15 years of securing building permit as illustrated in Figure 4.6-5 (Parking Lot Shade Requirements). Shade tree selection shall be approved by the Director to ensure that shade canopy will be achieved.

- b. The percentage of area required to be shaded shall be based on the number of aboveground and uncovered parking spaces provided.

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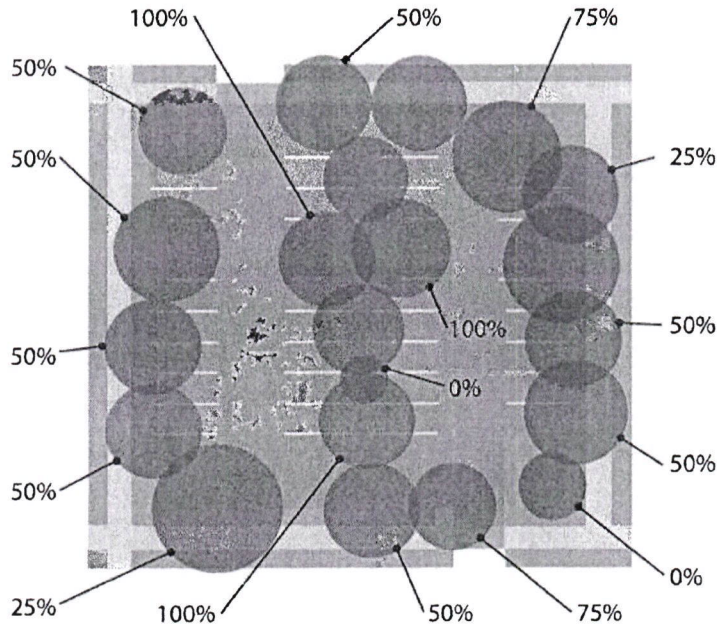
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Chapter 4 – Site Planning and Development Standards

c. Tree coverage shall be determined by the approximate crown diameter of each tree at 15 years, as estimated on the approved tree list. Trees shall be a minimum 15-gallon size at planting.

Figure 4.6-5: Parking Lot Shade Requirements



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 <#>Table 4.6-1: Shade Canopy
 Coverage Requirements[1]
 <#>Parking Spaces Required ... [1]

Notes:

1. This diagram is intended to reflect the manner in which shade is credited under various conditions.
2. Trees may receive 25%, 50%, 75%, or 100% as shown.
3. Shade overlap is not counted twice.
5. All landscaping shall be within planters bounded by a curb at least six inches high. No planter shall be smaller than 25 square feet, excluding curbing. Each planter shall include an irrigation system.
6. Existing mature trees on the site shall be preserved whenever possible.
7. All landscaped areas shall be designed so that plant materials are protected from vehicle damage or encroachment.
8. All plant materials shall be maintained free from physical damage or injury arising from lack of water, chemical damage, insects, and diseases. Plant materials

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4.7.080 Vehicle and Bicycle Parking Requirements

- A. **Minimum Requirements.** Minimum vehicle and parking space requirements are listed in Table 4.7-1 (Required Minimum Vehicle and Bicycle Parking Ratios). Where there is more than one parking ratio listed in the table, the greater of the two apply.
- B. For the purpose of calculating parking ratios in all districts, the following types of parking are considered outdoor storage and are not consider parking:
 1. Fleet vehicle parking
 2. Parking for vehicles that are for sale, lease, or rent
- C. Parking areas that exceed minimum vehicle parking requirements are subject to the following requirements:
 1. All projects that exceed the minimum parking requirement by more that 125 percent shall demonstrate how the property can be developed in the future to utilize the additional parking areas for structures, landscaping, plazas, or other active use.
 2. In the Downtown District, the number of vehicle parking spaces provided shall not exceed 150 percent of the minimum parking ratio. Where no parking is required, the maximum parking allowance is two spaces.
- D. **Similar Use.** For a use not listed in Table 4.7-1 (Required Minimum Vehicle and Bicycle Parking Ratios), the required vehicle and bicycle parking shall be the same as for the most similar use listed, as determined by the Planning Director.
- E. **Compact Car Spaces**
 1. Up to 50 percent of the required number of parking spaces may be sized for compact cars.
 2. Compact car parking spaces shall be at least eight feet in width and 16 feet in length, and shall be clearly marked, "COMPACT CARS ONLY," "COMPACT," or "C."
 3. Compact car spaces shall be distributed throughout the parking lot.
 4. Where an entire section of the parking lot is restricted to compact parking with an angle of 90 degrees, the aisle width may be reduced from the standard 25 feet to 21 feet. Such compact sections should be located so as to minimize the distance from the parking lot section to the appropriate building or activity.
- F. **Exceptions.** Exceptions to minimum parking space standards shall be permitted in accordance with Section 4.7.100 (Reductions and Exceptions to Minimum Parking Requirements).

Deleted: 4.7.080 . Parking of RVs, Trailers, and Vessels
 <#>Storage of RVs, trailers, and vessels is prohibited in required front and street side yards, including on driveways within the front and street side yards. However, parking is permitted outside of required front and street side yard setback areas and within interior side and rear yards when screened by a solid six-foot-tall fence, wall, and/or landscape barrier and a suitable parking surface is provided. Screening shall be consistent with Chapter 4.11 (Fences, Walls, and Screening).
 <#>See Section 4.7.140 (Standards for Off-Street Parking for Private Residences) for additional requirements for parking in residential zones.

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Chapter 4 – Site Planning and Development Standards

one another and should be located near the employee bicycle parking facilities whenever possible.

4.7.160 Off-Street Loading Requirements

- A. **Purpose of Loading Area Requirements.** The purpose of these regulations is to provide the number, size, location, and screening requirements for loading areas in mixed-use, commercial, and industrial uses. The intent of these regulations is to minimize disruptions of traffic flow by freight-carrying vehicles blocking the public right-of-way and to minimize impacts to vehicular and pedestrian conflicts.
- B. **When Loading Regulations Apply.** This regulation applies to all non-residential development in mixed-use commercial and industrial districts, whether or not a permit or other approval is required for the development. Buildings smaller than 8,000 square feet in size are exempt from the requirements of this section.
- C. **General Loading Area Requirements**
1. The number of required loading spaces is based on the use of the building and the building size minus any residential component square footage.
 2. Where two or more uses are located on the same premises, the number of loading area spaces required is the sum of the spaces required for each use.
 3. The provision for maintenance of off-street loading facilities is a continuing obligation of the property owner.
 4. Loading and maneuvering areas shall be hard-surfaced unless a permeable surface is required to reduce surface runoff, as determined by the Director.

Chapter 4 – Site Planning and Development Standards

Figure 4.9-1: Shielding Provisions for Outdoor Lighting



* Outdoor lighting shall be constructed with full shielding and/or recessed to reduce light trespass to adjoining properties.

D. **Level of Illumination.** Outdoor lighting shall be designed to illuminate at the minimum level necessary for safety and security and to avoid the harsh contrasts in lighting levels between the project site and adjacent properties. Illumination standards are as follows:

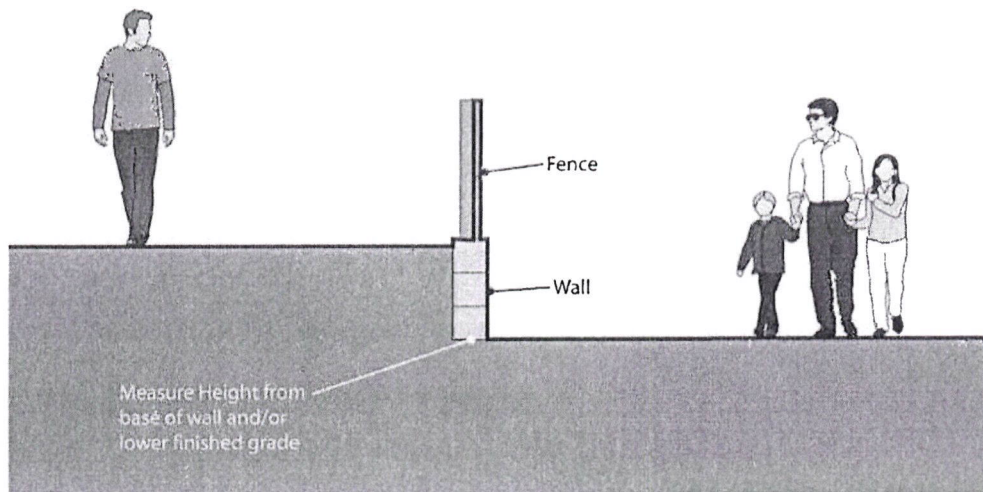
1. Public, civic and religious buildings are permitted to be fully illuminated.
2. Parking lots, driveways, trash enclosures/areas, public phones, and group mailboxes shall be illuminated with a minimum maintained one foot-candle of light and an average not to exceed four foot-candles of light. The following uses shall provide additional lighting as described below:
 - i. Convenience stores, card rooms, and check cashing establishments shall provide a minimum level of illumination of 1.5 foot-candles across the parking lot during business hours.
3. Pedestrian walkways shall be illuminated with a minimum maintained one-half foot-candle of light and an average not to exceed two foot-candles of light.
4. Entryways and exterior doors of non-residential structures shall be illuminated during the hours of darkness, with a minimum maintained one foot-candle of light, measured within a five-foot radius on each side of the door at ground level.
5. In order to minimize light trespass on abutting residential property, illumination measured at the nearest residential structure or rear yard setback line shall not exceed the moon's potential ambient illumination of one-tenth foot-candle.

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Chapter 4 – Site Planning and Development Standards

Figure 4.11-2: Height Measurements

**4.11.070 Prohibited Materials**

The following fence materials are prohibited in all zones unless approved by Design Review for security needs or required by the City or state or federal law or regulation.

- A. Barbed wire or electrified fence;
- B. Razor or concertina wire in conjunction with a fence or wall, or by itself; and
- C. Chain link fencing within a front yard or street side yard.

4.11.080 Special Fencing and Screening Requirements

The Section establishes screening standards and special provisions for walls and fencing.

A. Screening

1. Screening between different land uses. The City encourages the integration and connection of compatible uses. To that end, contiguous barriers in the form of solid fences and walls should only be used between land uses when residential uses are located next to industrial uses or when necessary as determined by the designated Approving Authority. When used, the screening shall meet the following standards (see Figure 4.11-3, Screening Between Different Land Uses):

- i. The screen shall consist of a solid decorative wall of masonry or similar durable material or, in lieu of decorative masonry the wall shall be covered with plant materials (e.g. ivy) or block from view by landscape materials. The

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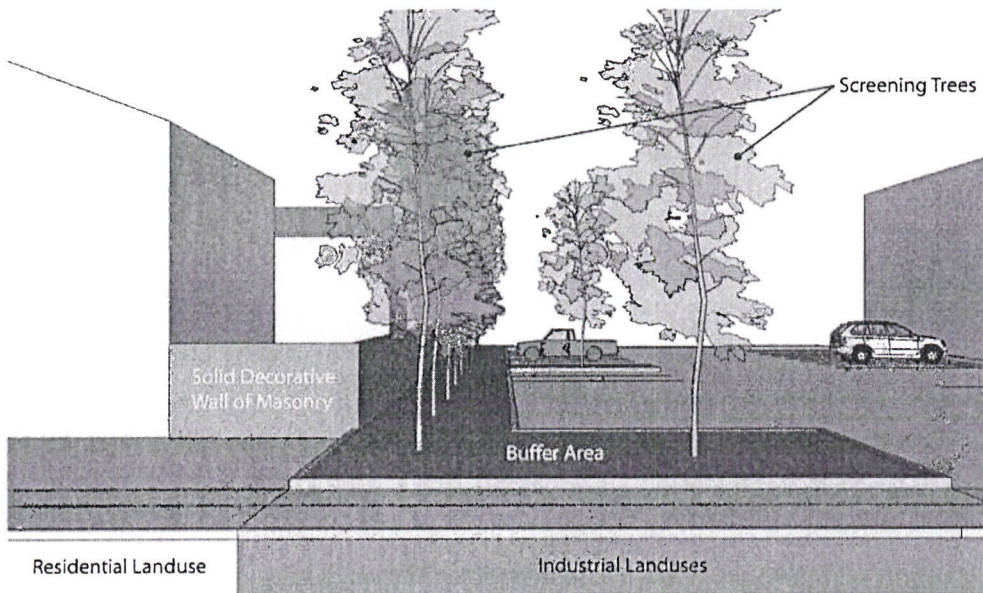
Chapter 4 – Site Planning and Development Standards

wall shall be a minimum of six feet in height, and shall comply with the height limitations listed in Section 4.11.050 (Height Limits and Location).

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- ii. The decorative wall shall be architecturally treated on both sides and is subject to Design Review approval.
- iii. A landscaping strip with a minimum width of five feet shall be installed adjacent to a screening wall, except that a minimum of six feet of landscaping (with trees) shall be provided between a parking lot and a screening wall.
- iv. The designated Approving Authority may waive or approve a substitute for the requirements above if it is determined that:
 - a. The relationship of the proposed uses makes screening unnecessary or undesirable;
 - b. The intent of this Section is successfully met by alternative screening methods; and/or
 - c. Physical characteristics and/or constraints on the site make required screening infeasible or unnecessary.

Figure 4.11-3: Screening Between Different Land Uses



Chapter 4 – Site Planning and Development Standards

- iii. Potable water storage facility. Potable water storage facilities shall be enclosed by a six-foot-tall solid masonry wall and buffered from the public right-of-way by a minimum ten-foot-wide landscape planter that includes ground cover and evergreen trees planted 30 feet on center. The masonry wall shall be covered in either graffiti-resistant paint or coating or with vines or other landscaping. The design of the landscaping (e.g., irrigation, planting) shall be consistent with the standards of Chapter 4.6 (Landscaping).
 - iv. Service stations. Service stations shall be screened from abutting residential zoning districts and uses by a solid six-foot masonry wall along the property line between the service station and the abutting property, except that within the first 25 feet from the street right-of-way line said wall shall not exceed 2.5 feet in height.
- B. **Retaining Walls.** An embankment to be retained that is over 48 inches in height shall be benched so at the low side no individual retaining wall exceeds a height of 36 inches above the finished grade and each bench has a minimum depth of 36 inches. Wood shall not be used for a retaining wall over two feet in height.
- C. **Swimming Pools, Spas, and Similar Features.** Swimming pools/spas and other similar water features shall be fenced in compliance with City-adopted Building Code requirements.
- D. **Temporary Fencing.** Temporary fencing may be required by the designated Approving Authority where necessary to protect trees or other sensitive features and the general public from construction activities during site preparation and construction.
- E. **Temporary Security Fencing.** Temporary security fencing (including chain link) with a maximum height of six feet may be installed around the property lines of vacant property with approval from the designated Approving Authority. The vacant property shall be maintained in a condition free from weeds and litter.
- F. **Open Space and Trails.** Fences adjacent to open space and trail areas shall be constructed and maintained as open view fencing and shall not be chain link.
- G. **Soundwalls.** Whenever sound walls are required to mitigate sound impacts adjacent to streets, the following standards shall apply. These standards shall not preclude the use of other innovative methods of project design utilizing greater setbacks, building design, mounding, or single-story structures with solid walls facing the street.
1. Setbacks. Walls shall ~~be setback a sufficient distance from the ultimate public street right-of-way in accordance with noise attenuation and landscaping. The area between the right-of-way and the wall shall include a public sidewalk and landscaping, including canopy street trees.~~
 2. Height. Maximum height of a wall shall not exceed six feet above the finished grade at the base of the wall on the roadway side.
 3. Earthmounds. When the sound and visual attenuation requires a wall exceeding six feet above the grade of the adjacent roadway, earthmounds shall be used such that

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Chapter 4.14 – Public Utilities

Sections in this Chapter

4.14.010	Purpose	4.14-1
4.14.020	Requirements	4.14-1

Draft Zoning Code Changes:

- 4KK. *This Chapter maintains the existing requirement for undergrounding all utilities in the City and references the requirements for public water and sewer contained in Title 22 of the Municipal Code.*
- 4LL. *The requirement for underground utilities has been expanded to require undergrounding of utilities in existing areas of the City as part of a project that increases the total square footage of development on a site by at least 25 percent. For some projects, rather than completing the undergrounding as part of the project, an in-lieu fee could be paid.*

4.14.010 Purpose

The purpose of this Chapter is to provide uniform standards and regulations for the undergrounding of all utilities serving the public, and to identify the requirements for public water and sewer service.

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4.14.020 Requirements

A. Underground Utilities

1. New developments. In new development areas (e.g., greenfield) of the City, all utilities, including but not limited to electrical (69kv or less), telephone, cable television, and similar distribution lines, shall be installed underground. The City Council may grant exceptions for new Rural Residential or Estate Residential projects as part of the proposed development application.
2. Existing developments. In existing areas of the City where utilities (e.g., electrical, telephone, cable television) have not been undergrounded, the following rules shall apply:
 - i. When feasible, an existing development that is being comprehensively redeveloped or additional building square footage totaling 25 percent or more of the existing gross floor area is being added, all utility lines on the project site and having the capacity to serve the project (e.g., connecting to the buildings on-site) shall be undergrounded. "Comprehensively redeveloped" shall mean any instance where a demolition permit has or would be issued for a minimum of 50 percent of the existing building area.

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Chapter 4 – Site Planning and Development Standards

- G. **Residential Uses Combined with Non-Residential Uses.** In any zone where both residential and non-residential uses are allowed, the sign-related rights and responsibilities applicable to any particular parcel or land use shall be determined as follows: residential uses shall be treated as if they were located in a zone where a use of that type would be allowed as a matter of right, and non-residential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a Conditional Use Permit or similar discretionary process.
- H. **Mixed Use Zones/Developments.** As described in Section 4.15.060 (Allowed Permanent On-Site Sign Standards), on-site signs are regulated by development type, rather than by zoning district. However, when multiple use types are present within one development (e.g., commercial and office, office and institutional), the development standards for signs applicable to that site shall be those applicable to the majority of uses in the development. For instance, if the predominant use in a development is commercial, then sign(s) for any other use type located with that same development (except as regulated in G above) shall also be governed by those same regulations (e.g., an office use in a commercial development shall be held to the standards for commercial developments). Additionally, the following rules shall apply:
1. Commercial uses on the ground floor of a multi-story building where non-retail uses (e.g., office, residential) are located above the retail, regardless of the zoning district of predominant use, shall solely be regulated by the commercial sign standards.
 2. Office uses above the first floor of a multi-story building where the ground floor uses are predominantly commercial in character shall be solely regulated by the office sign standards for building-attached signs.
- I. **Owner Consent.** No sign may be placed on private property without the consent of the property owner or persons holding the present right of possession and control.
- J. **Illegal Signs.** A sign shall be considered an illegal sign when it does not conform to the provisions and standards of this Chapter, Zoning Certification has not been approved, and it is not otherwise determined to be a nonconforming sign as provided in Section 4.15.140 (Nonconforming and Abandoned Signs). Illegal signs may be abated by the City.

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4.15.030 Definitions

For the purpose of this Chapter, the following terms shall have the definitions set forth herein.

Abandoned Sign. Any sign which is located on a premises that has been vacated for a period of more than 90 days as regulated in Section 4.15.140 (Nonconforming and Abandoned Signs).

Animated Sign. Any sign which uses mechanical or electrical movement or change of lighting, either natural or artificial, to depict action or to create visual motion or the appearance thereof.

Chapter 5 – Specific Use Provisions

F. **Required Signs.** Signs shall be posted prohibiting loitering and the consumption of alcoholic beverages in the business or in the parking areas, and any other signs as required by the City. This signage requirement shall not count toward the maximum signage allowed by Chapter 4.15 (Signs).

G. **Hours of Operation.** The hours of operation for all new convenience stores shall be limited to between the hours of 6:00 a.m. and 11:00 p.m. daily.

5.4.030 Drive-In and Drive-Through Sales and Service

A. **Purpose.** The purpose of this Chapter is to regulate drive-through windows and remote tellers with development standards that address the mitigation of traffic, congestion, excessive pavement, pedestrian connections, litter, and noise.

B. **Applicability.** Development standards herein shall apply to all new facilities with drive-in and drive-through sales and services and will be reviewed in conjunction with the required Conditional Use Permit and/or Design Review application.

C. **Permit Requirements.** Pursuant to Chapter 2 (Zoning Districts, Allowable Uses, and General Development Standards), a Conditional Use Permit is required for all drive-in and drive-through sales and services.

D. **Required Findings.** All of the findings below shall be made in order for the designated Approving Authority to approve a Conditional Use Permit for a drive-in and drive-through sales and service use.

