

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 Street,
Suite B
Riverbank, CA 95367



TUESDAY, JANUARY 9, 2024 – 6:00 P.M.

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

1. CALL TO ORDER

2. FLAG SALUTE

3. INVOCATION

4. ROLL CALL

5. 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.

7. PRESENTATIONS (Informational only)

Item 7.1 **Presentation – Development Services Administration-** It is recommended that the City Council receive a presentation from Kathleen Cleek, Development Services Administration Manager.

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.

Refer to the last page of this agenda for the Public Comment Procedures via ZOOM.

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 December 12, 2023 and December 21, 2023 Special Meeting Minutes.

Item 9.3 **Resolution** Declaring Certain Property Surplus as Listed in Exhibit A and Authorizing Its Disposition.

Item 9.4 **Second Reading by Title Only** of a Proposed 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.

10. PUBLIC HEARING

The Public Notice for Item 10.1 was published on 12/27/2023 in the Riverbank News.

Item 10.1 **First Reading by Title Only and Introduction of an Ordinance, Amending Title III: Administration, Chapter 30: City Council, Section 30.02: Compensation, of the City of Riverbank Municipal Code-** It is recommended that the City Council consider the introduction for first reading of Ordinance 2024-XXX amending Title III: Administration, Chapter 30: City Council, Section 30.02: Compensation of the Riverbank Municipal Code which would authorize the increase in City Council Compensation in compliance with the implementation of SB 329

11. NEW BUSINESS

Item 11.1 **Nomination and Appointment of the Vice Mayor to Serve for the Year 2024** - It is recommended that the Mayor nominate a Councilmember to serve as Vice Mayor for the year 2024, and by roll call vote, City Council approve the Appointment for a one-year term.

Item 11.2 **Annual Consideration of City Council Appointments to Intergovernmental Boards and Committees and Appointments to Internal City Committees for the Year 2024** - It is recommended that City Council: 1) Review the appointment lists; and 2) Volunteer or nominate a member of the Council to serve as the representative; and 3) By roll call vote, ratify the appointments for the year 2024.

Item 11.3 **Adjustments to the 2024 City Council Meeting Schedule-**It is recommended that the City Council by roll call vote cancel the meetings of July 9th, August 13th, November 26th and December 24th, for a modified summer schedule and to minimize conflicts with Holiday Activities

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

Item 12.2 Council/Authority Member

Item 12.3 Mayor/Chair

13. CLOSED SESSION-No Items Scheduled.

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

14. ADJOURNMENT

The Next Regular City Council Meeting will be on: [Tuesday, January 23, 2024](#)

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted at the meeting location, on the North City Hall public exterior bulletin board, South City Hall public exterior Bulletin, Riverbank Community Center exterior bulletin, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act.

Posted this 4th Day of January, 2024

/s/ *Gabriela Hernandez, City Clerk*



ADA COMPLIANCE STATEMENT

In compliance with the Americans with Disabilities Act, and the Governor's Executive Order N-29-20, the City will make every effort to make reasonable modifications or accommodations from individuals with disabilities. Contact the Administration Dept. at (209) 863-7122 or the City Clerk at cityclerk@riverbank.org at least (48) hours prior to the meeting to enable the City to make reasonable arrangements for accessibility.

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 City Council/LRA 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 English into the English language.



TELECONFERENCE/VIRTUAL PLATFORM PUBLIC PARTICIPATION COMMENT PROCEDURES FOR CITY COUNCIL MEETING HELD IN CONFORMANCE WITH THE BROWN ACT

PUBLIC “LIVE” VIEWING

- Government Channels: Charter– 2 and AT&T U-VERSE – 99
- YouTube Live – City of Riverbank
- Via ZOOM Platform (See instructions below)

SUBMITTING PUBLIC COMMENTS FOR THE RECORD

Written comments must be received before 4:00 p.m. on the date of the meeting in order for them to be distributed to the Council prior to consideration of the matter. Written comments will not be read aloud at the meeting, but will be reported as received for the record. If you do not receive an acknowledgement of receipt within an hour of submission or by 5:00 pm, please call the City Clerk's Office at (209) 863-7198 or the Administration Dept. at (209) 863-7122.

