

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, DECEMBER 12, 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 **Recognition of Donna Kenney, Planning and Building Manager, on Her Retirement from the City of Riverbank-** It is recommended that the City Council conduct a presentation of gifts in acknowledgment of the years of

service provided by Donna Kenney, Planning and Building Manager, and congratulating her on her retirement.

Mayor O'Brien and City Council presented Building & Planning Manager Kenney with a Plaque and Flowers commemorating her years of service to the City of Riverbank and wished her well on her retirement.

Item 7.2 **Introduction of Michael Patton, Director of Parks and Recreation-** City Manager to introduce Michael Patton, the City's new Director of Parks and Recreation.

City Manager Garcia introduced Michael Patton Director of Parks & Recreation, who was welcomed by City Council.

Michael commented on his excitement and being thrilled to be part of this community, and see what we can do to better the lives of our residents.

Item 7.3 **Administration of the Oath of Office to Newly Appointed Planning Commissioners, Natasha Basso, Joan Stewart, Michael Halterman and Alternate Ben Reuben-** It is recommended that the Oath of Office be administered and the Certificates of Appointments be issued to newly appointed Planning Commissioners Natasha Basso, Joan Stewart, and Michael Halterman who will each serve a 4-year term ending in December 2027, and Alternate Planning Commissioner Ben Reuben, who will serve a 2-year term ending December 2025.

Mayor O'Brien administered the Oath of office and presented certificates to the three primary Planning Commissioners Basso, Halterman, and Stewart (who joined via teleconference) and alternate Reuben.

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 6:28P.M.

Cary Pope, Riverbank Resident, I would have been remiss to not show up for a lot of things for the Planning Commissioner's and also for especially for Donna. You know, I've worked with a lot of planners over the years in my old age and 45 years, and I gotta tell you she is probably the best one that I've ever worked with. You know she's one of these people that that would figure out how to make something work rather than other planners that would say, Why, it won't work so for you, Donna, not only as a developer here in town, but as a citizen, Nancy and I have lived here for 36 years, and so we're just very proud.

Jami Aggers, Modesto Resident, I live outside the City of Riverbank, but within the proposed Riverwalk Specific Plan. I'm sure you are aware that yesterday we turned in our urban limit initiative petition signatures to the city, and I would like to commend your City Clerk. She was extremely well prepared for that meeting. She called me later that afternoon to verify that we met at least the minimum required number of signatures, which is 1,277 and, in fact, we turned in 1,469 signatures, which is 15% of the registered voters in the city of Riverbank who signed the petition. So, we look forward to moving onto the next phase, which is the County Register of Voters, which will go through and evaluate the validity of the signatures, by no later than January 24th, according to Gaby. We look forward to moving on to the next phase.

There being no further public comments, Mayor O'Brien closed the Public Comment period 6:31P.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 November 14, 2023.

Item 9.3 **Resolution 2023-119** approving a Cost-Sharing Agreement for the San Joaquin Valley Storm Water Quality Partnership (SJVSWQP) and Authorizing the City Manager to Execute the Agreement

Item 9.4 **Resolution 2023-120** to Approve Cost Share Agreement with Stanislaus Tuolumne River Groundwater Basin Association (STRGBA) for Preparation of a Groundwater Sustainability Plan (GSP) and Groundwater Annual Reports.

Item 9.5 **Resolution 2023-121** Approving the Scope of Work and Cost Proposal for Senior Level General Planning Services with John Anderson Land Use Planning and Authorizing a Budget Amendment of \$75,000 to the Planning Department Professional Services Account.

Item 9.6 **Second Reading an Ordinance 2023-005** 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

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 the **consent calendar** as presented.*

*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 10/29/2023 in the Riverbank News.

Item 10.1 **First Reading by Title Only and Introduction of an Ordinance, amending Title VII: Traffic Code, Chapter 71: Stopping, Standing and Parking, Section 71.07 Prohibited and Limited Parking, Subsection (A), of the Riverbank Municipal Code, by repealing this Section in its entirety and substituting it with New Section 71.07 Prohibited and Limited Parking, Subsection (A) of the Riverbank Municipal Code.** It is recommended that the City Council introduce for first reading Ordinance 2023-XXX amending Title VII: Traffic Code, Chapter 71: Stopping, Standing and Parking, Section 71.07 Prohibited and Limited Parking, Subsection (A), by repealing this Section in its entirety and substituting it with new Section 71.07 Prohibited and Limited Parking, Subsection (A), to the Riverbank Municipal Code of Ordinances.