1. The design and location of the facility and lane will not contribute to increased congestion on public or private streets adjacent to the subject property.
2. The design and location of the facility and lane will not impede access to or exit from the parking lot serving the facility nor impair normal circulation within the parking lot.
3. The design and location of the facility will not create a nuisance for adjoining properties.

E. **Development and Design Standards.** The following standards shall be the minimum requirements for all drive-through windows and remote tellers.

1. Drive-through and remote teller aisles. The minimum standards for drive-through aisles are as follows:
 - i. Aisles shall have a 12-foot minimum width on curves and an 11-foot minimum width on straight sections.
 - ii. Aisles shall provide at least 180 feet of reservoir space for each facility, as measured from the service window or unit to the entry point into the drive-up lane. Non-food and/or non-beverage businesses may reduce the stacking space to a minimum of 60 feet. Exceptions may be granted by the designated Approving Authority when an applicant demonstrates that the required reservoir space is unnecessary.

Chapter 5 – Specific Use Provisions

- iii. Aisle entrances and exits shall be at least 25 feet from an intersection of public rights-of-way, measured at the closest intersecting curbs, and at least 25 feet from the curb-cut on an adjacent property. When an aisle encroaches into the front yard and side street setbacks, 25 feet of landscaping shall be provided, with at least ten feet of landscaping between the aisle and right-of-way. Exceptions may be granted by the designated Approving Authority when aisle pull-out spaces are provided.
 - iv. Aisles shall be separated from the site's ingress and egress routes or access to a parking space.
 - v. Landscaping of drive-through aisles. Landscaping of drive-through aisles shall be consistent with the requirements of Section 4.6.060.C (Screening of Drive-Through Aisles).
2. Pedestrian access and crossings. Pedestrian access shall be provided from each abutting street to the primary entrance with a continuous, minimum four-foot-wide sidewalk or delineated walkway. Generally, pedestrian walkways should not intersect the drive-through aisles, but where they do the walkways shall have clear visibility and shall be delineated by textured and colored paving and shall be clearly signed to alert vehicles in the drive-through aisles
3. Parking. Drive-up windows, remote tellers, and drive-through aisles shall be designed and constructed to be consistent with the requirements of Chapter 4.7 (Parking and Loading). The placement of drive-up windows, remote tellers, and drive-through aisles shall not be considered as justification for reducing the number of parking spaces which are otherwise required.
4. Congestion. The Conditional Use Permit is revocable if congestion attributable to the facility regularly occurs on public streets or within the parking lot and the management cannot alleviate the situation.
5. Noise. Drive-up windows and their order stations with amplified sound shall be 300 feet from residential zones. Drive-up windows or remote tellers without amplified sound may reduce the separation distance to a minimum of 75 feet from residential zones.
6. Signs. Signage for drive-up windows and remote tellers shall be consistent with the requirements of Chapter 4.15 (Signs).
7. Drive-through windows shall be visible from a public way to ensure that all activity can be viewed from an adjacent street.

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Deleted: <#>Hours of operation. When located on a site within 300 feet of any residential property (measured from the nearest property lines), hours of operation for the drive-up/drive-through service shall be limited from 7:00 a.m. to 10:00 p.m. daily. If the use is located greater 300 feet from a residential use, then there are no restrictions on the hours of operations. The hours of operation may be extended through issuance of a Limited Use Permit. ¶

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COLOMA VILLAGE CENTER

CHAPTER 3 CONCEPTUAL LAND PLAN

The Coloma Village Center Conceptual Land Plan identifies the general land use patterns for existing and future development as well as the desired building form. This Plan takes into consideration existing development patterns and important land use opportunities and constraints (e.g., commercial concentration, residential and mixed/use transitions to surrounding neighborhoods). Ultimately, allowed uses on the site shall be consistent with those listed in Zoning Code Chapter 2 for the Village Center Zoning District with the exception that auto service and repair uses in existence prior to December 15, 2008 shall be allowed.

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This Plan calls for additional buildings along the north side of the Coloma Road frontage in key locations to create a more pedestrian-friendly interface with good visibility for retail and commercial services. The goal is to activate the street environment featuring plazas, restaurant seating, and retail storefronts. Parking shall be located primarily in parking fields behind the Coloma Road frontages. However, parking should be accessible and avoid the creation of isolated parking areas that are hidden from view.

GENERAL LAND USE PATTERNS

The Conceptual Land Plan represents the preferred land use pattern. However, the spirit of the Village Center designation allows for a wide range of retail and commercial service, office, and residential uses to be integrated horizontally and/or vertically. Thus, the general land use patterns are flexible and can be modified through Design Review.

BUILDING FORM

The Conceptual Land Plan illustrates both existing and future building forms. Future building forms are intended to reflect desired development patterns, particularly for those areas with required storefronts on the Regulating Plan. Because we cannot predict the future, there may be other desirable development solutions that meet the objectives of the Village Center form based approach. Thus, building forms can be modified through Design Review so long as the required storefront areas are maintained.

Village Center (VC) Zoning District. Consistent with the General Plan and Zoning Code, Village Centers provide centers of activity that are within an easy walking distance from neighborhood homes and provide local-serving commercial opportunities. A network of sidewalks, bicycle trails and transit routes provides easy non-vehicular access to these centers. Buildings within this zone are appropriately scaled to fit in the neighborhood context. Buildings are placed close to the public sidewalk, and plazas and other public spaces are provided to encourage the active use of public spaces and pedestrian activity. Parking is provided on-street, in small lots and/or located behind or to the side of buildings. Transit-supportive development is encouraged when located in proximity to a transit station. This zone is most appropriate for:

- ❖ Neighborhood-serving commercial (generally smaller grocery stores, drug stores, dry cleaners, coffee shops, etc.)
- ❖ Community centers
- ❖ Public/Quasi public uses that incorporate community gathering places
- ❖ Public/Quasi public uses without gathering places (as secondary uses)
- ❖ Office uses (as secondary uses)

CITY OF RANCHO CORDOVA

ORDINANCE NO. 1-2009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA AMENDING THE CITY'S MUNICIPAL CODE BY ADDING CHAPTER 16.85 TO ESTABLISH DEVELOPMENT IMPACT FEES FOR MEASURE A TRANSPORTATION IMPROVEMENTS FOR CITYWIDE BENEFIT DISTRICT

WHEREAS, this Ordinance adds Chapter 16.85 to the Rancho Cordova Municipal Code to enact the Measure A Mitigation Fee Program as established by the Sacramento Transportation Authority (STA). Implementation of the Measure A Mitigation Fee Program by each jurisdiction within the County of Sacramento was a condition of STA's approval of the new Measure A sales tax and expenditure plan, which was approved by the voters in Sacramento County in November of 2004. STA's Ordinance No. 04-01 provides that no revenues from the new Measure A sales tax shall be provided to a local jurisdiction unless it implements the Measure A Mitigation Fee Program. On September 18, 2006, by Resolution No. 161-2006, the City committed to implement the Measure A Mitigation Fee Program.

WHEREAS, on June 7, 2006, by Resolution No. 06-0006, STA adopted the Measure A nexus study, which identified the additional public facilities required by new development and determined the amount of revenue needed from development impact fees to be imposed on a countywide basis, so that all new development pays its fair share of the costs of new public facilities needed to serve such development. The Measure A development impact fee is to become effective on April 1, 2009, and extend through March 31, 2039, in order to fund new development's fair share of the costs of the transportation improvements included in the Measure A expenditure plan needed to serve such development in the future.

WHEREAS, the Measure A development impact fees authorized by this Ordinance shall be assessed upon landowners developing residential and nonresidential projects within the City to meet the needs of, and address the impacts caused by, the additional persons residing or employed on the property as a result of such development activity. It is the intent and purpose of the City to protect and promote the public health, safety and welfare by constructing and installing public facilities necessitated by new development within the City. Furthermore, it is the intent and purpose of the City to allow development on the condition that landowners pay their fair share of costs of the Measure A transportation improvements planned within the City or that will benefit the City, and that such costs shall not be or become the responsibility of the City's general fund or any other City fund not designated in this Ordinance.

WHEREAS, under the Protocols Agreement, the City is obligated to remit to STA, on a semi-annual basis, all of the Measure A development impact fee revenues collected by the City for reallocation by STA in accordance with the Measure A expenditure plan. In order to recover the City's cost to collect the Measure A development impact fee, establish a separate account for said fees, and provide reports to STA and to the City Council regarding the amount of the fees collected and the expenditure of those fees, this Ordinance also authorizes the imposition of the Measure A administration fee.

**THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS
FOLLOWS:**

SECTION 1. Purpose and Authority. The purpose of this ordinance is to add Chapter 16.85 to the City of Rancho Cordova Municipal Code to enact the Measure A Mitigation Fee Program as established by the Sacramento Transportation Authority by the establishment of Measure A development impact fees in the City of Rancho Cordova ("City") for the transportation

improvements in the Measure A Expenditure Plan. The City Council enacts this Ordinance pursuant to the authority granted to cities by Article XI, Section 7 of the California Constitution.

SECTION 2. Findings. The City determines and finds as follows:

1. By separate actions referenced below, the City Council adopted and approved the following items on the same date that this Ordinance was enacted:

- (a) By Resolution No. 04-2009, adoption of the Measure A nexus study, the Measure A development impact fee, and the Measure A administration fee. The Measure A nexus study demonstrated the burden on public facilities that will occur from new development and the benefit for such development of the public facilities included in the Measure A expenditure plan.
- (b) By Resolution No. 05-2009, approval of the Protocols Agreement, which provides for the City to remit to the Sacramento Transportation Authority (STA) the Measure A development impact fees. STA will subsequently allocate the Measure A development impact fee revenues collected by the City for construction of the public facilities included in the Measure A expenditure plan which are located within or otherwise benefit the City.

The foregoing items, along with the studies and reports each may reference or be based upon in whole or in part, and together with any amendments thereto and any supplemental or implementation actions pursuant thereto made after their initial adoption, establish the need, costs and financing of public facilities arising out of development within the citywide benefit district area, and present a reasonable basis on which to establish development impact fees under this Ordinance. The foregoing items, and all other additional studies and reports presented to the City Council now or in the past, along with the studies, reports and data each may reference or be based upon in whole or in part, and any and all amendments thereto and any supplemental or implementation actions pursuant thereto made after their initial adoption, together with staff reports and other matters presented to the Council by City staff or interested parties, whether in writing or orally, constitute the record before the City Council for purposes of the adoption and enactment of this Ordinance.

2. The imposition of development fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of public facilities necessary to fulfill the purposes of this Ordinance as stated above. This Ordinance is intended to implement the Measure A mitigation fee program in accordance with the Measure A expenditure plan and Measure A nexus study.

3. All new development within the City will result in additional growth that will place burdens on public facilities within the City and will cause the need for new public facilities. Such development will necessitate the need for construction of new and expanded public facilities in order to meet the needs of, and to address the impacts caused by, new development within the City. The development fee impact program implemented by this Ordinance is designed to mitigate some of the transportation impacts caused by new development in the City.

4. The development impact fee program set forth in the Measure A expenditure plan and Measure A nexus study is intended to ensure that all public facilities set forth in said expenditure plan are partially paid for by development causing the need for the same, and in any event, without requiring expenditures from the City's general fund. It is fair and equitable for landowners developing land within the City to pay their fair share of the costs of such public facilities and for the City to assess said share to the landowners while shielding the City's general fund from liability for same.

5. This Ordinance establishes certain fee categories and provides the structure in which the fees may be imposed, all of which are intended to implement the Measure A mitigation fee program set forth in the Measure A expenditure plan. This Ordinance authorizes the City Council to adopt resolutions imposing initial and subsequent amounts of the established fees, and any deferral provisions affecting the time and manner in which the fees are to be paid to the City.

6. The development impact fee established by this Ordinance is based upon the estimated costs of the new public facilities set forth in the Measure A expenditure plan which are not fully funded by the Measure A sales tax proceeds in order to serve and address some of the transportation impacts caused by new development within the City, and shall be subject to adjustment as more precise estimates or actual costs of said public facilities are determined and to account for inflationary construction cost increases.

7. The amount of the fees that may be imposed by resolution based on the authority established under this Ordinance, and as may be adjusted over time as allowed pursuant to this Ordinance, is a reasonable approximation of the fair share of the cost of the public facilities, and roughly proportionate to the need for such facilities caused by new development within the City. The development impact fee established by this Ordinance relates rationally and does not exceed the reasonable cost of providing the public facilities within the City occasioned by new development projects.

8. All new development projects within the City should bear a proportionate, fair and equitable financial burden in providing public facilities to serve such uses. The development impact fee is necessary in order to finance the public facilities required by new development within the City. The imposition of the fee on landowners developing their property will ensure that they have an obligation to pay a fair share of the costs of such public facilities.

9. The public facilities that are to be financed by the development impact fee established by this Ordinance are based on an analysis of the land uses set forth in the City's General Plan and such improvements are consistent with the City's General Plan, including all elements thereof.

10. For the purpose of establishing the fees set forth in this Ordinance, the record before the City Council and the findings herein stated:

- (a) reasonably identify the purpose of each fee established;
- (b) reasonably identify the use to which the fee is to be put;
- (c) establish a reasonable relationship between the use of each fee and the type of development project on which the fee is imposed;
- (d) establish a reasonable relationship between the need for the public facilities to be financed by the fee established and the type of development project on which the fee is to be imposed;
- (e) establish that there is a reasonable relationship between the amount of the fee and the cost of the public facilities, or portion of such public facilities, attributable to the development project on which the fees are imposed; and

- (f) form the basis for the further finding that the imposition of the development impact fee on development projects to finance public facilities is necessary in order for the City to protect and promote the public health, safety and welfare.

11. The City has pending before it, or will soon have pending before it, applications for building permits, subdivision maps and/or applications for residential, commercial and/or industrial development which the City must act on. Further, the City heretofore has approved various development projects in the form of tentative maps, development agreements, and/or other entitlements, which will need the public facilities to be funded by the fee enacted under this Ordinance to serve such new development as set out in the Measure A nexus study. It is necessary that the provisions of this Ordinance apply to these previously approved development projects in order to protect the health, safety and welfare of City residents by the provision of adequate public facilities, to afford landowners certainty with regard to their financial obligations, and to ensure that such development will not create a burden on the interrelated transportation public facilities within the City.

SECTION 3. Additions.

Chapter 16.85 is hereby added to the Rancho Cordova Municipal Code, to read in its entirety as follows:

CHAPTER 16.85

ESTABLISHMENT OF DEVELOPMENT IMPACT FEES FOR MEASURE A TRANSPORTATION IMPROVEMENTS

Sections:

16.85.010	Purpose
16.85.020	Definitions
16.85.030	Adoption of New or Amended Reports
16.85.040	Establishment of Development Impact Fees
16.85.050	Additional Findings to Be Made when Establishing the Amount of Development Impact Fees
16.85.060	Proceedings to Establish the Amount of Development Impact Fees
16.85.070	Imposition of Development Impact Fees
16.85.080	Exemptions
16.85.090	Computation of Fees
16.85.100	Time of Payment of Fees
16.85.110	Deferral of Fees
16.85.120	Automatic Annual Adjustment
16.85.130	Adjustment of Fee by Resolution
16.85.140	Creation of Funds
16.85.150	Use of Funds
16.85.160	Disposition of Unexpected or Unappropriated Fee Revenues
16.85.170	Refund of Fees Paid
16.85.180	Other Fee and Dedication Requirements
16.85.190	Annual Reports and Review of Fee
16.85.200	California State Law

16.85.010 Purpose.

This chapter is adopted pursuant to the authority granted to cities by Article XI, Section 7 of the California Constitution for the purpose of authorizing certain development impact fees, as described in public facility financing plans, expenditure plans and the nexus studies as referenced herein, to be assessed upon the owners of certain residential and nonresidential property as described in this chapter and which is located within the City. The fees herein adopted shall be assessed upon landowners developing property for any residential or nonresidential use in order to provide all or a portion of the funds which will be necessary to design, construct, install or acquire public facilities required to meet the needs of, and address the transportation impacts caused by, such development activity. It is the intent and purpose of the City to protect and promote the public health, safety and welfare by constructing, installing and acquiring public facilities necessitated by development in the City. Furthermore, it is the intent and purpose of the City to allow the development within its jurisdiction boundaries on the condition that landowners pay the applicable costs of such public facilities and that such costs shall not be or become a responsibility of any other City fund, including, without limitation, the City's general fund.

16.85.020 Definitions.

Unless the contrary is stated or clearly appears from the context in which a term is used, the following definitions shall govern construction of the words and phrases used in this chapter:

1. "Automatic annual adjustment" means the automatic annual adjustment of development impact fees based on the inflation factors described in Section 16.85.120 of this chapter.
2. "City Code" means the City of Rancho Cordova Municipal Code.
3. "Citywide benefit district area" means the real property located within the jurisdictional boundaries of the City, and as said boundary may be adjusted from time to time.
4. "Development" means the uses to which property will be put, the buildings and improvements to be constructed on it, and the construction activities incident thereto, together with the process of obtaining all required land use entitlements.
5. "Development project" shall have the same meaning as defined by subsection (a) of Government Code Section 66000, as such section may be amended from time to time.
6. "Dwelling unit" means any building or portion of a building used or designed for use as a residence by an individual or any group of individuals living together or as a family, excepting there from any unit rented or leased for temporary residency, such as a motel and hotel room.
7. "Fee" and "impact fee" and "development impact fee" means the monetary exaction as defined by subsection (b) of Government Code Section 66000, as such section may be amended from time to time, and shall include, but not be limited to, the fees established pursuant to this chapter.
8. "Fee resolution" mean Resolution No. 04-2009, or any subsequent resolution adopted by the City Council which implements the provisions of this chapter, including, without limitation, the setting of the amounts of the various fees established hereby and the adoption of provisions for credits, reimbursements and deferral relating to such fees.

9. "Government Code" means the Government Code of the state of California and any provision thereof cited in this chapter, as such provision exists as of the date of the enactment of this chapter, or as may thereafter be amended or renumbered from time to time.

10. "Health and Safety Code" means the Health and Safety Code of the state of California and any provision thereof cited in this chapter, as such provision exists as of the date of the enactment of this chapter, or as may thereafter be amended or renumbered from time to time.

11. "Measure A" means Ordinance No. 04-01 adopted by the Sacramento Transportation Authority on July 29, 2004, which established the Sacramento Countywide Transportation Mitigation Fee Program to be implemented by the County of Sacramento and each city within the county by April 1, 2009.

12. "Measure A administration fee" means the fee imposed by the City for the cost of collection, deposit, investment, accounting, remittance and reporting of the Measure A development impact fee.

13. "Measure A development impact fee" means a development impact fee established to provide funding for public facilities to benefit new development within the City.

14. "Measure A expenditure plan" means the Sacramento County Transportation Expenditure Plan 2009-2039 dated June 10, 2004, as adopted by the Sacramento Transportation Authority under Ordinance No. 04-01, which specifies the allocation of Measure A sales taxes and Measure A development impact fees for specified public facilities.

15. "Measure A nexus study" means the Development Impact Fee Study dated June 2, 2006, as adopted by the Sacramento Transportation Authority by Resolution No. 06-0006.

16. "Protocols Agreement" means the New Measure A Sacramento Countywide Transportation Mitigation Fee Program Agreement on Operating Protocols dated August 2008 with the Sacramento Transportation Authority, as approved by the Authority on August 28, 2008, by Resolution No 08-0001, and as amended on December 11, 2008.

17. "Public facilities" means the public improvements, public services and community amenities as defined by subsection (d) of Government Code Section 66000, as such section may be amended from time to time. The term "public facilities" only includes transportation improvements and infrastructure to be designed, constructed, installed and acquired to serve the specified benefit district area, as well as the transportation-related public service and community amenities to serve the specified benefit district area, which improvements and infrastructure are described in the applicable financing plan, expenditure plan, and/or nexus study (collectively "plan" or "study"). The costs of the design, construction, installation and acquisition of the specified public facilities, which are to be financed partially by the development impact fee program, is set forth within the plan or study. Where applicable under the plan or study, the term "public facilities" includes the acquisition of land relating to such improvements, infrastructure, public services and community amenities. The term "public facilities" also means a specific public improvement or infrastructure where the context requires a singular meaning.

18. "STA" means the Sacramento Transportation Authority.

16.85.030 Adoption of New or Amended Reports.

To implement the development impact fees established pursuant to the provisions of this chapter, the City Council may, by resolution, adopt new or amended versions of any of the studies, reports, plans, or projections on which the development impact fees are based, except in such cases where amendments to such studies reports, plans, or projections must be made by ordinance.

