

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, NOVEMBER 14, 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.

None Declared.

7. PRESENTATIONS (Informational only)

Item 7.1 **Proclamation - Native American Heritage Month**-It is recommended that the City Council read a Proclamation for Native American Heritage Month.

Mayor O'Brien read and proclaimed November as Native American Heritage Month in the City of Riverbank.

Item 7.2 **Presentation- Soroptimist Club-**it is recommended that the City Council receive a presentation from members of the Soroptimist Club Riverbank Chapter.

Christine Facella, President, and Members of the Riverbank Soroptimist Club gave a presentation on goals and awards the club offers.

Item 7.3 **Presentation – Riverbank Regional Recycled Water Project Status Update-** It is recommended that the City Council receive a presentation from Neal Colwell, Principal Engineer for Kjeldsen, Sinnock, and Neudeck Inc. (KSN)

Neal Colwell, Principal Engineer for KSN, gave a PowerPoint presentation and status update on the Regional Recycled Water Project.

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 6:42P.M.

Jami Aggers, Modesto Resident outside the City of Riverbank, but within the project area of the proposed River Walk Project, you have heard from me many times over the past few years. I would just like to share with you, as I have been walking the neighborhood in recent months and in talking to folks about not only the River Walk proposed project but our proposed ballot initiative, and while you don't have to represent me because I do not live within your boundaries you should be concerned about the comments that we are hearing from your residents. Some of the common threads that people are sharing with us number one, they are unaware and are shocked to learn about the proposed River Walk development, and they are generally very thankful that we are pursuing the ballot measure. They want to learn more about it, how they can talk to their friends, neighbors, relatives. They want copies of our brochures. So, while you don't have to represent me or my cohorts that working on this project, you should hopefully be concerned about the people who live within your boundaries, and I just want make sure, you knew the kinds of comments that we are regularly receiving. And again, when this project comes before you, please consider voting no.

Olivia Arambula, with Timeless Real Estate commenting on behalf of the Chamber of Commerce, because I am now the Ambassador for the Chamber of Commerce. Would like to share some events that are coming up and invite everyone, community and council. Our meetings are every other Tuesday, the second and fourth Tuesday of the month we meet at the industrial complex here in Riverbank, and their meetings are from 10am till 11am. We also have a mixer, it's a multi chamber mixer, that is November fifteenth,

tomorrow evening, from 5pm to 7pm, located at the Second Harvest of the Greater Valley, Central Valley and it's in Manteca.

Randy Richardson, Riverbank Resident would like to invite everyone to a Thanksgiving Dinner that will be on Wednesday, November 20th, there are two seating times 5 o'clock or 6:30. Last year we fed over 200 people. It was great getting to sit around the table just meeting all the walks of life in the Riverbank Community. We will be handing out jackets and socks. We are planning on having around 300 people this year. You are all welcome.

Jacob Faulder, representative with Senator Marie Alvarado Gil's Office gave a legislative update. Currently out of session, wont resume till January. Two bills were officially signed into law by the governor, and 2 were vetoed. SB 470, which dealt with drought relief that unfortunately was vetoed and SB 716 was also vetoed, that relates to binding arbitration and common-sense worker protections. SB 606 which deals with transportation efficiency in the Eastern Sierra region that was signed into law, and SB 780 which deals with Commercial feed and supports farmers and ranchers was also signed into law.

There being no further public comments, Mayor O'Brien closed the Public Comment period 6:52 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 October 24, 2023.
- Item 9.3** **Acceptance** of the Claus Road Curb & Sidewalk Project and Authorization to File a Notice of Completion.
- Item 9.4** **Acceptance** of 3rd Street Parking Lot Project and Authorization to File a Notice of Completion.
- Item 9.5** **Resolution 2023-110** Declaring Certain Property Surplus as Listed in Exhibit A and Authorizing Its Disposition.
- Item 9.6** **Resolution 2023-111** approving the Appointments of Natasha Basso, Joan Stewart, and Alternate Ben Reuben to the Planning Commission effective January 2024 and moving Michael Halterman from an Alternate to a Primary.
- Item 9.7** **Resolution 2023** to appropriate \$7,500 from the General Fund to the Elections Fund for the Verification of Petition Signatures to the Stanislaus County Office of the Clerk-Recorder.

