

CITY OF RANCHO CORDOVA



CITY COUNCIL MEETING

Monday, March 1, 2021

4:00 PM – Special Meeting

David B. Roberts Council Chambers

5:30 PM – Regular Meeting

David B. Roberts Council Chambers

In response to Governor’s Executive Order N-29-20 and the Resolution Declaring the Existence of a Local Emergency Relating to the COVID-19 Pandemic adopted by the City of Rancho Cordova, the City Council meetings are currently Teleconference Meetings Only to align with local and federal guidelines and social distancing recommendations for the containment of COVID-19. If there is a need for training or assistance in using the teleconferencing platform, please contact the office of the City Clerk no later than 10:00 a.m. Monday, March 1, 2021 at (916) 851-8720.

City Hall

2729 Prospect Park Drive, Rancho Cordova

Join the Meeting Via Zoom Link:

<https://cityofranhocordova.zoom.us/j/96445887783?pwd=VVRmRS8yQVZNdkVBRlczeGtlakF2dz09>

Join the Meeting via the Zoom Phone Number

Zoom Phone Number: US: +1 669 900 6833, +1 253 215 8782, 888 475 4499 (Toll Free)

Webinar ID: 964 4588 7783

Password: 781692

Live video streams and indexed archives of meetings are also available via the Internet. Visit the City’s official website at: <https://ranhocordovaca.civicclerk.com/web/home.aspx>

Instructions to Make Public Comment

Submitting Public Comment via Email

Members of the public who wish to provide public comment via email will need to submit comments to CityClerk@cityofranchocordova.org no later than 2:30 p.m. on Monday, March 1, 2021. All comments submitted later than 2:30 p.m. will be sent to the City Council for their review and may not be read during the meeting.

During the meeting, members of the public who wish to provide verbal comments during the meeting can do so by video/teleconference. If you wish to provide verbal comments via video/teleconference, follow these instructions:

Listening to a Zoom Meeting by Zoom Video Conference

To make a public comment using the Zoom platform, please use the "raise hand" feature at the bottom center of the screen. Please make sure to enable audio controls once access has been given by the City Clerk's office to speak. Please wait to be called upon by the City Clerk.

Listening to a Zoom Meeting by Phone Only

You can join a Zoom meeting via teleconferencing/audio conferencing using a cell phone or traditional landline phone. To request to make a public comment by phone press *9 to raise your hand. Please wait to be called upon by the City Clerk.

All public comments will be limited to three-minutes.

If you have questions related to the City Council Meeting or the use of Zoom, please contact the City Clerk's Office at (916) 851-8720 Monday, March 1, 2021 before 2:30 p.m.

AGENDA

1. SPECIAL MEETING - CALL TO ORDER/ROLL CALL

Council Members Budge, Pulipati, Sander, Terry, and Mayor Gatewood

2. PUBLIC COMMENT

At a special meeting, citizens wishing to address the Council for any matter on the agenda may do so at the time the matter is discussed. Under the provisions of the California Government Code, the City Council is prohibited from discussing or taking action on any item not on the agenda.

3. SPECIAL MEETING

3.1. Subject: Climate Action Plan Scoping Discussion.

Recommendation: Receive the presentation and provide Council feedback and direction to staff.

3.2. Subject: Third Party Food Delivery Fee - Temporary Limitation Discussion.

Recommendation: Receive information and provide feedback and direction.

4. ADJOURNMENT OF SPECIAL MEETING

Mayor Gatewood will adjourn the special meeting to regular meeting in the David B. Roberts

Council Chambers.

5. REGULAR MEETING - CALL TO ORDER/ROLL CALL

Council Members Budge, Pulipati, Sander, Terry, and Mayor Gatewood.

6. METRO CABLE TV TELEVISION ANNOUNCEMENT

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

7. PLEDGE OF ALLEGIANCE

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

8. INVOCATION

Dan DeShong with River City Christian will give the invocation.

9. PRESENTATIONS

10. PUBLIC COMMENT

Citizens wishing to address the Council for any matter not on the agenda may do so at this time via teleconference using Zoom.

If you want to make a public comment, please use the “raise hand” feature at the bottom center of the screen. If you are participating by telephone and you want to make a public comment, please press *9 to raise your hand. For those participating by Zoom or telephone, please wait to be called upon by the City Clerk.

Speakers are encouraged to keep comments to three minutes or less and to state name and community of residence. Under the provisions of the California Government Code, the City Council is prohibited from discussing or taking immediate action on any item not on the agenda 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.

11. COUNCIL REPORTS

12. CITY MANAGER'S REPORT

13. CONSENT CALENDAR ITEMS - ROLL CALL VOTE

- 13.1. **Subject:** Meeting Minutes from the Regular City Council Meeting of February 16, 2021 and the Special City Council Meeting of February 23, 2021.

Recommendation: Adopt the Minutes.

- 13.2. **Subject:** A Resolution Authorizing the City Manager to Execute Subdivision Improvement Agreement Contract No. 2021-22 with Lennar Homes of California, Inc., and Approving the Final Map of Grantline 208 Village 5, Subdivision No. FM-2018-001-07.

Recommendation: Adopt the Resolution.

- 13.3. **Subject:** A Resolution Authorizing the Application for, and Receipt of, Noncompetitive Regional Early Action Planning Grant Program Funds for the Purpose of Accelerating Housing Production.

Recommendation: Adopt the Resolution.

- 13.4. **Subject:** The Second Ordinance Reading for The Ranch Special Planning Area Amendment and the First Amendment to the Development Agreement Between the City of Rancho Cordova and K. Honanian at Jaeger Ranch Relative to The Ranch.

Recommendation: Waive second reading and adopt the Ordinances.

14. CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE

None.

15. PUBLIC HEARING ITEMS

None.

16. REGULAR CALENDAR ITEMS

- 16.1. **Subject:** Proposed Municipal Code Amendments Regarding Potentially Dangerous and Vicious Animals and Animal Service Fee Adjustments.

Recommendation: Receive presentation by staff, and discussion and direction regarding fee adjustments and recommended changes to the City of Rancho Cordova Municipal Code regarding potentially dangerous and vicious animals.

- 16.2. **Subject:** A Resolution of Intention to Renew the Rancho Cordova Tourism Business Improvement District (RCTBID).

Recommendation: Discuss the matter and adopt a Resolution of Intention to renew the Rancho Cordova Tourism Business Improvement District (RCTBID) and adopt a Resolution requesting consent of the County of Sacramento to renew the RCTBID.

17. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

18. ADJOURNMENT

ADDITIONAL INFORMATION

SPECIAL MEETINGS LISTED BELOW ARE SUBJECT TO CHANGE/CANCELLATION WITHOUT FURTHER NOTICE.

UNLESS THE COUNCIL ADOPTS A MOTION TO EXTEND THE MEETING, ANY ITEM THAT IS NOT INITIATED BEFORE 11:00 PM WILL BE CONTINUED TO THE NEXT DAY AT 5:30 PM 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.cityofranchocordova.org on Thursdays or Fridays prior to the Regular City Council Meeting.

UPCOMING MEETINGS

March 15, 2021	5:30 PM Regular Meeting
March 23, 2021	5:30 PM Special Meeting/Work Session
April 5, 2021	4:00 PM Special Meeting/Regular Meeting
April 19, 2021	5:30 PM Regular Meeting

April 27, 2021	5:30 PM Special Meeting/Work Session
May 3, 2021	4:00 PM Special Meeting/Regular Meeting
May 11, 2021	5:30 PM Special Meeting/Work Session
May 17, 2021	5:30 PM Regular Meeting

If you have any technical questions related to the agenda items, please contact City Hall at (916) 851-8700.

The Rancho Cordova City Council meeting will be videotaped in its entirety and will be cablecast without interruption on Metro Cable 14, the Government Affairs Channel on the Comcast, Consolidated Communications and AT&T U-Verse Systems. Closed Captioning will be available on the playback cablecast. A DVD copy is available from the City Clerk's Department and a webcast of this meeting will be available for viewing via video streaming from the City's website within 48 hours of adjournment of this meeting.

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, Stacy Leitner, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the March 1, 2021 Regular Meeting of the Rancho Cordova City Council was posted and available for review on February 25, 2021 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 website at www.cityofranhocordova.org.

Signed February 25, 2021 at Rancho Cordova, California.



Stacy Leitner, CMC
City Clerk

MEMORANDUM



ITEM 3.1.

DATE: March 1, 2021
TO: Honorable Mayor and Council Members
FROM: Stefan Heisler, Housing Manager
Micah Runner, Deputy City Manager
SUBJECT: **CLIMATE ACTION PLAN SCOPING DISCUSSION**

RECOMMENDATION

Receive the presentation and provide Council feedback and direction to staff.

RESULT OF RECOMMENDED ACTION

Feedback and discussion on this item will provide direction to staff regarding the desired scope and scale of a Climate Action Plan. This will aid staff in the preparation of a Request for Proposals (RFP) from qualified firms to prepare a Climate Action Plan for the City.

BACKGROUND

A Climate Action Plan has been identified as a useful tool to streamline the environmental review process for some development projects, saving time and money. For this discussion, staff, in coordination with the consulting firm Ascent Environmental, Inc., will present several options for the potential scope and scale of a Climate Action Plan. Council feedback will be requested to determine the appropriate scope of this project.

The direction provided will be used to prepare a Request for Proposals (RFP) for qualified firms to prepare the Climate Action Plan. Staff anticipates that the Climate Action Plan process will begin in late summer 2021 and continue for 12 to 18 months with the eventual adoption of the Climate Action Plan in late 2022 or early 2023.

FISCAL IMPACT AND FUNDING SOURCE

\$140,000 in Local Early Action Planning (LEAP) grant funding has already been secured to prepare a Climate Action Plan. An additional \$140,000 in noncompetitive Regional Early Action Planning (REAP) grant funding is also available. A separate agenda item has been prepared to authorize staff to apply for this noncompetitive funding for a Climate Action Plan. These two sources would provide a total of \$280,000 in grant funding for this project.

Staff anticipates that \$280,000 will be sufficient to cover the entire cost of a modest Climate Action Plan. Any increases to a modest scope of work for a Climate Action Plan may result in an impact to the General Fund.

ATTACHMENT(S)

None

MEMORANDUM



ITEM 3.2.

DATE: March 1, 2021
TO: Honorable Mayor and Council Members
FROM: Micah Runner, Deputy City Manager
SUBJECT: **THIRD PARTY FOOD DELIVERY FEE - TEMPORARY LIMITATION DISCUSSION**

RECOMMENDATION

Receive information and provide feedback and direction.

RESULT OF RECOMMENDED ACTION

This preliminary discussion and direction from the City Council on Third Party Food Delivery Fee - Temporary Limitation will provide staff direction on next steps. Based on City Council direction to staff, additional Council action may be required at a future Council meeting.

BACKGROUND

At the request of the City Council, staff is bringing forward the discussion on Third Party Food Delivery Fees and implementing a temporary limitation on fees they charge restaurants. This discussion will provide the City Council the opportunity to discuss and provide direction to staff for next steps.

As a result of the local and state COVID-19 regulations, restaurants have become reliant on pick-up and delivery services such as Door Dash, Uber Eats, Grub-Hub, Postmates, etc. due to regulations limiting dining activities. Third Party Food Delivery companies charge restaurants and/or customers a variety of fees to place orders and schedule deliveries which can total 25% - 30% of the food order. The Third Party Food Delivery companies use fees to pay and provide commercial insurance for delivery drivers, market restaurants, develop and maintain websites and mobile ordering.

Based on City Council direction to staff, additional Council action may be required at a future Council meeting.

FISCAL IMPACT AND FUNDING SOURCE

There is no fiscal impact for this discussion.

ATTACHMENT(S)

None

ITEM 13.1.

CITY OF RANCHO CORDOVA



CITY COUNCIL MEETING

5:30 PM – Regular Meeting
David B. Roberts Council Chambers

In response to Governor’s Executive Order N-29-20 and the Resolution Declaring the Existence of a Local Emergency Relating to the COVID-19 Pandemic adopted by the City of Rancho Cordova, the City Council meetings are currently Teleconference Meetings Only to align with local and federal guidelines and social distancing recommendations for the containment of COVID-19. If there is a need for training or assistance in using the teleconferencing platform, please contact the office of the City Clerk no later than 10:00 a.m. Monday, February 16, 2021 at (916) 851-2720.

Tuesday, February 16, 2021

City Hall
2729 Prospect Park Drive, Rancho Cordova

DRAFT MINUTES

1. REGULAR MEETING - CALL TO ORDER/ROLL CALL

Mayor Gatewood called the Regular meeting to order in the David B. Roberts Council Chambers at 5:32 p.m.

Council Members Present: Linda Budge, Siri Pulipati, David Sander, Donald Terry, and Mayor Garrett Gatewood

Council Members Absent: None

Staff Members Present: Cyrus Abhar, Adam Lindgren, Stacy Leitner and Persephonie Riley

2. METRO CABLE TV TELEVISION ANNOUNCEMENT

The City Clerk read the meetings recordings and playback schedule.

3. PLEDGE OF ALLEGIANCE

Cyrus Abhar led the pledge.

ITEM 13.1.

Rancho Cordova City Council - DRAFT MINUTES
Meeting of Tuesday, February 16, 2021

4. INVOCATION

Dr. Colette Charles led the invocation.

5. PRESENTATIONS

- 5.1. Vice Mayor Terry's Birthday on February 8, 2021

6. PUBLIC COMMENT

Mayor Gatewood opened the public comment period. The following individuals addressed the Council:

1. Helen Whelan-Bashaw

Mayor Gatewood closed the public comment period.

7. COUNCIL REPORTS

Council reported on events since the last meeting.

8. CITY MANAGER'S REPORT

City Manager Cyrus Abhar gave his report.

9. CONSENT CALENDAR ITEMS - ROLL CALL VOTE

ACTION: Motion to approve items 9.1 through 9.6 by Terry second by Pulipati;
Motion passed with a 4:0 vote.

AYES: Pulipati, Sander, Terry, and Mayor Gatewood

NOES: None

ABSENT: Budge

ABSTAIN: None

- 9.1. **Subject:** Meeting Minutes from the Regular City Council Meeting of February 1, 2021.
Recommendation: Adopt the Minutes.

- 9.2. **Subject:** A Resolution Authorizing the City Manager to Execute Contract Amendment No. 61-2017-2 with Davey Resource Group to Extend the Contract Term from June 30, 2021 to June 30, 2023 and Increase the Contract Amount from \$300,000 to an Amount not to Exceed \$460,000 for On-Call Arborist Consulting Services.
Recommendation: Adopt the Resolution.

- 9.3. **Subject:** A Resolution Authorizing the City Manager to Execute On-Call Contract No. 2021-09 in an Amount not to Exceed \$3,000,000.00 with Salaber Associates, Inc. for Construction Management Services for Federally Funded Projects.
Recommendation: Adopt the Resolution.

- 9.4. **Subject:** A Resolution Authorizing the City Manager to Execute On-Call Contract No. 2021-10 in an Amount not to Exceed \$3,000,000.00 with Dewberry Engineers, Inc. for Construction Management Services for Federally Funded Projects.
Recommendation: Adopt the Resolution.

- 9.5. **Subject:** Second Reading of an Ordinance Adopting the Fourth Amendment of the Development Agreement (DA) for the Montelena Villages 3, 5 and 7.
Recommendation: Waive the second reading and adopt the Ordinance.

- 9.6. **Subject:** Treasurer's Report - December 31, 2020.
Recommendation: This report is informational only. It is recommended that the City Council receive and file the December 31, 2020 Treasurer's Report.

ITEM 13.1.

Rancho Cordova City Council - DRAFT MINUTES
Meeting of Tuesday, February 16, 2021

10. CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE

None.

11. PUBLIC HEARING ITEMS

- 11.1. **Subject:** An Ordinance Adopting the Ranch Special Planning Area Amendment and an Ordinance Adopting the First Amendment to the Development Agreement between the City of Rancho Cordova and K. Hovnanian at Jaeger Ranch Relative to the Ranch.

Recommendation: Waive first reading and introduce the Ordinances.

ACTION: Motion to approve item 11.1 by Terry second by Pulipati;
Motion passed with a 4:1 vote.

AYES: Pulipati, Sander, Terry, and Mayor Gatewood

NOES: Budge

ABSENT: None

ABSTAIN: None

- 11.2. **Subject:** Royal C Store - Administrative Use permit (AUP), Conditional Use Permit (CUP) and Letter of Public Convenience and Necessity (PCN); Project No. DD10007 - Located at 3336 Mather Field Road Within Rockingham Plaza.

Recommendation: Adopt the Resolution.

ACTION: Motion to approve item 11.2 by Terry second by Sander;
Motion passed with a 5:0 vote.

12. REGULAR CALENDAR ITEMS

- 12.1. **Subject:** Appointment of Real Property Negotiators: Cyrus Abhar, City Manager, Micah Runner, Deputy City Manager, and Adam U. Lindgren, City Attorney: Property Address and Assessor's Parcel Number (APN): 11327 Folsom Blvd, 069-0090-001-0000, 3000 Sunrise Boulevard, 072-3220-002-0000, 11252 Trade Center Drive, 072-0380-028-0000, 10559 Folsom Boulevard, 057-0231-016-0000.

Recommendation: Appoint Real Property Negotiators.

ACTION: Motion to approve item 12.1. by Sander second by Budge;
Motion passed with a 5:0 vote.

- 12.2. **Subject:** Appointment of Real Property Negotiators: Cyrus Abhar, City Manager, Micah Runner, Deputy City Manager, Elizabeth Sparkman, Community Development Director, and Adam U. Lindgren, City Attorney: Assessor's Parcel Numbers (APN): 962-0370-071, 072-0370-102, 072-0370-103, 072-0370-104, 072-0370-105, 072-0370-089, 072-0370-046, 072-0370-047, and 072-0370-048.

Recommendation: Appoint Real Property Negotiators.

ACTION: Motion to approve item 12.2 by Terry second by Sander;
Motion passed with a 5:0 vote.

13. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

None.

14. ADJOURN TO CLOSED SESSION

Mayor Gatewood will adjourn the meeting to closed session.

Mayor Gatewood adjourned the meeting to closed session at 6:52 PM in memory of Russ Knauer, Ken Noack Sr., and Ed Sarmiento.

15. CLOSED SESSION - CALL TO ORDER/ROLL CALL

ITEM 13.1.

Rancho Cordova City Council - DRAFT MINUTES
Meeting of Tuesday, February 16, 2021

Mayor Gatewood called closed session to order at 6:55 p.m.

Council Members Present: Budge, Pulipati, Sander, Terry, and Mayor Gatewood

Council Members Absent: None

Staff Members Present: Cyrus Abhar, Adam Lindgren, and Micah Runner

16. CLOSED SESSION

Council met in closed session to discuss the following items:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS: Pursuant to Government Code Section 54956.8: Property: 10599 Folsom Boulevard, Assessor's Parcel Number 057-0231-016-0000. City Negotiators: Cyrus Abhar, City Manager, Micah Runner, Deputy City Manager, and Adam U. Lindgren, City Attorney. Negotiating Parties: Property Owner Jeanette D Orsi Trust Agreement 2006/ETAL. Property: 11327 Folsom Boulevard, Assessor's Parcel Number: 069-0090-001-0000. City Negotiators: Cyrus Abhar, City Manager, Micah Runner, Deputy City Manager, and Adam U. Lindgren, City Attorney. Negotiating Parties: Property Owner Gregory Wayne Hardcastle Family Living Trust. Under Negotiation: Price and terms of payment.

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS: Pursuant to Government Code Section 54956.8: Assessor's Parcel Numbers (APN): 072-0370-071, 072-0370-102, 072-0370-046, 072-0370-047, 072-0370-048. City Negotiators: Cyrus Abhar, City Manager, Micah Runner, Deputy City Manager, Elizabeth Sparkman, Community Development Director, and Adam U. Lindgren, City Attorney. Negotiating Parties: Alta Vista, LLC. Assessor's Parcel Numbers (APN): 072-0370-103, 072-0370-104, 072-0370-105, 072-0370-089. City Negotiators: Cyrus Abhar, City Manager, Micah Runner, Deputy City Manager, Elizabeth Sparkman, Community Development Director, and Adam U. Lindgren, City Attorney. Negotiating Parties: Aerojet Rocketdyne, Inc. Under Negotiation: Price and terms of payment.

17. OPEN SESSION - REPORT FROM CLOSED SESSION

City Attorney Adam Lindgren reported that staff was given direction and there was no reportable action.

18. ADJOURNMENT

Mayor Gatewood adjourned the meeting at 8:59 p.m.

Stacy Leitner, CMC
City Clerk

ITEM 13.1.

CITY OF RANCHO CORDOVA



CITY COUNCIL MEETING

5:30 PM – Regular Meeting
David B. Roberts Council Chambers

In response to Governor’s Executive Order N-29-20 and the Resolution Declaring the Existence of a Local Emergency Relating to the COVID-19 Pandemic adopted by the City of Rancho Cordova, the City Council meetings are currently Teleconference Meetings Only to align with local and federal guidelines and social distancing recommendations for the containment of COVID-19. If there is a need for training or assistance in using the teleconferencing platform, please contact the office of the City Clerk no later than 10:00 a.m. Tuesday, February 23, 2021 at (916) 851-8720.

Tuesday, February 23, 2021

City Hall
2729 Prospect Park Drive, Rancho Cordova

DRAFT MINUTES

1. SPECIAL MEETING - CALL TO ORDER/ROLL CALL

Mayor Gatewood called the Regular meeting to order in the David B. Roberts Council Chambers at 5:08 p.m.

Council Members Present: Linda Budge, Siri Pulipati, David Sander, Donald Terry, and Mayor Garrett Gatewood

Council Members Absent: None

Staff Members Present: Cyrus Abhar, Adam Lindgren, Stacy Leitner and Persephonie Riley

2. PUBLIC COMMENT

Mayor Gatewood opened the public comment period. Seeing no speakers. Mayor Gatewood closed the public comment period.

3. SPECIAL MEETING ITEMS

ITEM 13.1.

Rancho Cordova City Council - DRAFT MINUTES
Meeting of Tuesday, February 23, 2021

- 3.1. **Subject:** Follow-Up Discussion Regarding City Council Goals and Priorities and Direction for the Preparation of the Fiscal Year 2021-23 Budget.

Recommendation: Receive information and provide direction.

Mayor Gatewood opened the public comment period. The following individual addressed the Council:

1. Angel Ball

Mayor Gatewood closed the public comment period.

ACTION: Input was received regarding the Follow-Up Discussion Regarding City Council Goals and Priorities and Direction for the Preparation of the Fiscal Year 2021-23 Budget.