16.85.040 Establishment of Development Impact Fees.

A. The following development impact fees are established pursuant to the provisions of this chapter to finance the cost of the following categories of public facilities required by development within the following specified benefit district areas:

1. Measure A benefit district.

- a. Measure A Development Impact Fee. A development impact fee is established to provide funding for public facilities to serve the City, which facilities are described in the Measure A expenditure plan and the Measure A nexus study. The Measure A benefit district is the jurisdictional boundaries of the City, and as said boundary may be adjusted from time to time.
- b. Measure A Administration Fee. An administrative fee is established to fund the City's cost to administer the Measure A development impact fee.

B. The City Council, by resolution, shall establish the specific initial and subsequent amounts of the foregoing fees pursuant to Section 16.85.060 of this chapter and make the additional findings required under Section 16.85.050 of this chapter in establishing said amounts of each fee. In addition, the City Council, by resolution, may adopt additional provisions, procedures and policies to implement the fees established by this chapter. The amounts of fees, provisions, procedures, and policies adopted by resolution pursuant to this subsection shall be consistent with the applicable financing plan, expenditure plan and/or nexus study as referenced in subsection A of this Section 16.85.040.

C. The City Council, by resolution, may establish new or additional components of the fees identified in subsection A of this Section 16.85.040 as are necessary to accommodate phasing and stages of the development of the specified benefit district areas, or as may be contemplated by future amendments to the financing plan, expenditure plan and/or nexus study as referenced in subsection A of this Section 16.85.040.

16.85.050 Additional Findings to be Made When Establishing the Amount of Development Impact Fees.

At the time it considers the amount of the fees established pursuant to Section 16.85.040 of this chapter or at the time of amending such fees, other than in making an automatic annual adjustment to the fees as provided in Section 16.85.120 of this chapter, the City Council shall adopt the amount of such fees if it makes the following findings in support of such fees:

A. A finding that such fees have been determined and calculated in the manner consistent with the financing plan, expenditure plan and/or nexus study as referenced in subsection A of Section 16.85.040 of this chapter; and

B. The following additional findings required by Section 66001 of the Government Code which demonstrate that there is a nexus between the public facilities for which such fees are imposed and the need for such public facilities created by the development of residential and nonresidential property within the specified benefit district areas upon which the fees are imposed:

1. Findings which identify the purpose of the fees;
2. Findings which identify the use to which the fees are to be put;
3. Findings which demonstrate that there is a reasonable relationship between the use of the fees and the type of development project on which the fees are imposed;
4. Findings which demonstrate that there is a reasonable relationship between the need for the public facilities to be financed by the fees and the type of development project on which the fee is to be imposed; and
5. Findings which demonstrate how there is a reasonable relationship between the amount of the fees and the cost of the public facilities, or portion of such public facilities, attributable to the development project on which the fees are imposed.

C. In making the findings pursuant to this Section 16.85.050 and any other findings, the City Council may consider all matters, whether offered orally or in writing, presented at the hearing or hearings conducted for the purpose of establishing or amending the fee, and any and all oral and written material presented to the City Council and Planning Commission in connection with the adoption, approval or amendment of the financing plan, expenditure plan and/or nexus study as referenced in subsection A of Section 16.85.040 of this chapter.

16.85.060 Proceedings to Establish the Amount of Development Impact Fees.

A. At the time of setting the amount of the fees established pursuant to this chapter or at the time of amending such fees, other than in making an automatic annual adjustment to the fees as provided in Section 16.85.120 of this chapter, the City Council shall hold a public hearing on the proposed fees or proposed amendment of fees in the manner required by Section 66018 of the Government Code.

B. The effective date of any resolution adopted by the City Council which establishes or amends, as the case may be, the amount of the fees established pursuant to Section 16.85.040 of this chapter, shall be no sooner than 60 days following the final action on the adoption or amendment of the fee.

16.85.070 Imposition of Development Impact Fees.

A. The development impact fees established under this chapter shall be imposed on the following types of uses or development of real property located within the benefit district areas as referenced in subsection A of Section 16.85.040 of this chapter:

1. For nonresidential uses or development:
 - a. The construction on the property of a new building or structure;

- b. The construction on the property of additions to an existing building or structure which results in the expansion in the size or use of such existing building or structure; or
- c. The change in use of an existing building or structure on the property from a previous residential use to a nonresidential use, or from a previous nonresidential use to another nonresidential use, provided that the landowner shall be entitled to a credit against fees paid pursuant to this chapter in the amount of fees which were actually paid for such previous residential or nonresidential use, which prior fees shall be adjusted for inflation consistent with Section 16.85.120 of this chapter.

2. For residential uses or development:

- a. The construction on the property of a new building or structure containing one or more dwelling units;
- b. The construction on the property of alterations or additions to an existing building or structure which add one or more dwelling units to such existing building; or
- c. The change in use of an existing building or structure on the property from a previous nonresidential use to a residential use, provided that the landowner shall be entitled to a credit against fees paid pursuant to this chapter in the amount of fees which were actually paid for such previous nonresidential use, which prior fees shall be adjusted for inflation consistent with Section 16.85.120 of this chapter.

3. For nonresidential and residential uses or development within the same building or structure, the computation of fees as set out in Section 16.85.090 of this chapter shall apply.

B. Except as may be expressly provided in this chapter, no building permits or extension of permits relating to the activities described in subsections (A)(1) and (A)(2) of this Section 16.85.070 shall be granted unless and until the appropriate development impact fee or fees have been paid to the City in accordance with the provisions of this chapter, except that for residential developments under a fee payment contract as specified in Section 66007 of the Government Code, building permits may be issued but no final inspection or certificate of occupancy shall be granted unless and until the appropriate development impact fee or fees have been paid to the City. As provided in subsection (a) of Section 66007 of the Government Code, for a residential development that contains more than one dwelling unit, the fees may be paid on a pro rata basis for each dwelling unit when it receives its final inspection or certificate of occupancy, whichever occurs first.

C. Notwithstanding anything to the contrary set forth in subsection A of this Section 16.85.070 or in any other provision in this chapter, the development impact fees established pursuant to this chapter shall apply to any development project that has heretofore either received a tentative map approval or other approval or permit, whether discretionary or nondiscretionary, or is subject to a development agreement or other agreement between the landowner and City that provides for payment of one or more fees established under this chapter.

16.85.080 Exemptions.

A. The following shall be exempted from payment of the fees established by this chapter:

1. Alterations, renovations or expansion of an existing residential structure where no additional dwelling units are created and the use is not changed;

2. The replacement of a destroyed or partially destroyed or damaged structure with a new structure of the same size and use;

4. Agreements entered into pursuant to Section 65865 of the Government Code ("development agreement") unless the development agreement expressly provides for the payment of one of more fees established under this chapter. For fees established pursuant to subsection A(1) of Section 16.85.040 of this chapter, the development agreement must have been approved prior to April 1, 2009 and the exemption is invalid if the term of that development agreement is extended after April 1, 2009.

5. For fees established pursuant to subsection A(1) of Section 16.85.040 of this chapter, a vesting tentative map authorized under Section 66498.1 of the Government Code if the map application was deemed complete prior to April 1, 2009; and

6. For fees established pursuant to subsection A(1) of Section 16.85.040 of this chapter, low and very low income housing as defined in Health and Safety Code Sections 50079.5 and 50105, respectively.

16.85.090 Computation of Fees.

The methodologies set forth in the financing plan, expenditure plan and/or nexus study referenced under subsection A of Section 16.85.040 of this chapter shall be used as the basis to set the amount of fees pursuant to any resolution referenced under subsection B of Section 16.85.040 of this chapter. The amount of fees due from any landowner shall be calculated from the actual uses of land proposed by the landowner unless otherwise provided in any resolution referenced under subsection B of Section 16.85.040 of this chapter. Applicants for building or other development permits shall include plans and calculations prepared by the applicant or applicant's agent, specifying data necessary to calculate development impact fees, including, without limitation, each proposed land use, the square footage of each use, and other relevant data as may be required by the City Public Works Director, or his or her authorized designee. All fees due under this chapter shall be determined and calculated by the City Public Works Director, or his or her authorized designee.

16.85.100 Time of Payment of Fees.

Except as otherwise provided in any resolution adopted by the City Council as provided under Section 16.85.110 and subsection B of Section 16.85.070 of this chapter relating to deferral of payment of fees, the fees established by this chapter shall be paid for the property on which a development project is proposed at the time of the issuance of any required building permit relating to such development. With respect to development projects completed or commenced prior to the effective date of this chapter and the effective date of any amendment, the City Public Works Director, or his or her authorized designee, may enter into agreements with landowners regarding the amount, time, and manner of payment of fees under this chapter with respect to such development projects.

16.85.110 Deferral of Fees.

The City Council, by resolution, may establish and modify policies, guidelines and procedures regarding the deferral or other adjustment of the time of payment of the fees established under this chapter.

16.85.120 Automatic Annual Adjustment.

The fees established by this chapter shall be adjusted automatically to take into consideration construction cost inflation on July 1st of each fiscal year. The first fiscal year for which an adjustment shall occur shall be the fiscal year that includes July 1, 2010. The adjustment shall be made by a factor equal to the percentage increase, if any, of the index which the City Council adopts by resolution at time of establishment or amendment of the fees as provided under this chapter, which may include the following: The Construction Cost Index as published by Engineer News Record/McGraw-Hill Construction Weekly for either (i) the San Francisco (based on 1913 U.S. average = 100) during the twelve (12) months ending on the preceding March 1st, or (ii) the 20-City Construction Cost Index during the twelve (12) months ending on the preceding March 1st. This automatic annual adjustment shall not apply to those fees which are based on variable factors which themselves result in an automatic inflation adjustment, those which specifically indicate otherwise, or those which are governed by provisions of an agreement with the City expressly exempting such fees from the adjustment set forth under this Section 16.85.120.

16.85.130 Adjustment of Fee by Resolution.

In addition to any automatic annual adjustment, the amount of the fees established by this chapter may be revised periodically, including, without limitation, upon the report and review provided for in Section 16.85.180 of this chapter, by resolution of the City Council. Any action by the City Council to increase fees shall comply with the provisions of this chapter and Government Code Section 66018.

16.85.140 Creation of Funds.

A. The fees established and collected pursuant to this chapter shall be deposited in the following separate special funds and accounts created specifically to hold the revenue generated by such fees. Said collected fees shall be deposited, managed, and maintained pursuant to the provisions of Section 66006 of the Government Code. Moneys within such fund may be used solely for the purposes set forth in Section 16.85.150 of this chapter. In this regard, the following special funds are created and established:

1. Measure A transportation impact fee fund for the deposit and collection of the Measure A transportation impact fee.

2. Measure A administration fee fund for the deposit and collection of the Measure A administration fee.

B. The City Public Works Director, or his or her designee, shall have the authority to rename funds and create new funds, as such funds may become necessary or appropriate through the adoption of any fee resolution or through any amendment to the financing plan, expenditure plan and/or nexus study as referenced in subsection A of Section 16.85.040 of this chapter.

16.85.150 Use of Funds.

A. Funds collected from the fees established by this chapter and deposited in their respective special funds established under Section 16.85.140 of this chapter shall be used by the City or by the Sacramento Transportation Authority or other entity if funds have been transferred to that entity, for the following purposes:

1. Payment of the actual costs of designing and constructing public facilities for which the fees may be expended, as described in the resolution or resolutions adopted pursuant to subsection B of Section 16.85.040 of this chapter;

2. Providing refunds as described in Sections 16.85.160 of this chapter;

3. Funding the City's administration of the fee program implemented by the provisions of this chapter; and

4. Using the same as may be permitted under Section 66006 of the Government Code.

B. Unless used or refunded as otherwise permitted under this Section 16.85.150, moneys, including any accrued interest, not assigned in any fiscal year shall be retained in the same fund or account until the next fiscal year.

C. The City Council, by resolution, may authorize the City Manager to transfer funds, including any accrued interest, to (1) another public entity with the authority to manage the fund pursuant to Section 66006 of the Government Code, or (2) to another public entity with the authority to undertake construction of the public facility funded by the fee.

16.85.160 Disposition of Unexpended or Unappropriated Fee Revenues.

A. Commencing with the fifth fiscal year following the first fiscal year of receipt of any revenues from the fees established, assessed and levied pursuant to the provisions of this chapter, and in each fiscal year thereafter, the City Treasurer, or his or her designee, shall provide the City Council with a report which sets forth the total amount of all such fee revenues that were received and deposited in the appropriate special funds and accounts established under Section 16.85.140 of this chapter in each fiscal year prior to the date of such report, but which remain unexpended or unappropriated by the City or another public entity as referenced in Section 16.85.150 of this chapter as of the date of the report; provided, however, that no report shall be required in any year in which there were no unspent or unappropriated fee revenues in such fund which were received and deposited in the fund more than five years prior to the date of the report.

B. Upon review of each report described in subsection A of this Section 16.85.160, the City Council shall take one of the following actions required by Section 66001 of the Government Code with respect to any unexpended or unappropriated fee revenue in the appropriate special fund established under Section 16.85.140 of this chapter which was received and deposited in such fund five or more years prior to the date of such report:

1. Appropriate all or any part of such unexpended or unappropriated fee revenue for the construction, installation, acquisition or provision of the public facilities for which the fee was imposed;

2. Make findings with respect to all or any part of such unexpended or unappropriated fee revenue which identify the purposes to which the revenue are to be put and which demonstrate a reasonable relationship between such fee revenue and the purpose for which it was imposed; and/or

3. Provide for the refund of all or any part of such unexpended or unappropriated fee revenue, together with any actual interest accrued thereon, in the manner described in subsection (e) of Section 66001 of the Government Code, to the current record owner of any property for which a fee was paid; provided that if the administrative costs of refunding such fee revenue exceed the amount to be refunded, the City Council, after considering the matter at a public hearing, notice of which is given in the manner provided for in subsection (f) of Section 66001 of the Government Code, may appropriate such revenue for any other public facility in the benefit district area for which development fees are charged or otherwise imposed pursuant to this chapter and which the City Council determines will benefit the properties for which such development impact fee was charged or otherwise imposed; and further provided that the portion of any fee revenue received by the City as reimbursement of its costs in administering the provisions of this chapter shall not be refunded, but shall be applied to reduce the amount of the fee charged for administrative purposes.

4. The provisions of subsections (d), (e), and (f) of Government Code Section 66001 shall apply fully to any refund of fees remaining unexpended or uncommitted in the appropriate special fund established under Section 16.85.140 of this chapter for five or more years after deposit, and the provisions of this Section 16.85.160 of this chapter shall be subordinate to the said state statute and shall be applied consistently therewith.

16.85.170 Other Fee and Dedication Requirements.

The provisions of this chapter shall not release any owner of residential or nonresidential property located within the benefit district area from the following obligations:

A. Paying other applicable fees relating to development of property, including, without limitation, the application fees, processing fees, mitigation fees, and other development fees within the control of the City.

B. Complying with any public facility requirements which are imposed pursuant to applicable law, including, without limitation, the provisions of the City Code.

C. Complying with any requirement to dedicate property for public use pursuant to applicable law, including without limitation, the provisions of the City Code and the Government Code, at the time of approval of a tentative subdivision map, tentative master parcel map, certificate of compliance, building permit or other land use entitlement.

D. Complying with any obligation to pay fees or exactions, or to comply with mitigation requirements for identified project-related environmental effects.

16.85.180 Annual Reports and Review of Fee.

A. No later than one hundred eighty (180) days following the end of each fiscal year, the City Manager or his or her designee shall prepare a report for the City Council identifying the following:

1. The beginning and ending balances of the public facilities fee funds, and related accounts, established under Section 16.85.140 of this chapter for the fiscal year;
 2. The fee, interest, and other income collected in said funds during the fiscal year;
 3. The amount of expenditures from said funds categorized by the public facilities to which such expenditures relate;
 4. An accounting of all refunds and reimbursements for which the City is obligated to make or has made pursuant to this chapter;
 5. The reallocation, if any, of unexpended or unappropriated fee revenue made pursuant to subsection (B)(3) of Section 16.85.160 of this chapter and subsection (f) of Government Code Section 66001;
 6. The public facilities constructed and to be constructed utilizing the revenues collected from the fee established by this chapter, the continued need for such public facilities, the reasonable relationship between such need and the impacts of development for which the fee is charged;
 7. The estimated costs of the public facilities described in the report;
 8. The amount of any automatic annual adjustment made pursuant to Section 16.85.120 of this chapter, including the basis of the calculation therefore; and
 9. Any additional information required by the Sacramento Transportation Authority for the fees imposed pursuant to subsection A(1)(a) of Section 16.85.040 of this chapter. The City Manager may submit the report prepared by the Sacramento Transportation Authority for the fees imposed pursuant to subsection A(1)(a) of Section 16.85.040 of this chapter if said report includes all of the foregoing information set out in this subsection A of this Section 16.85.180.
- B. In addition to the report matters set forth in subsection A of this Section 16.85.180, at least once each fiscal year the City Manager shall present to the City Council a proposed capital improvement program prepared by the City Public Works Director for the various public facilities referenced in the resolution or resolutions adopted pursuant to subsection B of Section 16.85.040 of this chapter, assigning moneys (including any accrued interest) from the appropriate special fund to specific improvement projects, acquisitions, and related expenses. The adoption of such capital improvement program shall comply with the provisions of Government Code Section 66002.
- C. In preparing the report pursuant to this Section 16.85.180, the City Manager shall adjust the estimated costs of the public facilities in accordance with the index specified in the resolution adopted pursuant to subsection B of Section 16.85.040 and Section 16.85.120 of this chapter, or other reasonable standard, for the elapsed time period from the first day of the previous July or the date that the cost estimate was developed.
- D. The report prepared pursuant to subsection A of this Section 16.85.180 shall be made available to the general public pursuant to the provisions of subsection (b) of Government Code Section 66006. The City Council shall review the information contained in said report at its next regularly scheduled public meeting, but not sooner than fifteen (15) days after the report is made available to the public. The scheduling of the hearing and notice thereof shall comply with the provisions of subsection (b) of Government Code Section 66006.

E. The City Council, by resolution, may revise the fees established by this chapter to reflect the findings made from its consideration of the annual report and to include additional public facility projects previously not foreseen as being needed, provided that all such revisions shall be consistent with the applicable financing plan, expenditure plan and/or nexus study referenced in subsection A of Section 16.85.040 of this chapter.

F. The report prepared by the City Manager and its review by the City Council, as well as any findings thereon, shall be subject to the provisions of subsection (d) of Government Code Section 66001, to the extent applicable.

16.85.190 California State Law.

The provisions of this chapter, and any resolution adopted pursuant hereto, shall at all times be subject and subordinate to the provisions of Title 5 (commencing with Section 66000), Division 1, of Title 7 of the Government Code, as the same presently exists or may hereafter be amended or renumbered from time to time, to the extent the same are applicable. In the event of any applicable conflict between the provisions of this chapter and the state law, the latter shall control.

SECTION 4. No Effect.

The payment and administration of the Measure A development impact fees levied pursuant to this chapter will not be in lieu of transportation fees paid and administered pursuant to Chapter 16.83, Chapter 16.81, and Chapter 16.84 of the Rancho Cordova Municipal Code for the Sunridge Specific Plan and Villages of Zinfandel Special Planning Area roadway fees, and City of Rancho Cordova transportation impact fees.

SECTION 5. Severability.

1. If any section, phrase, sentence, or other portion of this Ordinance for any reason is held or found to be invalid, void, unenforceable, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

2. If any fee established by this Ordinance for any reason is held or found to be invalid, void, unenforceable, or unconstitutional by a court of competent jurisdiction, such fee shall be deemed a separate, distinct and independent fee, and such holding shall not affect the validity of the remaining fees established by this Ordinance.

3. If any fee established by this Ordinance is held or found to be invalid, void, unenforceable or unconstitutional by a court of competent jurisdiction based upon an insufficient nexus to a specific public facility or property for which the revenue generated from such fee may be expended pursuant to Chapter 16.85 or any resolution adopted pursuant to said Chapter, said fee as it relates to such specific public facility or property shall be deemed a separate, distinct and independent fee, and such holding shall not affect the validity of the fee as it relates to other public facilities or property.

SECTION 6. Effective Date.

