

CITY COUNCIL / LRA BOARD

Mayor/Chair
Richard D. O'Brien
Vice Mayor/ Chair (CM-D2) Rachel Hernandez
Council/Authority Members:
District 1 -Luis Uribe
District 3- Leanne Jones Cruz
District 4 -Darlene Barber-Martinez



CITY OF RIVERBANK

**Regular City Council and
Local Redevelopment Authority
Board Meetings**
Council Chambers, 6707 Third St
Suite B
Riverbank, CA 95367



MINUTES

TUESDAY, JANUARY 24, 2023 – 6:00 P.M.

(THE AGENDA PACKET IS ONLINE AT [HTTP://WWW.RIVERBANK.ORG/AGENDACENTER](http://www.riverbank.org/agendacenter))

- 1. CALL TO ORDER** - Mayor / Chair Richard D. O'Brien called the meeting to order at 6:00 P.M.
- 2. FLAG SALUTE** - Mayor / Chair Richard D. O'Brien led the pledge of allegiance.
- 3. INVOCATION** – Reverend Randy Richardson provided the invocation.
- 4. ROLL CALL** – A Roll Call of councilmembers was done by the City Clerk.

Members of the City Council / Local Redevelopment Authority Board present in the Chamber:

Council Member / Authority Member District 1 Luis Uribe
Council Member / Authority Member District 3 Leanne Jones Cruz
Council Member / Authority Member District 4 Darlene Barber-Martinez
Vice Mayor / Vice Chair (CM-D2) Rachel Hernandez
Mayor / Chair Richard D. O'Brien

5. AGENDA CHANGES

No Changes to the Agenda.

6. CONFLICT OF INTEREST: *Any Council/Authority 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.*

7. PRESENTATIONS (Informational only)

Item 7.1 **Recognition Years of Service to Eddie Negrete-** It is recommended that the City Council read and present the Recognition for Years of Service to Eddie Negrete, Former Troop Leader for The Boy Scouts of America Pack 0010.

Mayor O'Brien presented Eddie Negrete with a Certificate of Recognition for his years of service to the Boy Scouts of America Pack 1100 on behalf of City Council.

Item 7.2 **Presentation Project Resolve-** It is recommended that City Council receive a presentation from Kate Trompetter with Project Resolve.

Kate Trompetter gave a Power Point Presentation before City Council and community regarding Project Resolve.

8. 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 City Council/LRA Board. Individual comments will be limited to a **maximum of 3 minutes (or as stated by the presiding Officer)** and time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon.*

Mayor O'Brien Opened Public Comment at 6.22 P.M.

Ramon Bermudez, Riverbank Resident commented on the avenues of Patterson and Palmer Roads and the flooding on Sierra Street, I've been here times before to plead that flood on Sierra be addressed. Now it is the flooding on Patterson that worries me, it has been flooding for several years, and only recently the city has started coming over and draining. My concern is with children and the school bus stop, the owner of the taco truck on the corner, she said that she once saw when the kids got off the bus, one kid pushed another one into the water, that is not necessary, if there was a sidewalk that they could walk on both sides of the street, but of course not, it is flooded all the way up to the properties, it's a shame. I would like and I would love to help that drain, in the name of three other people that are directly affected. If you can do something about the alley from Callander Avenue to Parsley Lane across from the theater, the three or four houses before Parsley, there is really nice space road because of the houses, the rest are horrible because of the potholes.

Jacob Faulder, Representative on behalf of Senator Marie Alvarado-Gil, informed the City Council that the Senator is looking forward to working with the City of Riverbank in the future if there is any assistance we can provide to residents in terms of constituent services, please feel free to reach out to our office. I will also be providing legislative updates, and provide a brief update on what the Senator has been up to since she was sworn in on December 5th. She has been touring nine of the thirteen counties in her district, her focuses here will be on Fire Insurance Reform, Water Storage and Preventing Early Release for violent criminals. She will be serving as chair on the Human Services Committee, Member of the Agriculture, Veterans Affairs, Business Professions and Finance, Insurance and Governmental Insurance Committees.

Residents who spoke in opposition of the Riverwalk Project

*Karen Conrotto, Modesto Resident
Jamie Aggers, Modesto Resident*

There being no further public comments, Mayor O'Brien closed the Public Comment period at 6:33 P.M.

9. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council/LRA Board unless requested by an individual Council/Authority Member or member of the public for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by motion of the City Council/LRA Board.