ACCEPTABLE METHODS OF SUBMITTING COMMENTS **BEFORE THE 4:00 PM DEADLINE**

- **Via Mail Service:** Mail comments to City of Riverbank, Attn. City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367. (Call 209-863-7198 / 209-863-7122 to ensure they were received.)
- **Via Email:** Mail to cityclerk@riverbank.org. (*Note: This technology is not a guaranteed method.*)
 - Indicate Agenda Item # in the **subject line**. (Call 209-863-7198 / 209-863-7122 to ensure receipt)
- **Oral Comments In-Person:** The Mayor will ask the public if anyone wishes to comment, at that time you may approach the podium.
- **Oral Comments Via Zoom:** The Mayor will announce when public comments may be made for a limit of 3 minutes on the agenda item being considered, at which time you will:
(please make sure the volume on your video device or any nearby device is turned down.)
 - **Using a computer** – click on the “raise hand” feature in the webinar controls. This will alert staff that you wish to speak, and you will be unmuted.
 - **Using a Phone** – press ***9** to “raise the hand”. This will alert staff that you wish to speak, and you will be unmuted.

Teleconference Phone Number (This system is a backup for ZOOM technical difficulties only when providing oral comments.) If there are technical difficulties or disconnection with ZOOM while making oral comments, please immediately call the **teleconference phone number (209) 863-7151** so that Council may receive your comments. Council will be waiting for your call. Thank you

JOIN THE MEETING VIA ZOOM PLATFORM

Join by this link: <https://us02web.zoom.us/j/85206209796>

Join by accessing website: <https://zoom.us/join>, enter **Webinar ID: 852 0620 9796**

Join by telephone: **1 669 444 9171 OR 1 669 900 9128**, plus Webinar ID: **852 0620 9796**

Learn about using ZOOM - Visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 7.1

SECTION 7: PRESENTATIONS

Meeting Date:	January 9, 2024
Subject:	Presentation – Development Services Administration
From:	Marisela H. Garcia, City Manager
Submitted by:	Kathleen Cleek, Development Services Administration Manager

RECOMMENDATION

It is recommended that the City Council receive a presentation from Kathleen Cleek, Development Services Administration Manager.

SUMMARY:

The City of Riverbank Development Services Administration Department issues Encroachment Permits, reviews development plans, and conducts on-site inspections of all underground utility (water, sewer and storm) installations. The department is responsible for maintaining the City Standards & Specifications and Storm Water Annual Reporting to the State. The department oversees the Fats, Oil & Grease (FOG) program the City's ADA Transition Plan, Solid Waste Management, Recycling, and Street Sweeping. The Department is also responsible for the Landscape & Lighting and CFD maintenance.

One of the department's main responsibilities is the City's Capital Improvement Program, which includes the identification, design, engineering, and inspections of various capital improvement projects throughout the city. The department also manages Measure L and SB-1 funds and develops projects using these funds.

The following presentation will briefly go over some of the main tasks that are the responsibility of our department.

STRATEGIC PLAN

This item directly addresses the City Council's Strategic Plan goal to "Improve Internal and External Communication" and the City's desire to "Proactively communicate news about the City to residents, businesses, and surrounding communities."

FINANCIAL IMPACT

There is no financial impact with the report.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.1

SECTION 9: CONSENT CALENDAR

Meeting Date:	January 9, 2024
Subject:	Waiver of Readings
From:	Marisela H. Garcia, City Manager
Submitted by:	Gabriela Hernandez, City Clerk/LRA Secretary

RECOMMENDATION

It is recommended that the City Council / LRA Board approve the waiver of readings of any proposed ordinances and resolutions for consideration, except by title.

SUMMARY

In lieu of reading the entire text of a proposed ordinance or resolution that is introduced for consideration for adoption and approval, by majority vote, the City Council/LRA Board may waive the reading of the text and introduce the ordinance or resolution by title only for the record.

