CITY OF RIVERBANK
CITY COUNCIL
MINUTES
MONDAY, APRIL 9, 2012

CALL TO ORDER:

The City Council of the City of Riverbank met this date in a regular session at 12:00 p.m. at the Riverbank City Council Chamber, 6707 Third Street, Riverbank, California with Mayor Madueño presiding.

FLAG SALUTE: **Mayor Virginia Madueño**

ROLL CALL:

Present: **Mayor Virginia Madueño**
Vice Mayor Dotty Nygard
Councilmember Richard O'Brien
Councilmember Jeanine Tucker

Absent: **Councilmember Jesse James White**

CONFLICT OF INTEREST
Declaration by Council Members and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered.

No one spoke.

1. PRESENTATIONS

Item 1.1: Proclamation Declaring April 8-14, 2012, as National Library Week in Stanislaus County.

Mayor Madueno read the proclamation. Riverbank Library Branch Manager, Vickie Holt Angulo, received the proclamation and provided an update on the library activities funded through the 1/8 cent sales tax.

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

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time. Time cannot be yielded to another person. Under State Law, matters presented under this item cannot be discussed or acted upon at this time by the City Council. The public will be invited to make comments on agenda items when the item comes up for Council consideration. For Closed Session items, the public will be invited to make comments before the meeting is recessed to Closed Session. For record purposes, you must step up to the podium, state your name, and speak into the microphone when addressing the City Council.

Wendy Miller, Riverbank, spoke in regards to being part of a group that started to care for unsprayed and neutered cats and through Alley Cat Guardian out of Modesto they have spayed, neutered, and vaccinated 275 animals, they have kept the cat colony population down to a dozen at Jacob Myers Park, and in response to community requests for help, they are addressing other cat colonies throughout Riverbank and the surrounding areas. She stated that they are interested in providing a long-term plan to create a temporary holding facility/adoption center to save animals from going to shelters.

Charles Neal spoke in regards to the use of System Development Fees Fund 145 and the need for Council to locate the $296,000 that remains unaccounted for.

Chris Alswick, Riverbank Rotary Club, announced the third annual downtown "Sip and Stroll" community fundraiser event scheduled on Friday, April 27 from 5:30 to 8:30 at the downtown Plaza Del Rio. Proceeds have been used to fund their Relay for Life team and they have also purchased new barbeque (grills) for Jacob Myers Park.

3. CONSENT CALENDAR

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

Item 3.A: Clerk's Report of Posting. The agenda for the regular April 9, 2012, City Council meeting was posted on the City Chamber bulletin board on April 4, 2012.

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

Item 3.C: Approval of the March 26, 2012, regular City Council Minutes.

Item 3.D: ***Resolution No. 2012-024*** to Adopt Warrant Registers for 03/22/2012 and 03/29/2012.

Item 3.E: ***Resolution No. 2012-025*** Authorizing the Execution of a Master Agreement with Pacific Gas & Electric for the Energy Saving LED Street Light Project.

Recommendation: Approve Consent Calendar by roll call vote.

Reference Item 3.D: Councilmember O'Brien inquired about the expenditure for Volvo Rents and Kutak Rock LLP. Marisela Hernandez, Finance Director, stated the City rents generators and purchases various equipment from Volvo; this was an equipment purchase which Council approved. She stated that Kutak Rock LLP was the (legal) firm that the Local Redevelopment Authority works with and is not paid from the General Fund.

ACTION: ***By motion (Tucker / Nygard / passed 4-0) to approve/adopt Consent Calendar Items 3.A through 3.E as presented; motion carried by unanimous roll call vote.***
ABSENT: Councilmember White

4. UNFINISHED BUSINESS: None.

5. PUBLIC HEARINGS

Item 5.1: **Ordinance** Amending Title XI: Business Regulations, Chapter 110: Business License Tax, Section 110.08 Exceptions of the City of Riverbank Code of Ordinances. (**First Reading and Introduction by Title).**

Recommendation: Conduct the public hearing and approve the first reading of the ordinance amending Title XI: Chapter 110: Section 110.08 by roll call vote to exempt City contract class providers from the business license requirement.

Jill Anderson, City Manager, opened the item for discussion explaining the need for the amendment. Marisela Hernandez, Finance Director, presented the staff report explaining the changes requested.

Mayor Madueño opened the Public Hearing at 12:25 p.m.

- ***Mr. Charles Neal spoke in support of having non-profit organizations exempt from the License Fee of $50 and asked that it be clarified in the Municipal Code, referring to Section 110.18(2)(B), Section 110.08(G) currently before Council, and the section of the Municipal Code (Section 92.10) that refers to fireworks booths. He stated that non-profits have been required to pay the $50 licensing fee of which he has received reimbursement. Ms. Hernandez suggested the reconciliation of the ordinances in regards to the fireworks booths be addressed at a later time and that staff is actively researching the charges made in the past.***

Mayor Madueño closed the Public Hearing at 12:30 p.m.

Council and Staff discussed the item.