4. **ADJOURNMENT**

Mayor Gatewood adjourned the meeting at 6:51 p.m.

Stacy Leitner, CMC
City Clerk

MEMORANDUM



ITEM 13.2.

DATE: March 1, 2021

TO: Honorable Mayor and Council Members

FROM: Albert Stricker, Public Works Director
Quoc Nham, Associate Civil Engineer

SUBJECT: **A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE SUBDIVISION IMPROVEMENT AGREEMENT CONTRACT NO. 2021-22 WITH LENNAR HOMES OF CALIFORNIA, INC., AND APPROVING THE FINAL MAP OF GRANTLINE 208 VILLAGE 5, SUBDIVISION NO. FM-2018-001-07**

RECOMMENDATION

Adopt the Resolution.

RESULT OF RECOMMENDED ACTION

Adoption of the resolution will authorize the City Manager to execute Subdivision Improvement Agreement Contract No. 2021-22 guaranteeing the construction of public roads and utilities with Lennar Homes of California, Inc. and the recording of the final subdivision map for Grantline 208 Village 5, creating 65 new residentially zoned lots located south of Douglas Road and West of Grant Line Road.

BACKGROUND

The map has been examined and checked for compliance with Title 22 of the City of Rancho Cordova Municipal code and the California Subdivision Map Act. The City Council approved the Tentative Map on March 2, 2015. A copy of the final map (Attachment 3) and copy of the vicinity map (Attachment 4) are included with this letter.

Roads are offered for dedication with this subdivision. Lennar Homes of California, Inc. has provided a performance and labor and material bond guaranteeing the construction of the public improvements. TSD Engineering, Inc., has waived the requirement for a bond to guarantee payment for setting the survey monuments with the subdivision. The soil report requirement has been satisfied by Wallace-Kuhl & Associates dated October 5, 2017.

There are no delinquent taxes against the property and the Tax Collector has so certified. The

2020/2021 estimated taxes have been secured with the Sacramento County Tax Collector.

FISCAL IMPACT AND FUNDING SOURCE

There is no impact to the City's General Fund.

ATTACHMENT(S)

1. Resolution
2. Subdivision Improvement Agreement
3. Final Map - Grantline 208 Village 5
4. Vicinity Map - Grantline 208 Village 5

CITY OF RANCHO CORDOVA

RESOLUTION NO. XX-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA, STATE OF CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE SUBDIVISION IMPROVEMENT AGREEMENT CONTRACT NO. 2021-22 WITH LENNAR HOMES OF CALIFORNIA INC. AND APPROVE THE FINAL MAP OF GRANTLINE 208 VILLAGE 5, SUBDIVISION NO. FM-2018-001-07

WHEREAS, the City Council approved the Tentative Map for the Grantline 208 Subdivision on March 2, 2015 Resolution 24-2015; and

WHEREAS, the City determined that the Final Map for Village 5 of the subdivision is in substantial compliance with the approved tentative map; and

WHEREAS, the conditions of approval have been complied with; and

WHEREAS, the map complies with Title 22 of the City of Rancho Cordova municipal code and the California Subdivision Map Act; and

WHEREAS, the approval of final maps is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Regulation Section 15268(b)(3) as a ministerial approval; and

WHEREAS, the City desires to enter into a subdivision improvement agreement with the developer to ensure necessary public improvements are completed and secured with a bond.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does approve the Final Map of Grantline 208 Village 5, Subdivision No. FM-2018-001-07 and does authorize the City Manager to execute Subdivision Improvement Agreement 2021-22 with Lennar Homes of California, Inc. in a form approved by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 1st day of March 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

ITEM 13.2.

ATTACHMENT 1

Garrett Gatewood, Mayor

Stacy Leitner, CMC
City Clerk

SUBDIVISION IMPROVEMENT AGREEMENT

THIS SUBDIVISION IMPROVEMENT AGREEMENT (hereinafter, "Agreement") entered into this _____ day of _____, 20____, by and between the City of Rancho Cordova, (hereinafter "City"), a California municipal corporation, and Lennar Homes of California, Inc. a California Corporation (hereinafter "Principal").

RECITALS

WHEREAS, Section 66462 of the Government Code provides that if the work of improvement required therein is not completed prior to the acceptance of a final subdivision map, the owner of the subdivision may enter into an agreement with the City to perform the work of improvement as required by said sections in consideration of the acceptance of said final subdivision map by the City; and

WHEREAS, Section 66499 of the Government Code requires that said agreement be secured by a surety bond or by an instrument of credit issued by a financial institution subject to regulation by the State or federal governments or by a cash deposit; and

WHEREAS, Section 66499.3 establishes the types and amount of security to guarantee the performance of any such improvement agreement; and

WHEREAS, City and Principal desire to enter into an improvement agreement as authorized by the Subdivision Map Act under the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual promises, conditions and covenants hereinafter set forth, City and Principal agree as follows:

1. _____ . The foregoing recitals are hereby incorporated by reference.

2. _____ . Principal recognizes that approval of its subdivision was subject to the findings and conditions attached to such approval and hereby acknowledges and agrees to be bound by such findings and conditions.

3. _____ . City agrees to approve the final map of the subdivision presented to it by Principal and designated **Grantline 208 Village 5 Subdivision No. FM-2018-001-07** and to accept on behalf of the public all lands, rights of way and easements therein offered in dedication, in accordance with the conditions hereinafter set forth.

4. _____ . In consideration of such approval, Principal

agrees to complete the work of improvement required for said subdivision in accordance with the requirements of the Rancho Cordova Municipal Code and such standard specifications created by applicable City ordinances or resolutions which are in effect at the time of the installation of said improvements. The work required may lie within or outside the subdivision and must be completed within **24** months of the date of this Agreement.

5. **Payment For Services.** Principal further agrees to promptly pay, when due, all costs for plan checking, inspection services and material testing performed by City pursuant to the requirements of Sections 12.03.210 et. seq. of the Rancho Cordova Municipal Code.

6. **Acceptance of Improvements.** Upon satisfactory completion of all public improvements in accordance with standard specifications created by City ordinances or resolutions which are in effect at the time of the installation of said improvements, City agrees to accept for maintenance the work of improvement within the dedicated parcels shown on said final subdivision map, and any off site easements granted, subject to the provisions of paragraph 8 hereof. Acceptance will be postponed until such time the City determines a public purpose exists. Public Purpose is defined as existence of habitable structures within the subdivision.

7. **Notice of Commencement of Work.** Principal shall notify the City Engineer in writing of the commencement of the work of improvements.

8. **Correction of Defects.** Principal agrees to remedy any defects in the improvement arising from faulty or defective construction of said improvements occurring within twelve months after acceptance thereof by City.

9. **Indemnity.** Principal shall indemnify and hold harmless City from any and all loss, damage or liability arising out of or resulting from Principal's performance or non-performance of his duties and obligations under this Agreement, or from the negligent act or omission of himself, his agents, servants and employees. Principal shall, at his own cost and expense, defend any and all actions, suits, or legal proceedings arising out of or resulting from the performance or nonperformance of this Agreement, that may be brought or instituted against the City, its officers and employees, on any such claim or demand, and pay or satisfy any judgment that may be rendered against the City in any such action, suit or legal proceedings, or result thereof, regardless whether caused in part by a party indemnified hereunder.

10. **Extension of Completion Date.** If the construction of the work or improvement should be delayed without fault of Principal, the time for completion thereof may be extended by City for such period of time as City may deem reasonable.

ITEM 13.2.

11. **Improvement Security.** (a) Principal shall obtain and furnish to City an improvement security consisting of a surety bond in favor of City, issued by a corporate surety authorized to do business in the State of California, and in form approved by City, securing the faithful performance by Principal of the work of improvement required, and also securing the payment of the costs and interest, if any, due under Sections 12.030.210 et seq. of the Rancho Cordova Municipal Code, as provided in Paragraph 5 herein and an additional bond issued by a corporate surety authorized to do business in the State of California, in the amount of not less than 50 percent of the total estimated cost of the improvement, securing payment to contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials for the improvement.

(b) In lieu of said corporate surety bonds, Principal may furnish an improvement security consisting of a letter of credit, certificate of deposit, or similar instrument of credit, in form satisfactory to City, issued by a financial institution subject to regulation by the State or Federal government, pledging that the funds necessary to meet the performance required herein are on deposit, and guaranteed for payment on demand. Said letter of credit, certificate of deposit, or similar instrument of credit shall provide that the funds designated therein shall become trust funds for the purposes set forth in said instrument.

(c) The failure of Principal to commence the required work of improvements, or to complete the same within the time required after commencement thereof, shall entitle City to the full payment of the security, or so much thereof as may be necessary to complete the required work of improvement. The amount of the surety bond for faithful performance shall be in the sum of **\$453,117**. The amount of the surety bond for the payment of the claims of the contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials for the improvement shall be at least 50 percent of the above amount. The letter of credit, certificate of deposit or similar instrument of credit, or cash deposit for faithful performance, shall be in the above amount plus an additional 50 percent for the purposes set forth herein.

12. **Improvement Security As Condition Precedent.** The furnishing of the improvement security by Principal as required by paragraph 11 hereof shall be a condition precedent to acceptance by City of the above described real property and the performance by the City of the covenants herein on its part to be performed.

13. **Inspection of Work In Progress.** (a) Principal may request The City Engineer to inspect the work as it progresses. If the work performed is found to be in accordance with the requirements of City, it may be accepted as it progresses and a partial refund of the cash

deposit, or a release pro tanto of the faithful performance bond, letter of credit, certificate of deposit or similar instrument of credit shall be made in a sum in the same ratio to the total deposit as the work accepted bears to the total work to be done. No refund in excess of 85 percent of the total amount of the improvement security for faithful performance shall be made until all the work has been completed and accepted.

(b) The determination of the Administrator of Public Works of City as to the amount of work done, and the amount of refund or partial release pro tanto, shall be final and conclusive. When the work of improvement is accepted, 10 percent of the improvement security shall be retained to guarantee faithful performance of the provisions of paragraph 8 of this Agreement.

(c) Improvement security given to secure payment to contractor, his subcontractors and to persons renting equipment or furnishing labor or materials for the work of improvement may, six months after completion and acceptance of the work, be reduced to an amount not less than the total of all claims on which an action has been filed, and notice thereof given in writing to City, and if there are no actions filed, such improvement security may be released in full.

14. Execution By Real Party In Interest. Where title to the subdivision property is held by the record owner thereof under a holding Agreement, this Agreement and the bond given pursuant thereto must be executed by the real party or parties in interest.

15. Waiver of Civil Code Section 2819. Any extension of time hereunder shall not operate to release the surety on the bond filed pursuant to this Agreement. In this connection the surety waives the provisions of Section 2819 of the Civil Code of the State of California.

16. City Construction of Improvements. In the event that all or any portion of the works of improvement contemplated herein are proposed to be constructed by street improvement proceedings under the control of City, the undertaking of such proceedings shall in no way relieve Principal of any duties under this Agreement, except where all of the works of improvement that are required under this Agreement have in fact been constructed and accepted by City.

17. Interest. Interest shall accrue at the highest rate permitted by law on all sums from the date payment is due under the terms of this Agreement and the sum due is certain or reasonably capable of being made certain.

18. Attorneys' Fees. In the event that it is necessary for the City to enforce the obligations secured by the improvement security furnished pursuant to Paragraph 11 hereof, the City shall be entitled to recover its costs and reasonable expenses and fees, including reasonable attorneys' fees, as provided for in Government Code Section 66499.4.

19. **Amendments.** This Agreement may be modified or amended, or any of its provisions waived, only by a subsequent written agreement executed by the parties hereto.

20. **Entire Agreement.** This Agreement and any attachments hereto constitute the sole, final, complete, exclusive and integrated expression and statement of the terms and conditions of this Agreement among the parties hereto concerning the subject matter addressed herein, and supercedes all prior negotiations, representations or agreements, oral or written, that may be related to the subject matter of this Agreement.

21. **Construction and Interpretation.** It is agreed and acknowledged by the Principal that the provisions of this Agreement have been arrived at through negotiation, and that the Principal has had a full and fair opportunity to revise the provisions of this Agreement and to have such provisions reviewed by legal counsel. Therefore, the normal rule of construction that any ambiguities are to be resolved against the drafting party shall not apply in construing or interpreting this Agreement.

22. **Successors and Assigns.** This Agreement shall bind and inure to the benefit of the respective successors and assigns of the parties hereto.

23. **Time.** Time is of the essence in the performance of each and every term of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first set forth above, which date shall be considered by the Parties to be the effective date of this Agreement.

CITY OF RANCHO CORDOVA

Cyrus Abhar, City Manager

ATTEST:

Stacy Leitner, City Clerk

PRINCIPAL

Lennar Homes of California, Inc.



Larry Gualco, V.P.

ACKNOWLEDGMENT

.....

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Placer } ss.

On January 25, 2021 before me, Monique Reynolds,

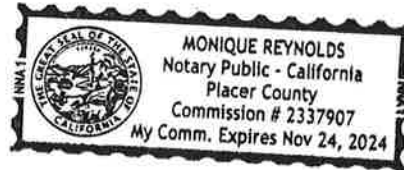
Notary Public, personally appeared Larry Gualco

who 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~~ signatures~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Monique Reynolds
Signature



(seal)

OPTIONAL INFORMATION

Date of Document

Grantline 208 V.5 SIA

Thumbprint of Signer

Type or Title of Document

Number of Pages in Document

Document in a Foreign Language

Type of Satisfactory Evidence:

- ☐ Personally Known with Paper Identification
☐ Paper Identification
☐ Credible Witness(es)

Capacity of Signer:

- ☐ Trustee
☐ Power of Attorney
☐ CEO / CFO / COO
☐ President / Vice-President / Secretary / Treasurer
☐ Other: _____

☐ Check here if no thumbprint or fingerprint is available.

Other Information: _____

OWNER'S STATEMENT

THE UNDERSIGNED HEREBY CONSENTS TO THE PREPARATION AND RECORDATION OF THIS FINAL MAP OF GRANTLINE 208 VILLAGE 5.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES;

THE UNDERSIGNED HEREBY OFFERS FOR DEDICATION AND DOES HEREBY DEDICATE TO ANY AND ALL PUBLIC USES THE PUBLIC ROADS DESIGNATED AS CYPRESS GROVE DRIVE, NOBELTON WAY, PAISLEYSHIRE WAY AND SCHOLARLY WAY SHOWN HEREON; AND ALSO OFFER(S) FOR DEDICATION AND DO(ES) HEREBY DEDICATE TO SPECIFIC PURPOSES THE FOLLOWING:

- A.

EASEMENTS FOR PLANTING AND MAINTAINING TREES, ELECTROLIERS, TRAFFIC CONTROL DEVICES, WATER AND GAS PIPES, AND FOR UNDERGROUND WIRES AND CONDUITS FOR ELECTRIC, TELEVISION AND TELEPHONE SERVICES, TOGETHER WITH ANY AND ALL APPURTENANCES PERTAINING THERETO, ON, OVER, UNDER AND ACROSS THOSE STRIPS OF LAND SHOWN HEREON AND DESIGNATED "PUBLIC UTILITY EASEMENT" (P.U.E.).
- B.

AN EASEMENT FOR CONSTRUCTING AND MAINTAINING CENTRALIZED MAIL DELIVERY BOXES, PEDESTALS, AND SLABS, TOGETHER WITH ANY AND ALL APPURTENANCES PERTAINING THERETO INCLUDING PEDESTRIAN ACCESS FOR DELIVERY AND RECEIPT OF MAIL ON, OVER, UNDER AND ACROSS STRIPS OF LAND FIVE FEET IN WIDTH, LYING CONTIGUOUS TO THE PUBLIC AVENUE, WAYS AND COURT SHOWN HEREON.

LENNAR HOMES OF CALIFORNIA, INC.,
A CALIFORNIA CORPORATION

BY: _____ DATE: _____

PRINT NAME & TITLE

NOTARY ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF _____)

ON _____, _____ BEFORE ME, _____, A NOTARY PUBLIC
PERSONALLY APPEARED _____

WHO 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.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

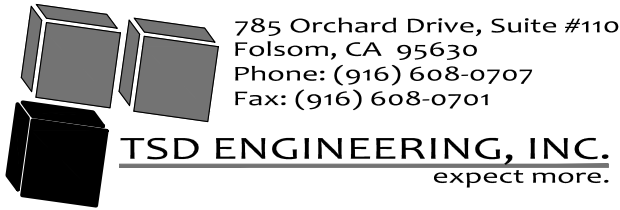
WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE _____
(PRINTED NAME)

MY PRINCIPAL PLACE OF BUSINESS IS IN _____ COUNTY

MY COMMISSION NO. _____ EXPIRES: _____

FINAL MAP OF
GRANTLINE 208 VILLAGE 5
SUBDIVISION NO. FM-2018-001-07
BEING A PORTION OF LOTS 4 AND 5,
AS SHOWN ON THE FINAL MAP OF
"GRANTLINE 208 LARGE LOT MAP",
FILED IN BOOK 403 OF MAPS, AT PAGE 6
SACRAMENTO COUNTY RECORDS
CITY OF RANCHO CORDOVA
COUNTY OF SACRAMENTO
STATE OF CALIFORNIA
FEBRUARY 2021

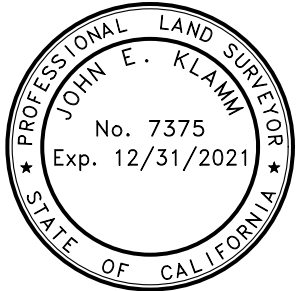


SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES AT THE REQUEST OF LENNAR HOMES OF CALIFORNIA, INC. IN APRIL 2018. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP; THAT THE MONUMENTS WILL BE OF THE CHARACTER AND WILL OCCUPY THE POSITIONS INDICATED AND WILL BE SET BY APRIL 30, 2020, AND THAT SAID MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATE: _____

JOHN E. KLAMM, L.S. 7375



CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP AND FIND IT TO BE SUBSTANTIALLY THE SAME AS THE TENTATIVE MAP APPROVED BY THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA, AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND ALL APPLICABLE CITY ORDINANCES HAVE BEEN COMPLIED WITH.

DATE: _____

CITY ENGINEER, ALBERT STRICKER
R.C.E. 64057
EXPIRATION DATE: 9/30/2022

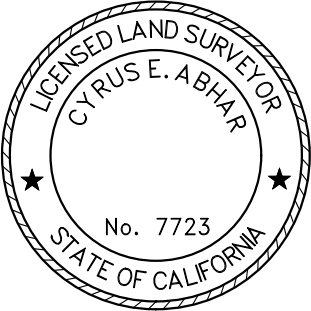


CITY SURVEYOR'S STATEMENT

I HEREBY STATE THAT I AM SATISFIED THAT THIS FINAL MAP IS TECHNICALLY CORRECT.

DATE: _____

LAND SURVEYOR, CYRUS E. ABHAR,
P.L.S. 7723
EXPIRATION DATE: 12/31/2021



CITY CLERK'S STATEMENT

I HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA HAS APPROVED THIS FINAL MAP OF GRANTLINE 208 VILLAGE 5 AND HAS ACCEPTED ON BEHALF OF THE PUBLIC ALL EASEMENTS AND RIGHTS OF WAY SHOWN HEREON AS CYPRESS GROVE DRIVE, NOBELTON WAY, PAISLEYSHIRE WAY AND SCHOLARLY WAY, TOGETHER WITH ANY AND ALL APPURTENANCES THERETO, SUBJECT TO IMPROVEMENT THEREOF; AND DO HEREBY CERTIFY THE ABANDONMENT LISTED HEREON.

DATED

CITY CLERK OF THE CITY OF RANCHO CORDOVA

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2021, AT _____ M., IN BOOK _____ OF MAPS, AT PAGE _____, AT THE REQUEST OF TSD ENGINEERING, INC. TITLE TO THE LAND INCLUDED IN THIS FINAL MAP BEING VESTED AS PER CERTIFICATE NO. _____ ON FILE IN THIS OFFICE.

DONNA ALLRED, COUNTY RECORDER BY: _____
DEPUTY COUNTY RECORDER

FILE NO. _____

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS IDENTICAL WITH THE SOUTHERLY BOUNDARY OF "GRANTLINE 208 LARGE LOT MAP", AS SHOWN ON THE FINAL MAP FILED IN BOOK 403 OF MAPS, AT PAGE 6, THE BEARING OF WHICH IS GIVEN AS N89°53'49"E BETWEEN FOUND MONUMENTS SHOWN HEREON.

NOTES

1. THE GROSS AREA OF THIS SUBDIVISION IS 9.811± ACRES, CONTAINING 65 RESIDENTIAL LOTS.
2. ALL CURVES ARE DIMENSIONED WITH RADIUS, CENTRAL ANGLE AND ARC LENGTH, AND ARE TANGENT, COMPOUND OR REVERSE CURVES UNLESS OTHERWISE SHOWN.
3. ALL DISTANCES SHOWN HEREON ARE IN U.S. SURVEY FEET AND ARE GROUND DISTANCES.
4. DUE TO ROUNDING, THE SUM OF INDIVIDUAL DIMENSIONS MAY NOT EQUAL THE OVERALL DIMENSION.
5. A GEOTECHNICAL ENGINEERING REPORT FOR THIS SUBDIVISION WAS PREPARED BY WALLACE KUHL & ASSOCIATES, WKA NO. 11598.01, DATED OCTOBER 5, 2017.
6. THE PROPERTY INCLUDED IN THIS SUBDIVISION IS SUBJECT TO THE MEMORANDUM OF RECIPROCAL EASEMENT AGREEMENT RECORDED IN BOOK 20160520, PAGE 348, O.R.
7. THERE IS A POSTAL EASEMENT 5.00 FEET IN WIDTH ADJACENT TO ALL PUBLIC ROAD RIGHTS OF WAY SHOWN HEREON.
8. ALL REAR LOT CORNERS SHALL BE MONUMENTED WITH A 5/8" REBAR WITH PLASTIC CAP STAMPED "L.S. 7375", UNLESS OTHERWISE NOTED.
9. ALL FRONT LOT CORNERS AND REAR LOT CORNERS FRONTING ALLEYS SHALL BE MONUMENTED WITH A GASH CUT IN THE BACK OF CURB OR BACK OF SIDEWALK TAGGED "L.S. 7375".