Within fifteen (15) days after adoption, a Summary of this Ordinance shall be published once in the Grapevine Independent, or the Sacramento Bee, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption, and pursuant to Government Code section 66017(a), the fees established hereby shall be effective 60 days after the adoption of this ordinance, but no sooner than April 1, 2009, which is the effective date established by STA for the Measure A development impact fees to be imposed by all of the jurisdictions within the County of Sacramento.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 20th day of January, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Skoglund, Mayor

ATTEST:

Mindy Cuppy, City Clerk

MEMORANDUM



DATE: January 20, 2009

TO: Honorable Mayor and Council Members

FROM: Cyrus Abhar, Public Works Director

SUBJECT: RESOLUTION DECLARING THE RESULTS OF MAIL BALLOT ELECTION FOR RANCHO CORDOVA TRANSIT-RELATED SERVICES SPECIAL TAX AREA ZONE 13 (3581 MATHER FIELD ROAD PROJECT)

RECOMMENDATION

Adopt Resolution No. 2-2009.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will declare the result of the transit-related services tax election concerning Transit-Related Services Special Tax Area Zone 13, which will assist the City in meeting the costs of providing City transit-related services by establishing a special tax for transit services for the 3581 Mather Field Road Project.

BACKGROUND

On November 7, 2005, the City Council approved Resolution No. 141-2005, which created the Rancho Cordova Transit-Related Services Special Tax Area and announced the City's intention to impose a transit-related services tax on new development within the City. Pursuant to that resolution, a property owner must approve a special tax on the parcel(s) within a subdivision as a condition of approval by the City. The City Council then adopts a resolution establishing a zone encompassing the subdivision, and an ordinance creating the special tax.

Finally, in order to go into effect, the ordinance must be approved by two-thirds of the affected property owners voting in a mail-ballot election to be held by the City. If the tax in Zone 13 is approved by at least two-thirds of the property owners voting, the tax will first be collected hereunder for the tax year beginning July 1, 2009.

Pending Elections

In accordance with this above-described process, the City recently adopted Resolution No. 128-2008 on November 17, 2008, which created Tax Zone 13, and Ordinance No. 22-2008, on December 1, 2008, which established the special tax for transit-related services subject to landowner-voter confirmation. A ballot was mailed out to the 3581 Mather Field Road property owner following approval of the Ordinance.

The ballot has been tabulated by the City Clerk and the Council should now announce the result of the elections:

"Special Tax Area Zone 13: 1 "yes" vote; 0 "no" vote

ATTACHMENT

Resolution No. 2-2009 declaring the result of mail ballot election regarding the special tax for transit services for Special Transit-Related Service Tax Area Zone 13.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 2-2009

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
DECLARING THE RESULTS OF THE ELECTION FOR
RANCHO CORDOVA TRANSIT-RELATED SERVICES SPECIAL TAX AREA ZONE 13**

WHEREAS, on November 7, 2005, the City Council adopted Resolution No. 141-2005 creating the Rancho Cordova Transit-Related Services Special Tax Area and indicating its intent to impose the tax on new development in the City; and

WHEREAS, on November 17, 2008, the City adopted Resolution No. 128-2008, creating Zone 13 within the Transit-Related Services Special Tax Area, and recognizing the need for increased transit-related services in Zone 13 and the difficulty of funding current or increased levels of such services with available revenues. Pursuant to Resolution No. 128-2008, the City Council directed the City Clerk to conduct a transit-related services tax election, to be conducted by mail ballot, pursuant to Elections Code section 4000; and

WHEREAS, the property owners within Zone 13 waived the timing requirements of Elections Code section 4000 in order to conduct the election on a date earlier provided under the Elections Code; and

WHEREAS, on December 1, 2008, the City adopted Ordinance No. 22-2008, which established a special tax for transit-related services in Zone 13, which is contiguous with the boundaries of the 3581 Mather Field Road site, subject to landowner-voter confirmation; and

WHEREAS, Ordinance No. 22-2008 takes effect immediately upon confirmation by two-thirds of the voters voting within the relevant zone, so that taxes will be first collected for the tax year beginning July 1, 2009; and

WHEREAS, ballots were sent to the landowner of Zone 13 (3581 Mather Field Road), which asked them a single question in the form of: "Shall Ordinance No. 22-2008 of the City Council of the City of Rancho Cordova be approved so as to authorize a special tax on property located in Zone 13 of the Rancho Cordova Transit-Related Services Special Tax Area to maintain the present level of transit-related services and provide additional funding for increased transit-related services?"; and

WHEREAS, the owners of the real property subject to the Transit-Related Services Special Tax Area Zone 13 have voted on the issue of whether to approve Ordinance No. 22-2008 and the City now wishes to declare the results of this transit-related services tax election for Zone 13.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF
RANCHO CORDOVA:**

1. The foregoing recitals are all true and correct.
2. The City Clerk has tabulated the transit-related services special tax ballots and the following are the responses to the question on the ballot asking whether the landowner approves of Ordinance No. 22-2008 authorizing a special tax in the portion of Transit-Related Services Special Tax Zone 13 that encompasses the landowner's property,

in order to maintain the present level of transit-related services and provide additional funding for increased transit-related services:

Special Tax Area Zone 13: 1 "yes"; 0 "no".

3. In accordance with Ordinance No. 22-2008, the transit-related services special tax for Zone 13 shall take effect immediately, so that taxes will first be collected hereunder for the tax year beginning July 1, 2009.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 20th day of January, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Skoglund, Mayor

ATTEST:

Mindy Cuppy, City Clerk

MEMORANDUM



DATE: January 20, 2009

TO: Honorable Mayor and Council Members

FROM: Cyrus Abhar, Public Works Director

SUBJECT: RESOLUTION DECLARING THE RESULTS OF MAIL BALLOT ELECTION FOR RANCHO CORDOVA TRANSIT-RELATED SERVICES SPECIAL TAX AREA ZONE 14 (ZINFANDEL AND SUNRISE PROJECT)

RECOMMENDATION

Adopt Resolution No. 3-2009.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will declare the result of the transit-related services tax election concerning Transit-Related Services Special Tax Area Zone 14, which will assist the City in meeting the costs of providing City transit-related services by establishing a special tax for transit services for the Zinfandel and Sunrise Project.

BACKGROUND

On November 7, 2005, the City Council approved Resolution No. 141-2005, which created the Rancho Cordova Transit-Related Services Special Tax Area and announced the City's intention to impose a transit-related services tax on new development within the City. Pursuant to that resolution, a property owner must approve a special tax on the parcel(s) within a subdivision as a condition of approval by the City. The City Council then adopts a resolution establishing a zone encompassing the subdivision, and an ordinance creating the special tax.

Finally, in order to go into effect, the ordinance must be approved by two-thirds of the affected property owners voting in a mail-ballot election to be held by the City. If the tax in Zone 14 is approved by at least two-thirds of the property owners voting, the tax will first be collected hereunder for the tax year beginning July 1, 2009.

Pending Elections

In accordance with this above-described process, the City recently adopted Resolution No. 133-2008 on December 1, 2008, which created Tax Zone 14, and Ordinance No. 25-2008, on December 15, 2008, which established the special tax for transit-related services subject to landowner-voter confirmation. A ballot was mailed out to the Zinfandel and Sunrise property owner following approval of the Ordinance.

The ballot has been tabulated by the City Clerk and the Council should now announce the result of the elections:

“Special Tax Area Zone 14: 1 “yes” vote; 0 “no” vote

ATTACHMENT

Resolution No. 3-2009 declaring the result of mail ballot election regarding the special tax for transit services for Special Transit-Related Service Tax Area Zone 14.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 3-2009

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
DECLARING THE RESULTS OF THE ELECTION FOR
RANCHO CORDOVA TRANSIT-RELATED SERVICES SPECIAL TAX AREA ZONE 14**

WHEREAS, on November 7, 2005, the City Council adopted Resolution No. 141-2005 creating the Rancho Cordova Transit-Related Services Special Tax Area and indicating its intent to impose the tax on new development in the City; and

WHEREAS, on December 1, 2008, the City adopted Resolution No. 133-2008, creating Zone 14 within the Transit-Related Services Special Tax Area, and recognizing the need for increased transit-related services in Zone 14 and the difficulty of funding current or increased levels of such services with available revenues. Pursuant to Resolution No. 133-2008, the City Council directed the City Clerk to conduct a transit-related services tax election, to be conducted by mail ballot, pursuant to Elections Code section 4000; and

WHEREAS, the property owners within Zone 14 waived the timing requirements of Elections Code section 4000 in order to conduct the election on a date earlier provided under the Elections Code; and

WHEREAS, on December 15, 2008, the City adopted Ordinance No. 25-2008, which established a special tax for transit-related services in Zone 14, which is contiguous with the boundaries of the Zinfandel and Sunrise site, subject to landowner-voter confirmation; and

WHEREAS, Ordinance No. 25-2008 takes effect immediately upon confirmation by two-thirds of the voters voting within the relevant zone, so that taxes will be first collected for the tax year beginning July 1, 2009; and

WHEREAS, ballots were sent to the landowner of Zone 14 (Zinfandel and Sunrise), which asked them a single question in the form of: "Shall Ordinance No. 25-2008 of the City Council of the City of Rancho Cordova be approved so as to authorize a special tax on property located in Zone 14 of the Rancho Cordova Transit-Related Services Special Tax Area to maintain the present level of transit-related services and provide additional funding for increased transit-related services?"; and

WHEREAS, the owners of the real property subject to the Transit-Related Services Special Tax Area Zone 14 have voted on the issue of whether to approve Ordinance No. 25-2008 and the City now wishes to declare the results of this transit-related services tax election for Zone 14.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF
RANCHO CORDOVA:**

1. The foregoing recitals are all true and correct.
2. The City Clerk has tabulated the transit-related services special tax ballots and the following are the responses to the question on the ballot asking whether the landowner approves of Ordinance No. 25-2008 authorizing a special tax in the portion of Transit-Related Services Special Tax Zone 14 that encompasses the landowner's property,

in order to maintain the present level of transit-related services and provide additional funding for increased transit-related services:

Special Tax Area Zone 14: 1 "yes"; 0 "no".

3. In accordance with Ordinance No. 25-2008, the transit-related services special tax for Zone 14 shall take effect immediately, so that taxes will first be collected hereunder for the tax year beginning July 1, 2009.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 20th day of January, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Skoglund, Mayor

ATTEST:

Mindy Cuppy, City Clerk

MEMORANDUM



DATE: January 20, 2009

TO: Honorable Mayor and Council Members

FROM: Cyrus Abhar, Public Works Director

SUBJECT: RESOLUTION NO. 6-2009 AWARD OF CONTRACT TO GOLD VALLEY CONSTRUCTION, INC. FOR CONSTRUCTION OF THE WHITE ROCK PEDESTRIAN AND SAFETY IMPROVEMENTS PROJECT

RECOMMENDATION

Adopt Resolution No. 6-2009.

RESULT OF RECOMMENDED ACTION

Adoption of Resolution No. 6-2009 will authorize the City Manager to execute a construction contract with Gold Valley Construction, Inc. in the amount of \$865,176.50 for construction of the White Rock Pedestrian and Safety Improvements Project.

Gold Valley Construction, Inc. will install sidewalk ramps and provide sealcoat and striping on White Rock Road, Mills Station Road and Mills Park Drive. Construction will begin Spring of 2009 upon City Council approval and will be completed in the Summer of 2009.

BACKGROUND

Bids were solicited to the Sacramento County, El Dorado County, and Placer County Builders Exchanges beginning October 31, 2008. The project was also advertised in The Grapevine Independent on October 31, November 7, and November 14, 2008. The bids were publicly opened on December 4, 2008 at 2729 Prospect Park Dr., Rancho Cordova 95670.

Nine (9) contractors bid on the project. The Engineer's estimate was \$1,100,000. The lowest responsive bid was \$865,176.50, the average bid was \$967,442.35, and the highest bid was \$1,099,721.15. The Bid Summary Sheet is provided in **Attachment 1**. The lowest bid is 21.3% lower than the engineer's estimate. This project is funded through a CBDG Grant and Gas Tax funds.

ATTACHMENTS

1. Bid Summary Sheet
2. Resolution No 6-2009 including Exhibit A – Bid Form

White Rock Pedestrian and Safety Project										
Rancho Cordova City Hall										
2729 Prospect Park Drive, Rancho Cordova, CA 95670										
December 4, 2008 - 3:00 P.M.										
	Contractor	Signed Proposal	Total Bid	Alternate Bid	Bidders Bond	Contractor's License	Non-Collusion	Designation of Subs	Experience Qualification	M/WBE Outreach log/Questionnaire
A	C & C Construction Inc.	X	\$820,545.50	\$143,959.50	X	X	X	X	X	X
B	JRS General Engineering	X	\$730,649.00	\$124,811.00	X	X	X	X	X	-
C	Martin brothers Construction	X	\$916,649.00	\$145,410.00	X	X	X	X	X	-
D	Gold Valley Construction	X	\$777,020.00	\$88,156.50	X	X	X	X	X	X
E	Sierra Nevada Construction Inc.	X	\$877,007.00	\$144,612.50	X	X	X	X	X	-
F	Martin General Engineering, Inc.	X	\$754,536.00	\$126,569.00	X	X	X	X	X	-
G	FBD Vanguard Construction, Inc.	X	\$783,526.50	\$121,495.00	X	X	X	X	X	-
H	Sposeto Engineering Inc.	X	\$931,876.00	\$120,437.50	X	X	X	X	X	-
I	Granite Construction Company	X	\$977,429.09	\$122,292.06	X	X	X	X	X	X
Attendees:										
Aimee Kellerman, Interim Deputy City Clerk										
Britton Snipes, Associate Civil Engineer										
Ben Chan, Assistant Engineer										
Travis Evans, Engineering Technician										
Aimee Kellerman										
Aimee Kellerman, Interim Deputy City Clerk										



CITY OF RANCHO CORDOVA

RESOLUTION NO. 6-2009

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE CITY MANAGER
TO EXECUTE A CONTRACT WITH GOLDEN VALLEY CONSTRUCTION, INC. FOR THE
CONSTRUCTION OF THE WHITE ROCK PEDESTRIAN AND SAFETY IMPROVEMENT
PROJECT**

WHEREAS, bids were solicited to the Sacramento County, El Dorado County, and Placer County Builders Exchange beginning October 31, 2008. The project was also advertised in The Grapevine Independent on October 31, November 7, and November 14, 2008; and

WHEREAS, the bids were publicly opened on December 4, 2008 at 2729 Prospect Park Dr., Rancho Cordova 95670; and

WHEREAS, the City recommends awarding the White Rock Pedestrian and Safety Improvement Project to the lowest responsive bidder, Gold Valley Construction, Inc., in the amount of \$777,020.00; and

WHEREAS, the City recommends awarding the Bid Alternate to provide additional sidewalk ramps along Evadna Drive for the amount of \$88,156.50.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF RANCHO CORDOVA that the City Council authorizes the City Manager to execute a construction contract with Gold Valley Construction, Inc. in the amount of \$865,176.50 in a form approved by the City Attorney. See **Exhibit A** Bid Form.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 20th day of January, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Skoglund, Mayor

ATTEST:

Mindy Cuppy, City Clerk

EXHIBIT A



CITY OF RANCHO CORDOVA

BID FORM

PROJECT NO.: CP09-2075

PROJECT NAME: WHITE ROCK PEDESTRIAN AND SAFETY PROJECT

SUBMIT BID TO:

City Clerk
City of Rancho Cordova
2729 Prospect Park Drive
Rancho Cordova, CA 95670

NO LATER THAN: **3:00 P.M.** DAY OF BID: ^{December 4,} ~~NOVEMBER 20,~~ 2008

BID OPENING:

3:10 P.M.
November 20, 2008
City of Rancho Cordova
2729 Prospect Park Drive
Rancho Cordova, CA 95670

*Acknowledgement of Addenda on page 13 of proposal
and attached to back.*

CITY OF RANCHO CORDOVA

PROJECT NO.: **CP09-2075**

PROJECT: **WHITE ROCK PEDESTRIAN AND SAFETY PROJECT**

TO: Public Works Director
City of Rancho Cordova
Rancho Cordova, California 95670

Name of Bidder: Gold Valley Construction, Inc.
Business Address: PO BOX 1535
City, State, Zip: Rocklin, CA 95677
Telephone No.: (916) 788-0150

The work for which this proposal is submitted is for construction in accordance with the special provisions (including the payment of not less than the minimum wage rates set forth therein) and contract annexed hereto, the project plans described below, and also in accordance with the California Department of Transportation Standard Plans and Specifications July 2002 edition using the English measurements and units in the 1992 edition and the Labor Surcharge and Equipment Rental Rates in effect on the date of work is accomplished; and the Sacramento County Public Works Agency, Improvement Standards, June 1, 1999 edition, and Standard Construction Specifications, January 2008 edition.

The Base Bid Total will be used to determine the lowest responsive bid.

Bids are to be submitted for the entire work. The amount of the bids for comparison purposes will be the total of all items.

The bidder shall set forth for each unit basis item of work an item price and a total for the item, and for each lump sum item a total for the item, all in clearly legible figures in the respective spaces provided for the this purposes. In the case of unit basis items, the amount set forth under the "Total" column shall be the extension of the item price bid on the basis of the estimated quantity for the item.

If the proposal shall be accepted and the undersigned shall fail to enter into the contract and furnish the two (2) bonds in the sums required by this contract, with surety satisfactory to the City of Rancho Cordova within ten (10) days, not including Sundays and Legal Holidays, after the bidder has received notice from the City that the contract has been awarded, the City may, at its option, determine that the bidder has abandoned the contract, and thereupon this proposal and the acceptance thereof shall be null and void and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of Rancho Cordova.

The undersigned, as bidder, declares that the only persons or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other

person, firm, or corporation; that the bidder has carefully examined the location of the proposed work, the attached proposed form of contract, and the plans therein referred to; and that the bidder proposed, and agrees if this proposal is accepted, that he/she will contract with the City of Rancho Cordova, in the form of the copy of the contract attached hereto, to provide all necessary machinery, tools, apparatus and other means of construction, and to do all the work and furnish all the materials specified in the contract, in the manner and time therein prescribed, and according to the requirements of the Engineer as therein set forth, and that the bidder will take in full payment therefore the following item prices to wit:

Note: For this proposal to be considered complete and responsive the bidder must complete all of the documents and certificates on pages P-1 through P-9 and the bidder must properly execute the proposal as required on page 10.

CONTRACTOR: Gold Valley Construction,
Inc.

BID SCHEDULE
WHITE ROCK PEDESTRIAN SAFETY PROJECT

The following quantities are approximate only and are given for the purpose of comparing proposals. The City does not expressly or by implication agree that the actual amount of work will correspond with quantities given herein, but reserves the right to increase or decrease the amount of any class or portion of the work as may be deemed necessary or advisable by the Director of Public Works. Payment will be based upon the actual quantities installed or constructed, unless otherwise specified.

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT COST	ITEM TOTAL
1	Traffic Control Plan	1	LS	—	25,000 ⁻
2	Storm Water Pollution Control Plan	1	LS	—	8,500 ⁻
3	Portable Changeable Message Sign(s)	1	LS	—	10,000 ⁻
4	Clearing and Grubbing	1	LS	—	38,400 ⁻
5	Roadway Excavation	250	CY	35 ⁻	8,750 ⁻
6	Unsuitable Material, Excavation & Backfill	250	CY	45 ⁻	11,250 ⁻
7	Class 2 Aggregate Base	745	TONS	25 ⁻	18,625 ⁻
8	Type A Asphalt Concrete	410	TONS	167 ⁻	68,470 ⁻
9	Skin Patch Type A Asphalt	500	TONS	167 ⁻	83,500 ⁻
10	Minor Pavement Reconstruction	250	CY	250 ⁻	62,500 ⁻
11	Asphalt Rubber Chip Seal	32,450	SQ YD.	3.78	122,661 ⁻
12	Type II Slurry Seal (Cape Seal)	32,450	SQ YD.	1.75	56,787.50
13	Remove and Replace Type 1 A PCC Curb and Gutter	2,040	LF	27.50	56,100 ⁻
14	Remove and Replace Type 2 PCC Curb and Gutter	40	LF	25 ⁻	1,000 ⁻
15	Remove Existing Sidewalk & Construct PCC Sidewalks & Sidewalk Ramps	9,420	SF	5.50	51,810 ⁻
16	Detectable Warning Surface	44	EA	290 ⁻	12,760 ⁻
17	Adjust Manhole Frame & Cover to Grade	19	EA	500 ⁻	9,500 ⁻
18	Remove Storm Drain Inlet	10	EA	250 ⁻	2,500 ⁻
19	Type B Storm Drain Inlet	10	EA	950 ⁻	9,500 ⁻
20	Storm Drain Manhole	2	EA	4,500 ⁻	9,000 ⁻

**BID SCHEDULE
WHITE ROCK PEDESTRIAN SAFETY PROJECT**

21	Abandon Existing Storm Drain Inlet Lateral	10	EA	<u>150-</u>	<u>1,500-</u>
22	12" RCP CL 3 Storm Drain Inlet Lateral	460	LF	<u>125-</u>	<u>57,500-</u>
23	Repair Existing Storm Drain Manhole	6	EA	<u>800-</u>	<u>4,800-</u>
24	Adjust Water Valve Box to Grade	7	EA	<u>200-</u>	<u>1,400-</u>
25	Construct Monument Well to Grade	18	EA	<u>425-</u>	<u>7,650-</u>
26	Landscape Drain Inlet	1	EA	<u>250-</u>	<u>250-</u>
27	Type 1 Striping	5,320	LF	<u>.32</u>	<u>1,702.40</u>
28	Type 22 Striping	750	LF	<u>1.60</u>	<u>1,200-</u>
29	Type 27B Striping	5,140	LF	<u>.52</u>	<u>2,672.80</u>
30	Type 38 Striping	100	LF	<u>2.10</u>	<u>210-</u>
31	Type 39 / 39A Striping	11,370	LF	<u>.69</u>	<u>7,845.30</u>
32	Limit Line and Crosswalk Striping	1,340	LF	<u>1.90</u>	<u>2,546-</u>
33	Pavement Marking	1,250	SF	<u>3-</u>	<u>3,750-</u>
34	Signal Modification at Mather Field & Mills Station	1	LS	<u>—</u>	<u>3,700-</u>
35	Concrete Unit Pavers	1,140	SF	<u>12-</u>	<u>13,680-</u>

Total Bid 777,020-
(Figures)

TOTAL BID Seven Hundred Seventy Seven Thousand Twenty & 00/100
Written

CONTRACTOR'S SIGNATURE _____

CONTRACTOR'S NAME (PRINTED) _____

Tom Lamson
Gold Valley Construction, Inc.