Planning and Building Manager Kenney gave a comprehensive staff report and Power Point presentation on the First Reading by Title Only and Introduction of an Ordinance, amending Title VII: Traffic Code, Chapter 71: Stopping, Standing and Parking, Section 71.07 Prohibited and Limited Parking, Subsection (A), of the Riverbank Municipal Code, by repealing this Section in its entirety and substituting it with New Section 71.07 Prohibited and Limited Parking, Subsection (A) of the Riverbank Municipal Code.

City Council discussed item with City Staff.

Mayor O'Brien opened the Public Hearing at 6:38 P.M.

Mayor O'Brien Closed the Public Hearing at 6:38 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 the First Reading by Title Only and Introduction of an Ordinance, amending Title VII: Traffic Code, Chapter 71: Stopping, Standing and Parking, Section 71.07 Prohibited and Limited Parking, Subsection (A), of the Riverbank Municipal Code, by repealing this Section in its entirety and substituting it with New Section 71.07 Prohibited and Limited Parking, Subsection (A) of the Riverbank Municipal Code*

*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** **Adopt a Resolution to approve the Records Retention Schedule for the City of Riverbank-** It is recommended that the City Council review and discuss the adoption of a Resolution, authorizing the replacement and implementation of a Retention Schedule for Citywide Records and approving continuous disposal of obsolete records for the City of Riverbank.

City Clerk Hernandez gave a comprehensive staff report and PowerPoint presentation on the consideration to approve a Records Retention Schedule for the City of Riverbank.

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 2023-122** Approving the Records Retention Schedule for the City of Riverbank.*

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

- Introduced Miguel Galvez, who works for JB Anderson Land Use Planning and will be providing us with the interim senior planning assistance while we recruit for Donna's position. Miguel, thank you for your assistance to the City.*
- City Offices will be closed for the holidays, starting Friday, December 22nd and we will reopen on Wednesday, January 3rd.*
- Would like to wish the City Council and all our residents a Happy Holidays!*

Item 12.2 Council/Authority Member

Councilmember Jones Cruz reported on the following:

- Glad to be here tonight, missed the parade and a couple of other things. The last few days I've been home and little under the weather. So I'm glad to be here tonight.*

- *Wishing everybody Happy Holidays!*

Councilmember Uribe reported on the following:

- *Looking forward to ending the year on a high note. I've been in talks Valley Building Trades Council and Superintendent, Constantino Aguiar, advocating for scholarships that will benefit boys and girls pursue careers in the trade field. More to come in the new year.*
- *Will be attending some Christmas parties, some events for the nonprofits and some organizations. Looking forward to next week's quarterly meeting, for an update with Aemetis. I'll be joined by the Mayor.*
- *I'm going to be optimistic, 2024 is going to be a good year for all Merry Christmas, everybody and happy holidays.*

Councilmember Barber-Martinez reported on the following:

- *Thank you everyone that supported our Riverbank community toy drive and car show. We had an awesome time. We tried our best to fill up the big red cart that SaveMart has. We tried our best to fill that bad boy up, and it was huge. Anyway, we had a lot of fun that day. So, thank you, everyone.*
- *Toy distribution day on Saturday, December 16th. And you do have to sign up in advance. I hope everyone did. This year we have approximately 521 students that we will be trying to bag up toys for biggest number yet.*
- *SHA meeting our Stanislaus Homeless Alliance meeting is tomorrow 5:30pm to 7:30pm at 1010 street in the Council Chambers room.*
- *Attended the ribbon cutting and grand opening for Senator Alvarado-Gil's new office.*
- *Attended the Opportunity Stanislaus investors breakfast meeting that they had. It's very interesting, just knowing what economic development is going on in our county and the direction that the county is trying to, you know, make our county the best that there is.*
- *Still have donation boxes for Toys for Tots out in the community, for toy drop off.*
- *Merry Christmas and Happy New Year to everyone, and I'll see you in the New Year.*

