



CITY OF RIVERBANK  
**APPEALS BOARD HEARINGS**  
City Hall North • Council Chambers  
6707 Third Street • Suite B • Riverbank • CA • 95367

**(The Appeals Board Hearings are not televised.)**



## AGENDA

**TUESDAY, NOVEMBER 19, 2019 – 6:30 P.M.**

(THE AGENDA PACKET IS POSTED AT THE CITY CLERK'S OFFICE AND AT [WWW.RIVERBANK.ORG](http://WWW.RIVERBANK.ORG))

**CALL TO ORDER:** Chair John Dinan

**ROLL CALL:** Chair John Dinan  
Appeals Board Member Joan Stewart  
Appeals Board Member Melissa Hughes  
Appeals Board Member Mallorie Fenrich  
Alternate Appeals Board Member Steve Link

### **1. CONFLICT OF INTEREST**

Any Appeals Board Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.

### **2. PUBLIC COMMENTS (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 Appeals Board. 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 during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence.

### **3. CONSENT CALENDAR**

All items listed on the Consent Calendar are to be acted upon by a single action of the Appeals Board unless otherwise requested by a Board Member for special consideration. Otherwise, the items will be accepted and acted upon by roll call vote.

**Item 3.1:** **Approval of the September 17, 2019, Minutes of the Appeals Board Hearings** – It is recommended that the Appeals Board approve the Meeting Minutes as presented.

### **4. BUSINESS**

**Item 4.1:** **Administrative Citation Appeals Hearings** – It is recommended that the Appeals Board consider each appeals request(s) listed and any oral or

written evidence presented by the City and the Appellant(s) to determine whether to uphold or dismiss the related Administrative Citation issued by the City for violation of the Riverbank Municipal Code (RMC).

CIT. #	NAME	DATE OF CITATION	RMC	VIOLATION NO.	FINE	VIOLATION	COMPLIANCE DUE DATE
2019-0291	Roberto & Susana Andalon	09/18/19	153.164 (T)	1st	\$100 (Paid)	Parking of a recreational vehicle or trailer in front yard or front side yard.	Immediately

**ADJOURNMENT** – There being no further business the hearing proceedings have ended.

**AFFIDAVIT OF POSTING**

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted 72 hours prior to the hearings/meeting in accordance to the California Ralph M. Brown Act.

Posted this 13<sup>th</sup> day of November, 2019

*/s/Annabelle H. Aguilar, CMC, City Clerk, City of Riverbank*

**Notice Regarding Americans with Disabilities Act:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk’s Office at (209) 863-7122 or cityclerk@riverbank.org. Notification 72-hours before the meeting will enable the City to make reasonable arrangements to ensure any special needs are met. [28 CFR 35.102-35.104 ADA Title II].

**Notice Regarding Non-English Speakers:** Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank Appeals Board shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not in English into the English language.

**GENERAL INFORMATION**

<p><b>Meeting Schedule</b></p>	<p><b>Appeals Board:</b> Meets on an “as needed” basis.</p> <p>The Appeals Board is a 5-member Board appointed by the Riverbank City Council and whom also serve as the Riverbank Planning Commission.</p>
<p><b>Appeals Board Agenda &amp; Reports</b></p>	<p>The Appeals Board agenda is posted pursuant to the California Brown Act, which only requires agenda title pages to be posted near the entrance of the location where the meeting is to be held and, when technologically able, on the City’s website. Additional documents, that are not privileged, may be provided by the City in its efforts of transparency to keep the public well informed. The agenda packet (agenda plus supporting documents) are posted for public review at the City Clerk’s Office, 6707 Third Street, Riverbank, CA and at <a href="http://www.riverbank.org">www.riverbank.org</a> upon distribution to a majority of the Appeals Board. A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk’s Office.</p>
<p><b>Public Hearings</b></p>	<p>In general, a public hearing is an open consideration within a meeting of the Appeals Board, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.</p>
<p><b>Televised / Video of Meetings (Meetings are not currently televised)</b></p>	<ul style="list-style-type: none"> <li>• Charter – Channel 2</li> <li>• AT&amp;T Uverse – Channel 99</li> </ul> <p>Visit <a href="http://www.riverbank.org">www.riverbank.org</a> to connect to meeting videos. (Note: Technical difficulty occurs on occasion preventing the televising or recording of the meeting.)</p>
<p><b>City Hall Hours</b></p>	<p>City Hall is open Monday – Thursday; 7:30 am – 5:30 pm and Fridays: 8:00 am – 5:00 pm; CLOSED alternating Fridays</p>
<p><b>Questions</b></p>	<p>Contact the City Clerk at (209) 863-7122 or cityclerk@riverbank.org</p>



## RIVERBANK APPEALS BOARD HEARINGS AGENDA ITEM NO. 3.1

### SECTION 3: CONSENT CALENDAR

<b>Meeting Date:</b>	November 19, 2019
<b>Subject:</b>	Approval of the September 17, 2019, Minutes of the Appeals Board Hearings
<b>From:</b>	Sean Scully
<b>Submitted by:</b>	Annabelle Aguilar, CMC, City Clerk

#### **RECOMMENDATION**

It is recommended that the Appeals Board approve the draft meeting minutes as presented.

#### **SUMMARY**

The draft minutes of the September 17, 2019, Appeals Board Meeting have been prepared for review and approval.

#### **FINANCIAL IMPACT**

There is no financial impact to this item.