**BID SCHEDULE
WHITE ROCK PEDESTRIAN SAFETY PROJECT**

**ALTERNATE BID ITEMS
EVADNA DRIVE AND MILLS TOWER DRIVE
SIDEWALK RAMP AND DRAINAGE IMPROVEMENTS**

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT COST	ITEM TOTAL
1	Clearing and Grubbing	1	LS	—	4,000 ⁻
2	Class 2 Aggregate Base	75	TONS	25 ⁻	1,875 ⁻
3	Type A Asphalt Concrete	40	TONS	167 ⁻	6,680 ⁻
4	Type II Slurry Seal	235	SY	2.40	564 ⁻
5	Remove and Replace Type 1A PCC Curb and Gutter	525	LF	27.50	14,437.50
6	Remove Existing Sidewalk & Construct PCC Sidewalks & Sidewalk Ramps	2100	SF	5.50	11,550 ⁻
7	Detectable Warning Surface	14	EA	300 ⁻	4,200 ⁻
8	Remove Storm Drain Inlet	6	EA	250 ⁻	1,500 ⁻
9	Type B Storm Drain Inlet	6	EA	950 ⁻	5,700 ⁻
10	Abandon Existing Storm Drain Inlet Lateral	6	EA	150 ⁻	900 ⁻
11	12" RCP CL 3 Storm Drain Lateral	270	LF	125 ⁻	33,750 ⁻
12	Repair Existing Storm Drain Manhole	3	EA	1,000 ⁻	3,000 ⁻
Total Alternate Bid					88,156.50 (Figures)

TOTAL ALTERNATE BID Eighty Eight Thousand One Hundred Fifty Six and 50/100 ^{Written}

CONTRACTOR'S SIGNATURE _____

CONTRACTOR'S NAME (PRINTED) _____

Tom Lamson
Gold Valley Construction, Inc.

CITY OF RANCHO CORDOVA

BIDDER'S BOND

KNOW ALL MEN/WOMEN BY THESE PRESENTS,

THAT we, Gold Valley Construction, Inc.

_____, as Principal, and

Safeco Insurance Company of America

as Surety, are held and firmly bound unto the City of Rancho Cordova, hereinafter called CITY, in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the City of Rancho Cordova, for the work described below, for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, administrators, and executors and successors, jointly and severally, firmly by these presents. In no case shall the liability of the Surety hereunder exceed the sum of \$ Ten percent of total amount bid 10%--

THE CONDITION OF THIS OBLIGATION IS SUCH THAT,

WHEREAS, the Principal has submitted the above-mentioned bid to the City of Rancho Cordova, for certain construction specifically described as follows, for which bids are to be opened at Rancho Cordova, California, on November 20, 2008, for the work to be done consist, in general, the installation of asphalt rubber chip seal, the placement of CalTrans Type II Slurry Seal, the removal and replacement of curb, gutter and sidewalk improvements, the installation of sidewalk ramps, storm drainage inlets, storm drain pipes and thermoplastic pavement striping, minor traffic signal improvements and asphalt pavement patching and leveling; and all other works as shown on the contract document.

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and within the time and manner required under the Specifications, after the prescribed forms are presented to him/her for signature, enters into a written contract, in the prescribed form, in accordance with the bid, and files the two bonds with the City of Rancho Cordova, one to guarantee faithful performance and the other to guarantee payment for labor and materials, as required by law and in all other aspects perform the agreement and obligations created by the acceptance of the Bid, then this obligation shall be null and void; otherwise, it shall be and remain in full force and virtue.

In the event suit is brought upon this bond by the Obligor and judgment is recovered, the Surety shall pay all costs incurred by the Obligor in such suit including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 18th day of
November, 2008.

Gold Valley Construction, Inc.

Principal

By:


Signature

Tom Lamson
Print or Type

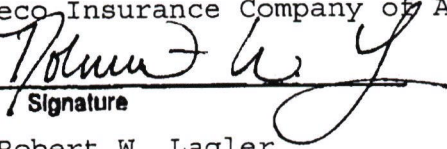
Title:

Secretary Treasurer

Safeco Insurance Company of America

Surety

By:


Signature

Robert W. Lagler

Print or Type

Title: Attorney-In-Fact

Address: 16505 SW 72nd Ave. Bldg. F
Portland, OR 97224

NOTES:

1. Signature of those executing for the Surety must be properly acknowledged.
2. The bid bonds for the three acceptable lowest bidders shall be retained until the City Council has accepted the successful bidder. All other bid bonds shall be returned to the bidder five (5) working days after bid opening.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of Washington

County of Clark

On 11/18/08 before me, Bonnie M. Riddle, a notary public
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Thomas Lamson
NAME(S) OF SIGNER(S)

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Bonnie M. Riddle
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

- ☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(ES)

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE



POWER
OF ATTORNEY

Safeco Insurance Company of America
General Insurance Company of America
Safeco Plaza
Seattle, WA 98185

No. 12669

KNOW ALL BY THESE PRESENTS:

That **SAFECO INSURANCE COMPANY OF AMERICA** and **GENERAL INSURANCE COMPANY OF AMERICA**, each a Washington corporation, does each hereby appoint

*****ROBERT W. LAGLER; BONNIE RIDDLE; Vancouver, Washington*****

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, **SAFECO INSURANCE COMPANY OF AMERICA** and **GENERAL INSURANCE COMPANY OF AMERICA** have each executed and attested these presents

this 13th day of November, 2008

Edmund C. Kenealy, Secretary

Timothy A. Mikolajewski, Vice President

CERTIFICATE

Extract from the By-Laws of **SAFECO INSURANCE COMPANY OF AMERICA**
and of **GENERAL INSURANCE COMPANY OF AMERICA**:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of **SAFECO INSURANCE COMPANY OF AMERICA**
and of **GENERAL INSURANCE COMPANY OF AMERICA** adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
 - (ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
 - (iii) Certifying that said power-of-attorney appointment is in full force and effect,
- the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, Edmund C. Kenealy, Secretary of **SAFECO INSURANCE COMPANY OF AMERICA** and of **GENERAL INSURANCE COMPANY OF AMERICA**, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 18TH day of NOVEMBER, 2008



Edmund C. Kenealy, Secretary

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CITY OF RANCHO CORDOVA

NON-COLLUSION AFFIDAVIT

STATE OF WASHINGTON)

COUNTY OF CLARK)

Thomas Lamson, being first duly sworn, deposes and says that he or she is Secretary/Treasurer
Gold Valley Construction, Inc. the party making the foregoing bid that the bid is not made in the interest
Roseville, CA of, or on behalf of, any undisclosed person, partnership, company, association, organization, or
corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or
indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly
or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a
sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner,
directly or indirectly, sought by agreement, communication, or conference with anyone to fix bid
price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid
price, or of that of any other bidder, or to secure any advantage against the public body
awarding the contract of anyone interested in the proposed contract; that all statements
contained in the bid are true; and, further, that the bidder has not, directly or indirectly,
submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged
information or data relative thereto, or paid, and will not pay, any fee to any corporation,
partnership, company association, organization, bid depository, or to any member or agent
thereof to effectuate a collusive or sham bid

Gold Valley Construction, Inc.

Contractor's Name (Printed)

November 18, 2008

Date



Bidder's Signature
(same signature as on Bid Proposal)

Thomas Lamson

Bidder's Name (Printed)

Secretary/Treasurer

Bidder's Title

Subscribed and sworn to before me

this 18th day of November, 2008.

Signature of Notary Public

Bonnie M. Riddle



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of Washington

County of Clark

On 11/18/08

DATE

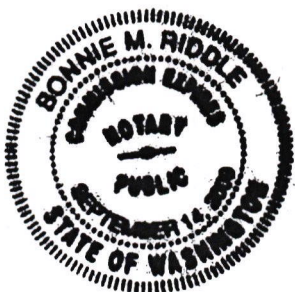
before me, Bonnie M. Riddle, a notary public

NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Robert W. Lagler

NAME(S) OF SIGNER(S)

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Bonnie M. Riddle

SIGNATURE OF NOTARY

OPTIONAL

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CITY OF RANCHO CORDOVA

CONTRACTORS LICENSE FORM

PROJECT NO. CP09-2075

PROJECT: WHITE ROCK PEDESTRIAN AND SAFETY PROJECT

Any person or entity submitting a bid on this project to engage in the business or act in the capacity of a contractor shall be licensed as a contractor in accordance with the provisions of Division 3, Chapter 9 of the California Business and Professions Code. A bid submitted to the City by a contractor who is not licensed as set forth above shall be considered non-responsive and shall be rejected by the City.

Before awarding the contract for this project, the City must verify that the contractor was properly licensed when the contractor submitted his/her bid on this project. In order for the City to verify the license status of a contractor, the contractor, at the time he/she submits his/her bid for the project, shall provide in writing to the City his/her contractor's license number, name on the license, classification, and expiration date of the license.

In all contracts where federal funds are involved, no bid submitted to the City shall be invalidated by the failure of the bidder to be licensed in accordance with the laws of this state. However, at the time the contract is awarded, the contractor shall be properly licensed in accordance with the laws of this state. The first payment for work or material under any contract shall not be made unless and until the Registrar of Contractors verifies to the City that the records of the Contractors' State License Board indicate that the contractor was properly licensed at the time the contract was awarded. Any bidder or contractor not so licensed shall be subject to all legal penalties imposed by law, including, but not limited to, any appropriate disciplinary action by the Contractors' State License Board. Failure of the bidder to obtain proper and adequate licensing for an award of a contract shall constitute a failure to execute the contract and shall result in the forfeiture of the security of the bidder.

CERTIFICATION

In accordance with the Business and Professions Code, we do hereby, under Penalty of Perjury, certify that the following contractor's license information is true and correct.

Contractor's License No. 795031 Expiration Date: 5/31/09

Contractor's Classification: A, B, C-8

Gold Valley Construction, Inc.
Contractor's Name (Printed)


Bidder's Signature
(same signature as on Bid Proposal)

11/20/08
Date

Tom Lamson
Bidder's Name (Printed)

Secretary / Treasurer
Bidder's Title

City of Rancho Cordova Business License Number: Will determine if I am bidder

CITY OF RANCHO CORDOVA

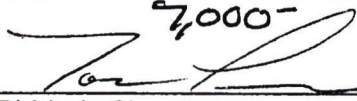
DESIGNATION OF SUBCONTRACTORS

In compliance with the provisions of Section 4100-4114 of the Public Contracts Code of the State of California, and any amendments thereof, each Bidder shall set forth below the name and location of the place of business of each Subcontractor who will perform work or labor or render service to the Contractor in or about the construction of the work or improvement to be performed under these specifications in excess of one-half of one percent (0.5%) of the prime Contractor's total bid or ten thousand dollars (\$10,000.00) whichever is greater. The prime Contractor shall list the portion of the work which will be done by such Subcontractor.

If the Contractor fails to specify a Subcontractor for any portion of the work to be performed under the Contract, the Contractor shall be deemed to have agreed to perform such portion itself, and the Contractor shall not be permitted to subcontract that portion of the work except under the conditions allowed by applicable law.

SUBCONTRACTOR (Name & Location)	PORTION OF WORK	ESTIMATED DOLLAR AMOUNT
Gray Electric Grass Valley, Ca	Electrical	3,450 ⁻
Chrisp Fremont Ca	striping	33,204 ⁻
Bond Blacktop Inc Union City, Ca	Asphalt, slurry Rubber chip	170,687 ⁻
Sierra Natural Asphalt Sacramento, Ca	tack Coat	145,600 ⁻
Bar west Safety Lodi, Ca	Const. area Signs	5,900 ⁻

Center Point Eng Survey
Roseville,
Gold Valley Construction, Inc.
Contractor's Name (Printed)


Bidder's Signature
(same signature as on Bid Proposal)

11/20/08
Date

Tom Lamson
Bidder's Name (Printed)

Secretary/Treasurer
Bidder's Title

CITY OF RANCHO CORDOVA

EXPERIENCE/QUALIFICATIONS STATEMENT

The Bidder has been engaged in the contracting business, under the present business name for 9+ years. Experience in work of a nature similar to that covered in the proposal extends over a period of 25+ years.

The Bidder, as a Contractor, has never failed to satisfactorily complete a Contract awarded to it, except as follows:

The following contracts have been satisfactorily completed in the last three (3) years for the persons, firm or authority indicated, and to whom reference is made:

Year	Type of Work	Contract Amount	Owner/Agency for Whom Work was Performed
2008	Folsom Blvd / Mather field Road Improvements	3,541,675 ²⁶	City of Rancho Cordova - Alberts
2007	Southland Park Re Reconstruction	975,984 ⁴⁵	City of Sac
2006	29th St Remod.	944,555 ⁰⁰	City of Sac

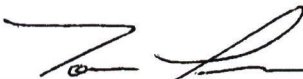
The following is a list of plant and equipment owned by the Bidder, which is definitely available for use on the proposed work as required.

Quantity	Name, Type and Capacity	Condition	Location
	See attached		
	Pages		

COPY AND ATTACH ADDITIONAL SHEETS AS NECESSARY

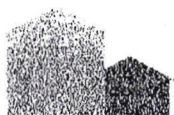
Gold Valley Construction, Inc.
Contractor's Name (Printed)

11/20/08
Date


Bidder's Signature
(same signature as on Bid Proposal)

Tom Lamson
Bidder's Name (Printed)

Secretary / Treasurer
Bidder's Title (Printed)



Gold Valley Construction, Inc.

Equipment List

07/08/08

Equipment List

Equip#	Description	Short Name	Status	Hours	Miles
1	Roller & Trailer	Roller/Trailer	Sold		
2	1990 GMC Truck	1990 GMC Truck	Sold		
3	1981 Flatbed Dumptruck	Flatbed Dump Tr	Out of Service		
4	SKIP LOADER 210LE JOHN	SKIP LOADER 210	Available		
5	ROLLER BOMAG	ROLLER BOMAG	Available		
6	CURB MACHINE-GOMACO I	CURB MACHINE	Available		
7	04 F450 0649	04 F450 0649	Available		
8	02 F250 7029	02 F250	Available		
9	04 F550 2302	04 F550	Available		
10	00 F550	00 F550	Available		
11	BACKHOE 310	BACKHOE 310	Available		
12	SWEEPER/GRAPPLE	SWEEPER/GRAPP	Available		
13	2003 Best Trailer	S130 Best Trail	Available		
14	BOBCAT 873	BOBCAT 873	Available		
15	03 F350 5868	03F350 5868WHT	Sold		
16	03 F350 5657	03 F350 5657	Out of Service		
17	TOW BEHIND COMPRESSO	COMPRESSOR	Available		
18	WATER TANK TRAILER #2	WTR TANK TRLR	Available		
19	CURB MACHINE SHOE	CURB SHOE	Available		
20	WALK BEHIND COMPACTO	COMPACTOR	Available		
21	BobcatSkid LdrS300H LoweT	Bobcat Skid Ldr	Available		
22	Arrow Board Solar Wanco #1	Arrow Board #1	Available		
23	Arrow Board Solar Wanco #2	Arrow Board #2	Available		
24	Water Tank Trailer	Water Tank Trl	Available		
25	Whisper Wall 7000 Generato	Generator	Available		
26	Stanley Breaker for Bobcat	Stanley Breaker	Available		
27	Saw Cutter	Saw Cutter	Available		
28	Pac West Trailer	Pac West Traile	Available		
29	Bobcat Trailer (Zeiman)	Bobcat Trailer	Available		
30	3 Honda Pumps	3 Honda Pumps	Available		
31	Javelin Laser	Javelin	Available		
32	Compaction Wheel	Compaction Whee	Available		
33	2000 FordF250 3/4 TN	FordF250 3/4 TN	Available		
34	V Bucket	V Bucket	Available		
35	06 F150 2018 Crew Cab (To	Ford F150 2006	Available		
36	Ditch Witch Trencher	Ditch Witch	Available		
37	Water Truck 2001	6665/12	Available		

Equipment List

07/08/08

Continued...

Equip#	Description	Short Name	Status	Hours	Miles
38	Excavator-Hitachi-200LC-5	Excavator-Hitac	Available		
39	72"Ditching Bucket	72"DitchingBkt	Available		
40	Equipment CPA #4	Equipment CPA#4	Available		
41	Equipment CPA#5	Equipment CPA#5	Available		
42	Equipment CPA#16	Equipment CPA16	Available		
43	24" Bucket for Excavator	24" Bucket	Available		
44	2000 Kenworth T800B T/A Tr	2000 Kenworth	Available		
45	2000 Wesco Transfer Trailer	2000 Wesco Trlr	Available		
46	Trail King Equipment Trailer	Trail King Trlr	Available		
47	Magnum Light Tower Trlr#01	MagLgtTwr010030	Available		
48	Magnum Light Tower Trlr#01	MagLgtTwr010021	Available		
49	Magnum Light Tower Trlr#01	MagLgtTwr010011	Available		
50	Tiller 13HP	Tiller 13HP	Available		
51	Landscape Maint trailer- Pac	Landscape	Available		
52	07 Ford Ranger	07 Ford Ranger	Available		
53	01 Intl Flatbed Dump Truck	01 Intl Flatbed	Available		
54	Lazer Mower 60"	Lazer Mower 60'	Available		
55	Caterpillar 140H Motor Grade	Cat 140H	Available		
56	T190 Bocat	T190 Bocat	Available		
57	2006 Best Trlr 16'	2006 Best Trlr	Available		
58	Auger 15C & Bits	Auger 15C	Available		
59	72" Industrial Bucket Grapple	72" Bucket	Available		
60	Lowe Trencher X14	Lowe Trencher	Available		
61	08 F250 6609	F250 Ford 2008	Available		
62	Wanco Arrow Board Trailer #	Arrow Board Trl	Available		
63	Wanco Arrow Board Trailer #	Arrow Board Trl	Available		
64	Storage/Office Container	Storage Contain	Available		
65	1999 Ditch Witch Trencher	Ditch Witch 99	Available		
66	2000 Chevy 3500 Flatbed	00Chevy Flatbed	Available		87,031.00
67	1995 Chevy 3500HD Flatbed	95Chevy Flatbed	Available		
68	1997 Chevy 3500HD Flatbed	97Chevy Flatbed	Available		
69	2001 Ford F150XLT Extende	2001 Ford F150X	Available		152,090.00
70	1999 Ford F250XL Super Dut	1999 Ford F250X	Available		
71	2001 GMC Sonoma Ext Cab	2001 GMC Sonoma	Available		
72	FT300B Trencher	FT300B Trencher	Available		
73	Hydraulic Excavator Komatsu	Komatsu Hyd Exc	Available		
74	F350XL Ford Flatbed	F350XL Ford	Available		
75	4Stroke 3HP Compaction Ra	4Stroke 3HP Ram	Available		
76	Lumber Trailer	Lumber Trailer	Available		
77	05 John Deere 210LE Skip L	05 John Deere	Available		
78	00 Ingersoll-Rand Drum Roll	00 Drum Roller	Available		
79	00 Ford F650XL Dump Truck	00 Ford F650XL	Available		
80	99 Maxey Vacuum Trailer	99 Vacuum Trlr	Available		
81	Scraper Cat615 Elevating Mo	Scraper Cat615	Available		

Equipment List

07/08/08

Continued...