- Item 9.1** Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.
- Item 9.2** Approval of the January 10, 2023 City Council and Local Redevelopment Authority Board Minutes.
- Item 9.3** **A Resolution 2023-004** Accepting the Public Improvements for DMG Development, LP for Crossroads West Unit 1.
- Item 9.4** **A Resolution 2023-005** Approving a Reimbursement Agreement with DMG Development, LP Regarding City Payment for Joint Trench Work Along Oakdale Road, in Connection with the Crossroads West Specific Plan.
- Item 9.5** **Second Reading** by Title Only of a Proposed **Ordinance 2023-001** Amending Title XV: Building Regulations, Adoption of Standard Codes, by repealing in their entirety Sections §150.01 ADMINISTRATIVE CODE through §150.16 SOLAR /PHOTOVOLTAIC POWER SYSTEMS, and substituting them with new Sections §150.01 through §150.16 and Adopting by Reference the 2023 California Administrative, Building, Residential, Electrical, Mechanical, Plumbing Energy, Existing Building, Historical Building, Fire, and Green Building Standards and Solar/Photovoltaic Power Systems; and Amending Title XV: Land Usage, Chapter 157: WATER EFFICIENT LANDSCAPE AND IRRIGATION; Section 157.01: Purpose and Intent.
- Item 9.6** **Second Reading** of the Summerfair Rezone **Ordinance 2023-002**. The Project site address is 6448 Claus Road (APN: 062-020-001).
- Item 9.7** **Second Reading** by Title Only of a Proposed **Ordinance 2023-003** Amending Title XV: Section §153.003, DEFINITIONS, Section §153.031, USES PERMITTED, Section §153.046, USES PERMITTED, Section §153.061, USES PERMITTED, Section §153.067, USES PERMITTED, and adding Sections §153.170 through §153.177 related to Tiny House Villages.

Mayor O'Brien Opened Public Comment at 6:36 P.M.

City Clerk Hernandez stated the following; Draft minutes should reflect Councilmember Luis Uribe was appointed as the Primary for the Stanislaus OES Disaster Council.

The Canceled Meetings for the 2023 year should reflect as July 11th not July 8th, and August 8th not August 11th.

Mayor O'Brien Closed Public Comment at 6:36 P.M.

There being no public comments, Mayor O'Brien brought the item back to City Council.

ACTION: *By motion moved and seconded (Jones Cruz / Barber-Martinez 5/0) to approve the consent calendar with changes.*

Motion carried by unanimous City Council and LRA Board roll call vote:

AYES: Uribe, Hernandez, Jones Cruz, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

10. PUBLIC HEARINGS- No Hearings Scheduled.

11. UNFINISHED BUSINESS

Item 11.1 **Thunderbolt Wood Treating Waiver or Reduction Request for System Development Fees-** It is recommended that Council review this report and attached materials, and consider the request of the Lovalvo Family Trust (d.b.a. Thunderbolt Wood Treating, Inc) to waive or reduce the payment of system development fees on a new building permit.

Building and Planning Manager Kenney introduced the item and gave a comprehensive staff report and Power Point presentation on the Waiver or Reduction Request for System Development Fees requested by Thunderbolt Wood Treating.

City Council discussed item with City Staff.

Norik Naraghi, Attorney for the Lovalvo Family Trust stated the item is on the agenda tonight because the city assessed nearly (\$400,000) four hundred thousand dollars in system development fees as a condition to issuing the building permit for the installation of the cover, which is an amount almost the cost of the entire project itself. As addressed in a letter on December 1st, which is attached as attachment 4 to the Staff Report, the law clearly states that under these circumstances, when the project has no impact on city facilities or services, impact fees such as the city system development fees are not allowed. Impact fees can only be charged when the project places a new burden on the city's facility, here not only does the project not place a burden on the city, all the evidence shows this project will provide substantial water conservation and environmental benefits. To understand the benefits and the purpose behind installing the metal cover requires an understanding of Thunderbolt's Storm Water Management System. Currently Thunderbolt captures rainwater that comes into contact in the treatment area and retains it in holding tanks. Since the water contains chemical residue, the reclaimed water can only be reused in one specific process in the wood treating plant, and not in the other treatment processes that occur in other areas of Thunderbolt's facility. Which leaves Thunderbolt having to store much more water than it could possibly reuse in the foregoing treatment process, which in turn creates a bottleneck in the system. Since the proposed metal cover will capture the runoff from rainfall before it comes into contact with the chemical residue within the treatment area, the clean water can be stored, used and reused in other areas of Thunderbolt's treatment process. Significantly aiding Thunderbolt's ongoing water conservation efforts and minimizing, if not eliminating, its reliance on its wastewater discharge permit from the city. But it allows Thunderbolt to dispose of treated storm water to the city sewer as a back up measure. Since the installation of the metal cover will not impose any additional impacts on city facilities or services, and in fact it will only result in numerous benefits to the city and the landowner, there is no doubt the city is legally prohibited from imposing these fees and we request council follows staff recommendation and waive all system development fees originally applied to this building permit.

