

CITY COUNCIL / LRA BOARD

Mayor/Chair
Richard D. O'Brien
Council/Authority Members:
District 1 -Luis Uribe
District 2- Rachel Hernandez
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, AUGUST 22, 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 O'Brien called the meeting to order at 6:00P.M.
- 2. FLAG SALUTE** –Mayor / Chair O'Brien led the pledge of allegiance.
- 3. INVOCATION** – Reverend Randy Richardson provided the invocation.
- 4. ROLL CALL** – City Clerk Hernandez conducted Roll Call.

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

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 District 2 Rachel Hernandez

Mayor / Chair Richard D. O'Brien

5. AGENDA CHANGES

No Agenda Changes.

- 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.

No Conflicts Declared at this time.

7. PRESENTATIONS (Informational only)

Item 7.1

Presentation from SMA Entertainment on the Marketing Plan for the 2023 Cheese & Wine Festival- It is recommended that the City Council review the marketing plan that will be presented by SMA Entertainment for the 2023 Cheese & Wine Festival.

Steven Alexander, with SMA Entertainment provided a handout along with his presentation on the Cheese & Wine Festival Marketing Plan.

Item 7.2 **Presentation by Dave White, Chief Executive Officer for Opportunity Stanislaus-** It is recommended that the City Council receive a presentation from Dave White, Chief Executive Officer of Opportunity Stanislaus regarding the resources and assistance they have provided to the City of Riverbank and its businesses.

Dave White, CEO of Opportunity Stanislaus gave a PowerPoint presentation regarding the assistance they have provided to the City of Riverbank businesses.

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 6:53 P.M.

City Manager, Garcia provided flowers to Sue Fitzpatrick, Director of Parks and Recreation as a thank you from herself, City Staff and city council for her 24 years of service to the City of Riverbank and all the wonderful projects that she was able to bring to fruition. We wish her well on her retirement.

Vicki Holt, with Riverbank Library gave an update on all the classes and events being held at the library, which can be found on the Library website at stanislauslibrary.org and are provided thanks to the 1/8 of a cent tax.

Dr. Constantino Aguilar, Superintendent of Riverbank Unified School District would like to formerly introduce himself, came on board about 5 months ago. Commented on his goals, and core values, for our schools. Would like to invite all of City Council to attend the Riverbank unified School District and the University of California, Merced Automatic Admissions Program, that will be held at Fauria Gym at Riverbank High School on September 21st.

Dave Romano, Developer with Riverwalk Project gave an update from the development team. The Riverwalk project that is now in the planning process, it's in your General Plan that you adopted in 2009, when cities were thinking what areas do we grow and how do we grow, the city has prepared infrastructure master plans based on that general plan, how do we serve that area. McHenry Bridge has been widened, so there is good circulation there in that area. And while there were activities to plan this area 20 years ago, this is a different project. This is a project that has a mixture of land uses, will serve mixture of different economic and age groups. A project like this takes development over time, it doesn't occur overnight, will be developed in phases. All of the issues associated with this project will be analyzed in an Environmental Impact Report, you will have an opportunity to review that, and ultimately this council based on all the input that you get, will get an opportunity to act on this project. We hope affirmatively, but that's a decision

with you. Your staff has been wonderful, we appreciate working with them. We just wanted to come and give you a little update on the project and thank you for the consideration so far and your consideration in the future.

Jamie Aggers, Modesto Resident spoke in opposition of the Riverwalk Project.

David Anthony-Avila, Oakdale Resident commented on the Cheese and Wine Festival in reference to cost of the fencing and proposed business store fronts be used as fencing for the vendors, that will help with some of the cost.

Annabel Gammon, Riverbank Resident commented in response to Dave Romano's update from the development team of River Walk. First of all, we are all looking forward to reviewing the Draft EIR. The Riverwalk Project that is now in the planning process, it is in your general plan that you adopted in 2009, when cities were thinking what areas do we grow and how do we grow, the city has prepared infrastructure master plans based on that general plan, how do we serve that area.

Tim Mellencamp, Riverbank Resident commented on the signage out in front of a home on Patterson Road with inappropriate foul language. It is outside City Limits and might be county, but would like to know if there is any type of ordinance against this type of signage.