The full text of the proposed ordinances and resolutions, and any related documents that are part of the agenda packet, are available for review by the public on the City's website and in the City Clerk's office at City Hall (North) upon distribution to a majority of the City Council/LRA Board; typically 72 hours prior to the scheduled date and time of the meeting.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENTS

There are no attachments to this report.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.2

SECTION 9: CONSENT CALENDAR

Meeting Date:	January 9, 2024
Subject:	Approval of the City Council and Local Redevelopment Authority Board Minutes for: December 12, 2023 and December 21, 2023 Special Meeting
From:	Marisela H. Garcia, City Manager
Submitted by:	Gabriela Hernandez, City Clerk/LRA Secretary

RECOMMENDATION

It is recommended that the City Council/ Local Redevelopment Authority Board approve the City Council/LRA Meeting Minutes of December 12, 2023 and December 21, 2023 Special meeting as presented.

SUMMARY

The Draft Minutes of the City Council and the Local Redevelopment Authority Board meeting have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENTS

1. December 12, 2023 City Council and Local Redevelopment Authority Board Minutes.
2. December 21, 2023 Special City Council Meeting Minutes

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 Stanislas 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 we're 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

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

THURSDAY, DECEMBER 21, 2023 – 5:00 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 5:00 P.M.
- 2. FLAG SALUTE** – Councilmember Uribe led the pledge of allegiance.
- 3. ROLL CALL** – City Clerk Hernandez led the roll call.

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 (Via Teleconference)
Council Member / Authority Member District 4 Darlene Barber-Martinez
Vice Mayor / Vice Chair District 2 Rachel Hernandez
Mayor / Chair Richard D. O'Brien (Via Teleconference)

4. AGENDA CHANGES

No Agenda Changes

5. 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.

6. 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.*

7. 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 7.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Pursuant to Government Code §54956.9)

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

There being No Public Comment, Mayor O'Brien adjourned to Closed Session at 5:05P.M.

Reconvened from Closed Session at 5:30P.M.

8. REPORT FROM CLOSED SESSION

Item 8.1 Report from Closed Session Item 7.1

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.*

9. ADJOURNMENT OF THE SPECIAL MEETING

There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 5:30P.M. the next regular scheduled City Council / LRA Meeting of January 9, 2024 at 6:00 p.m.

ATTEST: (Adopted 1/09/2024)

APPROVED:

Gabriela Hernandez
City Clerk / LRA Recorder

Richard D. O'Brien
Mayor/ Chair

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.3

SECTION 9: CONSENT CALENDAR

Meeting Date: January 9, 2024

Subject: Resolution Declaring Certain Property Surplus as Listed in Exhibit A and Authorizing Its Disposition

From: Marisela H. Garcia, City Manager

Submitted by: Michael Patton, Parks and Recreation Director

RECOMMENDATION

It is recommended that the City Council approve a resolution declaring the property listed in Exhibit A as surplus property and authorize its disposal as stated in §36.03 of the Riverbank Code of Ordinances.

SUMMARY

The Riverbank Teen Center has space that has workout equipment that is lightly used and old. After discussions with facility users, it has been recommended to the parks and recreation department to transform the space into a 'Zen Den'. With this change in facility use, the current workout equipment no longer serves a purpose to the city. The City will follow procedures stated in §36.03 Disposition of Unclaimed and Surplus Property of the Riverbank Code of Ordinance to properly dispose of the items.

BACKGROUND

As per Section 36.03 of the Riverbank Code of Ordinances the Finance Director, after receiving surplus approval from the City Council, has the ability to dispose of the equipment through a negotiated sale, public sale, abandonment, destruction or donation to public bodies, charitable, civil or nonprofit organizations in the city. Therefore, it is recommended that the City Council consider adopting a Resolution declaring the property listed in Exhibit A as surplus equipment and approve the sale of these items through auction or negotiated sale.

FINANCIAL IMPACT

Proceeds from the sale will be credited to the appropriate funds.

