



**CITY OF RIVERBANK
CITY COUNCIL
MINUTES
MONDAY, FEBRUARY 13, 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
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 : *None.*

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.

Vicky Holt Angelo, Riverbank Branch Manager, provided an update on the library's free activities.

Scott McRitchie expressed his appreciation for the correction of the agenda listing on the city's web site. He also spoke in regards to Council changing the procedures on filling Board vacancies; particularly the recent vacancy on the Housing Authority Board.

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 February 13, 2012, City Council meeting was posted on the City Chamber bulletin board on February 9, 2012.

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

Item 3.C: Approval of the January 17, 2012, Special City Council Closed Session Minutes.

Item 3.C-1: Approval of the January 17, 2012, Special City Council Minutes.

Item 3.C-2: Approval of the January 18, 2012, Special City Council Closed Session Minutes.

Item 3.C-3: Approval of the January 23, 2012, Special City Council Closed Session Minutes.

Item 3.C-4: Approval of the January 23, 2012, Regular City Council Minutes.

Item 3.C-5: Approval of the January 26, 2012, Special City Council Minutes.

Item 3.D: **Resolution No. 2012-009** Approving the Warrant Registers for 01/13/12, 01/19/12, 01/26/12 and Credit Card Statements for the City of Riverbank.

Recommendation: Approval by roll call vote of Consent Calendar.

ACTION: *By motion (White / Nygard / passed 5-0) to approve Consent Calendar Items 3.A through 3.C and 3.C-2 through 3.D as presented; motion carried by unanimous roll call vote.*

ACTION: *By motion (White / Nygard / passed 4-0) to approve Consent Calendar Item 3.C-1 as presented; motion carried by unanimous roll call vote.*
ABSTAINED: Councilmember Tucker

4. UNFINISHED BUSINESS

Item 4.1: Make appointment to the Stanislaus Consolidated Fire Protection District Board.

Recommendation: Appoint one of eight (8) candidates to a four year term on the Stanislaus Consolidated Fire Protection District Board.

Pam Carder, Interim City Manager, presented the staff report.

Applicants Raelene Brown, Michelle Guzman, Chad Homme, Roberto Serroto, Matthew Speckman, Carlos Verduzco, and Shayne Strasser provided a two-minute presentation on their qualifications and desire to be appointed. After Council deliberation, Ms. Michelle Guzman was unanimously selected.

ACTION: *By motion (O'Brien / Tucker / passed 5-0) to approve the appointment of Ms. Michelle Guzman to serve as Riverbank's representative on the Stanislaus Consolidated Fire Protection District Board; motion carried by unanimous roll call vote.*

Fire Chief Stephen Mayotte thanked all the candidates for their interest, Raelene Brown for her many years of service, and welcomed Ms. Guzman as the new Board member. He informed Council of two at-large vacancies yet to be filled.

MAYOR MADUEÑO CALLED FOR A BRIEF RECESS AT 7:10 P.M.

MAYOR MADUEÑO RECONVENED THE MEETING AT 7:12 P.M.

5. PUBLIC HEARINGS

Item 5.1: **Resolution No. 2012-010** to Adopt the Fiscal Year 2011-2012 Mid-Year Budget Adjustments.

Recommendation: Open Public Hearing, hear comments.
Close Public Hearing.
Adopt **Resolution** by roll call vote.

Marisela Hernandez, Finance Director, presented the staff report.

Mayor Madueño opened the Public Hearing at 7:20:13

- *No one spoke for or against the item.*

Mayor Madueño closed the Public Hearing at 7:20:19

Council and Staff discussed the report.

ACTION: *By motion (Tucker / White / passed 5-0) to adopt Resolution No. 2012-010 for the approval of the Fiscal year 2011-2012 Mid-Year Budget Adjustments.*

Item 5.2: **Resolution No. 2012-011** Authorizing the First Public Hearing for Community Development Block grant 2012 Super NOFA funding cycle for the State Community Development Block Grant Program and the use of said funds.

Recommendation: Open Public Hearing, hear comments.
Close Public Hearing.
Adopt **Resolution** by roll call vote.

Marisela Hernandez, Finance Director, presented the staff report.

Mayor Madueño opened the Public Hearing at 7:40:37 p.m.

- *No one spoke for or against the item.*

Mayor Madueño closed the Public Hearing at 7:40:44 p.m.

Council and Staff discussed the item.

Mayor Madueño suggested looking into the City refurbishing and reselling foreclosed homes for potential revenue generation.