FINAL MAP OF
GRANTLINE 208 VILLAGE 5
SUBDIVISION NO. FM-2018-001-07
BEING A PORTION OF LOTS 4 AND 5,
AS SHOWN ON THE FINAL MAP OF
"GRANTLINE 208 LARGE LOT MAP",
FILED IN BOOK 403 OF MAPS, AT PAGE 6
SACRAMENTO COUNTY RECORDS
CITY OF RANCHO CORDOVA
COUNTY OF SACRAMENTO
STATE OF CALIFORNIA
FEBRUARY 2021

785 Orchard Drive, Suite #110
Folsom, CA 95630
Phone: (916) 608-0707
Fax: (916) 608-0701
TSD ENGINEERING, INC.
expect more.

REFERENCES

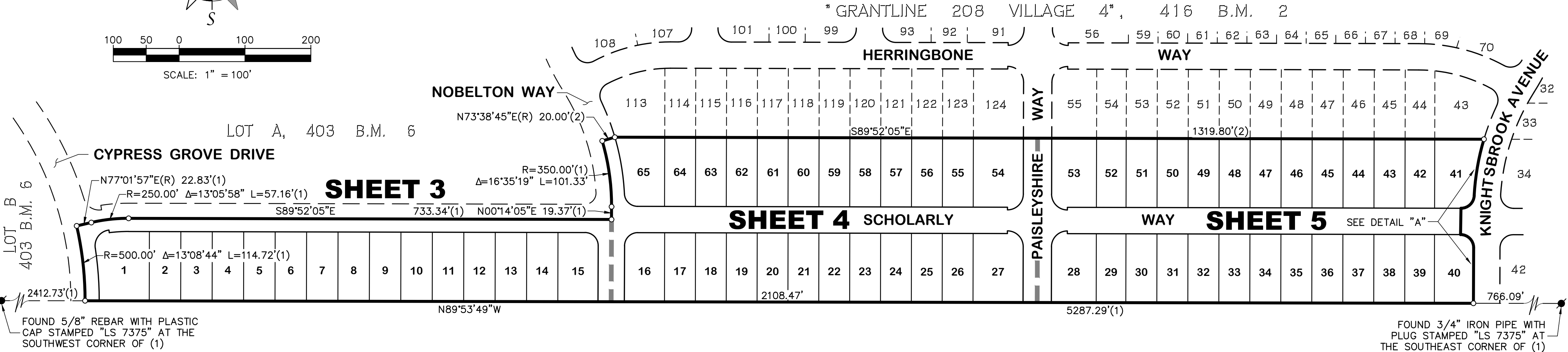
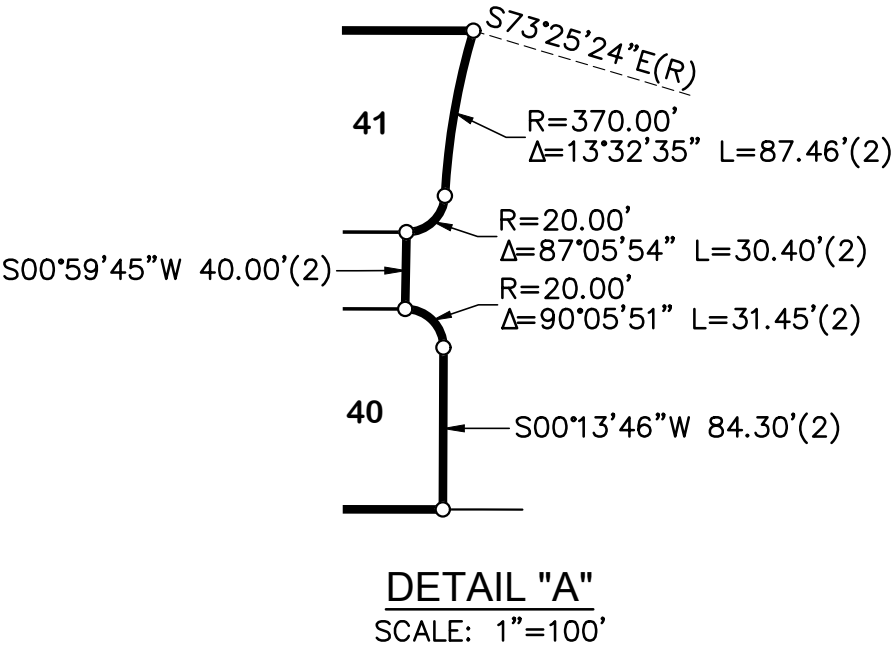
- (1) BOOK 403 OF MAPS, AT PAGE 6
- (3) BOOK 416 OF MAPS, AT PAGE 2

LEGEND

- DIMENSION POINT (NOTHING FOUND OR SET)
- FOUND 3/4" IRON PIPE WITH PLUG STAMPED "LS 7375"
- ⬮

FOUND MONUMENT AS NOTED
- ◎

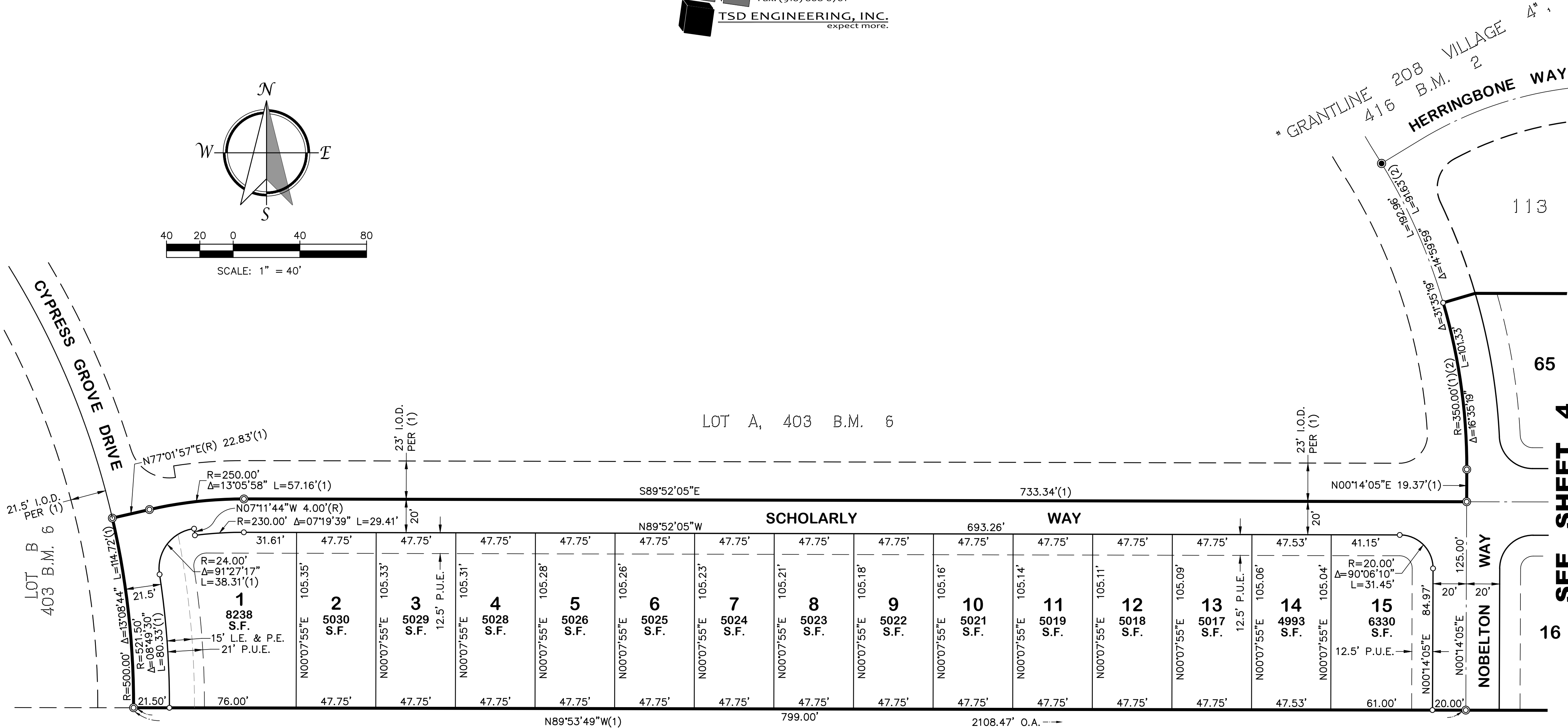
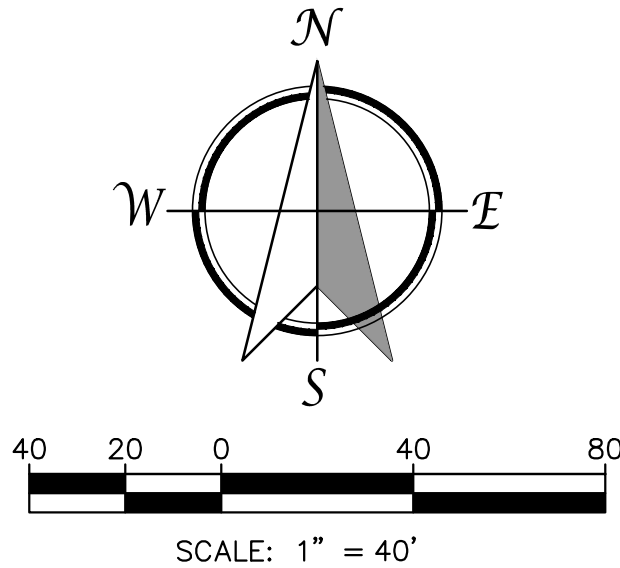
SET 3/4" IRON PIPE WITH PLUG STAMPED "LS 7375"
- I.O.D. IRREVOCABLE OFFER OF DEDICATION
- L.E. LANDSCAPING EASEMENT
- O.A. OVERALL DIMENSION
- O.R. OFFICIAL RECORDS OF SACRAMENTO COUNTY
- P.E. PEDESTRIAN EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- (R) RADIAL BEARING
- S.F. SQUARE FEET



20090715 O.R. 827

FINAL MAP OF
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expect more.



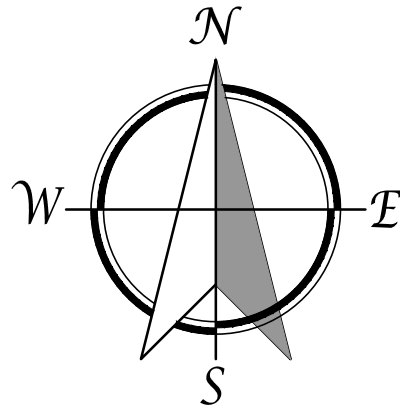
NOTE
SEE SHEET 2 FOR BASIS OF BEARINGS, LEGEND, NOTES AND REFERENCES.

20090715 O.R. 827

SEE SHEET 4

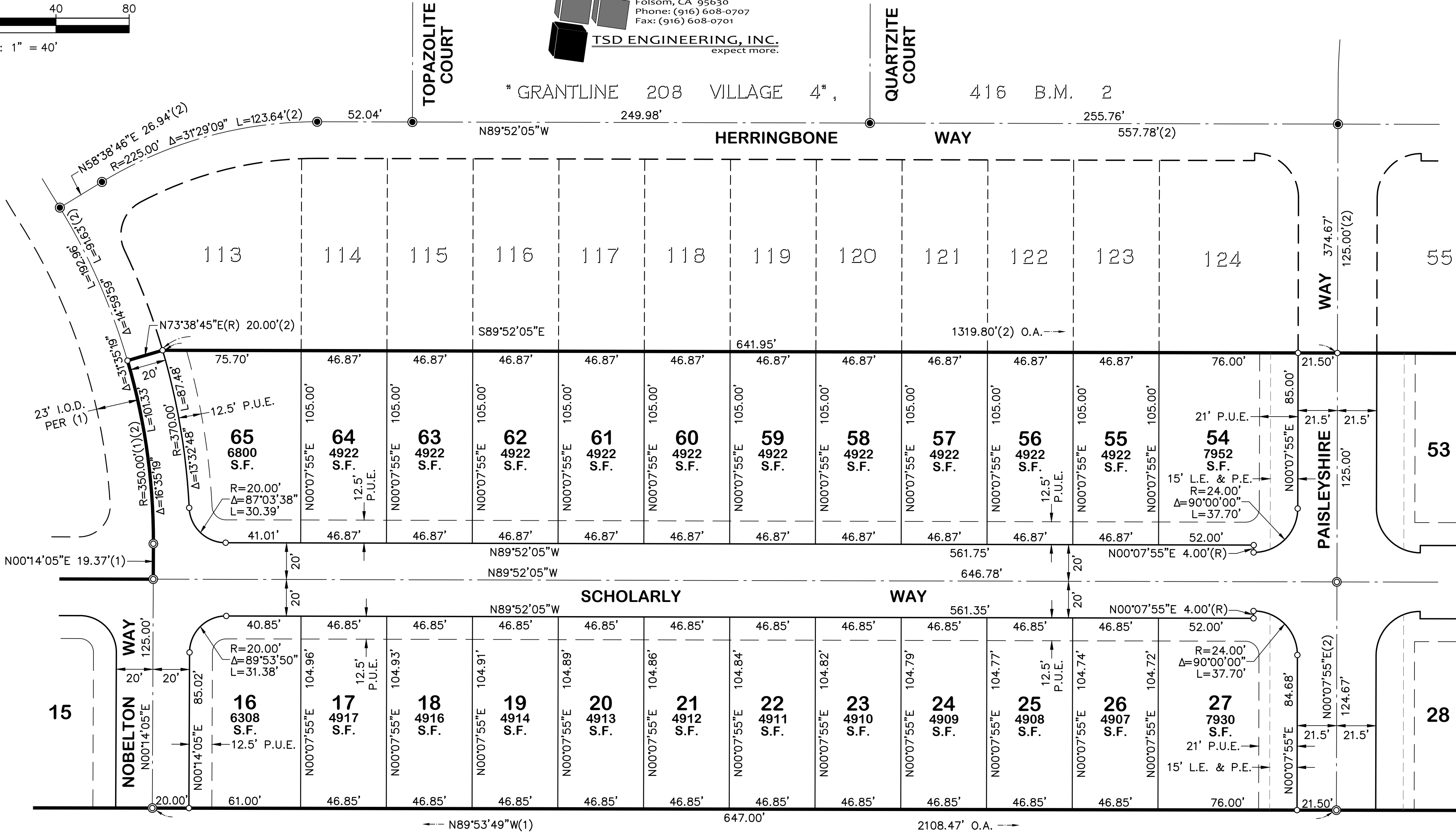
FINAL MAP OF
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expect more.



SCALE: 1" = 40'

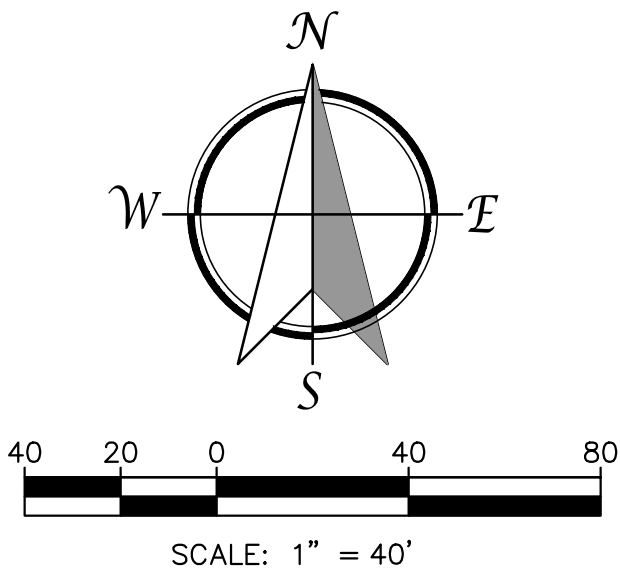
SEE SHEET 3



SEE SHEET 5

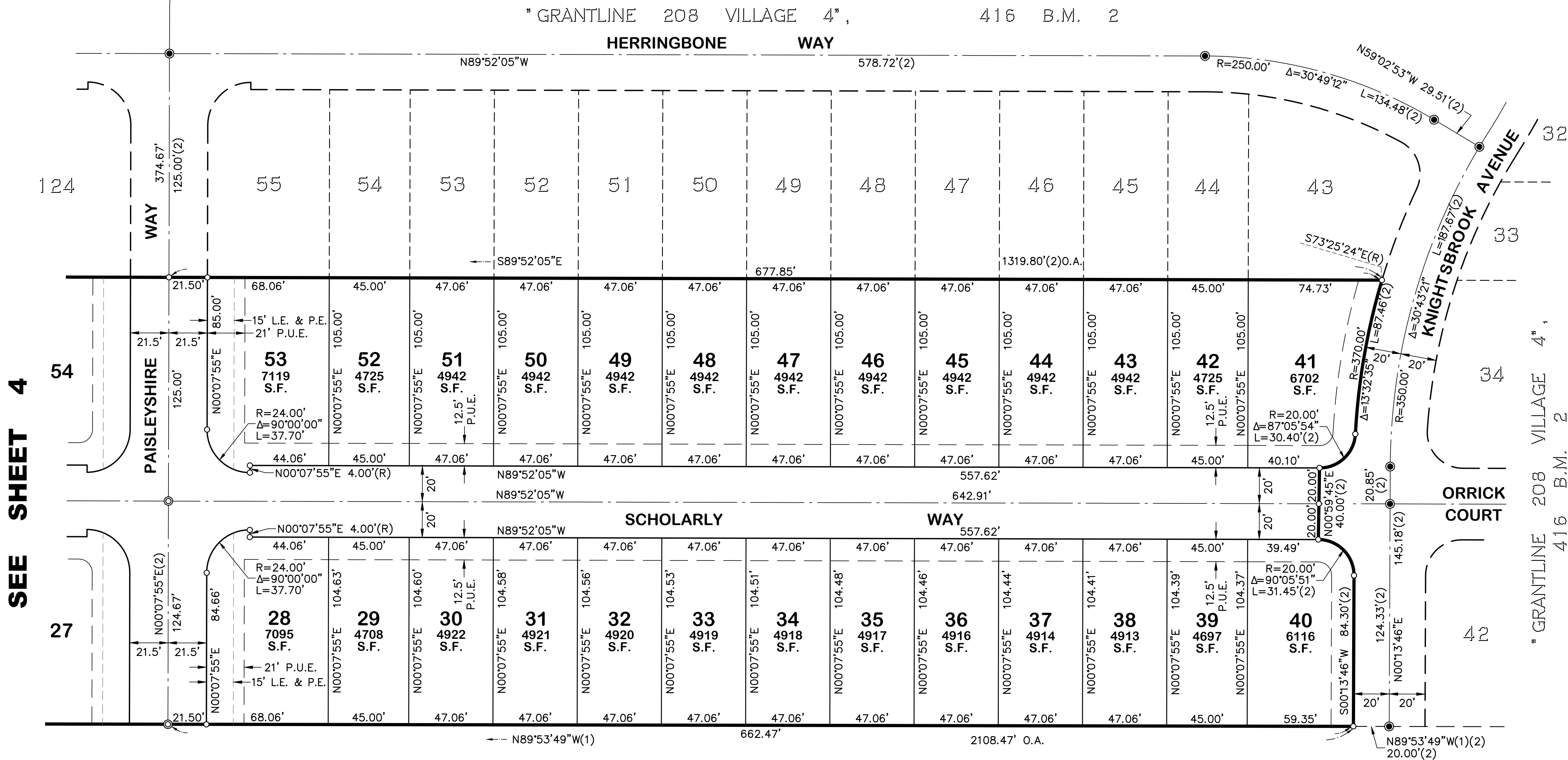
NOTE
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20090715 O.R. 827



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expect more.



NOTE
SEE SHEET 2 FOR BASIS OF BEARINGS, LEGEND, NOTES AND REFERENCES.

20090715 O.R. 827

FINAL MAP OF GRANTLINE 208 VILLAGE 5

THORNTONHALL DR

PAISLEYS

TOPAZOLITE CT

QUARTZITE CT

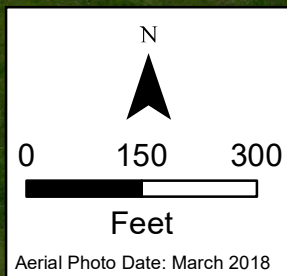
HERRINGBONE WAY

NOBELTON WAY

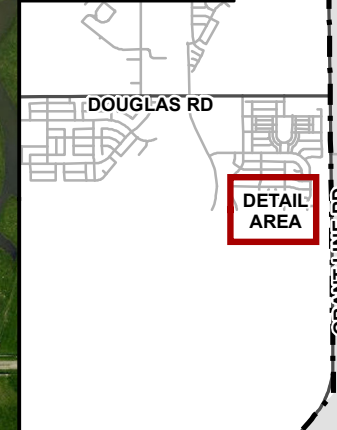
KNIGHTSBROOK AVE

ORRICK CT

CYPRESS GROVE DR



LOCATION MAP



MEMORANDUM



ITEM 13.3.

DATE: March 1, 2021
TO: Honorable Mayor and Council Members
FROM: Stefan Heisler, Housing Manager
SUBJECT: **A RESOLUTION AUTHORIZING THE APPLICATION FOR, AND RECEIPT OF, NONCOMPETITIVE REGIONAL EARLY ACTION PLANNING GRANT PROGRAM FUNDS FOR THE PURPOSE OF ACCELERATING HOUSING PRODUCTION**

RECOMMENDATION

Adopt the Resolution.

RESULT OF RECOMMENDED ACTION

Adoption of the Resolution will allow staff to submit an application form to the Sacramento Area Council of Governments to the noncompetitive REAP Grant Program for \$140,000 to prepare a Climate Action Plan.

BACKGROUND

In the 2019-20 Budget Act, Governor Gavin Newsom allocated \$250 million for all regions, cities, and counties to do their part by prioritizing planning activities that accelerate housing production to meet identified needs of every community. With this allocation, HCD established the Regional Early Action Planning Grant Program (REAP) with \$125 million for regions. REAP provides one-time grant funding to regions to update their planning documents and implement process improvements that will facilitate the acceleration of housing production and help local governments prepare for their 6th cycle RHNA much like the SB2 and LEAP planning grants.

The Sacramento Area Council of Governments (SACOG), as the regional Council of Governments, is eligible for \$6,762,880 to address the Sacramento region's unique housing priorities and planning needs. Approximately \$2,800,000 is allocated to non-competitive grants, and SACOG is providing grant funds to each jurisdiction for housing planning that has a nexus to increased housing production based on the jurisdiction's share of units in the 2021-2029 Regional Housing Needs Plan. The City of Rancho Cordova is eligible for \$140,000 based on this funding formula. Applications are currently being accepted through March 12, 2021.

