



**CITY OF RIVERBANK
CITY COUNCIL
MINUTES
MONDAY, MARCH 26, 2012**

CALL TO ORDER:

The City Council of the City of Riverbank met this date in a regular session at 6:00 p.m. at the Riverbank City Council Chamber, 6707 Third Street, Riverbank, California with Mayor Madueño presiding.

FLAG SALUTE: *Mayor Virginia Madueño*

INVOCATION: *None*

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.
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No one spoke.

1. PRESENTATIONS

Item 1.1: Proclamation – Announcing Read Across Riverbank Event (RARE).

Students from Mesa Verde and California Avenue Elementary Schools were present to announce student participation in the "Read Across Riverbank" challenge and the event on March 30 at 6:00 p.m. at the Teen Center and Community Center locations. Mayor Madueño presented the proclamation.

Item 1.2: Proclamation – Supporting Lemonade Day May 19, 2012.

Mayor Madueño presented the proclamation to Ms. Tammie Webb who announced registration was currently open to participate in Lemonade Day. The event to teach children about business, finances, and payback to their community as future adults is scheduled on April 7 at the Modesto Nuts Stadium from 11:00 a.m. to 2:00 p.m.

Item 1.3: Update on the “Choose Civility” Campaign.

Stanislaus County office of Education Superintendent Mr. Changnon presented an update of the countywide “Choose Civility” campaign. Mayor Madueño challenged Council and Staff by suggesting to have the “Choose Civility” logo placed on the agenda, city web site, and anything public.

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.

Dr. Dave Austin, Director of the Riverbank Language Academy, announced that the Riverbank RLA University Club will be participating in the Lemonade Day to learn about business. A progress report on the RLA University's club, grad-A students who aspire to go to Harvard, Yale, and Princeton Universities in 2013 will be provided in the future.

Mike Galinskas, Deputy for Stanislaus County, announced he would be relocating to Modesto and thanked Council for the opportunity to serve the City of Riverbank as one of the first police officers when Riverbank had its own police department and the many contributions he made to improve services.

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 March 26, 2012, City Council meeting was posted on the City Chamber bulletin board on March 21, 2012.

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

Item 3.C: Approval of the March 12, 2012, regular City Council Minutes.

Item 3.D: **Resolution No. 2012-022** Approving the Warrant Registers for 03/08/2012 and 03/15/2012 and Credit Card Statements of 01/23/2012 and 02/22/2012 for the City of Riverbank.

Item 3.E: Investment & Cash Report.

Recommendation: Approval by roll call vote of Consent Calendar.

Referenced Item 3.D: Councilmember O'Brien inquired about the attendance of a conference/lunch by staff and reporting back and also whether all credit card statements were presented. Marisela Hernandez, Finance Director, stated all credit card information was presented, staff reported back to their Department Head, and current funding was for staff that had required certification to maintain.

ACTION: *By motion (Tucker / Nygard / passed 4-0) to approve 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: None.

6. NEW BUSINESS

Item 6.1: **Resolution No. 2012-023** Authorizing an Additional Appropriation of \$89,658 for Legal Expenditures.

Recommendation: Adopt Resolution authorizing the additional appropriation of \$89,658 in General Fund Reserves for Legal Services received through February 2012

Marisela Hernandez, Finance Director presented the staff report and PowerPoint presentation.

Discussion on the breakdown of the costs and appropriation of funds for payment of pending legal matters, which would lower the Reserve Fund below the 10% requirement, ensued between Council and Staff.

Public Comment: Mr. Scott McRitchie expressed concern with the decrease in the Reserve Fund, the management of legal costs, and suggested that in the upcoming (fiscal) year approaching look into proactively projecting costs to avoid paying legal fees in arrears after they have been incurred.

Councilmember O'Brien recommended tabling the legal cost for the Conflict of Interest matter for further discussion. Ms. Hernandez clarified that the expenditures had already been paid through February by staff's allocation of the funds and that approval was sought for the negative balances. City Attorney Tom Hallinan reminded Council that in review of the status of all the legal cases, the only outstanding costs would be for the Quarry case of which reimbursement would continued to be made as a mandatory stipulation of the settlement.