Vice Mayor Hernandez reported on the following:

- *I've been talking about the water education for Latino leaders' program for a few months now, and it's come to a close. I ended it just this last week by touring the Delta for a full day, I mean going from Sacramento to the town of Hood and Locke. If you're familiar, down to Thornton and just back up Sacramento. And really getting to know, the conservation efforts that are going on with the Delta smelt with water and getting to talk to the towns that are being impacted, by all the water governance.*
- *That being said, it's been 5 months of really intensive water education. And I want to bring back that knowledge to the community. And so, sometime in probably March or April. I'm going to be hosting an education workshop, and I'll let you all know what that looks like. But from then, honestly, a lot of planning and yeah, thank you for the opportunity from the city.*

Item 12.3 Mayor/Chair

Mayor O'Brien reported on the following:

Just to remind everyone, after we build Crossroads West, we will be short, 5,599 homes that the HCD required us to fulfill by 2031. We may have some challenges in the future, but we still have those shortfalls that were going to be required to meet. And HCD has been asked to clarify and possibly adjust their reasoning for allocations, they are reluctant. But, they will meet next month and we'll provide guidance. But I don't believe that it's going to extend our requirements and our commitments to meeting the RHNA numbers, we haven't met them. We have come close if we build everything out and was still short. So, more to come on that in the very near future, as we move forward in 2024.

- The CTC most recently in Riverside took a major project that was going to mitigate congestion between Riverside and San Bernardino counties, and I believe is also included San Diego, 400 million dollars project that have been in the works for 6 years and they turned it down. They are turning down a lot of projects now, we have to justify bikes and peds before we can justify expansion of our lanes. So, in the near future the North County Corridor and Highway 132 may be in jeopardy because they are controlled. The funding through CTC, even though they've been approved, even though Caltrans is the one advocating for it, it was still a very political decision.*
- That being said, we work hard and it shows in our accomplishments of this last year, and the future is our staff.*
- Donna, Thank you for your leadership and your skills.*
- It is equally translated to every department and every staff member, based on your leadership, Marisela. I appreciate what we've done and where were going.*
- Ho, Ho, Ho! Merry Christmas!*

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 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.

Item 13.3 CONFERENCE WITH LEGAL COUNSEL– ANTICIPATED LITIGATION

Significant Exposure to Litigation

(Pursuant to Government Code § 54956.9(d))
Number of Potential Cases:1

Item 13.4 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Pursuant to Government Code §54956.9)
Name of Case: City of Riverbank v. Tricia A. Gardella, individually and as
Trustee, and Resource Exploration and Drilling, LLC

There being no Public Comments, Mayor O'Brien moved to Closed Session at 6:54 P.M.

Reconvened from Closed Session at 8:05 P.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 has been provided to staff.*

Item 14.2 Report from Closed Session **Item 13.2**
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 has been provided to staff.*

Item 14.3 Report from Closed Session **Item 13.3**
CONFERENCE WITH LEGAL COUNSEL– ANTICIPATED LITIGATION
Significant Exposure to Litigation
(Pursuant to Government Code § 54956.9(d))
Number of Potential Cases: 1

ACTION: *Direction has been provided to staff.*

Item 14.4 Report from Closed Session **Item 13.4**
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Government Code §54956.9)
Name of Case: City of Riverbank v. Tricia A. Gardella, individually and as
Trustee, and Resource Exploration and Drilling, LLC.

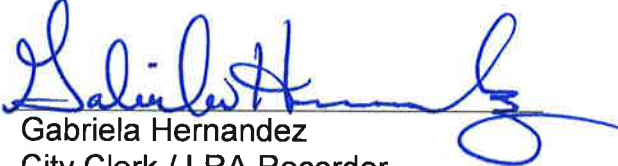
ACTION: *Direction has been provided to staff.*

15. ADJOURNMENT OF THE REGULAR MEETING

There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 8:06 P.M. to the next regular scheduled City Council / LRA Meeting of January 9, 2024 at 6:00 P.M.

ATTEST: (Adopted 01/09/2024)

APPROVED:


Gabriela Hernandez
City Clerk / LRA Recorder


Richard D. O'Brien
Mayor/ Chair