There being no further public comments, Mayor O'Brien closed the Public Comment period 7:15 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 City Council and Local Redevelopment Authority Board Minutes for July 25, 2023.
- Item 9.3** **Authorization** for Out of State Travel Request to have Finance Staff Attend the Caselle Annual Conference in Salt Lake City, UT.
- Item 9.4** **Authorization** for Out of State Travel Request to have Finance Staff Attend the Itron Conference in San Antonio, Texas.
- Item 9.5** **Resolution** to Approve Final Map 02-2022 Countryside III – APN: 062-022-020.
- Item 9.6** **Resolution 2023-093** to Approve Final Map 01-2023 for BDC Riverbank II L.P. in the Crossroads West Specific Plan – APN: 074-140-007.

Item 9.7 **Resolution 2023-094** approving the City Manager to enter into a Cost Sharing Agreement between the City of Riverbank and the County of Stanislaus for the construction of the Claribel Road Overlay Project.

City Manager, Garcia commented at the request of staff, we are requesting that Item 9.5 be pulled from the consent calendar to be considered at future meeting.

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** as amended with the exception of item 9.5.*

*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

The Public Notice for Item 10.1 was published on August 9, 2023 in the Riverbank News.

Item 10.1 **A Resolution to Adopt the 2023-2024 schedule of Park Amenity Rentals, Recreation Programs, and Facility Rental Fees for the City of Riverbank** - It is recommended that the City Council consider adopting a Resolution to approve the 2022-2023 fees for Park Amenity Rentals, Recreation Programs, and Facility Rentals. The recommended fee increases, and new classes/programs offered with associated fees are highlighted in Exhibit A.

Recreation Supervisor Lemonds gave a comprehensive staff report on the recommended fee increases, and new classes/programs and to approve the proposed 2023-2024 schedule of Park Amenity Rentals, Recreation Programs, and facility rental fees for the city.

City Council discussed the item with staff.

Mayor O'Brien opened the Public Hearing at 7:20 P.M.

Mayor O'Brien closed the Public Hearing at 7:20 P.M.

There being no further 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 2023-095** to Adopt the 2023-2024 schedule of Park Amenity Rentals, Recreation Programs, and Facility Rental Fees for the City of Riverbank.*

*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*

11. NEW BUSINESS

Item 11.1 **Resolution to Approve the McRoy Wilbur Communities Deferral of System Development Fees for the River Terrace Subdivision-** It is recommended that the City Council consider adopting a Resolution approving the deferral of the McRoy-Wilbur Communities System Development Fees assessed on the construction of dwelling units in the River Terrace subdivision from building permit issuance to final inspection.

Building and Planning Manager Kenney presented a comprehensive staff report and power point presentation on the deferral of the McRoy-Wilbur Communities System Development Fees for the River Terrace Subdivision.

City Council discussed the item with staff.

Cary Pope, original developer of the Ward Villas, now River Terrace commented on his appreciation of consideration of deferral of fees. We really wanted to stress the affordability of this project. Unfortunately, we have not been able to achieve that. As of today, interest rates are at a 23-year high. It does not bode well with the first-time home buyers.

David Anthony Avila, Oakdale Resident asked where do all those fees go? Do they actually pay for any of the hardware, does it go to water, paving, sidewalks, does any of that money go to those costs?

Building and Planning Manager Kenney clarified, yes all of these fees go to the system. Water goes to water, wastewater goes to wastewater they are not interchanged, unless there is some specific reason and the council agrees to move some of those funds. So, they go where they are supposed to go.

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

ACTION: *By motion moved and seconded (Jones Cruz / Uribe 5/0) to approve **Resolution 2023-096** approving the deferral of the McRoy-Wilbur System Development Fees for the River Terrace Subdivision.*

*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*

Item 11.2 **Consideration of the Options for the Appointment of a Riverbank Representative to the Stanislaus Consolidated Fire Protection District Board (SCFPD):** 1) Adopt a Resolution to Reappoint Mr. Charles E. Neal for a Four-Year Term, 2) Adopt a Resolution to Reappoint Mr. Charles E. Neal for Less than a Four-Year Term; or 3) Open a Recruitment to Select a Representative for a Term Beginning January

1, 2024 - It is recommended that City Council evaluate and discuss the options for the appointment of a Riverbank Representative to the Stanislaus Consolidated Fire Protection District. (SCFPD). Should the City Council decide to re-appoint the existing representative, Council should consider approval of a Resolution to appoint Mr. Charles E. Neal to a new term.

City Clerk Hernandez presented a comprehensive staff report on the options for the appointment of a Riverbank Representative to the Stanislaus consolidated Fire Protection District Board (SCFPD).