Eligible activities must be related to housing planning and facilitate the streamlining and acceleration of housing production. These include updates to general plans, zoning ordinances, environmental analyses that eliminate the need for project-specific review, local process improvements that expedite local planning and permitting, and feasibility studies, site analysis, or other background studies that are ancillary and part of a proposed activity with a nexus to accelerating housing production.

Based on internal discussion and prior discussions with Council, staff recommends using this grant to prepare a Climate Action Plan, supplementing \$140,000 in Local Early Action Planning (LEAP) funds already secured for this project. This action will increase the total amount of grant funding available for the Climate Action Plan up to \$280,000.

The Climate Action Plan will analyze greenhouse gas emissions and specify actions to be taken to reduce greenhouse gas emissions with future development. Adopting a Climate Action plan will accelerate housing by streamlining the environmental review for some future development projects, saving time and money.

FISCAL IMPACT AND FUNDING SOURCE

There is minimal fiscal impact, limited to a small amount of staff time to prepare the application and manage the grant. Staff anticipates that \$280,000 will be sufficient to cover the entire cost of a modest Climate Action Plan. Any increases to a modest scope of work for a Climate Action Plan may result in an impact to the General Fund.

ATTACHMENT(S)

1. Resolution

CITY OF RANCHO CORDOVA

RESOLUTION NO. XX-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA, AUTHORIZING APPLICATION FOR, AND RECEIPT OF, NONCOMPETITIVE REGIONAL EARLY ACTION PLANNING GRANT PROGRAM FUNDS

WHEREAS, Assembly Bill 101 established the Local Government Planning Support Grants Program to provide regions and jurisdictions with one-time funding to establish priorities that increase housing planning and accelerate housing production; and

WHEREAS, under this program, the funding going directly to regions is called Regional Early Action Planning (REAP); and

WHEREAS, the Sacramento Area Council of Governments (SACOG), as the regional Council of Governments, is eligible for \$6,762,880 to address the Sacramento region's unique housing priorities and planning needs; and

WHEREAS, approximately \$2,800,000 is allocated to non-competitive grants, and SACOG is providing grant funds to each jurisdiction for housing planning that has a nexus to increased housing production based on the jurisdiction's share of units in the 2021-2029 Regional Housing Needs Plan; and

WHEREAS, the City of Rancho Cordova is eligible to apply for up to \$140,000 in noncompetitive REAP funding; and

WHEREAS, the City Council of the City of Rancho Cordova desires to submit a REAP Non-Competitive Grant Form ("Application Form"), on the form provided by SACOG, for approval of grant funding for projects that assist in the preparation and adoption of planning documents and process improvements that accelerate housing production and facilitate compliance to implement the sixth cycle of the regional housing need assessment.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA AS FOLLOWS:

SECTION 1. The City Manager, or his designee, is hereby authorized and directed to apply for and submit to SACOG the Application Form in the amount of \$140,000.

SECTION 2. In connection with the REAP grant, if the Application Form is approved by SACOG, the City Manager, or his designee, of the City of Rancho Cordova is authorized to enter into a grant agreement with SACOG for the amount of \$140,000, and any and all other documents required or deemed necessary or appropriate to evidence and secure the noncompetitive REAP grant, the City's obligations related thereto, and all amendments thereto.

SECTION 3. The City shall be subject to the terms and conditions as specified in the

ITEM 13.3.

ATTACHMENT 1

Application Form and grant agreement provided by SACOG after approval.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 1st day of March 2021 by following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Garrett Gatewood, Mayor

Stacy Leitner, CMC
City Clerk

MEMORANDUM



ITEM 13.4.

DATE: March 1, 2021
TO: Honorable Mayor and Council Members
FROM: June Cowles, Senior Planner
SUBJECT: **THE SECOND ORDINANCE READING FOR THE RANCH SPECIAL PLANNING AREA AMENDMENT AND THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF RANCHO CORDOVA AND K. HONANIAN AT JAEGER RANCH RELATIVE TO THE RANCH**

RECOMMENDATION

Waive second reading and adopt the Ordinances.

RESULT OF RECOMMENDED ACTION

Adoption of the Ordinances would revise the Ranch Special Planning Area phasing plan and revise the Development Agreement phasing plan.

BACKGROUND

On February 16, 2021 the City Council waived the first reading and passed to a second reading for the Ordinances for the Ranch Special Planning Area Amendment to revise the phasing plan and the First Amendment to the Development Agreement revising the phasing plan.

FISCAL IMPACT AND FUNDING SOURCE

There is no impact to the general fund, the project is developer funded and an impact fee program.

ATTACHMENT(S)

1. Ordinance - Amendment to The Ranch Special Planning Area
2. Exhibit A to the Ordinance - Amended Phasing Plan
3. Ordinance - First Amendment to the Development Agreement
4. Exhibit A to the Ordinance - Development Agreement

CITY OF RANCHO CORDOVA

ORDINANCE NO. XX-2021

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AMENDMENT TO THE RANCH SPECIAL PLANNING AREA PHASING PLAN**

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

Section 1. Purpose and Declarations, and Findings.

WHEREAS, The purpose of this Ordinance is to amend the Ranch Special Planning Area Phasing Plan. The revised Phasing Plan is attached as Exhibit A; and

WHEREAS, The Ranch project is a plan for a mixed-use development with a broad range of residential uses, commercial, parks/open space, natural resources, and associated infrastructure and roads on an approximately 530-acre site in the City. The Project includes 1,690 residential units at various densities; of that number of residential uses, 743 residential units are active adult, 5.73 acres of commercial, 14.36 acres of community and neighborhood parks, 8.99 acres of private parks; stormwater detention basins; open-space areas, trails, major roads with landscaping; and a 200 acre wetland natural resource/preserve; and

WHEREAS, The Ranch Special Planning Area (SPA) consistent with Government Code section 65451 establishes the land plan (zoning map) and zoning regulations for development within the 530 acre project area. Consistent with State law, a Special Planning Area can establish zoning regulations that are different from and unique to the project area. The Ranch SPA includes information about project objectives, relationship to other City documents, setting and surroundings, land use and circulation, development standards, environmental resources, public utilities, design guidelines and on-site infrastructure phasing plan; and

WHEREAS, Pursuant to Government Code section 65454, the proposed amendment to the Ranch SPA is consistent with and implement the goals, objectives, general land uses, programs and policies of the applicable General Plan of the City of Rancho Cordova in that the project is providing mixed-use and infill development with a broad range of residential uses, commercial, and open space within the City of Rancho Cordova; and

WHEREAS, The proposed amendment to the Ranch SPA would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

WHEREAS, The proposed amendment to the Ranch SPA comply with the California Environmental Quality Act ("CEQA"); and

WHEREAS, on February 16, 2021, the City Council held a properly noticed public hearing at which it received a report from City Staff regarding The Ranch Special Planning Area Amendment and oral and written testimony from the public, and deliberated on the item; and

WHEREAS, The City Council public hearing on the proposed amendment to the Ranch SPA was properly noticed pursuant to Government Code sections 65090 and 65091, and the City Council considered all oral and written testimony on the matter.

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

Section 2. Adoption of Amended Ranch SPA Phasing Plan is hereby amended as shown in Exhibit A, attached hereto and incorporated herein.

The foregoing recitals are true and correct and made a part of this Ordinance.

Section 3: Special Area Planning Findings

- A. Finding: The proposed special planning area is consistent with the goals, policies, and objectives of the General Plan.
Evidence: The amended Phasing Plan within the Ranch SPA is consistent with several of the General Plan goals as stated in The Ranch Special Planning Area handbook. The phasing plan includes a revision to constructing Chrysanthy Boulevard in four phases. The result is that Chrysanthy would be constructed over the course of several years as the development is completed. The Phasing Plan shows the logical, timely and appropriate completion of infrastructure.
- B. Finding: The proposed amended Phasing Plan within the special planning area meets the requirements set forth in Zoning Ordinance chapter 23.149.
Evidence: The Ranch SPA includes the SPA handbook text and exhibits, specifically the Phasing Plan. The Ranch SPA handbook provides a set of development standards and guidelines for the project site. The amended phasing plan shows the logical, timely and appropriate completion of the infrastructure and roadway facilities, required to serve the phased build-out of the Plan. The Ranch SPA integrates sustainable development practices at each level of community planning and implementation. The SPA handbook includes all the requirements as stated in the Zoning Ordinance chapter 23.149.120 General provisions.
- C. Finding: The special planning area is needed because the project is not possible under the existing requirements.
Evidence: The Amended Phasing Plan within the Ranch SPA allows for a logical, timely and appropriate completion of the infrastructure and roadway facilities. The amended Phasing Plan shows construction of Chrysanthy Boulevard in four phases. The result is that Chrysanthy would be constructed over the course of several years as the development is complete. Developers propose to phase Chrysanthy over four phases to manage their cash flow for infrastructure construction, and to keep pace with the overall special planning area build-out.

Section 4: Adoption of Amended Phasing Plan within The Ranch Special Planning Area.

The City Council hereby adopts amended Phasing Plan, attached as Exhibit A.

Section 5: 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 enforced.

Section 6: 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 adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this 1st day of March, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

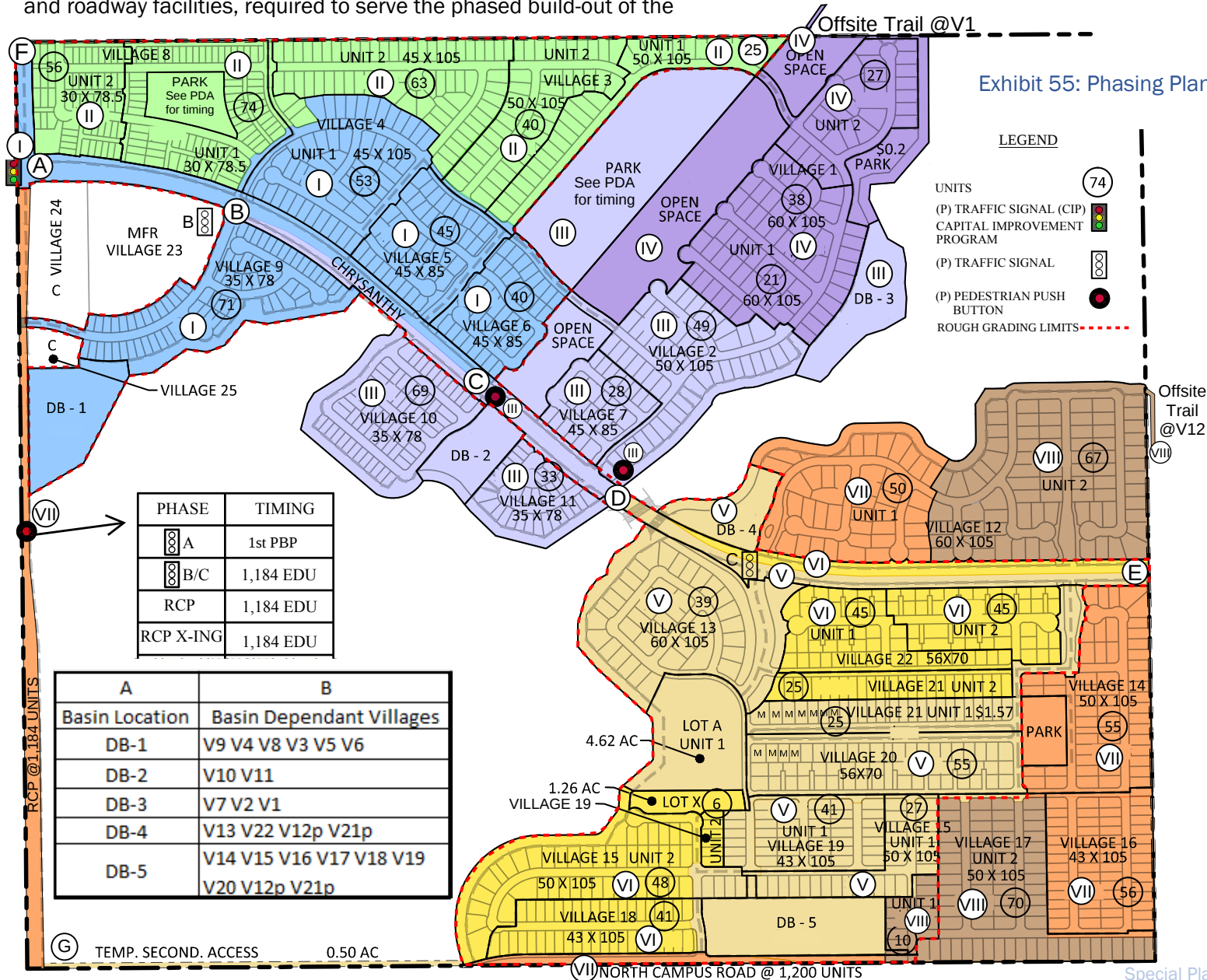
Garrett Gatewood, Mayor

Stacey Leitner, CMC
City Clerk

3.10.4 Phasing

A phasing plan has been prepared and included to demonstrate the logical, timely and appropriate completion of the infrastructure and roadway facilities, required to serve the phased build-out of the

Plan Area. Refer to Exhibit 55 on the following page for the Phasing Map.



CITY OF RANCHO CORDOVA

ORDINANCE NO. XX-2021

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
ADOPTING A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT
FOR THE RANCH**

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

Section 1. Recitals.

A. In order to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864, *et seq.*, of the Government Code (the "Development Agreement Statute"), authorizing the City, and any person having a legal or equitable interest in the real property, to enter into a development agreement and establish certain development rights in the property. Pursuant to Government Code section 65868, Development Agreements may be amended by mutual assent of the parties.

B. On February 21, 2020, the City and K. Hovnanian at Jaeger Ranch LLC, entered into a Development Agreement for the Ranch Project, consisting of 530 acres site for a mixed-use development with a broad range of residential uses, commercial, parks/open space, natural resources, and associated infrastructure and roads development. (Ordinance Number 4-2020). The Ranch Project is located south of Douglas Road and east of Rancho Cordova Parkway (hereinafter known as the "Property").

C. On January 6, 2020, the City, pursuant to Resolution No. 4-2020, certified the Environmental Impact Report ("EIR") for The Ranch project, adopted mitigation findings pursuant to CEQA guidelines Section 15091, adopted a statement of overriding considerations, and adopted a mitigation monitoring plan for the Special Planning Area, which covered the attached Development Agreement. All recitals and findings of determination in Ordinance 4-2020, which adopted the Development Agreement, are still accurate and relevant to the Amendment.

D. Pursuant to Government Code section 65868, City and Landowner now desire to revise the Development Agreement to revise the infrastructure phasing plan as set forth in this First Amendment. The First Amendment will not have a significant adverse impact on the environment. The First Amendment will not result in any direct physical change to the environment, or any reasonably foreseeable indirect physical change in the environment. The action by the City Council would revise the infrastructure phasing plan. Any potential environment impacts for the Ranch project were previously analyzed in an EIR for the Ranch Special Planning Area.

E. On February 16, 2021, the City Council, as the legislative body for purposes of Development Agreement approval, held a properly noticed public hearing pursuant to Government Code section 65867 and considered all comments received in writing and all testimony received at the public hearing.

Section 2: Findings.

Therefore, on the basis of: (a) the foregoing recitals, which are hereby incorporated herein; (b) the City of Rancho Cordova's General Plan and General Plan EIR; (c) the Ranch EIR; the City Council finds and determines that:

A. The First Amendment to the Development Agreement is consistent with the objectives, policies, general land uses and programs specified and contained in the City's General Plan in that: (a) The Project remains a mixed-use development with a broad range of residential uses, commercial, parks/open space, natural resources and consistent with the General Plan and Zoning; (b) the Project is consistent with the fiscal policies of the General Plan with respect to provisions of infrastructure and public services; and, (c) the First Amendment would revise the infrastructure phasing plan as shown in Exhibit A.

B. The First Amendment to the Development Agreement is in conformity with public convenience, general welfare and good land use policies in that the First Amendment and Development Agreement will continue to implement land use guidelines set forth in the General Plan and help complete and fund infrastructure and parks needed to serve new development.

C. The First Amendment will not be detrimental to the health, safety and general welfare in that the Project will proceed in accordance with the programs and policies of the General Plan.

D. The First Amendment will not adversely affect the orderly development of property, or the preservation of property values, in that the amendment is consistent with the General Plan.

E. The First Amendment is consistent with and includes the substantive elements of Government Code sections 65864 through 65869.5 and has been processed consistent with all the procedural requirements thereof.

Section 3: Approval of First Amendment to Development Agreement.

The City Council hereby approves the First Amendment to the Development Agreement, attached to this Ordinance and incorporated herein by reference as Exhibit A, and authorizes the City Manager to sign the amended Development Agreement after the effective date of this Ordinance.

Section 4: Recordation

Within ten (10) days after the First Amendment to the Development Agreement is executed by the City Manager, the City Clerk shall submit the amendment to the County

Recorder for recordation.

Section 5: 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 6: 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 adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 1st day of March, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Garrett Gatewood, Mayor

ATTEST:

Stacy Leitner, CMC
City Clerk

OFFICIAL BUSINESS

Document entitled to free recording
Government Code §6103

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

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

(SPACE ABOVE LINE RESERVED FOR RECORDER'S USE)

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

BY AND BETWEEN

THE CITY OF RANCHO CORDOVA

AND

K. HOVNANIAN AT JAEGER RANCH, LLC

“THE RANCH”

**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT
BY AND BETWEEN THE CITY OF RANCHO CORDOVA AND K. HOVNANIAN AT JAEGER
RANCH, LLC RELATIVE TO "THE RANCH"**

This Amendment (the "First Amendment") to Development Agreement is dated February 16, 2021, **for references purposes only**, and is made by and between the **CITY OF RANCHO CORDOVA**, a California municipal corporation ("City"); and **K. HOVNANIAN AT JAEGER RANCH, LLC**, a California limited liability company (the "Landowner"). City and Landowner are hereinafter collectively referred to as the "Parties" and singularly as a "Party."

RECITALS

A. The City and K. Hovnanian at Jaeger Ranch, LLC a California limited liability company, are parties to a Development Agreement that is dated February 21, 2020 and was recorded on May 1, 2020 in the Official Records of Sacramento County at Book 20200501, Page 0617 (the "Agreement") establishing certain development rights for real property located in the City of Rancho Cordova, California, as more particularly described in Exhibit A and Exhibit B of the Agreement (the "Property").

B. Pursuant to Government Code section 65868, City and Landowner now desire to Amend the Development Agreement to revise the Infrastructure Phasing Plan described in Exhibit C, as more fully set forth below in this First Amendment.

C. This First Amendment that amends certain provisions of the Development Agreement applicable to the entire Property was adopted by City Ordinance No. XX-2021 on March 1, 2021.

AGREEMENT

- 1. Incorporation of Recitals.** Recitals A through C are hereby incorporated herein, including all documents referred to in said Recitals.
- 2. Replacement of the Infrastructure Phasing Plan.** City and Landowner agree that the Infrastructure Phasing Plan, Exhibit C of the Development Agreement is hereby deleted and replaced with a revised Infrastructure Phasing Plan, (attached hereto as Exhibit 1):
- 3. Definition of Terms.** All capitalized terms used in this First Amendment shall have the same definition as provided in the Development Agreement.
- 4. All Other Terms Remain in Force.** Except as amended by Sections 1 through 2 above, all terms and conditions of the Development Agreement remain in full force and effect.
- 5. Effective Date.** This First Amendment takes effect on the effective date of the ordinance that approves it (the "Effective Date") (Gov. Code, § 65868).
- 6. Recording.** Within ten (10) days after the Effective Date, City shall record this First Amendment

with the Sacramento County Recorder's Office.

7. Counterparts. The Parties may execute this First Amendment in counterparts, each of which will be considered an original, but all of which will constitute the same instrument.

8. Entire Agreement. This First Amendment sets forth the Parties' entire understanding regarding the matters set forth above. It supersedes all prior or contemporaneous agreements, representations, and negotiations regarding those matters (whether written, oral, express, or implied) and may be modified only by another written agreement signed by all Parties. This First Amendment will control if any conflict arises between it and the Development Agreement.

IN WITNESS WHEREOF, the City of Rancho Cordova, a municipal corporation, has authorized the execution of this First Amendment in duplicate by its City Manager and attested to by its City Clerk under the authority of Ordinance No. XX-2021, adopted by the Council of the City on this 1st day of March 2021, and Landowner has caused this First Amendment to be executed.

SIGNATURES ON FOLLOWING PAGE

ITEM 13.4.

**ATTACHMENT 4
Exhibit A to the Ordinance**

“CITY”

City of Rancho Cordova

“LANDOWNER”

K. Hovnanian at Jaeger Ranch, LLC

By: _____

Name: Cyrus Abhar

Title: City Manager

Date: _____, 2021

By: _____

Name: Kevin Kimball

Title: Region President

Date: _____, 2021

ATTEST:

Stacy Leitner, City Clerk

APPROVED AS TO FORM:

Adam U. Lindgren
City Attorney

Date: _____, 2021

[Attach Certificates of Acknowledgment – Civil Code § 1189]

STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO)

On _____ before me, _____, (here insert name and title of the officer), personally appeared _____, who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.

Signature _____ (Seal)

STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO)

On_____before me,_____, (here insert name and title
of the officer), personally appeared _____, who 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.