ACTION: By motion (Nygard / Tucker / passed 4-0) to adopt Resolution No. 2012-023 as presented; motion carried by unanimous roll call vote.

ABSENT: Councilmember White

7. COMMENTS

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

J.D. Hightower, Development Services Director, announced the implementation of a water valve exercising program as best practices management to flush out and chlorinate the water lines. In response to Councilmember O'Brien's inquiry Mr. Hightower stated the chromium levels in a well continues to be monitored and a potential source has been identified.

Marisela Hernandez, Finance Director, announced the next Budget Advisory Committee meeting was scheduled for Monday, April 2 at 6:00 p.m. in the Council Chambers.

Police Chief Bill Pooley announced a successful new program has been implemented, which offers the ability to dispose of unwanted prescription drugs by dropping them off at the Police Department.

Jill Anderson, City Manager, thanked Chief Pooley for the prescription drug disposal program and for the grant funds obtained to offer it. She also announced the annual Easter

Egg Hunt on Saturday, April 7 at Castleberg Park at 11:00 a.m., and the expectation of several budget meetings occurring, which will be brought to Council.

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

Councilmember Tucker expressed appreciation for Mr. Changnon's civility campaign and the importance of practicing civility and maintaining integrity.

Councilmember O'Brien spoke in regards to having a tight budget and the use of reserve funds, stating public safety and services must be maintained by Council; everything else in his opinion, if the city cannot afford it, is expendable.

Vice Mayor Nygard spoke in regards to: 1) being creative in looking to reduce expenditures; 2) meeting sustainability requirements through conservation efforts such as the reduction of utility costs; 3) having a study session/task force to look into cost-saving measures; 4) reintroducing the audit conducted last year on how to reduce energy costs and how the city can implement the measures; 5) looking into conservation programs being offered; 6) moving forward on becoming a sustainable green city; and 5) the city begin practicing what is being taught to the children about resourcefulness and conservation of the earth as April brings "Beyond Earth Day".

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

Mayor Madueño spoke in regards to: 1) having a brief conversation with the President of the Infill Builders Association who informed her of the potential availability of funding for low-income senior housing development, 2) the city's responsiveness/preparedness of the trends affecting communities to fulfill senior housing and the needs of the younger demographic; 2) asking for staff to look at what funding is being offered for housing; 3) schedule time staff time to meet with the President to view property in Riverbank for an infill project; 4) thanking Ms. Anderson for attendance to the screening of "Miss Representation" at the Galaxy Theatre that successfully brought in an attendance of over 300 men and women; and 5) providing an update on her attendance to the next North County Corridor meeting, which will consist of discussing the alignment of the corridor and the need to be vigilant in obtaining results that are in the best interest of Riverbank.

MAYOR MADUEÑO ANNOUNCED THE CLOSED SESSION ITEMS AND RECESSED TO CLOSED SESSION AT 7:12 P.M.

8. CLOSED SESSION**Item 8.1: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code § 54956.9(a)

Name of Case: Danise Huey v. City of Riverbank

Stanislaus Court Case No. 664604

Item 8.2: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code § 54956.9(a)

Name of Case: Barham Construction, Inc. v. City of Riverbank

Court of Appeals of California, Fifth District

Case No. F058692 and Case No. F059499

Recommendation: Council to give direction to Staff.*MAYOR MADUEÑO RECONVENED FROM CLOSED SESSION AND REPORTED OUT AT 7:29 P.M.***9. REPORT FROM CLOSED SESSION****Item 9.1:** Report from Closed Session Item 8.1 - **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** Danise Huey v. City of Riverbank.**ACTION:** *No reportable action.***Item 9.2:** Report from Closed Session Item 8.2 - **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** Name of Case: Barham Construction, Inc. v. City of Riverbank.**ACTION:** *No reportable action.***ADJOURNMENT**

There being no further business, Mayor Madueño adjourned the meeting at 7:30 p.m.

ATTEST:**APPROVED:**

Annabelle Aguilar, CMC
Deputy City Clerk

Virginia Madueño
Mayor