Councilmember Jones Cruz, asked to pull item 9.7 from the consent calendar for further discussion.

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

ACTION: By motion moved and seconded (Uribe /Jones Cruz 5/0) to approve the **consent calendar** with the exception of Item 9.7.

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 9.7 **Resolution 2023-112** to appropriate \$7,500 from the General Fund to the Elections Fund for the Verification of Petition Signatures to the Stanislaus County Office of the Clerk-Recorder.

Councilmember Jones Cruz asked if it could be clarified what the \$7,500 is for, in case someone didn't get a chance to read the report.

City Clerk Hernandez clarified that all initiatives whether initiated by a resident proponent or city, per government code, if they meet the threshold of required signatures in the prima facie verification, then the city will need to seek assistance from the County Clerk Records Office for verification of the signatures. To verify that in fact they are a registered voter and a Riverbank resident. The \$7,500 would be to pay the County Clerk Records office, as they are the ones equipped to do the signature verification.

Councilmember Uribe, asked if the burden of this cost would fall on the city?

City Clerk Hernandez clarified, yes, the burden of the cost falls on the city. It is not just for this particular initiative, but all that are filed and meet the required threshold of signatures.

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

ACTION: By motion moved and seconded (Jones Cruz /Uribe 5/0) to approve Item 9.7. of the Consent Calendar.

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 10/25/2023 in the Riverbank News.

The Public Notice for Item 10.2 was published on 11/01/2023 in the Riverbank News.

Item 10.1 **Resolutions to Consider Approval of (1) General Plan Amendment 01-2023, and (2) Vesting Tentative Map 02-2023, and the First Reading by Title Only and Introduction of an Ordinance Approving the Rezone 01-2023 of 8.55 Acres to Planned Development located at 6612 and 6472 Central Avenue (APN's 062-020-018 and 062-020-031) for the River's**

Edge Subdivision and McRoy Wilbur Communities, Inc- Adopt two resolutions and an ordinance to approve the request of McRoy Wilbur Communities, Inc for a General Plan Amendment, Rezone, and Vesting Tentative Map to create 38 (36 new) single family residential lots in the proposed River's Edge subdivision. The location is 6612 and 6472 Central Avenue (APNs 062-020-018 and 062-020-031).

Planning and Building Manager Kenney gave a comprehensive staff report and Power Point presentation on the consideration of Approval for the General Plan Amendment and the Vesting Tentative Map and the First Reading by Title Only and Introduction of an Ordinance Approving the Rezone 01-2023 of 8.55 Acres to Planned Development located at 6612 and 6472 Central Avenue (APN's 062-020-018 and 062-020-031) for the River's Edge Subdivision and McRoy Wilbur Communities, Inc.

City Council discussed item with City Staff.

Mayor O'Brien opened the Public Hearing at 7:03 P.M.

Syd Halterman with Benchmark Engineering, we're the land survey and civil engineer retained by McRoy global communities to develop this project. Thank you, Donna, for the presentation. I think she covered most of the salient points I want to reiterate that this is a project that is joining up by the completion of Sierra Street from the Diamond Bar West, and Heritage projects. Which Sierra, as you know, is going all the way through to Claus Road. Now it will connect it through to the Diamond Bar East, which is nearing completion, construction of the infrastructure. So, it'll join that together. So, it's bringing the community together that way. the developer has developed several projects in this city before. On the east side of town Countryside is some recent ones that they've done. We're really hoping to get going soon on this one. And if you have any questions on the specifics of the design, and that we're here, my colleague Rick is here as well. We could answer any questions that you have on how it would be developed. Thank you

Mayor O'Brien Closed the Public Hearing at 7:05 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 **Resolution 2023-113** General Plan Amendment and **Resolution 2023-114** Vesting Tentative Map and the First Reading of **Ordinance 2023-xxx** approving the Rezone 01-2023 of 8.55 Acres to Planned Development located at 6612 and 6472 Central Avenue (APN's 062-020-018 and 062-020-031) for the River's Edge Subdivision and McRoy Wilbur Communities, 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*

Item 10.2 **Resolution Accepting the Fiscal Year 2022-23 Annual AB 1600 Report of System Development Fee Activity-** It is recommended that the City Council adopt a Resolution accepting the Fiscal Year 2022-23 Annual AB 1600 Report of System Development Fee Activity.