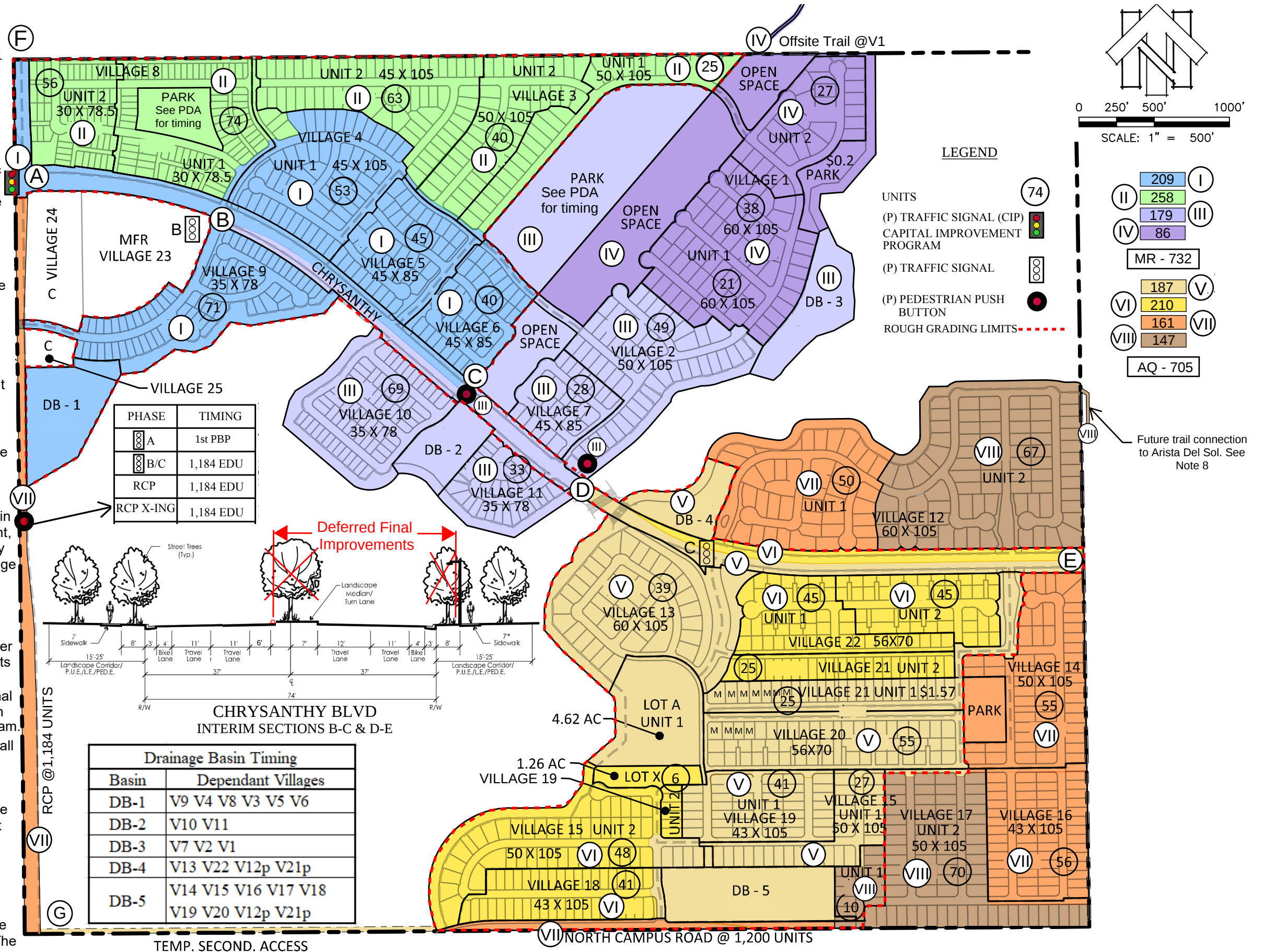
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and
correct.
WITNESS my hand and official seal.

Signature _____ (Seal)

THE RANCH

Infrastructure Phasing Plan

1. Prior to issuance of first production building permit within the phase: all streets and improvements shown on phasing plan, and all streets necessary for access to homes, shall be substantially complete to the satisfaction of the Public Works Department and fully complete prior to the occupancy within the phase to the satisfaction of the Public Works Department. The phasing plan assumes sequential buildout and all prior phase infrastructure shall be complete prior to issuance of the new phase building permits.
2. City open space areas shall be completed to satisfaction of the Public Works Department prior to first occupancy permit within the phase they are contained in. Trails shall not be constructed without a logical terminus. Trails shall be built to connect to the overall bicycle network, generally connecting to Chrysanthy or Rancho Cordova Parkway.
3. A continuous class 1 bicycle/pedestrian Trail Connection from Chrysanthy to Canyonlands Drive through the power line corridor shall be complete to the satisfaction of the Public Works Department prior to the first occupancy permit within phase IV (previously 3C).
4. Project frontage of the North Campus Road shall be substantially complete to the satisfaction of the City prior to issuance of more than 1,200 EDU building permits within the SPA, excluding model homes and the clubhouse. If the construction of the frontage would not provide the public benefit of a connected road to Americanos Blvd or Rancho Cordova Parkway at the established time of 1200 units within the SPA and with prior approval of Public Works Department, the developer may elect to make a cash payment to the City for its frontage obligation in-lieu of construction of the frontage improvements in the amount of engineers estimate for said frontage improvements including reasonable design and administrative costs.
5. If the commercial parcel is developed prior to Rancho Cordova Parkway widening, the commercial parcel developer shall improve its Rancho Cordova Parkway frontage along its boundaries prior to occupancy.
6. Reference Development Agreement Exhibit G for additional information regarding creditable items per the transportation development impact fee program or Park Renovation program.
7. The basins identified in table "Drainage Basin Timing", shall be substantially complete prior to issuance of the first production building permit within villages identified, or other area that drains to the basin and necessitates construction. The basin and associated amenities shall be complete to the satisfaction of the Public Works Department prior to the first occupancy within these Villages.
8. An off-site trail connection along the eastern boundary of Village 12 to Arista Del Sol future trail shall be constructed with Village 12 Phase 8 lots. If the City is not ready to grant approval for the trail construction at that time, the Public Works Department may request a security instrument for the fair share of the trail construction at this location (+250 lf). The indirect impacts within 50 feet of the eastern boundary of Village 12 shall be included in the Ranch mitigation cost.



MEMORANDUM



ITEM 16.1.

DATE: March 1, 2021

TO: Honorable Mayor and Council Members

FROM: Craig Hall, Senior Animal Services Officer

SUBJECT: PROPOSED MUNICIPAL CODE AMENDMENTS REGARDING POTENTIALLY DANGEROUS AND VICIOUS ANIMALS AND ANIMAL SERVICES FEE ADJUSTMENTS

RECOMMENDATION

Receive presentation by staff, and discussion and direction regarding fee adjustments and recommended changes to the Municipal Code involving potentially dangerous and vicious animals.

RESULT OF RECOMMENDED ACTION

Based on the recommended changes and any additional direction given by Council, an ordinance would come back at a regularly scheduled City Council meeting for a first reading and introduction. Additionally, a resolution could be adopted which will allow the City to adjust fees related to licenses and Potentially Dangerous Animal/Vicious Animal Permits.

BACKGROUND

To help ensure the safety of Rancho Cordova citizens, the Municipal Code sets forth the framework for deeming animals "Potentially Dangerous" ("PDA") or "Vicious" and the conditions required for the proper care and custody of these animals. The recommended changes to the Municipal Code, as explained below, would make amendments to RCMC 8.01 (Definitions) and RCMC 8.07 (Vicious Animals) to increase public safety, by improving what constitutes a PDA or Vicious Animal, and standardizes the minimum permit conditions.

Permit fees are currently charged to owners of PDA or Vicious Animals. These fees are necessary to ensure proper regulation of such animals. All dogs and cats in the City are also charged licensing fees to ensure rabies vaccination compliance, and for annual tracking/reporting purposes to the State of California. The recommended adjustments to these permit and licensing fees, as set forth below, would more closely align with similar-sized, local jurisdictions and help further compliance.

ANALYSIS

MUNICIPAL CODE AMENDMENTS

The Animal Services Division, as part of its continued operations and enforcement efforts, has identified certain updates, clarifications, and changes necessary to the Rancho Cordova Municipal Code. Staff is proposing various changes and updates that would give Animal Services the most flexibility and clarity in addressing various public safety issues involving animals in the City.

Making the Vicious Animal and Potentially Dangerous Definitions More Flexible

The Municipal Code currently defines a Vicious Animal, in part, as any animal involved in organized animal fighting. However, not all dogs involved in organized fighting events are particularly aggressive or dangerous. For example, many are young puppies who have not yet been conditioned for such combativeness. For this reason, each animal should be evaluated on a case-by-case basis and placed accordingly.

The Municipal Code defines a Potentially Dangerous Animal, in part, only when it involves defensive actions to prevent bodily injury to a person. However, this requirement is too limiting, in that an animal may be just as potentially dangerous whether it attacks a human or another animal. For this reason, this definition should be expanded to include other animals, as well as humans, so that it could result in a PDA designation.

Potentially Dangerous Animals also currently permits an animal to kill another animal twice, before being deemed PDA. Since killing another animal is a serious and aggressive action, we recommend that one kill alone should qualify that animal as PDA.

Minimum Standard Conditions for Vicious Animals

An owner wishing to keep a Potentially Dangerous Animal must abide by the provisions set under RCMC 8.07.060. These provisions need to be expanded for Vicious Animals to increase public safety. Under the current Vicious Animals ordinance, the hearing officer has the sole discretion regarding what conditions are imposed. There should be a standard set of minimum conditions for both PDA and Vicious animals when so designated.

Application Requirement for Potentially Dangerous and Vicious Animals

There is no application required for an animal owner to submit in order to receive a special license for a PDA or Vicious Animal. Without an application process and submittal of required information and clearly defined criterion, Animal Services has no discretion in issuing special licenses to such animals. A standard application which includes detailed information about the designated animal would increase public safety and allow the Animal Services Manager to reject the application for listed reasons.

Permit Requirement for Non-Rancho Cordova PDA and Vicious Animals

There is nothing in the Municipal Code that regulates an animal that has been designated PDA or Vicious from another jurisdiction. For example, if a dog is deemed PDA just outside the City limits within the County, that Potentially Dangerous Animal's safety requirements would not necessarily apply. If a PDA or Vicious Animal is transferred from outside of Rancho Cordova to the City, that designation and safety requirements should follow that animal. By adding this section requiring a permit for such animals, Animal Services can enforce reasonable permit conditions or impound the animal if necessary.

FEE ADJUSTMENTS

Decrease to License Fees

Currently dog and cat license fees are set forth in the Master Fee Schedule as:

License Fees	1 year	3 year
Altered	\$15.00	\$45.00
Unaltered	\$150.00	\$450.00
Late Penalty	\$100.00	\$100.00
Potentially Dangerous	\$100.00	N/A
Vicious Animal	\$100.00	N/A

These rates, particularly the unaltered license fee and late penalty fee, are not aligned with surrounding jurisdictions, and are therefore, potentially cost prohibitive. As a result, lowering the fees to be more consistent with surrounding jurisdictions will help facilitate greater licensing compliance and public safety. As such, we propose reducing the license fees as follows:

License Fess	1 year	2 year	3 year
Altered	\$15.00	\$25.00	\$35.00
Unaltered	\$30.00	\$55.00	\$80.00
Late Penalty	\$20.00	\$20.00	\$20.00
Potentially Dangerous	\$300.00	N/A	N/A
Vicious Animal	\$500.00	N/A	N/A

Increase to Potentially Dangerous and Vicious Permit Fees

Currently, it is more expensive to license an intact animal than it is to permit a Potentially Dangerous or Vicious animal. By increasing the PDA and Vicious animal permit fee staff can properly maintain and regulate these animals.

ENVIRONMENTAL ANALYSIS

CEQA requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (CEQA Guidelines, § 15378.) As reflected at State CEQA Guideline 15061 (b) (3), an activity is not subject to CEQA, “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment...” Potential code amendments and fee adjustments are not a “project” within the meaning of CEQA because the actions would not cause the expansion of uses or activities. No possibility exists that the ordinance and fee changes will result in a significant effect on the environment.

FISCAL IMPACT

Changes to the Municipal Code are mostly regulatory in nature. There may be incoming revenue from the requirement of animals registering from other jurisdictions. The discussed fee adjustments would decrease the license fees that residents are required by law to pay. The fee changes will increase compliance rates and offset the fiscal burden that Neighborhood Services

faces when running an affective license program. By increasing the potentially dangerous and vicious animal registration fee staff can maintain proper regulation of these animals.

ATTACHMENT(S)

None.

MEMORANDUM



ITEM 16.2.

DATE: March 1, 2021
TO: Honorable Mayor and Council Members
FROM: Amanda Norton, Economic Development Manager
SUBJECT: **A RESOLUTION OF INTENTION TO RENEW THE RANCHO CORDOVA TOURISM BUSINESS IMPROVEMENT DISTRICT (RCTBID)**

RECOMMENDATION

Discuss the matter and adopt a Resolution of Intention to renew the Rancho Cordova Tourism Business Improvement District (RCTBID).

RESULT OF RECOMMENDED ACTION

Adoption of a Resolution of Intention will result in a public meeting on March 15, 2021 and a public hearing on April 19, 2021 on the renewal of the Rancho Cordova Tourism Business Improvement District (RCTBID) and the levy of assessments on certain lodging businesses.

BACKGROUND

The Rancho Cordova Tourism Business Improvement District (RCTBID) is a benefit assessment district designed to help fund marketing and sales promotions, destination development, and destination recovery and crisis response programs for Rancho Cordova lodging businesses. This approach has been used successfully in other destination areas throughout the state to improve tourism and drive additional room nights to assessed lodging businesses. The renewed RCTBID includes all lodging businesses with two (2) rooms or more located within the boundaries of the City of Rancho Cordova.

Lodging business owners decided to pursue renewal of the RCTBID in order to continue a revenue source devoted to marketing Rancho Cordova as a tourist, meeting and event destination. If renewed, the RCTBID would generate approximately \$2,490,000 on an annual basis for promotion of travel and tourism specific to Rancho Cordova.

On April 19, 2021, staff is proposing the City Council consider initiating proceedings to renew the RCTBID, as well as proceedings to modify the existing RCTBID by considering the adoption of a resolution declaring an intention to modify the term of the existing RCTBID from the

previous expiration date of August 31, 2023. This proposed action will allow the existing RCTBID to expire on June 30, 2021 and the renewed RCTBID could subsequently function on a fiscal year of July 1- June 30 starting on July 1, 2021.

Tourism Business Improvement Districts

Tourism Business Improvement Districts (TBIDs) utilize the efficiencies of private sector operation in the market-based promotion of tourism. These special assessment districts allow lodging business owners to organize their efforts to increase tourism. Lodging business owners within the TBID fund the TBID, and those funds are used to provide services that are desired by and benefit the lodging businesses within the TBID.

TBID benefits:

- Funds cannot be diverted for other government programs;
- They are customized to fit the needs of each destination;
- They allow for a wide range of services; including: destination marketing, tourism promotion, and sales lead generation;
- They are designed, created and governed by those who will pay the assessment; and
- They provide a stable funding source for tourism promotion.

In California, TBIDs are primarily formed pursuant to the Property and Business Improvement District Law of 1994 (PBID Law). PBID Law allows for the creation of a special benefit assessment districts to raise funds within a specific geographic area. The key difference between TBIDs and other special benefit assessment districts is that funds raised are returned to the private non-profit corporation governing the TBID.

MANAGEMENT DISTRICT PLAN

The Management District Plan includes the proposed boundary of the renewed RCTBID, a service plan and budget and a proposed means of governance. The RCTBID will include all lodging businesses with two (2) rooms or more located within the boundaries of the City of Rancho Cordova, and portions of the County of Sacramento.

The renewed RCTBID will have a ten (10) year term, beginning July 1, 2021 through June 30, 2031. The assessment will be implemented beginning July 1, 2021. Once per year beginning on the anniversary of RCTBID renewal there is a thirty (30) day period in which business owners paying fifty percent (50%) or more of the assessment may protest and begin proceedings to terminate the RCTBID.

The annual assessment rate is four and one half of one percent (4.5%) of gross room rental revenue. At the City of Rancho Cordova City Council's discretion, assessments collected may be used to repay a capital infrastructure bond if the City Council chooses to issue bonds. Until and

unless bonds are issued, any funds collected by the RCTBID will be used towards the services outlined in the Management District Plan. Based on the benefit received, assessments will not be collected on: charges incurred by a person in the performance of official duties as an officer or employee of a local, state or federal government entity, or by government-sponsored corporate charge card. The assessment of four and one half of one percent (4.5%) of gross room rental revenue as levied pursuant to the Management District Plan will also not be collected on stays pursuant to contracts executed prior to July 1, 2021. Stays pursuant to contracts executed between September 1, 2013 and June 30, 2021 shall instead be subject to assessment at the rate of \$1.50 per paid occupied room per night. During the ten (10) year term, the assessment rate may be increased annually by the RCTBID Owners' Association by a maximum of one percent (1%) of gross room rental revenue per year, as described in the Management District Plan. The total assessment rate may not exceed ten percent (10%).

The City of Rancho Cordova (City) will be responsible for collecting the assessment on a monthly basis (including any delinquencies, penalties and interest) from each lodging business in their respective jurisdictions located in the boundaries of the RCTBID. The City shall take all reasonable efforts to collect the assessments from each lodging business.

RCTBID RENEWAL PROCESS

March 1, 2021 RESOLUTION OF INTENTION

Upon the submission of a written petition, signed by the business owners in the renewed RCTBID who will pay more than fifty percent (50%) of the assessments proposed to be levied, the City Council may initiate proceedings to renew the RCTBID by the adoption of a resolution expressing its intention to renew the RCTBID.

Petition Status: Petitions in favor of RCTBID renewal were submitted by nine(9) lodging businesses, which represent 52.56% of the total RCTBID assessment. This majority petition would allow the Council to initiate proceedings for RCTBID renewal at the March 1, 2021 meeting.

March 2, 2021 NOTICE

PBID Law requires the City to mail written notice to the owners of all businesses proposed to be within the renewed RCTBID. Mailing the notice begins a mandatory forty-five (45) day period in which owners may protest RCTBID renewal.

March 15, 2021 PUBLIC MEETING

Allow public testimony on the renewal of the RCTBID and levy of

assessments. No Council action required.

April 19, 2021

FINAL PUBLIC HEARING

If written protests are received from the owners of businesses in the renewed RCTBID which will pay more than fifty percent (50%) of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than fifty percent (50%), no further proceedings to levy the proposed assessment against such businesses shall be taken for a period of one (1) year from the date of the finding of a majority protest by the Council.

At the conclusion of the public hearing to renew the RCTBID, the Council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them.

If the Council, following the public hearing, decides to establish the renewed RCTBID, the Council shall adopt a resolution of formation.

FISCAL IMPACT AND FUNDING SOURCE

None immediately as the RCTBID programs are intended to increase visitation to the City, there may be an increase in transient occupancy tax and sales tax collections with continuation of the District.

ATTACHMENT(S)

1. Resolution
2. Exhibit A to the Resolution
3. RCTBID Management District Plan
4. RCTBID Renewal Presentation

CITY OF RANCHO CORDOVA

RESOLUTION NO. XX-2021

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA,
STATE OF CALIFORNIA, DECLARING ITS INTENTION TO RENEW THE RANCHO
CORDOVA TOURISM BUSINESS IMPROVEMENT DISTRICT (RCTBID) AND FIXING THE
TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THERON AND
GIVING NOTICE THEROF**

WHEREAS, the City of Rancho Cordova created the RCTBID on December 6, 2010 by Resolution No. 136-2010 for a five (5) year term, and subsequently renewed and replaced the original RCTBID for a ten (10) year term with the passage of Resolution No. 99-2013; and

WHEREAS, the RCTBID is nearing the end of its current term; and

WHEREAS, the Property and Business Improvement Law of 1994, Streets and Highways Code §36600 et seq., authorizes the City to renew business improvement districts for the purposes of promoting tourism; and

WHEREAS, the Rancho Cordova Travel and Tourism Corporation, Rancho Cordova lodging business owners, and representatives from the City of Rancho Cordova have met to consider the renewal of the RCTBID; and

WHEREAS, the Rancho Cordova Travel and Tourism Corporation has drafted a Management District Plan (Plan) which sets forth the proposed boundary of the RCTBID, a service plan and budget, and a proposed means of governance; and

WHEREAS, lodging businesses who will pay more than fifty percent (50%) of the assessment under the RCTBID have petitioned the City Council to renew the RCTBID.

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

1. The recitals set forth herein are true and correct.
2. The City Council finds that lodging businesses that will pay more than fifty percent (50%) of the assessment proposed in the Plan have signed and submitted petitions in support of the renewal of the RCTBID. The City Council accepts the petitions and adopts this Resolution of Intention to renew the RCTBID and to levy an assessment on certain lodging businesses within the RCTBID boundaries in accordance with the Property and Business Improvement District Law of 1994.
3. The City Council finds that the Plan satisfies all requirements of Streets and Highways Code §36622.
4. The City Council declares its intention to renew the RCTBID and to levy and collect assessments on lodging businesses within the RCTBID boundaries pursuant to the Property and Business Improvement District Law of 1994.

5. The RCTBID shall include all lodging businesses with two (2) rooms or more located within the boundaries of the City of Rancho Cordova, and portions of the County of Sacramento, as shown in the map attached as Exhibit A.
6. The name of the district shall continue to be Rancho Cordova Tourism Business Improvement District (RCTBID).
7. The annual assessment rate is four and one half of one percent (4.5%) of gross room rental revenue. At the City of Rancho Cordova City Council's discretion, assessments collected may be used to repay a capital infrastructure bond if the City Council chooses to issue bonds. Until and unless bonds are issued, any funds collected by the RCTBID will be used towards the services outlined in this Plan. Based on the benefit received, assessments will not be collected on: charges incurred by a person in the performance of official duties as an officer or employee of a local, state or federal government entity, or by government-sponsored corporate charge card. The assessment of four and one half of one percent (4.5%) of gross room rental revenue as levied pursuant to this Plan will also not be collected on stays pursuant to contracts executed prior to July 1, 2021. Stays pursuant to contracts executed between September 1, 2013 and June 30, 2021 shall instead be subject to assessment at the rate of \$1.50 per paid occupied room per night. During the ten (10) year term, the assessment rate may be increased annually by the RCTBID Owners' Association by a maximum of one percent (1%) of gross room rental revenue per year. The total assessment rate may not exceed ten percent (10%).
8. The assessments levied for the RCTBID shall be applied toward marketing and sales promotions, destination development, and destination recovery and crisis response programs to market assessed lodging businesses in Rancho Cordova as tourist, meeting, and event destinations, as described in the Plan. Funds remaining at the end of any year may be used in subsequent years in which RCTBID assessments are levied as long as they are used consistent with the requirements of this resolution and the Plan.
9. The RCTBID will have a ten (10) year life, beginning July 1, 2021 through June 30, 2031, unless renewed pursuant to Streets and Highways Code §36660.
10. Bonds may be issued.
11. The time and place for the public meeting to hear testimony on renewing the RCTBID and levying assessments are set for March 15, 2021, at 5:30 PM, or as soon thereafter as the matter may be heard, at City Hall located at 2729 Prospect Park Drive, Rancho Cordova, CA 95670.
12. The time and place for the public hearing to renew the RCTBID and the levy of assessments is set for April 19, 2021, at 5:30 PM, or as soon thereafter as the matter may be heard, at City Hall located at 2729 Prospect Park Drive, Rancho Cordova, CA 95670. The City Clerk is directed to provide written notice to the lodging businesses subject to assessment of the date and time of the meeting and hearing, and to provide that notice as required by Streets and Highways Code §36623.
13. At the public meeting and hearing the testimony of all interested persons for or against the renewal of the RCTBID may be received. If at the conclusion of the public hearing, there are of record written protests by the owners of the lodging businesses within the renewed RCTBID that will pay more than fifty percent (50%) of the estimated total assessment of the entire RCTBID, no further proceedings to renew the RCTBID shall occur for a period of one (1) year.
14. The complete Plan is on file with the City Clerk and may be reviewed upon request.
15. This resolution shall take effect immediately upon its adoption by the City Council.