Equip#	Description	Short Name	Status	Hours	Miles
82	S130 Bobcat	S130 Bobcat	Available		
83	GPS Base/Rover Kit	GPS Base/Rover	Available		
84	07 Tier III 84" Roller	07 Tier III 84'	Available		
85	Lockwood Windrower	Windrower	Available		
86	06 F250 Ford (used)	06 F250 Ford	Available		46,113.00
500	Undefined	Undefined	Available		

Accompanying this proposal is Bidder's Bond
(Insert the words "CASH (\$ _____)," "CASHIER'S CHECK," or "BIDDER'S BOND," as the case may be.) in amount equal to at least ten percent (10%) of the total bid.

The names of all persons interested in the foregoing proposal as principals are as follows:

IMPORTANT NOTICE: If bidder or other interested person is a corporation, state legal name of corporation, also names of the president, secretary, treasurer, and manager thereof; if a co-partnership, state true name of firm, also names of all individual co-partners composing the firm; if bidder or other interested person is an individual, state first and last names in full.

Licensed in accordance with an act providing for the registration of Contractors License No. 795031.

By my signature on this proposal I certify, under the Penalty of Perjury, that the foregoing Non-collusion affidavit and Contractor's License Certification along with all other statements in this proposal are true and correct.

Date: 11/20/08

Gold Valley Const Inc

Tom Lamson

[Signature]
Signature(s) of Bidder

Business Address: PO Box 1535

Place of Business: Rocklin, CA 95677

Place of Residence: _____

* acknowledgement of Addenda #1 11/17/08 and
Notice to Bidders #1 11/19/08 - attached on back of
proposal.

MEMORANDUM



DATE: January 20, 2009

TO: Honorable Mayor and Council Members

FROM: Adam U. Lindgren, City Attorney

SUBJECT: REPORT DESCRIBING THE MEASURES TAKEN TO ALLEVIATE THE CONDITIONS WHICH LED TO THE ADOPTION OF A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF NEW SEXUALLY ORIENTED BUSINESSES AND THE EXPANSION OF EXISTING SEXUALLY ORIENTED BUSINESSES PENDING THE REVIEW AND AMENDMENT OF ZONING REGULATIONS APPLICABLE TO SEXUALLY ORIENTED BUSINESSES

RECOMMENDATION

Receive Report.

RESULT OF RECOMMENDED ACTION

This Report describes the measures taken to alleviate the conditions which led to the adoption of a temporary moratorium on the establishment of new, and expansion of existing, sexually oriented businesses pending the review and amendment of zoning regulations. This report complies with the requirements of Govt. Code § 65858(d).

BACKGROUND

On February 5, 2007, the City Council adopted Ordinance No. 5-2007 (**Attachment 1**) imposing a 45-day moratorium on the establishment and expansion of sexually oriented businesses in the City. This moratorium was extended for a period of 10 months and 15 days on March 19, 2007, pursuant to Ordinance No. 8-2007 (**Attachment 2**).

Subsequently, on January 22, 2008, the City Council adopted Ordinance 4-2008 (**Attachment 3**) extending the moratorium for an additional year. The moratorium will expire on January 22, 2009.

City Activities

Since the City's prior extension of the moratorium on January 22, 2008, City staff has continued to undertake the process of updating the Zoning Code. The update is scheduled to be adopted and in effect in the first quarter of 2009. The City Attorney's office has kept in communication with representatives of local sexually oriented businesses and continued discussions of potential regulations. Staff continued to

analyze the impacts of the Zoning Code update on existing sexually oriented businesses and possible new zoning regulations regarding sexually oriented businesses.

The moratorium period allowed staff to continue the preparation of the Zoning Code update. As a result, staff has incorporated new zoning provisions into the Zoning Code update. Staff considered impacts and possible regulations dealing with sexually oriented businesses.

This report constitutes the written report required by Govt. Code § 65858(d) for the expiration of an interim moratorium.

ATTACHMENTS

1. Ordinance No. 5-2007
2. Extension Ordinance No. 8-2007
3. Extension Ordinance No. 4-2008

CITY OF RANCHO CORDOVA

ORDINANCE NO. 05-2007

AN URGENCY ORDINANCE OF THE CITY OF RANCHO CORDOVA AMENDING RANCHO CORDOVA ZONING CODE SECTION 325-51, AND MAKING FINDINGS AND ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF NEW SEXUALLY ORIENTED BUSINESSES AND THE EXPANSION OF EXISTING SEXUALLY ORIENTED BUSINESSES PENDING THE REVIEW AND AMENDMENT OF ZONING REGULATIONS APPLICABLE TO SEXUALLY ORIENTED BUSINESSES, TO BECOME EFFECTIVE IMMEDIATELY

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:

Section 1. Findings

A. In order to protect the community from the harmful and well documented secondary effects associated with sexually oriented businesses, the location, operation, and concentration of sexually oriented businesses are regulated pursuant to Section 325-51 of the Rancho Cordova Zoning Code; and

B. The City Council finds that, based upon the experiences of other communities such as Renton, Washington, Seattle, Washington, and the County of Sacramento, the harmful secondary impacts of sexually oriented businesses include, among other things, increased crime and decreasing property values; and

C. The City Council finds that the County of Sacramento ("County"), pursuant to Section 325-50, "Purpose and Intent," originally drafted and adopted Section 325-51 in order to protect the community from the harmful secondary effects associated with sexually oriented businesses, while at the same time making sure that such regulations did not unreasonably limit alternative avenues of communication, and were based upon narrow, objective and definite land use standards; and

D. The City Council declares that such purpose and intent remains the purpose and intent of the City; and

E. On January 2, 2007, the City Council authorized and directed City staff to undertake a comprehensive update of the City's Zoning Code, which is expected to result in significant modifications to the Zoning Code, including those provisions providing for the regulation of sexually oriented businesses; and

F. The City has adopted two prior moratoriums on the establishment and expansion of sexually oriented businesses in the City. The first was carried out in order to study the viability of the City's continued use of the Sacramento County Code with respect to the regulation of sexually oriented businesses following the City's incorporation on July 1, 2003. The second moratorium was carried out in order to allow the City to complete the adoption of its General Plan and to confer with local business owners regarding potential new regulations for sexually oriented businesses. The second moratorium ended on January 17, 2007; and

G. The City Council finds that the update of the Zoning Code will likely result in significant changes to the City's land use regulations, including those having a direct or indirect

impact on sexually oriented businesses. As a result, the City Council finds that the decision to undertake a comprehensive zoning update constitutes a new set of circumstances pursuant to California Government Code section 65858 justifying the adoption of a new moratorium; and

H. The City Council finds that absent the adoption of a moratorium, the process of updating the City's Zoning Code, coupled with already existing confusion about the proper application of Zoning Code Sections 325-50 and 325-51, may result in confusion as to applicable regulatory standards and the failure to properly apply such standards, which could cause the City to approve the establishment of sexually oriented businesses not intended by Zoning Code Sections 325-50 and 325-51, which in turn would result in an increase in the harmful secondary effects identified above; and

I. The failure to properly apply zoning regulations affecting sexually oriented businesses might also result in an illegal infringement upon constitutionally protected rights associated with sexually oriented activities; and

J. The City Council finds that until the City has had sufficient opportunity to undertake its update of the City's Zoning Code questions about the adequacy of the City's sexually oriented business standards to protect the public health, safety and welfare will remain; and

K. Government Code Section 65858 authorizes the adoption of an urgency ordinance to prohibit uses of land which may conflict with a contemplated general plan, specific plan or zoning proposal which the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable period of time; and

L. The City Council declares that the findings discussed above establish that a current and immediate threat to the public health, safety and welfare exists and that a new temporary moratorium on the issuance of permits, business licenses or other applicable entitlements providing for the establishment of new sexually oriented businesses or for the expansion of existing sexually oriented businesses is necessary pending completion of the City's update of the Zoning Code; and

M. The City Council also finds that, based upon the above findings, the temporary modification to Zoning Code Section 325-51 to temporarily prohibit the issuance of permits, business licenses or other applicable entitlements providing for the establishment of new sexually oriented businesses or for the expansion of existing sexually oriented businesses prior to the completion of the City's Zoning Code update is necessary for the immediate preservation of the public health, safety and welfare.

Section 2. Temporary Modification of Zoning Code Section 325-51 and Imposition of Moratorium

A. Rancho Cordova Zoning Code Section 325-51 is hereby amended to read as following.

"325-51. Conditions

A. The zoning conditions set forth in subsection (B) for sexually oriented businesses were drafted and adopted by the County of Sacramento and were adopted by reference by the City of Rancho Cordova. The City, however, has determined that confusion exists over the application of numerical standards in this section and that the existence of such confusion could cause the City to approve sexually oriented businesses not intended by this section. The City is

also undertaking a comprehensive update of its Zoning Code, which includes this Section 325-51. Therefore, notwithstanding the zoning conditions set forth in subsection (B), for a period of 45 days beginning February 5, 2007, no new sexually oriented businesses shall be permitted within the City, nor shall any permits or other entitlements be granted for the expansion of any existing sexually oriented business. This temporary modification shall not prohibit the renewal of a business license for an existing sexually oriented business in the City.

B. Sexually oriented businesses are permitted subject to compliance with all of the following conditions:

(a) Such use is more than one thousand (1,000) feet from any property zoned for a land use zone listed in Section 201.01, or regulated by Title V of this Code.

(b) Such use is situated more than one thousand (1,000) feet from any other sexually oriented business.

(c) Such use is located more than one thousand (1,000) feet from any of the following uses:

(1) Single family, duplex or multi-family residences;

(2) Clinic, child-family guidance;

(3) Library;

(4) Public park;

(5) Church;

(6) Citizens improvement club-community center;

(7) Public or private K-12 school;

(8) Indoor or outdoor recreation facilities that are primarily designed to serve persons under the age of 18.

(d) The one thousand (1,000) foot separation shall be measured as a radius from the primary entrance of the sexually oriented business to the property lines of the property so zoned or used.

(e) No more than three (3) such uses shall be permitted within the boundary of a planning area for a community planning advisory council established by the Board of Supervisors pursuant to Chapter 2.36 of the Sacramento County Code.

(f) Such use is situated in either a M-1 or M-2 land use zone."

B. In accordance with the authority granted the City of Rancho Cordova under Government Code Section 36937, Rancho Cordova Zoning Code Section 325-51 is being temporarily modified to prohibit the approval or issuance of any use permit, variance, building permit, or any other applicable entitlement for use, including but not limited to the issuance of a business license, for the operation of a new sexually oriented business or the expansion of an existing sexually oriented business for a period of 45 days. This temporary modification shall not

prohibit the renewal of a business license for an existing sexually oriented business in the City.

C. In accordance with the authority granted the City of Rancho Cordova under Government Code Section 65858, from and after the date of this ordinance, no use permit, variance, building permit, or any other applicable entitlement for use, including but not limited to the issuance of a business license, shall be approved or issued for the operation of a new sexually oriented business or the expansion of an existing sexually oriented business for a period of 45 days. This moratorium shall not apply to the renewal of a business license for an existing sexually oriented business in the City.

D. This ordinance is an interim ordinance adopted as an urgency measure pursuant to the authority granted the City of Rancho Cordova under Government Code Sections 36937 and 65858 and is for the immediate preservation of the public safety, health and welfare. The facts constituting the urgency are: The findings of the County of Sacramento, set forth in Zoning Code Section 325-50, and the cases, studies and authorities involving other municipalities around the country clearly establish that the existence of sexually oriented businesses in a community results in the creation of harmful secondary effects, such as increased crime and decreasing property values, which are a threat to the public safety, health and welfare. Confusion exists over the interpretation and application of numerical standards in the Rancho Cordova Zoning Code related to the location, operation and concentration of sexually oriented businesses within the City. The City is also undertaking a comprehensive update of its Zoning Code. The Zoning Code update is expected to significantly change the City's land use regulations, including those that directly or indirectly impact sexually oriented businesses. Confusion over existing standards, coupled with the possible confusion caused by the adoption of new zoning provisions as a result of the Zoning Code update, could cause the City to approve the establishment of sexually oriented businesses not intended by Zoning Code Sections 325-50 and 325-51, which in turn would result in an increase in the harmful secondary effects identified above. The zoning standards in question were drafted by the County of Sacramento and adopted by reference by the City following its incorporation. The City's transition from unincorporated area of the County of Sacramento to incorporated city dictate that the City review its zoning provisions regulating sexually oriented businesses in order to ensure that such regulations meet the needs of the City by minimizing the harmful secondary effects associated with sexually oriented business, while at the same time ensuring that such regulations do not unreasonably limit alternative avenues of communication, and are based upon narrow, objective and definite land use standards. The failure to properly apply zoning regulations affecting sexually oriented businesses might also result in an illegal infringement upon constitutionally protected rights associated with sexually oriented activities. In light of these facts, and as a result of the harmful secondary effects associated with sexually oriented business and the current and immediate threat such secondary effects pose to the public health, safety and welfare, it is necessary to, in accordance with Government Code Sections 36937 and 65858, temporarily modify Zoning Code Section 325-51 and establish a new 45-day moratorium on the establishment of new sexually oriented businesses or the expansion of existing sexually oriented businesses in the City pending the completion of the City's update of its Zoning Code.

Section 3. Compliance with California Environmental Quality Act

The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of the contemplated Zoning Code review.

Section 4. Severability

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 5. Effective Date

This ordinance shall become effective immediately upon adoption if adopted by at least four-fifths vote of the City Council and shall be in effect for forty-five days from the date of adoption unless extended by the City Council as provided for in the Government Code.

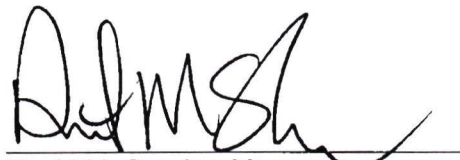
ADOPTED by the City Council of the City of Rancho Cordova this 5th day of February 2007, by the following vote:

AYES: Cooley, McGarvey, Skoglund and Budge

NOES: None

ABSENT: Sander

ABSTENTIONS: None


David M. Sander, Mayor

ATTEST:


Anna Olea-Moger, CMC, City Clerk

CITY OF RANCHO CORDOVA

ORDINANCE NO. 08-2007

**AN URGENCY ORDINANCE OF THE CITY OF RANCHO CORDOVA EXTENDING A
TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF NEW SEXUALLY
ORIENTED BUSINESSES AND THE EXPANSION OF EXISTING SEXUALLY
ORIENTED BUSINESSES PENDING THE REVIEW AND AMENDMENT OF ZONING
REGULATIONS APPLICABLE TO SEXUALLY ORIENTED BUSINESSES, TO
BECOME EFFECTIVE IMMEDIATELY**

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN
AS FOLLOWS:

Section 1. Findings

A. On February 5, 2007, the City Council of the City of Rancho Cordova adopted Ordinance No. 05-2007 as an urgency ordinance imposing a 45-day moratorium on the establishment of new sexually oriented businesses and the expansion of existing sexually oriented businesses.

B. Ordinance No. 05-2007 will, unless extended, expire by its own terms on March 22, 2007.

C. Government Code Section 65858 authorizes the extension of an urgency ordinance, after a noticed public hearing, to prohibit uses of land which may conflict with a contemplated general plan, specific plan or zoning proposal which the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable period of time.

D. The City continues to consider and study the issue of sexually oriented businesses in relation to the City's comprehensive update of the City's Zoning Code.

E. The City Council has received and considered a report prepared by staff describing the measures that have been taken to date to alleviate the condition which led to the adoption of Ordinance 05-2007.

F. The City Council has conducted a properly noticed public hearing pursuant to Government Code Section 65090, and has duly considered all written and verbal testimony presented during the hearing.

G. The City Council finds that the current and immediate threat to the public health safety and welfare, as described in the findings adopted pursuant to Ordinance No. 05-2007 still exist, and that a temporary moratorium on the issuance of permits, business licenses or other applicable entitlements providing for the establishment of new sexually oriented businesses or for the expansion of existing sexually oriented

businesses should continue to remain in effect pending completion of the City's review.

H. The City Council also finds that, based upon the above findings, the continued temporary modification to Zoning Code Section 325-51 to temporarily prohibit the issuance of permits, business licenses or other applicable entitlements providing for the establishment of new sexually oriented businesses or for the expansion of existing sexually oriented businesses prior to the completion of the City's review is necessary for the immediate preservation of the public health, safety and welfare.

Section 2. Temporary Modification of Zoning Code Section 325-51 and Imposition of Moratorium

A. Rancho Cordova Zoning Code Section 325-51 is hereby amended to read as following.

"325-51. Conditions

A. The zoning conditions set forth in subsection (B) for sexually oriented businesses were drafted and adopted by the County of Sacramento and were adopted by reference by the City of Rancho Cordova. The City, however, has determined that confusion exists over the application of numerical standards in this section and that the existence of such confusion could cause the City to approve sexually oriented businesses not intended by this section. The City is also undertaking a comprehensive update of its Zoning Code, which includes this Section 325-51. Therefore, notwithstanding the zoning conditions set forth in subsection (B), for a period of 10 months and 15 days beginning March 19, 2007, no new sexually oriented businesses shall be permitted within the City, nor shall any permits or other entitlements be granted for the expansion of any existing sexually oriented business. This temporary modification shall not prohibit the renewal of a business license for an existing sexually oriented business in the City.

B. Sexually oriented businesses are permitted subject to compliance with all of the following conditions:

(a) Such use is more than one thousand (1,000) feet from any property zoned for a land use zone listed in Section 201.01, or regulated by Title V of this Code.

(b) Such use is situated more than one thousand (1,000) feet from any other sexually oriented business.

(c) Such use is located more than one thousand (1,000) feet from any of the following uses:

(1) Single family, duplex or multi-family residences;

(2) Clinic, child-family guidance;

- (3) Library;
- (4) Public park;
- (5) Church;
- (6) Citizens improvement club-community center;
- (7) Public or private K-12 school;
- (8) Indoor or outdoor recreation facilities that are primarily designed to serve persons under the age of 18.

(d) The one thousand (1,000) foot separation shall be measured as a radius from the primary entrance of the sexually oriented business to the property lines of the property so zoned or used.

(e) No more than three (3) such uses shall be permitted within the boundary of a planning area for a community planning advisory council established by the Board of Supervisors pursuant to Chapter 2.36 of the Sacramento County Code.

(f) Such use is situated in either a M-1 or M-2 land use zone."

B. In accordance with the authority granted the City of Rancho Cordova under Government Code Section 36937, Rancho Cordova Zoning Code Section 325-51 is being temporarily modified to prohibit the approval or issuance of any use permit, variance, building permit, or any other applicable entitlement for use, including but not limited to the issuance of a business license, for the operation of a new sexually oriented business or the expansion of an existing sexually oriented business for a period of 10 months and 15 days. This temporary modification shall not prohibit the renewal of a business license for an existing sexually oriented business in the City.

C. In accordance with the authority granted the City of Rancho Cordova under Government Code Section 65858, from and after the date of this ordinance, no use permit, variance, building permit, or any other applicable entitlement for use, including but not limited to the issuance of a business license, shall be approved or issued for the operation of a new sexually oriented business or the expansion of an existing sexually oriented business for a period of 10 months and 15 days. This moratorium shall not apply to the renewal of a business license for an existing sexually oriented business in the City.