#### **ATTACHMENT**

1. September 17, 2019, Appeals Board Hearing Minutes



City of Riverbank  
**APPEALS BOARD HEARINGS**  
(The Planning Commission also serves as the Appeals Board)  
MINUTES OF  
**TUESDAY, SEPTEMBER 17, 2019**  
(The Appeals Board Hearings are not televised.)

**CALL TO ORDER**

The Appeals Board of the City of Riverbank met at 6:31 p.m. on this date at the Riverbank City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Chair John Dinan presiding.

**ROLL CALL**

Present:

Chair John Dinan  
Vice Chair Robert Ball  
Appeals Board Member Joan Stewart  
Appeals Board Member Melissa Hughes (Absent)  
Appeals Board Member Mallory Fenrich  
Alternate Appeals Board Member Steve Link

Deputy Attorney Kerry Fuller was present for the hearings.

**CONFLICT OF INTEREST**

Any Appeals Board Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.

*No one declared a conflict.*

**2. PUBLIC COMMENTS (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 Appeals Board**. 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.

*No one spoke.*

**3. BUSINESS**

*Chair Dinan announced the procedures of the appeals process and proceeded to call each case individually.*

**Item 3.1:** **Administrative Citation Appeals Hearings** – It is recommended that the Appeals Board consider each appeals request and any oral or written evidence presented by the Appellant and the City to determine whether to uphold or dismiss the related Administrative Citation issued by the City for violation of the Riverbank Municipal Code.

*[A recording of this hearing is on file for a verbatim record of all testimony given and action taken.]*

*Staff Members, Appellants, and any Witnesses that spoke and provided evidence to their respective case were first administered the Oath by Chair Dinan.*

*The first appeal hearing considered:*

CIT. #	NAME	DATE OF CITATION	Riverbank Municipal Code	VIOLATION NO.	FINE	VIOLATION
2019-0172	Federico and Martha Manzo	06/05/2019	Zoning Section 153.030	1 <sup>st</sup>	Payment due \$100	Selling produce (boxes of cherries) from their residence.
		06/12/2019		2 <sup>nd</sup>	Payment due \$200	Continued selling cherries from their residence.

*Neighborhood Improvement Officer Michele Garcia was sworn in; responded in the affirmative to the Oath, and proceeded to provide her testimony to the citations. Appellant Mr. Federico Manzo was sworn in; responded affirmative to the Oath, and proceeded to provide his testimony to the cited violation. Ms. Garcia rebutted his testimony stating the same complaints occurred in 2017 and 2018 as well as 2019. Mr. Manzo had no rebuttal. Board Members proceeded with questions. The hearing was closed. Board Member Stewart inquired about the Municipal Code. Planning and Building Manager Donna Kenney was sworn in, responded in the affirmative to the Oath, and proceeded to provide guidance on the Riverbank Municipal Code.*

**ACTION:** *By motion moved and seconded (Stewart / Link / passed 3-2) to Dismiss the 1<sup>st</sup> Citation 2019-0172 and fine of \$100.*

*Motion carried by Appeals Board roll call vote.*

*AYES: Stewart, Link, Chair Dinan,*

*NAYS: Ball and Fenrich / ABSENT: None / ABSTAINED: None*

*Chair Dinan announced that a letter of confirmation of the Board's action would be sent to the Appellant by the City Clerk, and that due to the dismissal of the 1<sup>st</sup> offense, the 2<sup>nd</sup> offense was automatically dismissed.*

*The second appeal hearing considered:*

CIT. #	NAME	DATE OF CITATION	Riverbank Municipal Code	VIOLATION NO.	FINE	VIOLATION
2019-0280	Lourdes Chavez	07/04/2019	Fireworks Section 92.30(B)	1st	Fine paid \$1000	Illegal fireworks discharge (City Staff Report)

*Planning and Building Manager Donna Kenney, still under Oath, proceeded with her testimony. Chair Dinan called for Appellant Lourdes Chavez to speak. She was not present.*

**ACTION:** *Chair Dinan announced that due to the failure of the Appellant to appear [for her scheduled appeal hearing] the citation is therefore upheld and a letter of confirmation of the action would be sent to the Appellant.*

*The last appeal hearing considered:*

CIT. #	NAME	DATE OF CITATION	Riverbank Municipal Code	VIOLATION NO.	FINE	VIOLATION
2019-0281	Julio Leon	07/04/2019	Fireworks Section 92.30(B)	1st	Fine paid \$1000	Illegal fireworks discharge (Ref: Sheriff's Case # R19006935)

*Stanislaus County Sheriff's Department Deputy Desert was sworn in; answered in the affirmative to the Oath, and proceeded with his testimony to the citation. Appellant Mr. Julio Leon was sworn in; answered in the affirmative to the Oath, and proceeded to provide his testimony to the cited violation. Board Members asked him questions. Deputy Desert did not have any rebuttal. Board Member Ball asked the Deputy a question. Mr. Leon did not have any further rebuttal. The hearing was closed.*

**ACTION:** *By motion moved and seconded (Ball / Stewart / passed 5-0) to Dismiss the Citation 2019-0281 and fine. Motion carried by unanimous Appeals Board roll call vote.*

*AYES: Ball, Stewart, Link, Fenrich, and Chair Dinan*

*NAYS: None / ABSENT: None / ABSTAINED: None*

*Chair Dinan announced that a letter of confirmation of the Board's action would be sent to the Appellant by the City Clerk.*

**ADJOURNMENT**

**There being no further business, Chair Dinan closed the meetings at 7:19 p.m.**

**ATTEST: (Adopted 11/19/2019)**

**APPROVED:**

\_\_\_\_\_  
**Janet Smallen**  
**Recorder**

\_\_\_\_\_  
**John Dinan**  
**Chair**