Assistant City Manager Alcantor gave a comprehensive staff report and Power Point presentation on the Annual AB 1600 Report of System Development Fee Activity for Fiscal Year 2022-2023.

City Council discussed item with staff.

Mayor O'Brien Opened the Public Hearing 7:11 P.M.

Mayor O'Brien Closed the Public Hearing at 7:11 P.M.

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

ACTION: By motion moved and seconded (Uribe / Jones Cruz 5/0) to approve **Resolution 2023-115** accepting the Fiscal year 2022-2023 annual AB 1600 Report of System Development Fee Activity.

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

AYES: Uribe, Hernández, Jones Cruz, Barber-Martínez, O'Brien

NAYS: None / ABSENT: None / ABSTAINED: None

11. NEW BUSINESS

Item 11.1 **Resolution to Reimburse SCM Hearthstone LLC for Additional Work at The Heritage Subdivision-** It is recommended that the City Council consider and approve the Resolution to reimburse SCM Hearthstone LLC for the construction of additional staff-requested improvements in The Heritage subdivision.

Planning and Building Manager Kenney gave a comprehensive staff report and PowerPoint presentation to consider reimbursing SCM Hearthstone LLC for additional work at the Heritage Subdivision.

City Council discussed item with staff

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

ACTION: By motion moved and seconded (Jones Cruz / Barber-Martínez 5/0) to approve **Resolution 2023-116** to reimburse SCM Hearthstone LLC for additional work at The Heritage Subdivision.

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

AYES: Uribe, Hernández, Jones Cruz, Barber-Martínez, O'Brien

NAYS: None / ABSENT: None / ABSTAINED: None

Item 11.2 **Resolution to Credit the LGI Homes LLC System Development Fees for Water, Storm Water, Waste Water and Parks for the Diamond Bar East Subdivision-** It is recommended that the City Council consider and approve the Resolution (Attachment 1) providing credit to LGI Homes LLC ("LGI Homes") for System Development Fees for the water, storm water, waste water, and park fees assessed on the construction of dwelling units in the Diamond Bar East subdivision.

Building and Planning Manager Kenney gave a comprehensive staff report and PowerPoint presentation to consider crediting LGI Homes LLC for the System Development fees for water, Storm water, waste water and Parks for Diamond Bar East Subdivision.

City Council discussed item with staff

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

ACTION: *By motion moved and seconded (Uribe / Jones Cruz 5/0) to approve **Resolution 2023-117** to Credit the LGI Homes LLC System Development Fees for Water, Storm Water, Waste Water and Parks for the Diamond Bar East Subdivision.*

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernández, Jones Cruz, Barber-Martínez, O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

Item 11.3 **A Resolution to Approve an Employment Agreement Between the City of Riverbank and Michael Patton as Director of Parks and Recreation and Authorize the City Manager to Execute the Agreement-** It is recommended that the City Council consider adopting a Resolution which will approve an Employment Agreement with Michael Patton as the new Director of Parks and Recreation.

City Manager Garcia gave a comprehensive staff report and PowerPoint presentation on the Employment Agreement for Michael Patton as Director of Parks and Recreation.