ACTION: *By motion (White / Nygard / passed 5-0) to adopt Resolution No. 2012-011 as presented; motion carried by unanimous roll call vote.*

6. NEW BUSINESS

Item 6.1: Reconsider Council Appointment to StanCOG.

Recommendation: Reconsider Council appointment of Richard O'Brien to StanCOG and possibly ratify re-appointing the Mayor.

Mayor Madueño explained the reasons for reconsideration; Councilmember O'Brien took exception to the request.

ACTION: *By motion (Nygard /Madueno / failed 2-2) to reappoint Mayor Madueno as the primary member on the StanCOG Board.*
Abstained: Councilmember Tucker

MAYOR MADUENO RECESSED TO THE LOCAL REDEVELOPMENT AUTHORITY MEETING AT 7:47 P.M.
MAYOR MADUENO RECONVENED THE CITY COUNCIL MEETING AT 8:08 P.M.

7. COMMENTS

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

Sue Fitzpatrick, Parks and Recreation Director, announced the anniversary party at the Teen Center for its first year of operation on Saturday, February 25 from 10:00 a.m. – 12:00 p.m.

Marisela Hernandez, Finance Director, announced the Budget Advisory Committee meeting on Tuesday, February 14 at 5:30 p.m. The topic of discussion would be the General Fund Revenue Projections.

J.D. Hightower, Development Services Director, provided an update on the storm drainage improvements, Central Avenue improvement, the vector dump station, video equipment, and the status of all the public works expenditures previously approved by Council.

Attorney Doug White announced the settlement of the litigation with the Oakdale Irrigation District saving the City a cost of \$8,000.

Pam Carder, Interim City Manager, announced that this meeting would be her last and thanked Department Heads and staff for their assistance, expressed her appreciation for the patience of citizens in dealing with issues, and appreciation of Council's confidence and support.

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

Councilmember O'Brien thanked Ms. Carder for her service and congratulated Mr. Hightower for a successful Planning Commissioner's event.

Councilmember White thanked Ms. Carder for her service and stated he attended the State of the City Address.

Vice mayor Nygard thanked Ms. Carder for her service and wished her the best. She thanked Ric McGinnis for his audio/visual assistance, Annabelle Aguilar, staff, and everyone involved for an exceptional job on the success of the State of the City Address event and she looks forward to working together on future projects and community events in 2012.

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

Mayor Madueño spoke in regards to: 1) thanking Ms. Carder for her service and stepping in during a very challenging time; 2) thanking Ric McGinnis, Annabelle Aguilar (Deputy City Clerk), and everyone who attended the State of the City Address for its success; 3) looking forward to having Jill Anderson (new City Manager) begin on February 27; 4) a Political Science intern will be canvassing the Riverbank area to seek citizen input on the Quarry Project matter; 5) intern Armando Reyes has taken up the graffiti issues in the city; and 6) publicly apologizing to Councilmember O'Brien for the request to be reappointed to StanCOG; she meant no disrespect and stated she would step down from all the committees she had been assigned to.

ATTORNEY DOUG WHITE CLARIFIED THAT THE CITY COUNCIL WILL RECESS BACK TO THE LRA FOR THE CLOSED SESSION ITEM AND AFTERWARDS WILL TRANSITION TO THE CITY COUNCIL CLOSED SESSION ITEM AND WILL CONCLUDE BY RECONVENING AND REPORTING OUT ON BOTH MEETINGS.

MAYOR MADUEÑO ANNOUNCED LRA CLOSED SESSION ITEM 8.1 AND CITY COUNCIL CLOSED SESSION ITEM 8.1 AND RECESSED THE CITY COUNCIL MEETING TO THE LRA MEETING AT 8:22 P.M.

MAYOR MADUEÑO RECONVENED THE CITY COUNCIL MEETING TO CLOSED SESSION AT 8:37 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

Recommendation: Council to give direction to Staff.

MAYOR MADUEÑO RECESSED TO THE LRA MEETING AT 8:50 P.M.

MAYOR MADUEÑO RECONVENED THE CITY COUNCIL MEETING AT 8:51 P.M. AND REPORTED OUT.

9. REPORT FROM CLOSED SESSION

Item 9.3: Report from Closed Session Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Danise Huey v. City of Riverbank

There was no reportable action.

ADJOURNMENT

There being no further business, Mayor Madueño adjourned the meeting at 8:52 p.m.

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
Deputy City Clerk

Virginia Madueño
Mayor