ITEM 16.2.

ATTACHMENT 1

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 1st day of March, 2021 by following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Garrett Gatewood, Mayor

Stacy Leitner, CMC
City Clerk

EXHIBIT A
District Boundaries

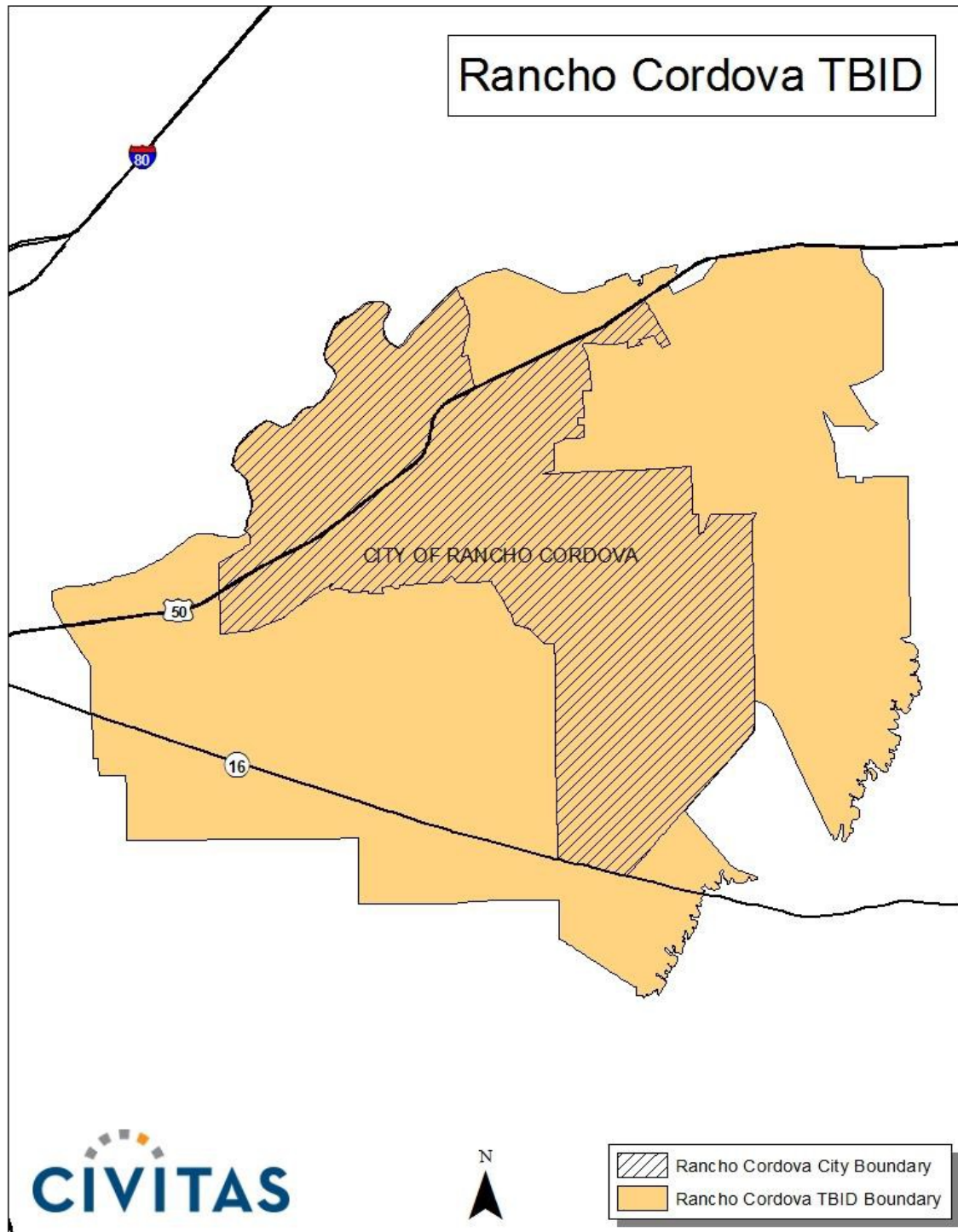




Photo Credit: City of Rancho Cordova

RANCHO CORDOVA TOURISM BUSINESS IMPROVEMENT DISTRICT MANAGEMENT DISTRICT PLAN

*Prepared pursuant to the Property and Business Improvement District
Law of 1994, Streets and Highways Code section 36600 et seq.*

November 24, 2020

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Prepared by
Civitas



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VISIT 
**RANCHO
CORDOVA**
CALIFORNIA

I. OVERVIEW

Developed by Rancho Cordova Travel & Tourism Corporation (RCTTC) and Rancho Cordova hoteliers, the Rancho Cordova Tourism Business Improvement District (RCTBID) is an assessment district proposed to provide specific benefits to payors, by funding marketing and sales promotion efforts for assessed businesses. This approach has been used successfully in other destination areas throughout the country to provide the benefit of additional room night sales directly to payors.

Location: RCTBID includes all lodging businesses with two (2) rooms or more located within the boundaries of the City of Rancho Cordova, and portions of the County of Sacramento, as shown on the map in Section III.

Services: RCTBID is designed to provide specific benefits directly to payors by increasing awareness and demand for room night sales. Marketing and sales promotions, destination development, and destination recovery and crisis response programs will increase demand for overnight tourism and market payors as tourist, meeting and event destinations, thereby increasing demand for room night sales.

Budget: The total RCTBID annual budget for the initial year of its ten (10) year operation is anticipated to be approximately \$2,490,000. This amount may fluctuate as room sales do.

Cost: The annual assessment rate is four and one half of one percent (4.5%) of gross room rental revenue. At the City of Rancho Cordova City Council's discretion, assessments collected may be used to repay a capital infrastructure bond if the City Council chooses to issue bonds. Until and unless bonds are issued, any funds collected by the RCTBID will be used towards the services outlined in this Plan. Based on the benefit received, assessments will not be collected on: charges incurred by a person in the performance of official duties as an officer or employee of a local, state or federal government entity, or by government-sponsored corporate charge card. The assessment of four and one half of one percent (4.5%) of gross room rental revenue as levied pursuant to this Plan will also not be collected on stays pursuant to contracts executed prior to July 1, 2021. Stays pursuant to contracts executed between September 1, 2013 and June 30, 2021 shall instead be subject to assessment at the rate of \$1.50 per paid occupied room per night. During the ten (10) year term, the assessment rate may be increased annually by the RCTBID Owners' Association by a maximum of one percent (1%) of gross room rental revenue per year, as described in Section IV. The total assessment rate may not exceed ten percent (10%).

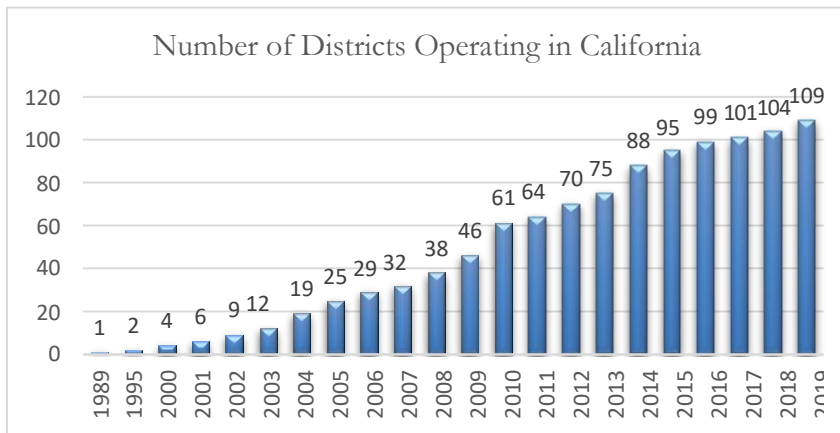
Collection: The City of Rancho Cordova (City) will be responsible for collecting the assessment on a monthly basis (including any delinquencies, penalties and interest) from each lodging business in their respective jurisdictions located in the boundaries of the RCTBID. The City shall take all reasonable efforts to collect the assessments from each lodging business.

Duration: RCTBID will have a ten (10) year life, beginning July 1, 2021 through June 30, 2031. Once per year, beginning on the anniversary of RCTBID renewal, there is a thirty (30) day period in which owners paying fifty percent (50%) or more of the assessment may protest and initiate a City Council hearing on RCTBID termination.

Management: Rancho Cordova Travel and Tourism Corporation (RCTTC) will continue to serve as the RCTBID Owners' Association. The Owners' Association is charged with managing funds and implementing programs in accordance with this Plan, and must provide annual reports to the City Council.

II. BACKGROUND

TBIDs are an evolution of the traditional Business Improvement District. The first TBID was formed in West Hollywood, California in 1989. Since then, over 100 California destinations have followed suit. In recent years, other states have begun adopting the California model – Montana, South Dakota, Washington, Colorado, Texas and Louisiana have adopted TBID laws. Several other states are in the process of adopting their own legislation. The cities of Wichita, Kansas and Newark, New Jersey used an existing business improvement district law to form a TBID. And, some cities, like Portland, Oregon and Memphis, Tennessee have utilized their home rule powers to create TBIDs without a state law.



California's TBIDs collectively raise over \$275 million annually for local destination marketing. With competitors raising their budgets, and increasing rivalry for visitor dollars, it is important that Rancho Cordova lodging businesses continue to invest in stable, lodging-specific marketing programs.

TBIDs utilize the efficiencies of private sector operation in the market-based promotion of tourism districts. TBIDs allow lodging business owners to organize their efforts to increase demand for room night sales. Lodging business owners within the TBID pay an assessment and those funds are used to provide services that increase demand for room night sales.

In California, most TBIDs are formed pursuant to the Property and Business Improvement District Law of 1994. This law allows for the creation of a benefit assessment district to raise funds within a specific geographic area. *The key difference between TBIDs and other benefit assessment districts is that funds raised are returned to the private non-profit corporation governing the district.*

There are many benefits to TBIDs:

- Funds must be spent on services and improvements that provide a specific benefit only to those who pay;
- Funds cannot be diverted to general government programs;
- They are customized to fit the needs of payors in each destination;
- They allow for a wide range of services;
- They are **designed, created and governed by those who will pay** the assessment; and
- They provide a stable, long-term funding source for tourism promotion.

III. RANCHO CORDOVA TRAVEL & TOURISM CORPORATION ACCOMPLISHMENTS

Established in 2010, but formally organized in 2011, the Rancho Cordova Tourism Business Improvement District (RCTBID) set out to increase the number of district visitors, improve the brand of the destination and increase market share for the hotels in Rancho Cordova. Through robust marketing, brand positioning and consistent relationship management, the Visit Rancho Cordova brand, managed by Rancho Cordova Travel & Tourism Corporation (RCTTC) has accomplished these goals and continues to serve as an asset to the Rancho Cordova community. Since the formation of RCTBID in 2011 through year-end 2019, Occupancy rate increased 49.2%, Average Daily Rate (ADR) increased by 44.1%, and RevPAR increased by 77.6%. Over this same timeframe, nationally the Occupancy rate increased 15.1%. (Source: Statista).

Mission:

To enhance the Rancho Cordova community through the economic and social contributions of travelers to the region. To achieve this, RCTTC markets domestically and internationally and ensures the guest's experience in Northern California is world class.

Vision:

To welcome the world to Rancho Cordova, California.

Values:

Kaizen, Respect, Integrity, Alignment, Innovation

Brand Promise:

When you visit Rancho Cordova, you see the promise of America.

Visitor Promise:

No matter where you're from, you will always be welcome.

Events Sponsored by RCTTC through sponsorship, grant or marketing programs

Events were entirely or in-part contingent on sponsorship bid from RCTTC

- Two-time Host City U.S. Rowing Youth Nationals
- US Rowing Southwest Juniors Championship
- Pac-12 Rowing Championship
- NCAA Rowing Championships
- Amgen Tour of California 2019
- Technique Gymnastics tournaments including the U12 Statewide Championships, Flower Power Invitational, etc.
- Little League Best of the West Tournament
- KOT Rugby Tournament
- Rio Strada Golden State Race Series
- Hangtown Motocross
- California Capital Airshow

Digital Impact

- Average of 50 million impressions per year 2018 and 2019 from digital advertising
- 31k followers across owned social channels with 3.1 million impressions, 43.6k engagements and 10.5k clicks from channels in 2019, alone
- 3,100 e-distribution list with an average open rate of 37.7% (2020) despite national averages being between 15%-20%



- Expert digital marketing partnerships earning over 268k website visits since March of 2018
- Leisure media marketing earning more than \$122,129 in attributed revenue from 479 bookings for 2019, alone
- Website marketing earning more than \$55,523 in attributed revenue from 138 bookings in 2019, alone

Media Familiarization Tours

- Visit California Gold Rush Rally
 - Multi-day, multi-destination FAM in partnership with Visit California
- Visit California Canada Media FAM
 - In partnership with Visit California
- Amgen 2019 FAM
 - In partnership with the AMGEN Tour of California and Visit California

Community Impact

- Multiyear Sacramento Children's Museum Exhibit Sponsor
- Leadership Rancho Cordova
 - In addition to sponsoring Leadership attendees, RCTTC has sponsored Leadership led community projects such as the Hagan Park Dog Park and custom bike racks
 - RCTTC presents Tourism module for each annual Leadership class
- CH&LA PPE - \$200,000 + value
 - Through the Rancho Cordova Travel & Tourism group membership with California Hotel & Lodging Association (CH&LA), the organization was able to distribute \$200k+ in PPE (personal protection equipment) to Rancho Cordova hotels in 2020.
- Established RCPD Hotel Watch Program
- RCTTC fought to remove tax on assessment for district hotels in 2019
- RCTTC represents the interest of Rancho Cordova hotels at the Sacramento County DA/RCPD Crime Reduction Meetings
- 2020 Restaurant business campaigns and engagements in response to the COVID-19 pandemic
- Welcome/Hygiene bags for wildfire evacuees displaced in Rancho Cordova hotels

Trade Shows and Events

- San Diego Travel Show (2018)
- Bay Area Travel Show (2018-2019)
- Visit California Canada Media Mission (2018/2019)
- Cordova Community Council Christmas Tree Lighting (2014-2019)
 - Magic Maker Sponsorship
- IFest (2019)
- Kids Day in the Park (2019)
- Cordova Golf Tournament (2019)
- Rancho Cordova Chamber Golf Scramble (2017-2019)
- LGBTQ Pride Festival (2019)
- CalSAE Seasonal Spectacular (2017-2019)
- Ride the Parkway (2019)
- Run the Parkway (2019)
- Sacramento State Homecoming (2019)
- Business Expo with Rancho Cordova Chamber of Commerce (2015-2019)



Organization Awards

- HSMIA International Marketing Campaign Award – Silver (2020)

RCTTC staff represents the organization on the following Boards, Committees and Associations:

- California Capital Airshow
 - Board Member (2015- present)
- Rancho Cordova Chamber of Commerce
 - Board Member (2015- present)
 - Government Affairs Committee (2019-present)
- California Travel Association
 - Board Member (2019-present)
 - Advocacy Committee
 - COVID Task Force Committee
- Meeting Professionals International (MPI)
 - MPI Global Young Professionals Advisory Council (2019-2020)
 - MPI Sacramento Sierra Nevada Chapter Recruitment Committee (2018-2020)
 - Chair 2020
- Cal SAE
- Gold Country Visitors Association
- Destinations International
- Highway 50 Bike Share Task Force (2018)

Industry recognition

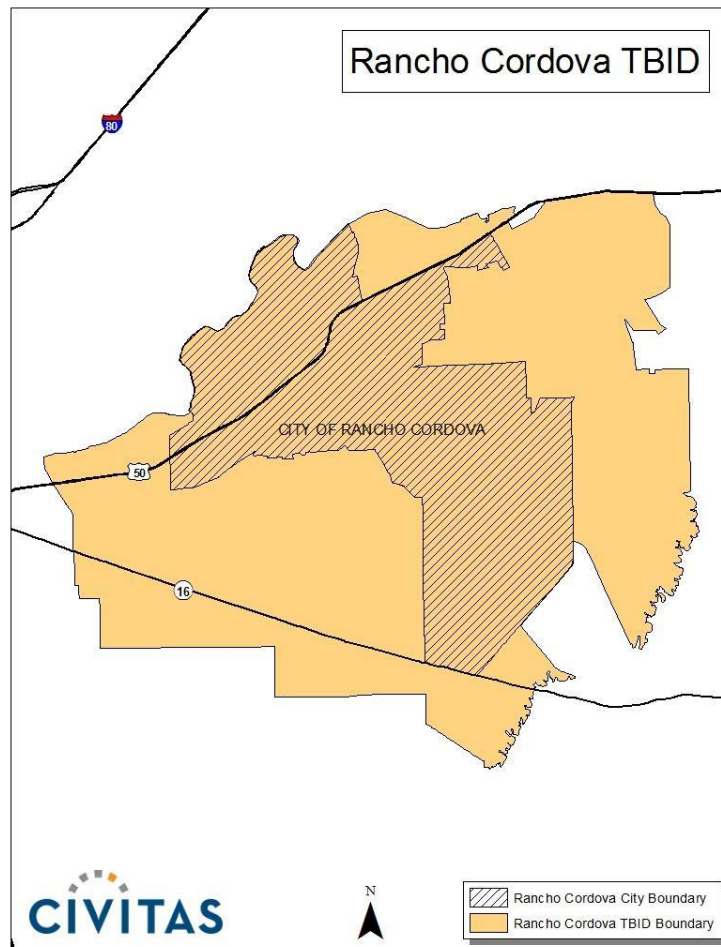
- Executive Director, Marc Sapoznik awarded CDME (Certified Destination Management Executive) 2020
- Marketing Manager, Leena Riggs awarded Cal Travel Association's "30 under 30" 2019

IV. BOUNDARY

The RCTBID will include all lodging businesses existing and in the future with two (2) rooms or more, available for public occupancy within the boundaries of the City of Rancho Cordova and portions of the County of Sacramento.

Lodging business means: any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.

The boundary, as shown in the map below, currently includes eighteen (18) lodging businesses. A complete listing of lodging businesses within the RCTBID can be found in Appendix 2.



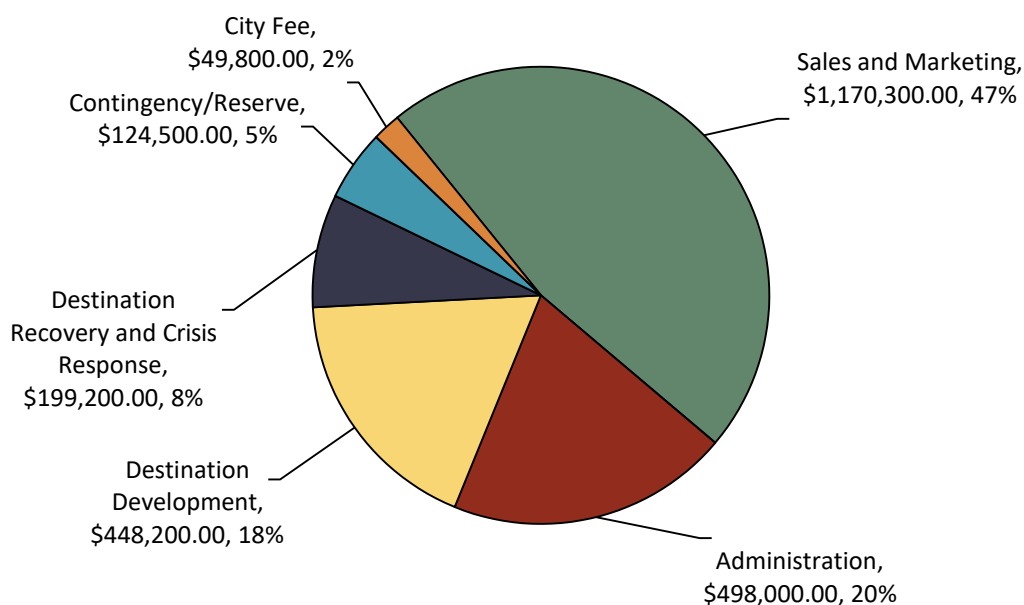
V. BUDGET AND SERVICES

A. Annual Service Plan

Assessment funds will be spent to provide specific benefits conferred or privileges granted directly to assessed businesses, that are not provided to those not charged, and which do not exceed the reasonable cost to the City of conferring the benefits or granting the privileges. The privileges and services provided with the RCTBID funds are sales and marketing promotions, destination development, and destination recovery & crisis response programs available only to assessed businesses.

A service plan budget has been developed to deliver services that benefit the assessed businesses. A detailed annual budget will be developed and approved by RCTTC. The table below illustrates the initial annual budget allocations. The total initial budget is \$2,490,000.

Initial Annual Budget - \$2,490,000



Although actual revenues will fluctuate due to market conditions, the proportional allocations of the budget shall remain the same. However, the City and the RCTTC board shall have the authority to adjust budget allocations between the categories by no more than fifteen percent (15%) of the total budget per year. A description of the proposed improvements and activities for the initial year of operation is below. The same activities are proposed for subsequent years. In the event of a legal challenge against the RCTBID, any and all assessment funds may be used for the costs of defending the RCTBID.

Each budget category includes all costs related to providing that service. For example, the sales and marketing budget includes the cost of staff time dedicated to overseeing and implementing the sales and marketing program. Staff time dedicated purely to administrative tasks is allocated to the administrative portion of the budget. The costs of an individual staff member may be allocated to multiple budget categories. The staffing levels necessary to provide the services below will be determined by the RCTTC on an as-needed basis.

Sales and Marketing

A sales and marketing program will promote assessed businesses as tourist, meeting, and event destinations. The sales and marketing program will have a central theme of promoting Rancho Cordova as a desirable place for overnight visits. The program will have the goal of increasing demand for overnight visitation and room night sales at assessed businesses, and may include the following activities:

- Internet marketing efforts to increase awareness and optimize internet presence to drive demand for overnight visitation and room sales to assessed businesses;
- Print ads in magazines and newspapers, television ads, and radio ads targeted at potential visitors to drive demand for overnight visitation and room sales to assessed businesses;
- Attendance of trade shows to promote assessed businesses;
- Sales blitzes for assessed businesses;
- Familiarization tours of assessed businesses;
- Preparation and production of collateral promotional materials such as brochures, flyers and maps featuring assessed businesses;
- Attendance of professional industry conferences and affiliation events to promote assessed businesses;
- Lead generation activities designed to attract tourists and group events to assessed businesses;
- Director of Sales and General Manager meetings to plan and coordinate tourism promotion efforts for assessed businesses; and
- Development and maintenance of a website designed to promote assessed businesses.