Building & Planning Manager Kenney clarified, when the building permit set was submitted for the building permit, we just got the standard plans that come with the building itself. So, we have nothing that documents how the water will be captured and routed to their system. We would like to have them submit, some documentation showing that process, so we have that for our files.

Mayor O'Brien stated, that we need to make sure they do that.

There being no public comments, Mayor O'Brien brought the item back to the City Council.

ACTION: *By motion moved and seconded (Uribe / Barber-Martinez 5/0) to approve Resolution 2023-006 to waive the System Development Fees for Thunderbolt Wood Treating, Inc.*

Motion carried by unanimous City Council and LRA Board roll call vote:

AYES: Uribe, Hernandez, Jones Cruz, Barber-Martinez, and Mayor O'Brien

NAYS: None / ABSENT: None / ABSTAINED: None

12. NEW BUSINESS

Item 12.1 **A Resolution Approving an Agreement between the City of Riverbank and the Riverbank Unified School District for School Resource Officer Services and Authorizing the City Manager to Finalize and Execute said Agreement-** *It is recommended that the City Council consider adopting a Resolution that would approve an agreement between the City of Riverbank and Riverbank Unified School District for School Resource Officer (SRO) services.*

City Manager Garcia and Barbara Brown, Director of Business Services with Riverbank Unified School District gave a comprehensive staff report on the agreement between the City of Riverbank and the Riverbank Unified School District for a School Resource Officer.

City Council discussed item with Staff.

Ramon Bermudez, Riverbank Resident commented on his feelings and opposition of having to put a police officer in the schools. Last year, there was a shooting in Texas with school children and two teachers. They have the reports of police, being there. They didn't go in there, even though they were in time. They were afraid, they might get shot. And they were there at the door, they were afraid the shooter was on the other side of the door and they might get shot and killed. There were no heroes that day. I don't think having a police officer, will resolve these types of things. And the small stuff can be taken care by the school, not having a police officer, but a guard, or guard duty. That pretty much has the same roles, except arresting. It can be a counselor, it can be a teacher, it can be a friend of the students that are in trouble and try and get them out of their shell and so on. But a Police officer, I believe no. It can be a security guard for the school, with knowledge and course educated. Let it be a civilian, no uniform belongs in a school.

There being no public comments, Mayor O'Brien brought the item back to the City Council.

ACTION: *By motion moved and seconded (Jones Cruz / Barber-Martinez 3/2) to approve **Resolution 2023-007** an Agreement between the City of Riverbank and The Riverbank Unified School District for a School Resource Officer Services.*

Motion carried by a 3/2 vote City Council and LRA Board roll call vote:

AYES: Jones Cruz Barber-Martinez, and Mayor O'Brien

NAYS: Uribe, Hernandez / ABSENT: None / ABSTAINED: None

Item 12.2 **A Resolution to Authorize the City Manager to submit application for grant funding under the California Department of Water Resources 2022 Urban Community Drought Relief Program.** - It is recommended that a grant application be prepared for design and construction of a Nitrate treatment system for the City's Well No. 10 to be submitted to the California Department of Water Resources through the 2022 Urban Community Drought Relief Grant Program. Proceeding with designing and constructing wellhead treatment for Nitrate at Well No. 10 has been identified to be necessary following the test pumping that was authorized by the City Council on June 14, 2022, City Council meeting and as presented to the City Council on September 13, 2022.

Public Works Director Bridgewater gave a Comprehensive Staff Report and Power Point Presentation on the Nitrate Treatment System for the City's Well No. 10 to be submitted to the California Department of Water Resources through the 2022 Urban Community Drought Relief Grant Program.

City Council discussed item with Staff.

There being no public comments, Mayor O'Brien brought the item back to the City Council.

ACTION: *By motion moved and seconded (Uribe / Hernandez 5/0) to approve **Resolution 2023-007** authorizing the City Manager to submit application for grant funding under the California Department of Water Resources 2022 Urban Community Drought Relief Program.*

Motion carried by unanimous City Council and LRA Board roll call vote:

AYES: Uribe, Hernandez Jones Cruz, Barber-Martinez, and Mayor O'Brien

NAYS: None / ABSENT: None / ABSTAINED: None

12. COMMENTS/REPORTS

A brief report on notable attendance of a meeting or conference or other notable topics of City business shall be made. The Brown Act does not allow for discussion or action of items by the City Council/LRA Board during this time.