City Council discussed the item with staff.

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

ACTION: *By motion moved and seconded (Jones Cruz / Barber-Martinez 5/0) to approve **Resolution 2023-097** to reappoint Charles E. Neal to a 4 year-term as the Riverbank Representative on the Stanislaus Consolidated Fire Protection District Board.*

*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 reported on the following:

- *Building and Planning Manager Kenney will be providing some response on the issue that Resident Mr. Mellencamp brought up earlier. Our Senior Code Enforcement Officer Michel Garcia has received several complaints about the sign that was mentioned on Patterson Road, she did the research and it is in county property, so we don't have any jurisdiction there. She does have a counterpart that she works closely with in the county. She did contact them, and made a referral and they agreed they would follow up on it.*

Item 12.2 Council/Authority Member

Councilmember Jones Cruz reported on the following:

- *We need to strive for excellence in the city. I remember making comments down there, before I was elected up here. We can't just settle for good, we can just settle for great. We need to strive for excellence, and in all those things, we need to focus on that. Because Riverbank is a fabulous place.*
- *Would like to Chief Ridenour for the helicopter fly along, thank for giving me a whole another fabulous view.*

Councilmember Uribe reported on the following:

- *Would like to invite everyone to the Grand opening of Moxie Salon and Spa, Glam down on Santa Fe has been here for 6 years, will be relocating to Atchison, the address is 3331 Atchison Street on September 9th at 4:00pm, hope to see you all there.*

Councilmember Barber-Martinez reported on the following:

- *Would like to thank the community and the Chief for sponsoring our National Night Out, we Central Valley Resource gave away 300 snow cones in about 45 minutes, I think everyone had a great time.*
- *The SHA (Stanislaus Homeless Alliance) Meeting is a regional effort to tackle Homelessness, the meetings are recorded and can be viewed online.*

Vice Mayor Hernandez reported on the following:

- *Would like to thank Chief Ridenour for the fly along the helicopter, it was an awesome experience.*

Item 12.3 Mayor/Chair

Mayor O'Brien reported on the following:

- *The Stanislaus and Jackson RFP has been issues and closes on Thursday.*
- *Would like an update from Sitelogiq, on where we are with the project, if possible at the next meeting.*

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 **PUBLIC EMPLOYMENT**
(Pursuant to Gov. Code § 54957)
Title: Chief of Police

Item 13.2 **LIABILITY CLAIMS**
(Pursuant to Government Code § 54961)
Claimant: Cari McCormick -Aiman-Smith & Marcy
Agency Claimed Against: City of Riverbank

Item 13.3 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
(Pursuant to Government Code § 54956.8)
Property: 6436 Oakdale Road, Riverbank (APN 075-026-040)
Agency Negotiator: City Manager Marisela H. Garcia
Property Negotiator: High, Price & Leffler Associates
Under Negotiation: Price, terms of payment, or both.

There being no public comments, Mayor O'Brien moved to Closed Session at 7:40 P.M.

Reconvened from Closed Session at 8:10 P.M.

14. REPORT FROM CLOSED SESSION

Item 14.1 Report from Closed Session **Item 13.1**
PUBLIC EMPLOYMENT
(Pursuant to Gov. Code § 54957)
Title: Chief of Police

ACTION: *Direction was provided to staff.*

Item 14.2 Report from Closed Session **Item 13.2**
LIABILITY CLAIMS
(Pursuant to Government Code § 54961)
Claimant: Cari McCormick -Aiman-Smith & Marcy
Agency Claimed Against: City of Riverbank

ACTION: *Vote of 5/0 to deny the claim.*

Item 14.3 Report from Closed Session **Item 13.3**
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Government Code § 54956.8)
Property: 6436 Oakdale Road, Riverbank (APN 075-026-040)
Agency Negotiator: City Manager Marisela H. Garcia
Property Negotiator: High, Price & Leffler Associates
Under Negotiation: Price, terms of payment, or both.

ACTION: *Direction was provided to staff.*

15. ADJOURNMENT OF THE REGULAR MEETING

There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 8:11 P.M. to the next regular scheduled City Council / LRA Meeting of September 12, 2023 at 6:00 P.M.

ATTEST: (Adopted 09/12/2023)

APPROVED:


Gabriela Hernandez
City Clerk / LRA Recorder


Richard D. O'Brien
Mayor/ Chair