Destination Development

Destination Development (DD) will be eighteen percent (18%) of the annual budget. As the total number of rooms sold and room prices increases over time, the amount of available funds for projects are anticipated to increase. Working collaboratively with the City Manager, the RCTTC will develop specific DD funding criteria. The City and the RCTTC shall have equal input to make recommendations to the RCTTC Board for final project approval. The award of any public works project contract DD must be done in accordance with City Charter and Municipal Code requirements. Policies and procedures acceptable to both the RCTTC and the City will be developed. These DD projects may include:

- Comprehensive and integrated wayfinding signage system including signage to parking decks and lots;
- Rubber tire trolley transportation program connecting hotels with downtown and other attractions, to increase room night sales;
- Art and cultural projects, to attract overnight visitors;
- Gateway enhancements, to attract overnight visitors;
- Enhancements to environmental experiences which attract overnight visitors, and shall expose visitors to the value of the vital ecosystems;
- Improvements to existing parks and sports facilities utilized by overnight visitors;
- Safe and fun entertainment complex for young teens and adults utilized by overnight visitors;
- Live music venue which attracts overnight visitors;
- Infrastructure improvements that enhance Destination competitive position to attract desirable special events year around and attract overnight visitors; and

- Improvements to the City's downtown parking deck that make the overnight visitor experience more desirable.

Destination Recovery and Crisis Response

A destination recovery and crisis response program is designed to respond to present and future challenges posed by the COVID-19 pandemic. Development and implementation of a recovery plan and crisis response program for Rancho Cordova will outline phases to market the destination to increase demand for overnight visitation and room sales to assessed businesses, with an emphasis on cleanliness measures and safety precautions in the era of COVID-19. These phases could include targeting local marketing, followed by drive markets, short-fly markets, long-fly markets, and eventually key international markets. These programs may include, but are not limited to:

- Develop messaging for recovery efforts to ensure that Rancho Cordova is top-of-mind when travel restrictions ease to increase demand for overnight visitation to assessed businesses;
- Development and implementation of a recovery plan for Rancho Cordova that will outline phases to market the destination to increase demand for overnight visitation and room sales to assessed businesses; phases could include targeting local marketing, followed by drive markets, short-fly markets, long-fly markets, and eventually key international markets;
- Utilize research to determine recovery factors that dictate consumer sentiment towards travel to assessed businesses;
- Development and implementation of a 'clean and safe' campaign to attract overnight visitation to assessed businesses; and
- Appointment of a cleanliness manager who is responsible for developing a cleanliness plan, implementing the plan, and training lodging business employees in an effort to improve the visitor experience and increase demand for overnight visitation to assessed businesses.

Administration and Operations

The administration and operations portion of the budget shall be utilized for administrative staffing costs, office costs, advocacy, and other general administrative costs such as insurance, legal, and accounting fees.

City Administration Fee

The City of Rancho Cordova shall be paid a fee equal to 2% of the amount of assessment collected, to cover its costs of collection and administration.

Contingency/Reserve

The budget includes a contingency line item to account for uncollected assessments, if any. If there are contingency funds collected, they may be held in a reserve fund or utilized for other program, administration or renewal costs at the discretion of the RCTTC Board. Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of monies from the reserve fund shall be set by the RCTTC Board. Contingency/reserve funds may be spent on District programs or administrative and renewal costs in such proportions as determined by the RCTTC Board. The reserve fund may be used for the costs of renewing the RCTBID.

B. Annual Budget

The total ten (10) year improvement and service plan budget is projected at approximately \$2,490,000 annually, and for a total amount of \$65,443,838 through 2031 if the maximum assessment rate increases are adopted. This budget is expected to fluctuate as room sales change and if the assessment rate is increased. If the maximum annual assessment increases are adopted by the Owners' Association upon approval from City Council, the annual budget will increase as illustrated in the table below. The initial annual assessment rate is four and one half of one percent (4.5%) of gross room rental revenue. The Owners' Association may increase the assessment rate by a maximum of one percent (1%) per year to a maximum rate of ten percent (10%).

The assessment rate might not increase starting in 2022, the increases may be implemented in later years at the discretion of the Owners' Association. The table below demonstrates the maximum with the assumption that the rates will be increased in annually from 2022 through 2027 as it is a required disclosure, it is not the anticipated course of action. Alternate courses of action may be taken in regards to implementing the assessment rate increase other than what is demonstrated in the chart below, within the parameters of this Management District Plan. For example, increases may be implemented in years 2028-2031, with the stipulation that each annual increase is no more than one percent (1%) and that the total assessment rate may not exceed ten percent (10%). Additionally, a three percent (3%) annual increase in the total budget is shown, to account for estimated increased room night sales as a result of RCTBID efforts. This three percent (3%) annual increase is a conservative estimate based on the effects of similarly sized TBID budgets.

**Estimated Annual Budget If Maximum Assessment Rates Are Adopted
2021-2031**

Year	Sales & Marketing	Administration	Destination Development	Destination Recovery	Contingency/ Reserve	City Fee	Total
2021-22	\$1,170,300	\$498,000	\$448,200	\$199,200	\$124,500	\$49,800	\$2,490,000
2022-23	\$1,473,251	\$626,915	\$564,224	\$250,766	\$156,729	\$62,692	\$3,134,576
2023-24	\$1,793,321	\$763,115	\$686,804	\$305,246	\$190,779	\$76,312	\$3,815,576
2024-25	\$2,131,392	\$906,975	\$816,278	\$362,790	\$226,744	\$90,698	\$4,534,876
2025-26	\$2,487,972	\$1,058,711	\$952,840	\$423,485	\$264,678	\$105,871	\$5,293,557
2026-27	\$2,864,230	\$1,218,821	\$1,096,939	\$487,529	\$304,705	\$121,882	\$6,094,107
2027-28	\$4,502,825	\$1,916,096	\$1,724,486	\$766,438	\$479,024	\$191,610	\$9,580,478
2028-29	\$4,637,909	\$1,973,578	\$1,776,221	\$789,431	\$493,395	\$197,358	\$9,867,892
2029-30	\$ 4,777,047	\$2,032,786	\$1,829,507	\$813,114	\$508,196	\$203,279	\$10,163,929
2030-31	\$4,920,358	\$2,093,769	\$1,884,392	\$837,508	\$523,442	\$209,377	\$10,468,847
Total	\$30,758,604	\$13,088,768	\$11,779,891	\$5,235,507	\$3,272,192	\$1,308,877	\$65,443,838

The table below demonstrates the annual improvement and service plan budget with the assumption that the rates will not be increased during the district's ten (10) year term. Additionally, a three percent (3%) annual increase in the total budget is shown, to account for estimated increased room night sales as a result of RCTBID efforts.

**Estimated Annual Budget If Maximum Assessment Rates Are Not Adopted
2021-2031**

Year	Sales & Marketing	Administration	Destination Development	Destination Recovery	Contingency /Reserve	City Fee	Total
2021-22	\$1,170,300	\$498,000	\$448,200	\$199,200	\$124,500	\$49,800	\$2,490,000
2022-23	\$1,205,409	\$512,940	\$461,646	\$205,176	\$128,235	\$51,294	\$2,564,700
2023-24	\$1,241,571	\$528,328	\$475,495	\$211,331	\$132,082	\$52,833	\$2,641,641
2024-25	\$1,278,818	\$544,178	\$489,760	\$217,671	\$136,045	\$54,418	\$2,720,890
2025-26	\$1,317,183	\$560,503	\$504,453	\$224,201	\$140,126	\$56,050	\$2,802,517
2026-27	\$1,356,698	\$577,318	\$519,587	\$230,927	\$144,330	\$57,732	\$2,886,592
2027-28	\$1,397,399	\$594,638	\$535,174	\$237,855	\$148,660	\$59,464	\$2,973,190
2028-29	\$1,439,321	\$612,477	\$551,229	\$244,991	\$153,119	\$61,248	\$3,062,386
2029-30	\$1,482,501	\$630,852	\$567,766	\$252,341	\$157,713	\$63,085	\$3,154,258
2030-31	\$1,526,976	\$649,777	\$584,799	\$259,911	\$162,444	\$64,978	\$3,248,885
Total	\$13,416,178	\$5,709,012	\$5,138,111	\$2,283,605	\$1,427,253	\$570,901	\$28,545,059

C. California Constitutional Compliance

The RCTBID assessment is not a property-based assessment subject to the requirements of Proposition 218. Courts have found Proposition 218 limited the term 'assessments' to levies on real property.¹ Rather, the RCTBID assessment is a business-based assessment, and is subject to Proposition 26. Pursuant to Proposition 26 all levies are a tax unless they fit one of seven exceptions. Two of these exceptions apply to the RCTBID, a "specific benefit" and a "specific government service." Both require that the costs of benefits or services do not exceed the reasonable costs to the City of conferring the benefits or providing the services.

1. Specific Benefit

Proposition 26 requires that assessment funds be expended on, "a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege."² The services in this Plan are designed to provide targeted benefits directly to assessed businesses, and are intended only to provide benefits and services directly to those businesses paying the assessment. These services are tailored not to serve the general public, businesses in general, or parcels of land, but rather to serve the specific businesses within the RCTBID. The activities described in this Plan are specifically targeted to increase demand for room night sales for assessed lodging businesses within the boundaries of the RCTBID, and are narrowly tailored. RCTBID funds will be used exclusively to provide the specific benefit of increased demand for room night sales directly to the assessees. Assessment funds shall not be used to feature non-assessed lodging businesses in RCTBID programs, or to directly generate sales for non-assessed businesses. The activities paid for from assessment revenues are business services constituting and providing specific benefits to the assessed businesses.

¹ *Jarvis v. the City of San Diego* 72 Cal App. 4th 230

² Cal. Const. art XIII C § 1(e)(1)

The assessment imposed by this RCTBID is for a specific benefit conferred directly to the payors that is not provided to those not charged. The specific benefit conferred directly to the payors is an increase in demand for room night sales. The specific benefit of an increase in demand for room night sales for assessed lodging businesses will be provided only to lodging businesses paying the district assessment, with marketing and sales programs promoting lodging businesses paying the RCTBID assessment. The marketing and sales programs will be designed to increase room night sales at each assessed lodging businesses. Because they are necessary to provide the marketing and sales promotions, destination development, and destination recovery and crisis response programs that specifically benefit the assessed lodging businesses, the administration and contingency services also provide the specific benefit of increased demand for room night sales to the assessed lodging businesses.

Although the RCTBID, in providing specific benefits to payors, may produce incidental benefits to non-paying businesses, the incidental benefit does not preclude the services from being considered a specific benefit. The legislature has found that, "A specific benefit is not excluded from classification as a 'specific benefit' merely because an indirect benefit to a nonpayer occurs incidentally and without cost to the payor as a consequence of providing the specific benefit to the payor."³

2. Specific Government Service

The assessment may also be utilized to provide, "a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product."⁴ The legislature has recognized that marketing and promotions services like those to be provided by the RCTBID are government services within the meaning of Proposition 26⁵. Further, the legislature has determined that "a specific government service is not excluded from classification as a 'specific government service' merely because an indirect benefit to a nonpayer occurs incidentally and without cost to the payor as a consequence of providing the specific government service to the payor."⁶

3. Reasonable Cost

RCTBID services will be implemented carefully to ensure they do not exceed the reasonable cost of such services. The full amount assessed will be used to provide the services described herein. Funds will be managed by the RCTTC, and reports submitted on an annual basis to the City. Only assessed lodging businesses will be featured in marketing materials, receive sales leads generated from RCTBID-funded activities, be featured in advertising campaigns, and benefit from other RCTBID-funded services. Non-assessed lodging businesses will not receive these, nor any other, RCTBID-funded services and benefits.

The RCTBID-funded programs are all targeted directly at and feature only assessed businesses. It is, however, possible that there will be a spill over benefit to non-assessed

³ Government Code § 53758(a)

⁴ Cal. Const. art XIII C § 1(e)(2)

⁵ Government Code § 53758(b)

⁶ Government Code § 53758(b)

businesses. If non-assessed lodging businesses receive incremental room nights, that portion of the promotion or program generating those room nights shall be paid with non-RCTBID funds. RCTBID funds shall only be spent to benefit the assessed businesses, and shall not be spent on that portion of any program which directly generates incidental room nights for non-assessed businesses.

D. Assessment

The annual assessment rate is four and one half of one percent (4.5%) of gross room rental revenue. At the City Council's discretion, assessments collected may be used to repay a capital infrastructure bond if Council chooses to issue bonds. Until and unless bonds are issued, any funds collected by the RCTBID will be used towards the services outlined in this Plan. Based on the benefit received, assessments will not be collected on: charges incurred by a person in the performance of official duties as an officer or employee of a local, state or federal government entity, or by government-sponsored corporate charge card. The assessment of four and one half of one percent (4.5%) of gross room rental revenue as levied pursuant to this Plan will also not be collected on stays pursuant to contracts executed prior to July 1, 2021. Stays pursuant to contracts executed between September 1, 2013 and June 30, 2021 shall instead be subject to assessment at the rate of \$1.50 per paid occupied room per night. During the ten (10) year term, the assessment rate may be increased annually by the Owners' Association by a maximum of one percent (1%) of gross room rental. The total assessment rate may not exceed ten percent (10%).

The term "gross room rental revenue" as used herein means: the consideration charged, whether or not received, for the occupancy of space in a lodging business valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever. Gross room rental revenue shall not include any federal, state or local taxes collected, including but not limited to transient occupancy taxes.

The assessment is levied upon and a direct obligation of the assessed lodging business. However, the assessed lodging business may, at its discretion, pass the assessment on to transients. The amount of assessment, if passed on to each transient, shall be disclosed in advance and separately stated from the amount of rent charged and any other applicable taxes, and each transient shall receive a receipt for payment from the business. If the RCTBID assessment is identified separately it shall be disclosed as the "RCTBID Assessment." As an alternative, the disclosure may include the amount of the RCTBID assessment and the amount of the assessment imposed pursuant to the California Tourism Marketing Act, Government Code §13995 et seq. and shall be disclosed as the "Tourism Assessment." The assessment is imposed solely upon, and is the sole obligation of the assessed lodging business even if it is passed on to transients. The assessment shall not be considered revenue for any purpose, including calculation of transient occupancy taxes.

Bonds may be issued.

E. Penalties and Interest

The RCTBID shall reimburse the City of Rancho Cordova for any costs associated with collecting unpaid assessments. If sums in excess of the delinquent RCTBID assessment are

sought to be recovered in the same collection action by the City, the RCTBID shall bear its pro rata share of such collection costs. Assessed lodging businesses which are delinquent in paying the assessment shall be responsible for paying:

1. *Original Delinquency.* When an assessment becomes delinquent, any owner who fails to remit any assessment imposed by this Plan within the time required shall pay a penalty of 10 percent (10%) of the amount of the assessment in addition to the amount of the assessment.
2. *Continued Delinquency.* Any owner who fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten percent (10%) of the amount of the assessment in addition to the amount of the assessment and the ten percent (10%) penalty first imposed.
3. *Fraud.* If the City determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the assessment shall be added thereto in addition to the penalties stated in subsections (1) and (2) of this section.
4. *Interest.* In addition to the penalties imposed, any owner who fails to remit any assessment imposed by this Plan shall pay interest at the rate of one and one-half percent (1.50%) per month or fraction thereof, compounded, on the amount of the assessment, exclusive of penalties, from the date on which the remittance first became delinquent until paid.
5. *Penalties Merged with Assessment.* Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the assessment herein required to be paid.

F. Time and Manner for Collecting Assessments

The RCTBID assessment will be implemented beginning July 1, 2021 and will continue for ten (10) years through June 30, 2031. The City will be responsible for collecting the assessment on a monthly basis (including any delinquencies, penalties and interest) from each lodging business. The City shall take all reasonable efforts to collect the assessments from each lodging business. The City shall forward the assessments collected to the Owners' Association.

Concurrent with the remittal of assessment funds to the Owners Association, the City shall also provide monthly reports stating details surrounding businesses that are default on expected payments, as well as the term of their delinquency and any other relevant information for the Owners Association to reasonably determine which assessed businesses are in compliance with the RCTBID assessment.

VI. GOVERNANCE**A. Owners' Association**

The City Council, through adoption of this Management District Plan, has the right, pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners' Association of the RCTBID as defined in Streets and Highways Code §36612. The City Council has determined that Rancho Cordova Travel and Tourism Corporation (RCTTC) will serve as the Owners' Association for the RCTBID.

B. Brown Act and California Public Records Act Compliance

An Owners' Association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. The Owners' Association is, however, subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act. These regulations are designed to promote public accountability. The Owners' Association acts as a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the RCTTC board and certain committees must be held in compliance with the public notice and other requirements of the Brown Act. The Owners' Association is also subject to the record keeping and disclosure requirements of the California Public Records Act. Accordingly, the Owners' Association shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

C. Annual Report

The RCTTC shall present an annual report at the end of each fiscal year of operation to the City Council, and shall file the annual report with the City of Rancho Cordova City Clerk, pursuant to Streets and Highways Code §36650 (see Appendix 1). The annual report shall include:

- Any proposed changes in the boundaries of the improvement district or in any benefit zones or classification of businesses within the district.
- The improvements and activities to be provided for that fiscal year.
- An estimate of the cost of providing the improvements and the activities for that fiscal year.
- The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for that fiscal year.
- The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
- The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

APPENDIX 1 – LAW

*** THIS DOCUMENT IS CURRENT THROUGH THE 2020 SUPPLEMENT ***
(ALL 2019 LEGISLATION)

**STREETS AND HIGHWAYS CODE
DIVISION 18. PARKING
PART 7. PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994**

CHAPTER 1. General Provisions

ARTICLE 1. Declarations

36600. Citation of part

This part shall be known and may be cited as the “Property and Business Improvement District Law of 1994.”

36601. Legislative findings and declarations; Legislative guidance

The Legislature finds and declares all of the following:

- (a) Businesses located and operating within business districts in some of this state’s communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.
- (b) It is in the public interest to promote the economic revitalization and physical maintenance of business districts in order to create jobs, attract new businesses, and prevent the erosion of the business districts.
- (c) It is of particular local benefit to allow business districts to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that receive benefits from those improvements.
- (d) Assessments levied for the purpose of conferring special benefit upon the real property or a specific benefit upon the businesses in a business district are not taxes for the general benefit of a city, even if property, businesses, or persons not assessed receive incidental or collateral effects that benefit them.
- (e) Property and business improvement districts formed throughout this state have conferred special benefits upon properties and businesses within their districts and have made those properties and businesses more useful by providing the following benefits:
 - (1) Crime reduction. A study by the Rand Corporation has confirmed a 12-percent reduction in the incidence of robbery and an 8-percent reduction in the total incidence of violent crimes within the 30 districts studied.
 - (2) Job creation.
 - (3) Business attraction.
 - (4) Business retention.
 - (5) Economic growth.
 - (6) New investments.
- (f) With the dissolution of redevelopment agencies throughout the state, property and business improvement districts have become even more important tools with which communities can combat blight, promote economic opportunities, and create a clean and safe environment.
- (g) Since the enactment of this act, the people of California have adopted Proposition 218, which added Article XIII D to the Constitution in order to place certain requirements and restrictions on the formation of, and activities, expenditures, and assessments by property-based districts. Article XIII D of the Constitution provides that property-based districts may only levy assessments for special benefits.
- (h) The act amending this section is intended to provide the Legislature’s guidance with regard to this act, its interaction with the provisions of Article XIII D of the Constitution, and the determination of special benefits in property-based districts.
 - (1) The lack of legislative guidance has resulted in uncertainty and inconsistent application of this act, which discourages the use of assessments to fund needed improvements, maintenance, and activities in property-based districts, contributing to blight and other underutilization of property.
 - (2) Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed. Therefore, for special benefits to exist as a separate and distinct category from general benefits, the

incidental or collateral effects of those special benefits are inherently part of those special benefits. The mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits.

(3) It is of the utmost importance that property-based districts created under this act have clarity regarding restrictions on assessments they may levy and the proper determination of special benefits. Legislative clarity with regard to this act will provide districts with clear instructions and courts with legislative intent regarding restrictions on property-based assessments, and the manner in which special benefits should be determined.

36602. Purpose of part

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within property and business improvement districts, to ensure that those assessments conform to all constitutional requirements and are determined and assessed in accordance with the guidance set forth in this act. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

36603. Preemption of authority or charter city to adopt ordinances levying assessments

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

36603.5. Part prevails over conflicting provisions

Any provision of this part that conflicts with any other provision of law shall prevail over the other provision of law, as to districts created under this part.

36604. Severability

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

ARTICLE 2. Definitions

36606. “Activities”

“Activities” means, but is not limited to, all of the following that benefit businesses or real property in the district:

- (a) Promotion of public events.
- (b) Furnishing of music in any public place.
- (c) Promotion of tourism within the district.
- (d) Marketing and economic development, including retail retention and recruitment.
- (e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.
- (f) Other services provided for the purpose of conferring special benefit upon assessed real property or specific benefits upon assessed businesses located in the district.

36606.5. “Assessment”

“Assessment” means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and providing activities that will provide certain benefits to properties or businesses located within a property and business improvement district.

36607. “Business”

“Business” means all types of businesses and includes financial institutions and professions.

36608. “City”

“City” means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

36609. “City council”

“City council” means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

36609.4. “Clerk”

“Clerk” means the clerk of the legislative body.

36609.5. “General benefit”

“General benefit” means, for purposes of a property-based district, any benefit that is not a “special benefit” as defined in Section 36615.5.

36610. “Improvement”

“Improvement” means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

- (a) Parking facilities.
- (b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.
- (c) Trash receptacles and public restrooms.
- (d) Lighting and heating facilities.
- (e) Decorations.
- (f) Parks.
- (g) Fountains.
- (h) Planting areas.
- (i) Closing, opening, widening, or narrowing of existing streets.
- (j) Facilities or equipment, or both, to enhance security of persons and property within the district.
- (k) Ramps, sidewalks, plazas, and pedestrian malls.
- (l) Rehabilitation or removal of existing structures.

36611. “Management district plan”; “Plan”

“Management district plan” or “plan” means a proposal as defined in Section 36622.