ACTION: *By motion (Nygard / Tucker / passed 4-0) to approve the first reading and introduction of the Ordinance Amending Title XI: Business Regulations, Chapter 110: Business License Tax, Section 110.08 Exceptions of the City of Riverbank Code of Ordinances as presented; motion carried by unanimous roll call vote.*
ABSENT: Councilmember White

6. NEW BUSINESS: None.

MAYOR MADUEÑO RECESSED THE CITY COUNCIL MEETING TO THE LOCAL REDEVELOPMENT AUTHORITY MEETING AT 12:34 P.M.

MAYOR MADUEÑO RECONVENED THE CITY COUNCIL MEETING AT 1:40 P.M.

7. COMMENTS

Item 7.1: Staff Comments: (Information Only – No Action)

Jill Anderson, City Manager, spoke in regards to: 1) attending the recent Designated Local Redevelopment Authority meeting at which time the Board requested that the City reconsider its position in regards to appointing members to that committee and to providing administrative support which will be presented to Council at a later date after further consultation and research, and 2) having a great day at the Easter Egg Hunt and enjoying the park.

Sue Fitzpatrick, Parks and Recreation Director, spoke in regards to: 1) the Easter Egg Hunt had approximately 300 people in attendance and was a successful event; 2) the Sunrise Service at Jacob Myers Park was also a successful event; 3) the new park hosts stepping right into their roles during the Easter weekend; 4) the park aid attending to approximately 120 bags of garbage over the weekend which may be a sign of a busy summer ahead and that staff is preparing for it; and 5) the Beyond Earth Day event is scheduled on April 28 from 10:00 a.m. to 4:00 p.m. at Jacob Myers Park with an added activity of kayak rides.

Marisela Hernandez, Finance Director, announced the next Budget Advisory Committee meeting is scheduled on Monday, April 16 at 6:00 p.m. in the Council Chambers and the

topic of discussion is the Development Services budget including the enterprise funds, sewer and water.

Item 7.2: Council Comments: (Information Only – No Action)

Councilmember Tucker commended Wendy Miller, Lisa Martinez and their group for the tremendous work (assisting with the feral cat colonies and other small animals) they have done in the community and stated that she would like to have the issues raised by Ms. Miller be brought before Council.

Councilmember O'Brien reassured everyone that Council took all [public] comments very serious. He spoke in regards to: 1) the City and County of Los Angeles being sued for their T&R (Trap and Release) program which required then to stop the program; 2) according to comments heard, removing the food source and the animals would prevent a reoccurrence of colonies; 3) the City perhaps should have conducted an environmental impact review like Los Angeles in consideration of the approval of the feral cat issue at Jacob Myers Park; and 4) looking forward to discussions on these issues and to the April 16th meeting.

Vice Mayor Nygard spoke in regards to: 1) commending Ms. Miller and Ms. Martinez for their unselfish contributions to the community in addressing the cat colony issues in a humane and compassionate manner which maintains the health and safety of the community and proper maintenance of the animals; 2) having staff present practices to Council that have been implemented by other areas more compatible to Riverbank in dealing with the issues, Los Angeles differs in many ways, and the T&R program is the most human method; 3) communities needing to strive for programs that address the issues in the most compassionate and most realistic manner allowing for all living creatures to live together; 4) Beyond Earth Day is scheduled on April 28th which is offering several different activities including conservation and energy saving opportunities; and 5) she hoped everyone had a fun and joyous Easter.

Item 7.3: Mayor's Comments: (Information Only – No Action)

Mayor Madueño spoke in regards to: 1) commending Ms. Miller's and Ms. Martinez's commitment and compassion in attending to the cat colonies by expending over $8,000; 2) staff researching the existence of a Municipal Code on the issue and consider addressing these issues to ensure uniformity of handling the matters; Ms. Anderson stated that after meeting with Ms. Miller and Ms. Martinez staff will return to Council with a proposed policy after further research, taking into consideration a holistic approach; 3) reminding everyone that she is taking notes and paying attention to those who are speaking; 4) commending the Riverbank Unified School District for a fantastic read-a-thon event last

Friday; 5) kudos to the new business "Cobblestone Bakery" who will be expanding their menu and to J.D. Hightower and his staff for assisting the owners; and 6) she will be providing an update on the Mayors' meeting and Vice Mayor Nygard will be presenting a countywide "Get Fit" campaign.

MAYOR MADUEÑO ANNOUNCED THE CLOSED SESSION ITEM AND RECESSED TO CLOSED SESSION AT 1:50 P.M.

8. CLOSED SESSION

Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: 1 potential case

Recommendation: Council to give direction to Staff.

MAYOR MADUEÑO RECONVENED THE CITY COUNCIL MEETING AT 2:30:13 P.M.

9. REPORT FROM CLOSED SESSION

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

Action: *Direction was given to Legal Counsel.*

ADJOURNMENT

There being no further business, Mayor Madueño adjourned the meeting at 2:30:19 p.m.

ATTEST: **APPROVED:**

_____ _____

Annabelle Aguilar, CMC **Virginia Madueño**
Deputy City Clerk **Mayor**