D. This ordinance is an interim ordinance adopted as an urgency measure pursuant to the authority granted the City of Rancho Cordova under Government Code Sections 36937 and 65858 and is for the immediate preservation of the public safety, health and welfare. The facts constituting the urgency are: The findings of the County of Sacramento, set forth in Zoning Code Section 325-50, and the cases, studies and authorities involving other municipalities around the country clearly establish that the

existence of sexually oriented businesses in a community results in the creation of harmful secondary effects, such as increased crime and decreasing property values, which are a threat to the public safety, health and welfare. Confusion exists over the interpretation and application of numerical standards in the Rancho Cordova Zoning Code related to the location, operation and concentration of sexually oriented businesses within the City. The City is also undertaking a comprehensive update of its Zoning Code. The Zoning Code update is expected to significantly change the City's land use regulations, including those that directly or indirectly impact sexually oriented businesses. Confusion over existing standards, coupled with the possible confusion caused by the adoption of new zoning provisions as a result of the Zoning Code update, could cause the City to approve the establishment of sexually oriented businesses not intended by Zoning Code Sections 325-50 and 325-51, which in turn would result in an increase in the harmful secondary effects identified above. The zoning standards in question were drafted by the County of Sacramento and adopted by reference by the City following its incorporation. The City's transition from unincorporated area of the County of Sacramento to incorporated city dictate that the City review its zoning provisions regulating sexually oriented businesses in order to ensure that such regulations meet the needs of the City by minimizing the harmful secondary effects associated with sexually oriented business, while at the same time ensuring that such regulations do not unreasonably limit alternative avenues of communication, and are based upon narrow, objective and definite land use standards. The failure to properly apply zoning regulations affecting sexually oriented businesses might also result in an illegal infringement upon constitutionally protected rights associated with sexually oriented activities. In light of these facts, and as a result of the harmful secondary effects associated with sexually oriented business and the current and immediate threat such secondary effects pose to the public health, safety and welfare, it is necessary to, in accordance with Government Code Sections 36937 and 65858, temporarily modify Zoning Code Section 325-51 and establish a new 10 month and 15-day moratorium on the establishment of new sexually oriented businesses or the expansion of existing sexually oriented businesses in the City pending the completion of the City's update of its Zoning Code.

Section 3. Compliance with California Environmental Quality Act

The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of the contemplated Zoning Code review.

Section 4. Severability

If any provision of this ordinance or the application thereof to any person or

circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 5. Effective Date

This ordinance shall become effective immediately upon adoption if adopted by at least four-fifths vote of the City Council and shall be in effect for ten months and fifteen days from the date of adoption unless extended by the City Council as provided for in the Government Code.

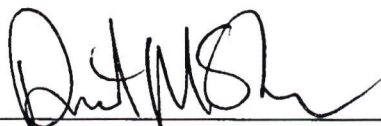
ADOPTED, THIS 19th day of March, 2007, by the following vote:

AYES: Cooley, Skoglund, McGarvey, Budge and Sander

NOES: None

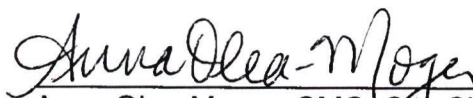
ABSENT: None

ABSTENTIONS: None



David M. Sander, Mayor

ATTEST:



Anna Olea-Moger, CMC, City Clerk

CITY OF RANCHO CORDOVA

ORDINANCE NO. 04-2008

**AN URGENCY ORDINANCE OF THE CITY OF RANCHO CORDOVA EXTENDING A
TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF NEW SEXUALLY
ORIENTED BUSINESSES AND THE EXPANSION OF EXISTING SEXUALLY
ORIENTED BUSINESSES PENDING THE REVIEW AND AMENDMENT OF ZONING
REGULATIONS APPLICABLE TO SEXUALLY ORIENTED BUSINESSES, TO
BECOME EFFECTIVE IMMEDIATELY**

**THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN
AS FOLLOWS:**

Section 1. Findings

A. On February 5, 2007, the City Council of the City of Rancho Cordova adopted Ordinance No. 05-2007 as an urgency ordinance imposing a 45-day moratorium on the establishment of new sexually oriented businesses and the expansion of existing sexually oriented businesses.

B. On March 19, 2007, the City Council adopted Ordinance No. 08-2007 extending the moratorium for a period of 10 months and 15 days. Ordinance No. 08-2007 will, unless extended, expire by its own terms on February 3, 2008.

C. Government Code Section 65858 authorizes the extension of an urgency ordinance, after a noticed public hearing, to prohibit uses of land which may conflict with a contemplated general plan, specific plan or zoning proposal which the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable period of time.

D. The City continues to consider and study the issue of sexually oriented businesses in relation to the City's comprehensive update of the City's Zoning Code.

E. The City Council has received and considered a report prepared by staff describing the measures that have been taken to date to alleviate the condition which led to the adoption of Ordinances 05-2007 and 08-2007.

F. The City Council has conducted a properly noticed public hearing pursuant to Government Code Section 65090, and has duly considered all written and verbal testimony presented during the hearing.

G. The City Council finds that the current and immediate threat to the public health safety and welfare, as described in the findings adopted pursuant to Ordinance No. 05-2007 still exist, and that a temporary moratorium on the issuance of permits, business licenses or other applicable entitlements providing for the establishment of new sexually oriented businesses or for the expansion of existing sexually oriented businesses should continue to remain in effect pending completion of the City's review.

H. The City Council also finds that, based upon the above findings, the continued temporary modification to Zoning Code Section 325-51 to temporarily prohibit the issuance of permits, business licenses or other applicable entitlements providing for the establishment of new sexually oriented businesses or for the expansion of existing sexually oriented businesses prior to the completion of the City's review is necessary for the immediate preservation of the public health, safety and welfare.

Section 2. Temporary Modification of Zoning Code Section 325-51 and Imposition of Moratorium

A. Rancho Cordova Zoning Code Section 325-51 is hereby amended to read as following.

“325-51. Conditions

A. The zoning conditions set forth in subsection (B) for sexually oriented businesses were drafted and adopted by the County of Sacramento and were adopted by reference by the City of Rancho Cordova. The City, however, has determined that confusion exists over the application of numerical standards in this section and that the existence of such confusion could cause the City to approve sexually oriented businesses not intended by this section. The City is also undertaking a comprehensive update of its Zoning Code, which includes this Section 325-51. Therefore, notwithstanding the zoning conditions set forth in subsection (B), for a period of one (1) year beginning January 22, 2008, no new sexually oriented businesses shall be permitted within the City, nor shall any permits or other entitlements be granted for the expansion of any existing sexually oriented business. This temporary modification shall not prohibit the renewal of a business license for an existing sexually oriented business in the City.

B. Sexually oriented businesses are permitted subject to compliance with all of the following conditions:

(a) Such use is more than one thousand (1,000) feet from any property zoned for a land use zone listed in Section 201.01, or regulated by Title V of this Code.

(b) Such use is situated more than one thousand (1,000) feet from any other sexually oriented business.

(c) Such use is located more than one thousand (1,000) feet from any of the following uses:

- (1) Single family, duplex or multi-family residences;
- (2) Clinic, child-family guidance;
- (3) Library;
- (4) Public park;
- (5) Church;

(6) Citizens improvement club-community center;

(7) Public or private K-12 school;

(8) Indoor or outdoor recreation facilities that are primarily designed to serve persons under the age of 18.

(d) The one thousand (1,000) foot separation shall be measured as a radius from the primary entrance of the sexually oriented business to the property lines of the property so zoned or used.

(e) No more than three (3) such uses shall be permitted within the boundary of a planning area for a community planning advisory council established by the Board of Supervisors pursuant to Chapter 2.36 of the Sacramento County Code.

(f) Such use is situated in either a M-1 or M-2 land use zone.Ó

B. In accordance with the authority granted the City of Rancho Cordova under Government Code Section 36937, Rancho Cordova Zoning Code Section 325-51 is being temporarily modified to prohibit the approval or issuance of any use permit, variance, building permit, or any other applicable entitlement for use, including but not limited to the issuance of a business license, for the operation of a new sexually oriented business or the expansion of an existing sexually oriented business for a period of 1 year. This temporary modification shall not prohibit the renewal of a business license for an existing sexually oriented business in the City.

C. In accordance with the authority granted the City of Rancho Cordova under Government Code Section 65858, from and after the date of this ordinance, no use permit, variance, building permit, or any other applicable entitlement for use, including but not limited to the issuance of a business license, shall be approved or issued for the operation of a new sexually oriented business or the expansion of an existing sexually oriented business for a period of 1 year. This moratorium shall not apply to the renewal of a business license for an existing sexually oriented business in the City.

D. This ordinance is an interim ordinance adopted as an urgency measure pursuant to the authority granted the City of Rancho Cordova under Government Code Sections 36937 and 65858 and is for the immediate preservation of the public safety, health and welfare. The facts constituting the urgency are: The findings of the County of Sacramento, set forth in Zoning Code Section 325-50, and the cases, studies and authorities involving other municipalities around the country clearly establish that the existence of sexually oriented businesses in a community results in the creation of harmful secondary effects, such as increased crime and decreasing property values, which are a threat to the public safety, health and welfare. Confusion exists over the interpretation and application of numerical standards in the Rancho Cordova Zoning Code related to the location, operation and concentration of sexually oriented businesses within the City. The City is also undertaking a comprehensive update of its Zoning Code. The Zoning Code update is expected to significantly change the City's land use regulations, including those that directly or indirectly impact sexually oriented businesses. Confusion over existing standards, coupled with the possible confusion caused by the adoption of new zoning provisions as a result of the Zoning Code update, could cause the City to approve the establishment of sexually oriented businesses not intended by Zoning Code Sections 325-

50 and 325-51, which in turn would result in an increase in the harmful secondary effects identified above. The zoning standards in question were drafted by the County of Sacramento and adopted by reference by the City following its incorporation. The City's transition from unincorporated area of the County of Sacramento to incorporated city dictate that the City review its zoning provisions regulating sexually oriented businesses in order to ensure that such regulations meet the needs of the City by minimizing the harmful secondary effects associated with sexually oriented business, while at the same time ensuring that such regulations do not unreasonably limit alternative avenues of communication, and are based upon narrow, objective and definite land use standards. The failure to properly apply zoning regulations affecting sexually oriented businesses might also result in an illegal infringement upon constitutionally protected rights associated with sexually oriented activities. In light of these facts, and as a result of the harmful secondary effects associated with sexually oriented business and the current and immediate threat such secondary effects pose to the public health, safety and welfare, it is necessary to, in accordance with Government Code Sections 36937 and 65858, temporarily modify Zoning Code Section 325-51 and establish a new 1-year moratorium on the establishment of new sexually oriented businesses or the expansion of existing sexually oriented businesses in the City pending the completion of the City's update of its Zoning Code.

Section 3. Compliance with California Environmental Quality Act

The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of the contemplated Zoning Code review.

Section 4. Severability

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 5. Effective Date

This ordinance shall become effective immediately upon adoption if adopted by at least four-fifths vote of the City Council and shall be in effect for 1 year from the date of adoption.

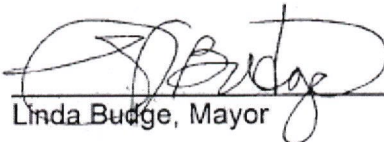
PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 22nd day of January, 2008 by the following vote:

AYES: Cooley, Sander, Skoglund, and Mayor Budge

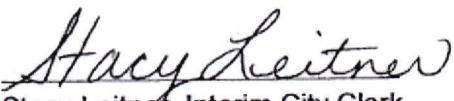
NOES: None

ABSENT: McGarvey

ABSTAIN: None


Linda Budge, Mayor

ATTEST:


Stacy Leitner, Interim City Clerk

MEMORANDUM



DATE: January 20, 2009

TO: Honorable Mayor and Council Members

FROM: Adam U. Lindgren, City Attorney

SUBJECT: **ORDINANCE IMPLEMENTING THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT OF 2006**

RECOMMENDATION

Waive first reading and introduce Ordinance No. 2-2009.

RESULT OF RECOMMENDED ACTION

This ordinance will implement the requirements of the Digital Infrastructure and Video Competition Act of 2006 (DIVCA), California Public Utilities Code Sections 5800 *et seq.* (the "Act"), and authorize the Sacramento Metropolitan Cable Television Commission ("SMCTC") to enforce the requirements of the Act on behalf of the City.

BACKGROUND

The City is a member of the SMCTC, a joint powers agency, created by the Joint Powers Agreement (the "JPA") included in the City's Cable Television Ordinance (RCMC Chapter 5.50). The SMCTC exercises all powers conferred on it by the terms and conditions of local cable and video franchises on behalf of each of its members. In addition to the City, the members of the SMCTC include the County of Sacramento and the cities of Rancho Cordova, Elk Grove, Folsom, Galt and Sacramento ("Member Agencies"). The SMCTC has proposed amendments to the JPA to permit the SMCTC to exercise the limited authority to regulate state franchise holders providing video services within the jurisdictions of the Member Agencies conferred on the Member Agencies by the Act and directed staff and legal counsel to contact the Member Agencies and request they consider and adopt the proposed amendments.

The Act, also referred to as "AB 2987" or "DIVCA," became effective on January 1, 2007. The Act provides for the issuance of state franchises to video service providers and sets the rules for these state franchises. Video services include video programming services, cable services and open-video system services. In March 2007, the California Public Utilities Commission ("PUC") adopted implementation regulations and began issuing state franchises for the provision of video services. The PUC has issued a state franchise to AT&T for an area that covers the jurisdictions of the Member Agencies, including the City. The PUC has also issued a state franchise to SureWest Televideo for an area that currently covers the jurisdictions for five of the Member Agencies.

Under the Act, the PUC is the sole franchising authority for video service providers, but local agencies retain limited authority over the state franchise holders. Attached is a proposed Ordinance that would implement the Act by delegating administration and enforcement of the Act to the SMCTC, confirming the franchise fees and public, educational and governmental (PEG) requirements applicable to state franchise holders and adopting the penalties in the Act for material breaches of customer service standards and consumer protection requirements provided in state law.

The following summarizes the provisions of the proposed Ordinance:

1. Delegation of Administration and Enforcement of the Act

The Act provides that cities, counties and joint powers agencies shall implement, administer and enforce the provisions of the Act that delegate limited authority to local agencies. Consistent with past practice for local franchises, the proposed Ordinance delegates to the SMCTC the authority to administer and enforce the Act for state franchises. The Member Agencies, including the City, could take action in the future to either revoke this authority or exercise its authority concurrently with the SMCTC.

2. Franchise Fees for State Franchises

The proposed Ordinance confirms that the current franchise fee is five percent (5%) of gross revenues of state franchise holders.

3. PEG Channels

Consistent with the Act, the proposed Ordinance confirms that state franchise holders will be required to provide capacity for seven public, educational and governmental access "PEG" channels, which is the same number of PEG channel capacity provided by the incumbent cable operators. The proposed Ordinance also includes the requirements of the Act that the PEG channels be carried on the basic service tier and to the extent feasible, with a quality and channel location substantially equal to that provided by the incumbent cable operators.

4. PEG Channel Facilities Fee

The proposed Ordinance delegates to the SMCTC the ability to impose a PEG Fee to support PEG channel facilities of up to three percent (3%) of gross revenues of the state franchise holder. The Act provides that local agencies may charge a PEG Fee of not more than three percent (3%), if the local agency was imposing a fee of more than one percent (1%) before January 1, 2007. To preserve the authority of a PEG Fee up to three percent (3%), the SMCTC imposed, but delayed collection, of PEG Fee of up to three percent (3%).

Charging a PEG Fee is a significant policy issue for the SMCTC and its Member Agencies. On one hand, the PEG Fee will help balance the inequity of PEG support since the incumbent cable operators participate through in kind and I-Net support, which the Act does not allow to be required from state franchise holders. On the other hand, the SMCTC has always supported competition and low rates, and the collection of the PEG Fee would likely be passed through to subscribers.

The proposed Ordinance delegates the imposition of the PEG Fee to the SMCTC. If approved, the SMCTC may then impose a fee of one percent (1%) up to three percent (3%), or no fee at all. The imposition of the PEG Fee and any resulting controversy and potential legal challenge would be the responsibility of the SMCTC not the City or other Member Agencies.

5. Customer Service and Penalties

The proposed Ordinance delegates the enforcement of customer service standards and consumer protection requirements to the SMCTC. The proposed Ordinance also adopts the maximum penalties set forth in the Act for breach of the customer service standards and consumer protection requirements.

REQUESTED MOTION

"I move the Council waive first reading and introduce Ordinance No. 2-2009 amending Section 5.50.108 of Article II of Chapter 5.50 and adding Article Vd to Chapter 5.50 of the Rancho Cordova Municipal Code and waive the first reading."

ATTACHMENT

Ordinance No. 2-2009

CITY OF RANCHO CORDOVA

ORDINANCE NO. 2-2009

**AN ORDINANCE OF THE CITY COUNCIL AMENDING SECTION 5.50.108 OF
ARTICLE II OF CHAPTER 5.50 AND ADDING ARTICLE Vd TO CHAPTER 5.50 OF
THE RANCHO CORDOVA MUNICIPAL CODE RELATING TO THE DIGITAL
INFRASTRUCTURE AND VIDEO COMPETITION ACT OF 2006**

WHEREAS, the City of Rancho Cordova ("City") is a member of the Sacramento Metropolitan Cable Television Commission, a joint powers agency ("SMCTC"); and

WHEREAS, SMCTC represents seven member jurisdictions: the County of Sacramento, the City of Sacramento, the City of Citrus Heights, the City of Elk Grove, the City of Rancho Cordova, the City of Folsom, and the City of Galt; and

WHEREAS, local entities within the state of California have traditionally had the authority to regulate, in accordance with federal, state, and local law, certain aspects of the provision of video services, including the authority to award franchises within the boundaries of those local entities; and

WHEREAS, SMCTC has entered into local franchises for the provision of cable television services within the areas of its members; and

WHEREAS, such local franchises are currently held by Comcast, SureWest Televideo and STI; and

WHEREAS, the California State Legislature passed and the Governor signed the Digital Infrastructure and Video Competition Act of 2006 (also known as "AB 2987"), California Public Utilities Code Sections 5800 *et seq.* (the "Act"), effective January 1, 2007; and

WHEREAS, the Act substantially changed California law by establishing a statewide franchising procedure for video service providers to be administered by the California Public Utilities Commission ("CPUC"); and

WHEREAS, the Act establishes that the CPUC is the sole authority to award state franchises for the provision of video services, which preempts local franchising authority; and

WHEREAS, the Act establishes limited authority of local entities over state franchise holders; and

WHEREAS, AT&T has applied for and obtained a state franchise for video services, which includes all seven member jurisdictions as part of AT&T's service area under the state franchise; and

WHEREAS, SureWest Televideo has also applied for and obtained a state franchise for video services, which currently includes five of the member jurisdictions as part of SureWest Televideo's service area under the state franchise; and

WHEREAS, SMCTC and the City anticipate that other video service providers will also apply for state franchises to provide video services within the jurisdictions of the seven members of SMCTC; and

WHEREAS, the members of SMCTC have previously delegated to SMCTC the authority to administer and enforce local franchises within their jurisdictions; and

WHEREAS, the City desires to exercise the limited authority of local entities established by the Act and to delegate that authority to SMCTC to administer and enforce the Act on behalf of the City.

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:

Section 1. Section 5.50.108 of Article II of Chapter 5.50 of Title 5 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

5.50.108 Purposes.

The purposes of the cable television commission shall be as follows:

- A. To administer pursuant to the terms and conditions of the franchise documents, the initial CATV franchise and any franchise subsequently issued pursuant to the provisions of this Chapter;
- B. To exercise any and all other powers conferred by the franchise documents;
- C. To administer and enforce the Digital Infrastructure and Video Competition Act of 2006, California Public Utilities Code Sections 5800 et seq.

Section 2. Article Vd is hereby added to Chapter 5.50 of Title 5 of the Rancho Cordova Municipal Code to read as follows:

Article Vd. Local Administration and Enforcement of Provisions of the Digital Infrastructure and Video Competition Act of 2006

5.50.950 Purpose and Applicability; Definitions.

The purpose of this Article is to set forth regulations for the provision of video service by state franchise holders in accordance with the Digital Infrastructure and Video Competition Act, California Public Utilities Code Sections 5800 et seq. ("the Act"). This Article shall apply only to video service providers issued a state franchise to serve any area within the City by the California Public Utilities Commission pursuant to the Act.

For purposes of this Article, the terms used shall have the same definitions given those terms in the Act.

5.50.952 Delegation of Powers.

Except as otherwise expressly provided in any action of the City Council pursuant to its reserved powers under Section 5.50.042 of Chapter 5.50, all powers, rights, duties and obligations of the City pursuant to the provisions of the Act as it exists now or should hereafter be amended, is hereby delegated to and conferred upon the Board of Directors of the Sacramento Metropolitan Cable Television Commission ("SMCTC") as to any video service

provider included within the scope of the Act, including, without limitation, the Act's provisions for customer service regulation and enforcement, establishment of the percent of franchise fees, provision of public, educational and governmental access ("PEG") channels, PEG program carriage and PEG channel facilities fees and enforcement of the Act.