36612. “Owners’ association”

“Owners’ association” means a private nonprofit entity that is under contract with a city to administer or implement improvements, maintenance, and activities specified in the management district plan. An owners’ association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners’ association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners’ association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), for all records relating to activities of the district.

36614. “Property”

“Property” means real property situated within a district.

36614.5. “Property and business improvement district”; “District”

“Property and business improvement district,” or “district,” means a property and business improvement district established pursuant to this part.

36614.6. “Property-based assessment”

“Property-based assessment” means any assessment made pursuant to this part upon real property.

36614.7. “Property-based district”

“Property-based district” means any district in which a city levies a property-based assessment.

36615. “Property owner”; “Business owner”; “Owner”

“Property owner” means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. “Business owner” means any person recognized by the city as the owner of the business. “Owner” means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

36615.5. “Special benefit”

“Special benefit” means, for purposes of a property-based district, a particular and distinct benefit over and above general benefits conferred on real property located in a district or to the public at large. Special benefit includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed. Special benefit excludes general enhancement of property value.

36616. “Tenant”

“Tenant” means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

ARTICLE 3. Prior Law**36617. Alternate method of financing certain improvements and activities; Effect on other provisions**

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

CHAPTER 2. Establishment**36620. Establishment of property and business improvement district**

A property and business improvement district may be established as provided in this chapter.

36620.5. Requirement of consent of city council

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

36621. Initiation of proceedings; Petition of property or business owners in proposed district

- (a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.
- (b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:
- (1) A map showing the boundaries of the district.
 - (2) Information specifying where the complete management district plan can be obtained.
 - (3) Information specifying that the complete management district plan shall be furnished upon request.
- (c) The resolution of intention described in subdivision (a) shall contain all of the following:
- (1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities, and the location and extent of the proposed district.
 - (2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

36622. Contents of management district plan

The management district plan shall include, but is not limited to, all of the following:

- (a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.
- (b) The name of the proposed district.
- (c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected property and businesses included, which may be made by reference to any plan or map that is on file with the clerk. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.
- (d) The improvements, maintenance, and activities proposed for each year of operation of the district and the maximum cost thereof. If the improvements, maintenance, and activities proposed for each year of operation are the same, a description of the first year's proposed improvements, maintenance, and activities and a statement that the same improvements, maintenance, and activities are proposed for subsequent years shall satisfy the requirements of this subdivision.
- (e) The total annual amount proposed to be expended for improvements, maintenance, or activities, and debt service in each year of operation of the district. If the assessment is levied on businesses, this amount may be estimated based upon the assessment rate. If the total annual amount proposed to be expended in each year

of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subdivision.

(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against his or her property or business. The plan also shall state whether bonds will be issued to finance improvements.

(g) The time and manner of collecting the assessments.

(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.

(i) The proposed time for implementation and completion of the management district plan.

(j) Any proposed rules and regulations to be applicable to the district.

(k) (1) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof.

(2) In a property-based district, the proportionate special benefit derived by each identified parcel shall be determined exclusively in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the activities. An assessment shall not be imposed on any parcel that exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and a property-based district shall separate the general benefits, if any, from the special benefits conferred on a parcel. Parcels within a property-based district that are owned or used by any city, public agency, the State of California, or the United States shall not be exempt from assessment unless the governmental entity can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit. The value of any incidental, secondary, or collateral effects that arise from the improvements, maintenance, or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit or affect the proportionate special benefit derived by each identified parcel.

(l) In a property-based district, the total amount of all special benefits to be conferred upon the properties located within the property-based district.

(m) In a property-based district, the total amount of general benefits, if any.

(n) In a property-based district, a detailed engineer's report prepared by a registered professional engineer certified by the State of California supporting all assessments contemplated by the management district plan.

(o) Any other item or matter required to be incorporated therein by the city council.

36623. Procedure to levy assessment

(a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with Section 53753 of the Government Code.

(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with Section 54954.6 of the Government Code, except that notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such

businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

(c) If a city council proposes to conduct a single proceeding to levy both a new or increased property assessment and a new or increased business assessment, the notice and protest and hearing procedure for the property assessment shall comply with subdivision (a), and the notice and protest and hearing procedure for the business assessment shall comply with subdivision (b). If a majority protest is received from either the property or business owners, that respective portion of the assessment shall not be levied. The remaining portion of the assessment may be levied unless the improvement or other special benefit was proposed to be funded by assessing both property and business owners.

36624. Changes to proposed assessments

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements, maintenance, and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements, maintenance, and activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

36625. Resolution of formation

(a) If the city council, following the public hearing, decides to establish a proposed property and business improvement district, the city council shall adopt a resolution of formation that shall include, but is not limited to, all of the following:

- (1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement on whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements need not be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities and the location and extent of the proposed district.
- (2) The number, date of adoption, and title of the resolution of intention.
- (3) The time and place where the public hearing was held concerning the establishment of the district.
- (4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.
- (5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.
- (6) A statement that the improvements, maintenance, and activities to be conferred on businesses and properties in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements, maintenance, or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district. Notwithstanding the foregoing, improvements and activities that must be provided outside the district boundaries to create a special or specific benefit to the assessed parcels or businesses may be provided, but shall be limited to marketing or signage pointing to the district.
- (7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements, maintenance, and activities funded by the proposed assessments, and, for a property-based district, that property within the district will receive a special benefit.
- (8) In a property-based district, the total amount of all special benefits to be conferred on the properties within the property-based district.

(b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

36627. Notice and assessment diagram

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625, the clerk shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

36628. Establishment of separate benefit zones within district; Categories of businesses

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

36628.5. Assessments on businesses or property owners

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements, maintenance, and activities, provided that any property-based assessment conforms with the requirements set forth in paragraph (2) of subdivision (k) of Section 36622.

36629. Provisions and procedures applicable to benefit zones and business categories

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a property and business improvement district.

36630. Expiration of district; Creation of new district

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and the district may be renewed pursuant to this part.

CHAPTER 3. Assessments

36631. Time and manner of collection of assessments; Delinquent payments

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part may be charged interest and penalties.

36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property

(a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.

(b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.

(c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

36633. Time for contesting validity of assessment

The validity of an assessment levied under this part shall not be contested in an action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36626. An appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

36634. Service contracts authorized to establish levels of city services

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

36635. Request to modify management district plan

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

36636. Modification of plan by resolution after public hearing; Adoption of resolution of intention

(a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public hearings pursuant to this section shall comply with both of the following:

- (1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public hearing.
- (2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public hearing, to each business owner or property owner affected by the proposed modification.
- (b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

36637. Reflection of modification in notices recorded and maps

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

CHAPTER 3.5. Financing**36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments**

(a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.

(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to

be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.

(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

CHAPTER 4. Governance

36650. Report by owners' association; Approval or modification by city council

(a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements, maintenance, and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.

(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

- (1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.
- (2) The improvements, maintenance, and activities to be provided for that fiscal year.
- (3) An estimate of the cost of providing the improvements, maintenance, and activities for that fiscal year.
- (4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.
- (5) The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
- (6) The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.

The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

36651. Designation of owners' association to provide improvements, maintenance, and activities

The management district plan may, but is not required to, state that an owners' association will provide the improvements, maintenance, and activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

CHAPTER 5. Renewal

36660. Renewal of district; Transfer or refund of remaining revenues; District term limit

(a) Any district previously established whose term has expired, or will expire, may be renewed by following the procedures for establishment as provided in this chapter.

(b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.

(c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

CHAPTER 6. Disestablishment

36670. Circumstances permitting disestablishment of district; Procedure

(a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:

(1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.

(2) During the operation of the district, there shall be a 30-day period each year in which assesses may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the district who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.

(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

36671. Refund of remaining revenues upon disestablishment or expiration without renewal of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district

(a) Upon the disestablishment or expiration without renewal of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished or expires. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

APPENDIX 2 – ASSESSED BUSINESSES

Business Name	Address	
Vince's Motel	9515 Folsom Blvd	County of Sacramento
Best Western Plus Rancho Cordova Inn	10713 White Rock Rd	Rancho Cordova
Comfort Inn & Suites near Folsom Lake	12249 Folsom Blvd	Rancho Cordova
Courtyard Sacramento Rancho Cordova	10683 White Rock Rd	Rancho Cordova
Days Inn & Suites Rancho Cordova	3240 Mather Field Rd	Rancho Cordova
Doubletree Suites by Hilton-Rancho Cordova	11260 Point East Dr	Rancho Cordova
Extended Stay America	10721 White Rock Rd	Rancho Cordova
Fairfield Inn & Suites Rancho Cordova	10745 Gold Center Dr	Rancho Cordova
Hampton Inn Sacramento Rancho Cordova	10755 Gold Center Dr	Rancho Cordova
Holiday Inn Sacramento Rancho Cordova	11269 Point East Dr	Rancho Cordova
HomeTowne Studios by Red Roof	11299 Point East Dr	Rancho Cordova
Homewood Suites by Hilton Rancho Cordova Sacramento	10700 White Rock Rd	Rancho Cordova
Hyatt Place Sacramento Rancho Cordova	10744 Gold Center Dr	Rancho Cordova
La Quinta Inn & Suites -Rancho Cordova	11131 Folsom Blvd	Rancho Cordova
Motel 6 Rancho Cordova	10694 Olson Dr	Rancho Cordova
California Inn Rancho Cordova	10800 Olson Dr	Rancho Cordova
Residence Inn Sacramento Rancho Cordova	2779 Prospect Park Dr	Rancho Cordova
Sacramento Marriott Rancho Cordova	11211 Point East Dr	Rancho Cordova

Rancho Cordova Tourism Business Improvement District Renewal

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March 1, 2021

AGENDA

1

RCTBID History

2

Renewal Process

3

New District Expansion

4

Community Benefit

5

Economic Impact

6

Q & A

Tourism Business Improvement Districts

Stable funding sources for marketing efforts designed to increase occupancy and room rates for lodging businesses. TBIDs are established with approval of payors, not electorates, and excess revenues can be used for promotions. Services include marketing, sales, promotions, website and Internet presence, group sales, and other projects designed to make the destination more appealing to visitors.



Hotel pays an
assessment



Collected by the
local government

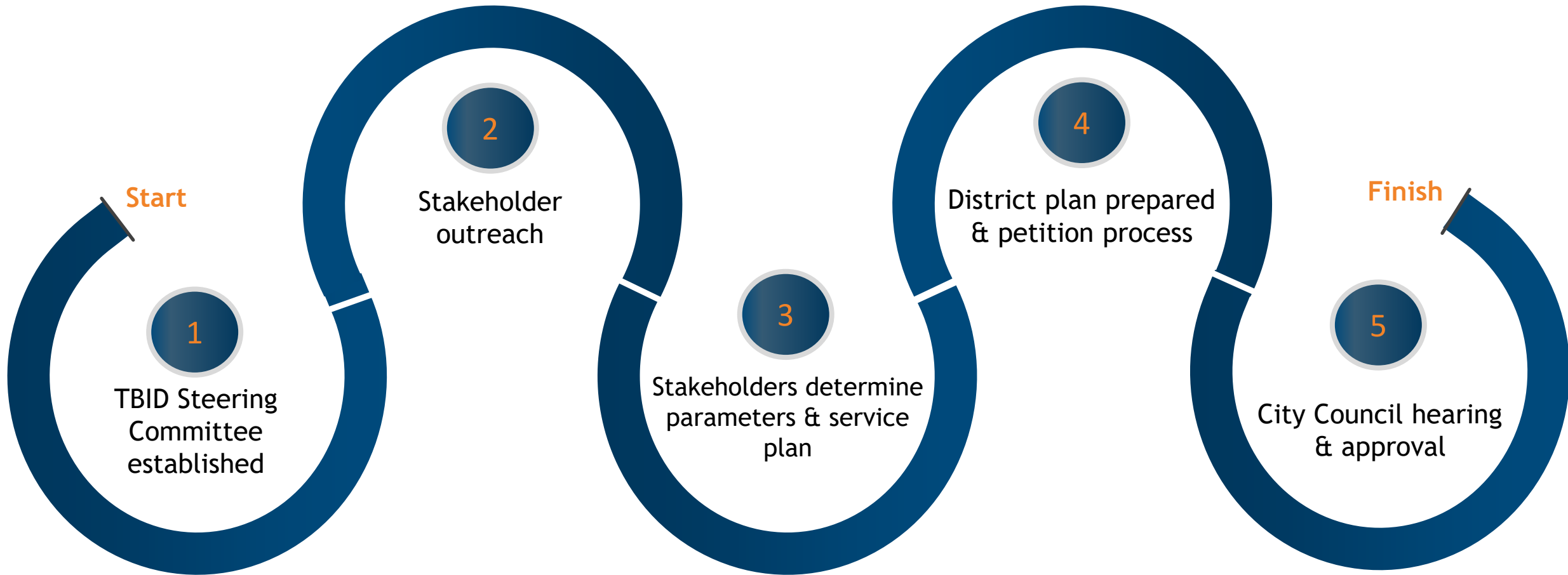


And managed by the
DMO

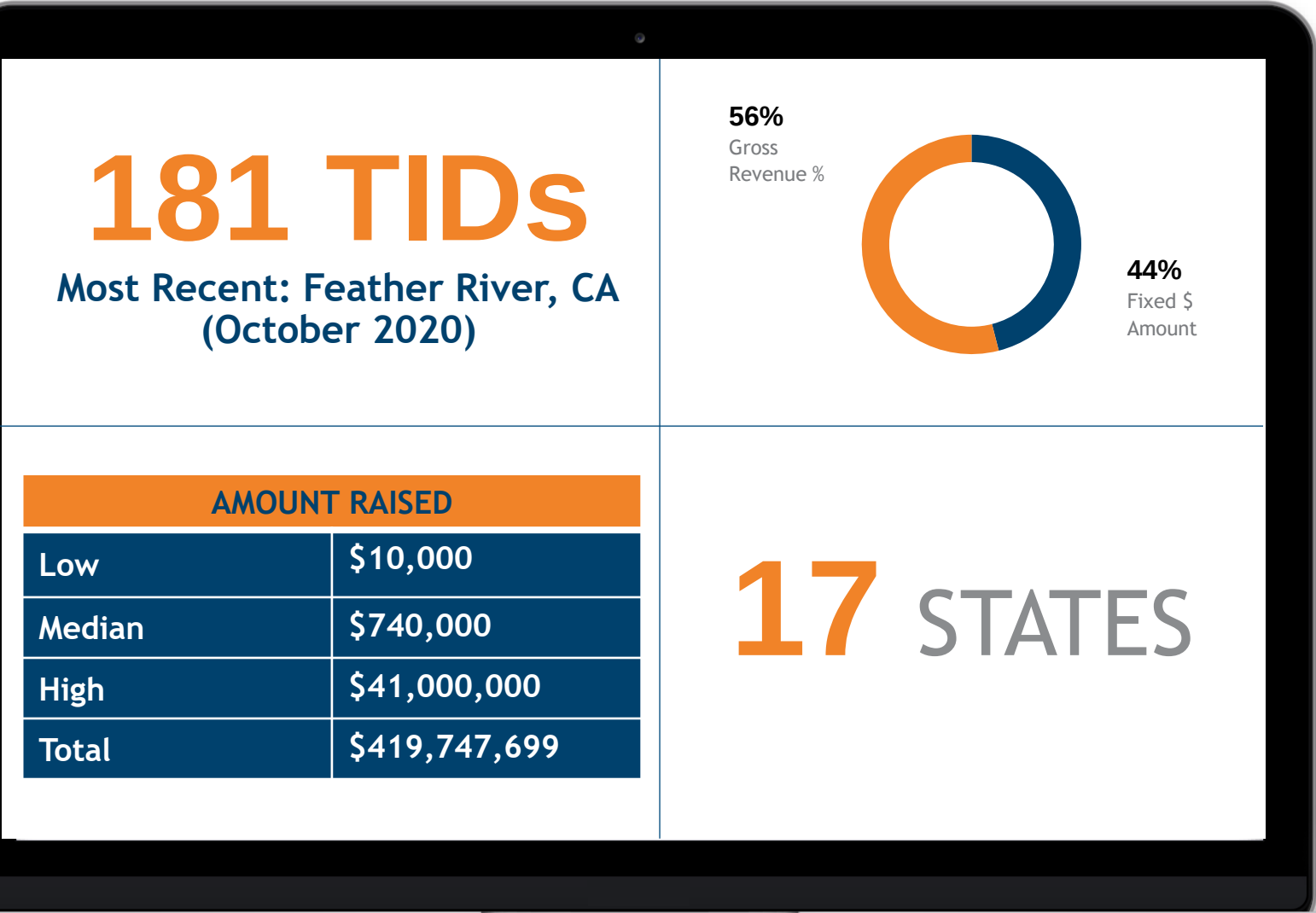
- Level playing field—no free riders
- Transparency
- Reliability
- Pass-through to guests

Road Map to TBID Renewal

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National District Statistics



The Vital Role of Destination Promotion

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1

The primary motivator of a trip is usually the experience of a destination

2

Effective marketing requires scale to reach potential visitors

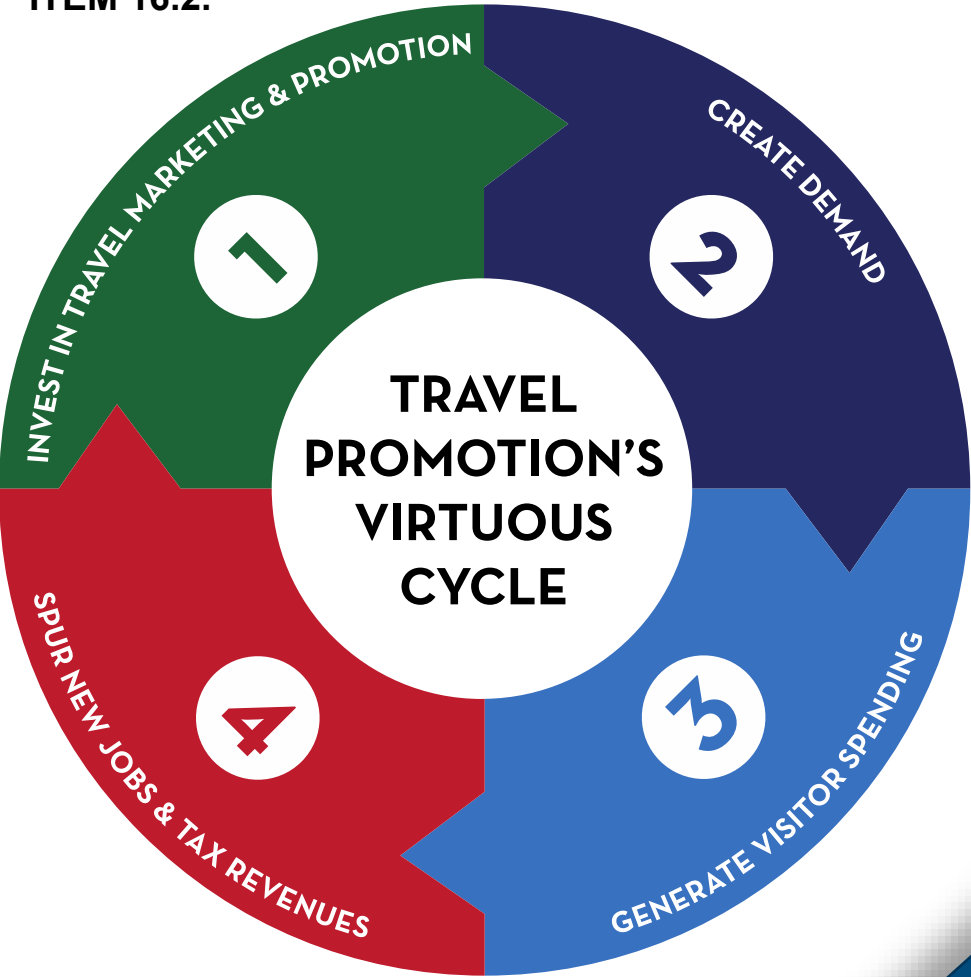


1

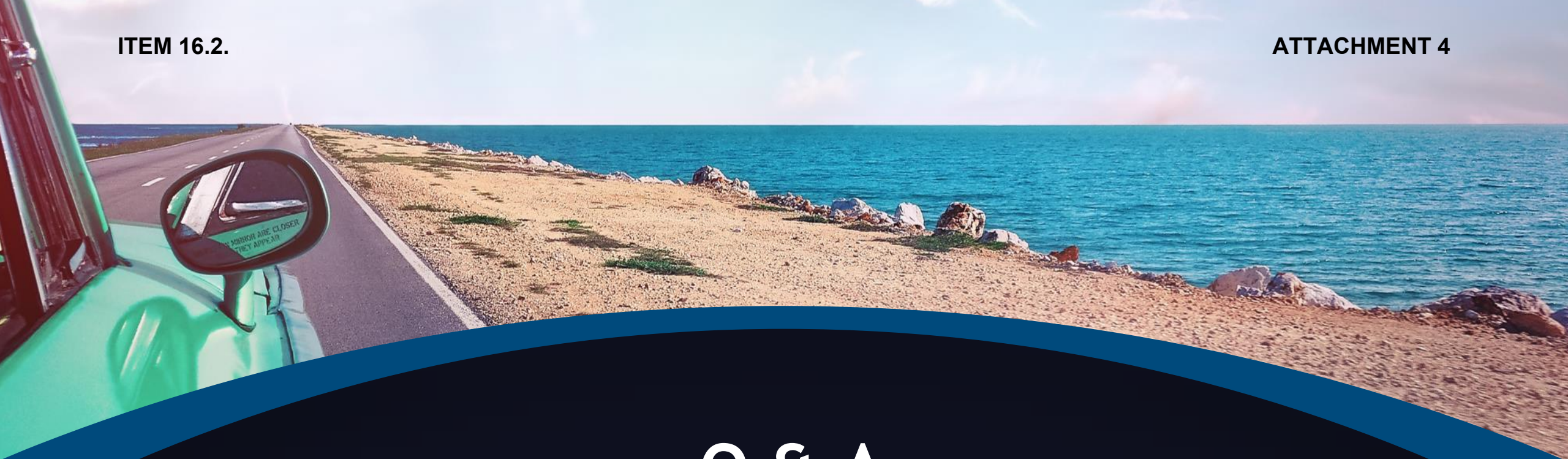
Destination promotion to articulate the brand message that is consistent with consumer motivations

2

Destination promotion to pool sustained resources to generate impact



The Future is Built with Travel Promotion



Q & A

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Thank You!

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