City Council discussed item with staff

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

ACTION: *By motion moved and seconded (Uribe / Barber-Martinez 5/0) to approve **Resolution 2023-118** to approve the employment agreement between the City of Riverbank and Michael Patton Director of Parks and Recreation and authorize the City Manger to Execute the agreement.*

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Jones Cruz, Barber-Martinez, O'Brien*

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:

- City offices will be closed for the Thanksgiving holiday starting Wednesday, November 20th, through Friday, November 24th.*
- Our City's Annual Christmas parade is going to be on Saturday, December 9th. The celebration will start with a craft fair at our Community Center, which will go from 10 to 2, and then the afternoon evening craft fair and food vendors will be in our downtown area. Starting at 3:00pm, the parade itself begins at 5:00pm, and we will have the Christmas tree lighting and pictures with Santa afterwards in the Del Rio Plaza.*
- I'm really excited to share, for those who were not able to join us last week for the Sierra House day use facility. It is officially open. Yesterday we did have 4 residents who came to use the facilities. We're extremely happy that the word is getting out. We're glad to be able to see it in use now, and especially as the weather turns colder. A nice hot shower, I'm sure, certainly helps. the day us facility is located at 3346 Sierra Street, and, as I mentioned, it, provides shower services and clean clothing to our unhoused residents, and we also have our onsite case manager, Seth Anderson from Cambridge Academies, who's providing additional services to the residents to fulfil whatever needs they have, whether it be medical or looking to get documentation, whether it's ids or birth certificates, anything that they might need assistance with. We're providing he is there on a daily basis to accept any donations. We do ask that you log on to our website. We do have a Sierra House website and our Facebook page, where we've shared an Amazon link. Wish list so that we can get all of the supplies that we need to run the house.*
- As part of our efforts to continue to provide services to our unhoused residents. The city does participate as board members of the Stanislaus community system of care and the Stanislaus Homeless Alliance. And so, I want to take this time to congratulate Councilmember Barber Martinez who was just appointed as Co. Chair of the Stanislaus Homeless Alliance, which we also call the SHA, So, congratulations on that appointment. And of course, a thank you to the City Council for your commitment in assisting our unhoused residents.*
- The Riverbank Chamber of Commerce in partnership with the City, Opportunity Stanislas and the Stanislas Latino Chamber of Commerce will be offering a social media marketing seminar for our small businesses here on Thursday, January 11th. The details for the registration will be shared on our website, our social media and via an email for all of those businesses who have business licenses with the city and who provided their email address to us.*
- Some upcoming agenda items, I do want to start to share those with you so that you know what we're working on. Some of the items that we're currently reviewing is an update to our massage ordinance to reflect updates made at the state level*

related to certification and permitting, updates to our abandoned vehicle code and then updates to the City Council salaries based on new legislation that will come into effect, starting as of January.

Assistant City Manager Alcantor Commented on the following:

- Wanted to remind the Council and resident, our sewer rate plan that we have in place will have an annual increase on January. It will be effective in your March bill, that you get out in March first. And the increase is approximately \$11 a month, for regular residential, a single residential.*

Item 12.2 Council/Authority Member

Councilmember Jones Cruz reported on the following:

- I got a chance to attend the opening for the Sierra Day House facility and I'm sure, along with the rest of the council members and the mayor and city staff, I felt really proud that we were able to have that open and kind of a long time coming. And it's just was a really cool thing to see, even in the drizzly rain. The turnout, for that was pretty amazing.*
- And with that said, and we kind of head into the Thanksgiving holiday here, and it always makes me stop and wonder, and ponder on things I'm thankful for, and one of the things I'm extremely thankful for. Is to live in this amazing city, and I'm just proud to be part of it, and glad I'm here started my life here, and here's why I am so proud to be here. Thanks.*

Councilmember Uribe reported on the following:

- Thank you, Leanne for mentioning the day use facility. I had opportunity to visit it yesterday. After the first full day of being officially open got to donate my first blazer there. I'm getting a lot of good positive feedback from the community Seth, and there's and wants to thank t everybody that's already donated. They are still seeking some more donations, some hygiene items and stuff like that. So, thank you. Looking forward to just continuing to stay updated from Seth and continue to donate as much as I can get the word out for him.*
- This Friday, will be spending some time with Randy and Love Riverbank Committee. Love Riverbank is going to be kicking off the very first meeting, and I know they did an amazing job last year, looking forward to next year.*