5.50.954 Implementation Actions.

Consistent with the delegation of powers provided in Section 5.50.952 of Chapter 5.50 and without limiting this delegation of powers, the following implementation actions provided for under the Act are hereby confirmed, ratified and delegated to the SMCTC:

A. Franchise Fee. All state franchise holders shall remit to the SMCTC a franchise fee in the amount of five percent (5%) of the gross revenues of the state franchise holder in compliance with California Public Utilities Code Sections 5840(q) and 5860.

B. PEG Channels.

1. All state franchise holders shall provide capacity for seven PEG channels in accordance with California Public Utilities Code Section 5870.

2. All state franchise holders shall comply with the provisions of the Act related to PEG channels, including the following requirements of California Public Utilities Code Section 5870:

a. The PEG channels shall all be carried on the basic service tier.

b. To the extent feasible, the PEG channels shall not be separated numerically from other channels carried on the basic service tier and the channel numbers for the PEG channels shall be the same channel numbers used by the incumbent cable operator, unless prohibited by federal law.

c. After the initial designation of PEG channel numbers, the channel numbers shall not be changed without the agreement of the City, unless the change is required by federal law.

d. The PEG access capacity provided shall be of similar quality and functionality to that offered by commercial channels on the lowest cost tier of service, unless the signal is provided to the state franchise holder at a lower quality or with less functionality.

3. A state franchise holder shall have three (3) months from the date SMCTC requests the PEG channels to designate the capacity. However, the three-month period shall be tolled by any period during which the designation or provision of PEG channel capacity is technically infeasible, including any failure or delay of the incumbent cable operator to make adequate interconnection available as required by the Act. Any state franchise holder who believes that the designation or provision of PEG channel capacity is technically infeasible, shall provide to SMCTC, in writing, its reasons therefore and its plan for correcting or solving the infeasibility. SMCTC may hold a hearing on the claim of infeasibility to provide the PEG channel capacity on the state franchise holder's network.

C. PEG Channel Facilities Fee.

1. All state franchise holders shall remit to the SMCTC a fee to support PEG channel facilities and equipment in an amount of up to three percent (3%) of gross revenues ("PEG Fee") in the manner and at the time SMCTC determines. Use of the PEG Fee shall be consistent with applicable state and federal law. Any PEG Fee required to be collected may be shown as a separate line item on the regular bill of each subscriber.

2. Any state franchise holder that believes that it is exempt from said PEG Fee or subject to a different or lower fee may file a written request with the SMCTC for a determination of exemption from or reduction of the PEG Fee. Said requests shall be filed within thirty (30) days of the effective date of the PEG Fee or within thirty (30) days of the date

the state franchise holder commences providing video services within the City, whichever occurs last. Said requests shall be heard by SMCTC.

a. Said requests may be based on state or federal law, or on the provisions of local franchises. For example, requests for reduction of the PEG Fee to be paid to the SMCTC may be based on monetary support or in-kind PEG channel support provided by the claimant, including support of PEG channel facilities and equipment and/or institutional network facilities.

5.50.956 Customer Service and Protection; Monetary Penalties.

A. All state franchise holders shall comply with the provisions of Section 637.5 of the California Penal Code and the privacy standards contained in Section 631 of the federal Cable TV Privacy Act of 1984, 47 U.S.C. Sections 551 et seq. All state franchise holders shall comply with the provisions of Sections 53055, 53055.1, 53055.2 and 53088.2 of the California Government Code, and any other customer service standards pertaining to the provision of video service established by federal law or regulation or adopted by subsequent enactment of the Act. The SMCTC and/or the City shall enforce, in the manner set forth in the Act, all customer service and consumer protection standards contained in Section 5900 of the California Public Utilities Code, including without limitation those standards set forth in Section 5900(c). SMCTC has been and hereby is authorized to impose penalties for any material breach of Section 5900 of the California Public Utilities Code, as set forth herein.

B. The maximum monetary penalties set forth in California Public Utilities Code Section 5900 are hereby adopted and enacted as the applicable schedule of penalties for material breaches of Section 5900 by a state franchise holder, as follows:

1. Five hundred dollars (\$500) per day for each material breach, not to exceed one thousand five hundred dollars (\$1,500) for each occurrence of a material breach. The SMCTC shall provide notice to the state franchise holder of the material breach pursuant to California Public Utilities Code Section 5900(e) prior to the imposition of the penalty.

2. For a second material breach of the same nature that occurs within twelve (12) months, and if the SMCTC has provided notice to the state franchise holder of the material breach pursuant to California Public Utilities Code Section 5900(e) and a penalty has been assessed, one thousand dollars (\$1,000) per day for each material breach, not to exceed three thousand dollars (\$3,000) for each occurrence of the material breach.

3. For a third or further material breach of the same nature that occurs within those same twelve (12) months, and if the SMCTC has provided notice to the state franchise holder of the material breach pursuant to California Public Utilities Code Section 5900(e) and a penalty has been assessed, two thousand five hundred dollars (\$2,500) per day for each material breach, not to exceed seven thousand five hundred dollars (\$7,500) for each occurrence of the material breach.

Section 3. Severability.

If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Ordinance that can be given effect without the invalid provision and, to this end, the provisions of this Ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 4. Effective Date.

Within fifteen (15) days after adoption, a Summary of this Ordinance shall be published once in the Grapevine Independent, or the Sacramento Bee, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 5th day of February, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Skoglund, Mayor

ATTEST:

Mindy Cuppy, City Clerk

Section 4. Effective Date.

Within fifteen (15) days after adoption, a Summary of this Ordinance shall be published once in the Grapevine Independent, or the Sacramento Bee, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the _____ day of _____, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Skoglund, Mayor

ATTEST:

Mindy Cuppy, City Clerk

MEMORANDUM



DATE: January 20, 2009

TO: Honorable Mayor and Council Members

FROM: Stephanie Snyder and Alexandra Miller, City Manager's Office;
Troy Holt, Public Works Department

SUBJECT: 2009 LEGISLATIVE PRIORITIES

RECOMMENDATION

That Council:

- a) Provide direction to staff for FY 09 appropriations requests, requests for funding in the reauthorization of the surface transportation program, and a platform for discussions with legislators during the National League of Cities Congressional Conference, March 14 - 18, 2009; and
- b) Receive update on City's Legislative Program and provide direction about the 2009 program.

RESULT OF RECOMMENDED ACTION

Submission of requests for federal funding for projects consistent with the Council and community's priorities, and provide topics for discussions that the Mayor and Council members will hold with Congressional representatives during the March conference in Washington, D.C. Staff will also proceed with recommended changes and actions for the City's legislative program.

BACKGROUND

Annually, the City has an opportunity to submit requests for federal funding through the offices of our local elected representatives in Washington, D.C. Senator Feinstein has established a deadline of February 5, 2009 for requests. It is anticipated that both of Rancho Cordova's Congressional representatives, along with Senator Boxer, will soon issue guidelines for requests for the FY 2010 appropriations cycle.

In the past, the City was successful in efforts to receive federal funding on projects such as Folsom Boulevard enhancements (\$6,600,000), funding for the Senior Center expansion (\$200,000), and White Rock Park Revitalization (\$147,000). The City also received verbal support from Congressman Lungren for a FY 2009 appropriation for the extension of International Drive and a bridge over the Folsom South Canal; due to various outside forces, among them the economic situation and the presidential election, Congress has not taken further action on FY 2009 appropriations.

Related to the concept of submitting project proposals to federal representatives is the recent discussion about a proposed economic stimulus package. State and local governments have been encouraged to submit various lists of ready-to-go projects through multiple channels in order to demonstrate to Congress the ability of local projects to generate jobs and revenue. The criteria for these projects are that they must (a) start quickly and conclude in two years; (b) will not require additional spending in the future; (c) bring as much "bang for the buck" as possible in terms of economic stimulus; and, (d) have lasting benefits such as initiatives in technology, energy and science. The City has participated in these lists, including those compiled by the US Conference of Mayors, the Sacramento Area Council of Governments, and the Sacramento Metropolitan Chamber of Commerce. The list of projects submitted by the City in early January is attached.

While it is important for the City to participate in this process, the projects submitted on these lists do not necessarily guarantee that they will be funded by stimulus money. Unlike appropriations requests, the stimulus money will be distributed through already-established programmatic funding channels, such as CDBG, HUD, or COPS. Money will most likely be appropriated by the State or SACOG, and then distributed for individual projects. The overall purpose of creating these lists, therefore, is to demonstrate that projects exist, and that the overall economy can benefit from a stimulus package. Plans are being discussed by Congress and President-elect Obama and staff is closely monitoring the development of this bill.

In addition to the economic stimulus and appropriations opportunities, reauthorization of the surface transportation program (currently known as SAFETEA – LU) is likely to occur in FY 2010. Although the guidelines for the new program have not yet been established, staff has prepared the attached list of projects in anticipation of the reauthorization.

Our annual process of appropriations requests will remain unchanged in light of the talked-of stimulus package. In keeping with recommended practices in designing our requests, proposed projects need to be well developed, sharply focused, and resonate with benefits that are readily seen by an audience at the federal level. With this in mind, staff is recommending submission of projects in each Congressional District, as well as the Sacramento Children's Museum to be submitted to both Congressional representatives. These projects further the City's goals of improving transportation and connectivity and sustaining a livable community.

Attachment 1 provides a list of questions used to evaluate projects eligible for appropriations requests and determine their readiness for submission. **Attachment 2** includes the recommended projects based on these criteria. **Attachment 3** provides a list of recommended projects for the surface transportation reauthorization. **Attachment 4** shows the list of Economic Stimulus Projects submitted by the City.

2009 LEGISLATIVE ADVOCACY PLATFORM

Managing appropriations requests is just one part of the City's legislative program. The program, founded on a set of policy guidelines approved by the Council in 2007, encompasses staff's monitoring of state and federal legislation of interest to the City, advocating or opposing legislation that significantly impacts the City, and serving as an information clearinghouse for legislative issues, intergovernmental grant funding and other resources. **Attachment 5** shows the City's 2009 legislative priorities.

During the year, staff monitored 125 State bills and actively advocated on 30 bills by communicating our positions on legislation through letters to legislators. In addition, staff

provided expertise to League lobbyists who provided testimony during legislative hearings, resulting in positive outcomes and protections for cities through various legislation. These actions were completed at the request of the Mayor and Council members, through the guidance of City staff, and at the request of the League of California Cities.

It is at this time that staff is also requesting feedback from the Council regarding any changes or enhancements to the 2009 legislative program and priorities.

ATTACHMENTS

1. FY 2010 Project Development Questions
2. FY 2010 Possible Appropriations Projects
3. Possible Surface Transportation Reauthorization Projects
4. Economic Stimulus Project Submittals
5. 2009 Legislative Advocacy Platform

Attachment 1 – FY 2010 Project Development Questions

- Total project cost?
- What Congressional district is the project located in?
- Prior year(s) federal funding history? (What other federal funds has this project received?)
- If this project has received previous federal funds how have they been spend?
- Sources and amounts of state, local or private matching funds (if any)?
- County or Counties affected by the requested project?
- Current status of project described in this application?
- Background/justification of requested amount (project need and federal role)
- What other state and local or nonprofit organizations *support* this application?
- Provide a budget breakdown of how the requested funds will be used.
- What is the priority order of this request? (Example 2 of 9)
- How quickly will these funds be expended- What is the expected work schedule?
- Is this a one-time request- does the City anticipate requesting funding for this project again in future years?

Attachment 2 – FY 2010 Possible Appropriations Projects

FY 2010 Appropriations (Target: \$2 million)		
Priority	Project	Description
Congressional District 3 (Lungren)		
1A	International Drive Extension & Folsom South Canal Bridge.	This project will extend International Drive as a six lane roadway from Kilgore to Sunrise. Includes bicycle and pedestrian facilities and a bridge over Folsom South Canal. Project Total: \$17 million. Request: \$2 million. [If this project receives funding for the FY 2009 appropriations process, then staff recommends the submittal of project 1B]
1B	White Rock Road Improvements, Sunrise to City Limits.	This project will construct improvements to the existing 6-lane road from Sunrise Boulevard to Luyung, widen and reconstruct White Rock Road from Luyung to the City Limits and construct a new 4-lane roadway from Rancho Cordova Parkway to the City Limits. The project runs will provide parallel, relief capacity for U.S. Highway 50. Project Total: \$11,886,000. Request: \$2 million.
2	Sunrise Boulevard Improvements	The project proposes to widen Sunrise Boulevard to four-lanes from Kiefer Boulevard to State Route 16 (Jackson Highway) and improve the intersection at Sunrise and State Route 16 to a six lane by six lane intersection. Included in the project is replacing the bridge on Sunrise boulevard that crosses Laguna Creek South of State Route 16. Project Total: \$13,431,000. Request: \$2 million.
Congressional District 5 (Matsui)		
1	Road Rehabilitation Projects	Street rehabilitation projects to include asphalt overlay to enhance the pavement life and increase driving comfort and safety. Project includes Routier Road, Old Placerville Road, South White Rock Road, Laurelhurst Drive, Olsen Drive, and Systems Parkway. Project Total: \$4,000,000. Request: \$1.5 million.
2	Pedestrian, ADA, and Safety Improvements on Mather Field Road	This project will add sidewalks and enhance pedestrian and disabled access on the west side of Mather Field Road, between Folsom Boulevard and Highway 50. This will allow for greater access to the historic Mills Station Light Rail Station and enhance access to both bus and light rail transit. Project Total: \$350,000. Request: \$200,000.
Both Congressional Districts 3 and 5		
3	Sacramento Children's Museum	This project is the conversion of a City-owned office building to the Sacramento Children's Museum. The museum will be used for elementary and middle-school students, and will feature rotating displays on a variety of topics, including arts, cultural diversity, earth science and environmental sustainability, music, history, and current events. Project Total: \$2,000,000. Request: \$1,000,000.

Attachment 3 – Possible Surface Transportation Reauthorization Projects

Surface Transportation Reauthorization (Target: \$7-8 million)		
Priority	Project	Description
Congressional District 3 (Lungren)		
1	White Rock Road Improvements, Sunrise to City Limits.	This project will construct improvements to the existing 6-lane road from Sunrise Boulevard to Luyung, widen and reconstruct White Rock Road from Luyung to the City Limits and construct a new 4-lane roadway from Rancho Cordova Parkway to the City Limits. The project runs will provide parallel, relief capacity for U.S. Highway 50. Project Total: \$11,886,000. Request: \$8 million.
2	Sunrise Boulevard Improvements	The project proposes to widen Sunrise Boulevard to four-lanes from Kiefer Boulevard to State Route 16 (Jackson Highway) and improve the intersection at Sunrise and State Route 16 to a six lane by six lane intersection. Included in the project is replacing the bridge on Sunrise boulevard that crosses Laguna Creek South of State Route 16. Project Total: \$13,431,000. Request: \$8 million.
3	Rancho Cordova Parkway Interchange	The Project will provide a new interchange connection to Highway 50 that will serve new developments south of the Highway and provide relief for the capacity constrained Sunrise Boulevard. Project Total: \$120,000,000. Request: \$8 million for initial design and engineering.
4	Zinfandel/Douglas Extension	The project will construct Zinfandel Drive as a four-lane road from the boundary of the Villages of Zinfandel to Douglas Road and will widen Douglas Road to four-lanes from Sunrise Boulevard to Zinfandel Drive. The project includes intersection modifications and a signal at Zinfandel and Douglas and a 6-lane bridge over the Folsom South Canal. Project Total: \$6,500,000. Request: \$5 million.
5	Douglas Road Widening, West City Limit to Sunrise Boulevard	The project will eliminate a bottleneck between arterial cross section east of Sunrise Boulevard and the proposed county thoroughfare cross section west of the City boundary. The project will include a new bridge over the Folsom South Canal. Project Total: \$6,500,000. Request: \$5 million.
Congressional District 5 (Matsui)		
1	Road Rehabilitation Projects	Street rehabilitation projects to include asphalt overlay to enhance the pavement life and increase driving comfort and safety. Project includes Routier Road, Old Placerville Road, South White Rock Road, Laurelhurst Drive, Olsen Drive, and Systems Parkway. Project Total: \$4,000,000. Request: \$2 million.
2	Zinfandel Interchange Improvement	This project will renovate the interchange at Zinfandel Drive and U.S. Highway 50. This project will relieve bottlenecks at the interchange and adjacent primary arterials. Pedestrian and bicycle facilities will be provided to allow for safe and efficient access between the employment center south of Highway 50 and Sacramento Regional Transit's Light Rail Service north of Highway 50. Project Total: \$30,000,000. Request: \$8 million for initial design and engineering.

Attachment 4 – Economic Stimulus Project Submittals

Project Title	Project Description	Total Project Cost	Funding Requested	Estimated Completion Date	PROJECT READY DATE (Ready to Bid)
White Rock Neighborhood Pedestrian Safety Improvement Project	Pedestrian improvements and pavement rehabilitation along Mills Station Road, White Rock Road, and Mills Park Drive. Improvements include installing ADA accessible ramps, sidewalk repairs, traffic calming measures, and restriping the existing roadway to provide bike lanes where possible.	\$1,100,000	\$800,000	2009	11/06/08
International Drive Extension & Folsom South Canal Bridge	Extend International Drive as a six lane roadway from Kilgore to Sunrise. Includes bicycle and pedestrian facilities and a bridge over Folsom South Canal.	\$17,000,000	\$8,600,000	2010	04/01/09
Road Rehabilitation Projects	Street rehabilitation projects to include asphalt overlay to enhance the pavement life and increase driving comfort and safety. Project includes Coloma Road, McGregor Drive, Laurelhurst Drive, Old Placerville Road, Routier Road, South White Rock, International Drive, Olsen Drive, and Zinfandel Drive.	\$30,000,000	\$20,000,000	2009	02/15/09
White Rock Road Improvements, Sunrise to City Limits	This project will construct improvements to the existing 6-lane road from Sunrise Boulevard to Luyung, widen and reconstruct White Rock Road from Luyung to the City Limits and construct a new 4-lane roadway from Rancho Cordova Parkway to the City Limits.	\$11,886,000	\$8,000,000	2012	08/01/09
Sacramento Children's Museum	This project is the conversion of a City-owned office building to the Sacramento Children's Museum. The museum will be used for elementary and middle-school students, and will feature rotating displays on a variety of topics, including arts, cultural diversity, earth science and environmental sustainability, music, history, and current events.	\$2,000,000	\$1,500,000	2009	08/01/09

Attachment 4 – Economic Stimulus Project Submittals

Douglas Road Improvements	The project will widen Douglas Road to five-lanes from Rancho Cordova Parkway to Americanos Boulevard and construct intersection improvements at Rancho Cordova Parkway and Americanos Boulevard.	\$15,000,000	\$12,000,000	2009	03/01/09
Sunrise Boulevard Improvements	The project proposes to widen Sunrise Boulevard to four-lanes from Kiefer Boulevard to State Route 16 (Jackson Highway) and improve the intersection at Sunrise and State Route 16 to a six lane by six lane intersection. Included in the project is replacing the bridge on Sunrise boulevard that crosses Laguna Creek South of State Route 16.	\$13,431,000	\$11,000,000	2011	08/15/09
TOTAL		\$90,417,000	\$61,900,000		

Attachment 5 – 2009 Legislative Advocacy Platform

The 2007 Statement of Priorities was adopted to authorize the City's active participation to influence Federal and State decision-making on legislation and budget issues. It also guides City staff and contract lobbyists in creating Federal appropriations requests for each Federal fiscal year, serving as a filter through which to act upon legislative issues. Using this document as a guide, the City will take positions on specific legislation and amendments and craft its appropriations requests. The Mayor will sign legislative letters based on the City's identified interests; additionally, Council Members may be actively involved in advocacy efforts.

Priorities are stated broadly in order to provide the flexibility needed to respond in a timely way to the rapid changes inherent in the Federal and State legislative process. This document should also serve as a guide to assist staff in identifying specific bills that are important to the City and in determining City interest in each. These priorities will help city officials, staff, and contract lobbyists to have a "single message" when speaking to representatives. The legislative programs of the League of California Cities, the National League of Cities, the California Redevelopment Association, and other agencies may also influence City activities with common interests.

Generally, the City will evaluate legislative based on the following broad criteria:

- Protection of local revenues
- Protection/increase of local government discretion
- Protection/increase of funding for specific programs or services (ie CDBG)
- Support of key programmatic goals
- Preventing unfunded mandates
- Are consistent with existing City policy
- Have a direct impact upon the City

In addition, the City will evaluate legislation, pursue funding, and serve as a broker, facilitator and catalyst to enhance the community based on specific policy areas, such as transportation and infrastructure, economic development, planning, and parks and recreation.