Item 12.1 Staff

City Manager Garcia advised the City Council and the public on the following items:

- *Thursday, Stanislaus County will be holding its Point in Time Count (PIT Count) of unsheltered residents throughout Stanislaus County. City of Riverbank will be participating in that as well. Will be meeting at Scout hall at 8:00 a.m., if you happen to see any unsheltered or homeless residents in need of a hot breakfast and a warm place to stay for a couple of hours, please refer them to our Scout Hall which is located at 3017 High Street. We will have some hot beverages and some hot breakfast. It will help us gather data that we need in order to receive additional funding, whether it be from the state or the federal government in order to provide assistance to our homeless residents.*

Item 12.2 Council/Authority Member

Councilmember Jones Cruz reported on the following:

- *It's a pleasure to be here, sorry I've been under the weather and was not at the last council meeting. But back at it, and getting things done. I appreciate being here and all of you being here,*

Councilmember Uribe reported on the following:

- *On Wednesday, January 18th we had some significant graffiti at Castleburg Park. Fortunately, the wall at the snack bar with the mural was not tagged, so I would like to ask Council maybe consider that moving forward, and look at all our parks and maybe look at any open blank walls maybe we can add a mural, to prevent this kind of activity, would be appreciated.*

Councilmember Barber-Martinez reported on the following:

- *Attended a webinar hosted by the League of Cal Cities regarding cannabis and the new regulations for economic development.*
- *Will be attending the Public Safety Policy Committee meeting this Thursday, the focus will be to address the fentanyl crisis.*
- *Quote from Martin Luther King, "Darkness cannot drive out Darkness, only light can do that. Hate can not drive out hate, only love can do that." Just thinking of all the shootings that we've had in our nation, and just think about what we've had in just this year. We've gotten away from the fact that we should be trying to love our neighbors, and we do not think about that anymore. So, Love your neighbor!*

Vice Mayor Hernandez reported on the following:

- *Would like to congratulate HotWorx on their ribbon cutting and grand opening. The family had a family emergency, so they've been closed this week. We wish them well.*
- *This last week, I attended a Cal Cities conference for newly elected. I was elected during Covid, so I did not get to attend. But this year, I connected with elected from across the state, or across northern California, who were elected in November. I was very excited to see a lot of young people, like 24/25-year-old Mayors and councilmembers. I was feeling like the older of the young people. Excited to build relationships with them, it was a really good conference.*
- *It is with a bittersweet sentiment, that I wish you all Happy lunar New Year, with all shooting that happened in Monterey Park and ongoing shootings, but I want to emphasize that we need to be really proactive and creative in how address*

our issues and things that aren't exacerbated, here in our city fortunately, but we have an opportunity to address.

Item 12.3 Mayor/Chair

Mayor O'Brien reported on the following:

- Would like to know on all our housing for the homeless all of our initiatives, if I can get brief on that. For the public, that way we all know, Tiny Homes, Sierra House, is that open for business. Not yet, we are passed November. I would like to know where we are, what our deadlines are, and what can we do to meet those deadlines.*
- Also, would like to know initiatives for those who are homeless and with vehicles. What are we doing to help them out?*
- The Stanislaus Housing Authority (SHA) would like to meet with them, to get our Community Center for the seniors, that plan moving and any other additional that we can have. Such as, community restrooms downtown and maybe build them and have the business maintain them. So, they don't have infusion into their restrooms, that are not customers.*
- There is new funding for Parks for expansion, would like to see us apply for that. There are \$6 million in grants, in matching funds, that you have to have for that. But Jacob Myers Park expansion, the 92 acres to the west or whatever we are going to determine with the Army Corps of Engineers, would like to have that looked at. If we can see what the cost is, apply for whatever fifty percent of that is, that the state or federal government can help with the cost of that.*

13. CLOSED SESSION

The public will have a limit of **3 minutes** to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing to Closed Session.

Item 13.1 **CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation**
Significant Exposure to Litigation, pursuant to Gov. Code § 54956.9(d)
Number of Potential Cases: 1

There being No Public Comment, Mayor O'Brien adjourned to Closed Session at 7:24 P.M.

Reconvened from Closed Session at 7:31 P.M.

14. REPORT FROM CLOSED SESSION

Item 14.1 Report from Closed Session on **Item 13.1**
CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation
Significant Exposure to Litigation, pursuant to Gov. Code § 54956.9(d)
Number of Potential Cases: 1

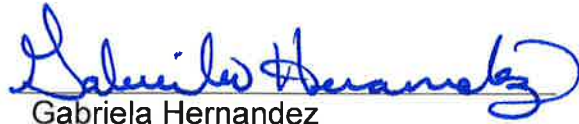
ACTION: *Direction has been provided to staff.*

14. ADJOURNMENT OF THE REGULAR MEETING

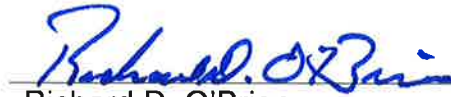
There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 7:31 P.M. to the next regular scheduled City Council / LRA Meeting of February 14, 2023 at 6:00 p.m.

ATTEST: (Adopted 2/14/2023)

APPROVED:



Gabriela Hernandez
City Clerk / LRA Recorder



Richard D. O'Brien
Mayor/ Chair