Councilmember Barber-Martinez reported on the following:

- Looking forward to the grand opening of our Sierra House. I think that we are moving the city in the right direction, helping our neighbors, who need us at the most vulnerable time, especially now with it getting cold outside. Hoping there is a way we can know how many our residents came through the programs that we have? So, that we may get some feedback, maybe quarterly.*
- Another successful, Día de Los Muertos event from the Parks and Rec Department and all our community.*
- Today, I attended the Stanislaus Regional Water Authority, ribbon cutting ceremony, for a brand-new facility that is providing water, mostly to Ceres and Turlock. I took a tour, just to see it and I learned a lot.*

- *Central Valley Community Resources is hosting a car show and toy drive on December 3rd from 9am to 2pm at Riverbank SaveMart, and we do have sign ups for Riverbank Residents. Sign-ups are though Casa del Rio our Family Resource Center.*
- *Happy Thanksgiving to Everyone, see you at the next council meeting.*

Vice Mayor Hernandez reported on the following:

- *Would like to mention Sierra House, and how it's going to take us for its continued success. So, please add it to your Christmas Shopping List.*
- *I will be joining the Latino Community Round Table Board, and they serve the entire county, their meetings are around lunchtime once a month on Wednesdays.*

Item 12.3 Mayor/Chair

Mayor O'Brien reported on the following:

- *We need to take a look at Strategic Planning, and the reason for that is we have a lot of issues that are coming up. One is the State is imposing water conservation on the city of 43% next year, and then ultimately 49%. That means half your water usage has to go away. And we have to determine how we are going to do that. And how we are going to account for it and who's going to pay the stat lines?*
- *We also need to take a look at Wastewater Treatment Plant where we go from here, and what's acceptable what is not acceptable. But, one of the things is that no matter what, the plant needs to be upgraded. And if we go to the tertiary system, then we can dispose of a lot easier.*
- *We also need to take a look at the conveyance of the LRA, was still slowly grinding. But I don't think 24 is the answer this year, this next year on the conveyance.*
- *Our Nexus Fee Study was prepared in 2015, but we had an update on 2020 for traffic and parks is currently being worked on. Everything else should be able to accommodate all the new development that was proposed for Crossroads West. So, we don't need a new Nexus fee update, not at this time. We've been doing annual updates based on the CPI at this point in time. Should there be future development or should the city complete its water and sewer and storm master plans, and if there are project that are not within the current study, then we would do an update at that time.*

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 – EXISTING LITIGATION

(Pursuant to Government Code §54956.9)

Name of Case: City of Riverbank v. Schneider Electric Buildings America, Inc.

Item 13.2 CONFERENCE WITH LABOR NEGOTIATORS

(Pursuant to Government Code §54957.6)

Agency representative: City Manager Marisela Garcia

Employee Organizations: Riverbank Mid-Management Employee Association and Riverbank Miscellaneous Employees

There being no Public Comments, Mayor O'Brien moved to Closed Session at 7:47P.M.

Reconvened from Closed Session at 8:28P.M.

14. REPORT FROM CLOSED SESSION

Item 14.1 Report from Closed Session **Item 13.1**
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Government Code §54956.9)
Name of Case: City of Riverbank v. Schneider Electric Buildings America, Inc.

ACTION: *Direction was provided to staff.*

Item 14.2 Report from Closed Session **Item 13.2**
CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Government Code §54957.6)
Agency representative: City Manager Marisela Garcia
Employee Organizations: Riverbank Mid-Management Employee Association and Riverbank Miscellaneous Employees

ACTION: *Directions was provided to staff.*

15. ADJOURNMENT OF THE REGULAR MEETING

There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 8:29 P.M. to the next regular scheduled City Council / LRA Meeting of December 12, 2023 at 6:00 P.M.

ATTEST: (Adopted 12/12/2023)

APPROVED:



Gabriela Hernandez
City Clerk / LRA Recorder



Richard D. O'Brien
Mayor/ Chair