ATTACHMENTS

1. Resolution 2024-XXX
Exhibit A

CITY OF RIVERBANK

RESOLUTION 2024-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA DECLARING CERTAIN PROPERTY SURPLUS AS LISTED IN EXHIBIT
A AND AUTHORIZING ITS DISPOSITION**

**THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS
THE “CITY COUNCIL”) DOES HEREBY RESOLVE THAT:**

WHEREAS, The City of Riverbank Finance Department has determined that the items presented in Exhibit A herein attached, are obsolete and no longer serve a City need; and,

WHEREAS, the City desires to dispose of this property; and,

WHEREAS, the property will be properly disposed of pursuant to the City of Riverbank Code of Ordinance Section 36.03.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby recognize the property identified on the preceding Exhibit A: Surplus Property form as obsolete and declares it surplus property.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 9th day of January, 2024; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of _____:

AYES:
NAYS:
ABSENT:
ABSTAINED:

ATTEST:

APPROVED:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

Attachment: Exhibit A-List of Surplus Property

Exhibit A

List of Surplus Property		
Item	Brand	Quantity
Treadmill	Pro-Form	1
Upright Bike	Healthrider	1
Elliptical	Schwinn	1
Weight Set Rack	Irongrip Strength	1
10 Pound Dumbbell	SA Gear	2
15 Pound Dumbbell	SA Gear	2
20 Pound Dumbbell	SA Gear	2
25 Pound Dumbbell	SA Gear	2
Kettlebell Set Rack	SA Gear	1
5 Pound Kettlebell	SA Gear	1
10 Pound Kettlebell	SA Gear	1
15 Pound Kettlebell	SA Gear	2
20 Pound Kettlebell	SA Gear	1
Workout Bench	SA Gear	1

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.4

SECTION 9: CONSENT CALENDAR

Meeting Date: January 9, 2024

Subject: Second Reading by Title Only of a Proposed 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.

From: Marisela H. Garcia, City Manager

Submitted by: Planning

RECOMMENDATION

It is recommended that the City Council approve a second reading of an Ordinance establishing a minimum distance whereby a vehicle cited for parking in one location on the street for more than 72 hours is required to move. On December 12, 2023, the City Council heard the item in public hearing and voted 5-0 to approve it for a second reading.

SUMMARY

At times a vehicle is reported parked on the street in excess of the permitted 72-hour time limit. After being cited, the owner is required to relocate or move the vehicle from the location where it was cited. However, ambiguous language found in the Riverbank Municipal Code creates an issue when a Neighborhood Improvement Officer returns for reinspection and the cited vehicle does not appear to have been moved or has only moved a few inches. As such, a clearly defined and established minimum distance whereby a cited vehicle must be relocated would reduce redundancy and confusion between Neighborhood Improvement Officers and the general public.

ENVIRONMENTAL

The ordinance amendment to the City of Riverbank Municipal Code is exempt from environmental review because it is not considered a project within the meaning of Section 15378 of the State CEQA Guidelines.

ATTACHMENT

1. Ordinance 2024-XXX

CITY OF RIVERBANK

ORDINANCE 2024-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AMENDING TITLE VII: TRAFFIC CODE, CHAPTER 71: STOPPING, STANDING, AND PARKING, SECTION 71.07 PROHIBITED AND LIMITED PARKING, BY REPEALING THIS SECTION IN ITS ENTIRETY AND SUBSTITUTING IT WITH NEW SECTION 71.07 PROHIBITED AND LIMITED PARKING, TO THE RIVERBANK MUNICIPAL CODE OF ORDINANCES

WHEREAS, the City has been working on improving code enforcement efforts involving unattended vehicles left parked in excess of the permitted 72-hour time limit; and

WHEREAS, having a designated 75-foot distance that cited vehicles would be required to be relocated by the 72-hour deadline would assist in enforcement efforts by removing any claim that any movement of the vehicle constitutes a reset of the 72-hour clock; and

WHEREAS, the proposed Zoning Code amendment complies with the General Plan in that the City will ensure the pedestrian network is safe, accessible, attractive, and efficient, running largely along public spaces, fronted by houses, and avoids uses that generate major breaks in surveillance on routes to and from public transport and other routes used at night; and

WHEREAS, the proposed amendments to the Riverbank Municipal Code would amend Sections of Title VII: Traffic Code, Chapter 71: Stopping, Standing, and Parking; and

WHEREAS, the amendment is exempt from analysis under the California Environmental Quality Act (CEQA) under the “Common Sense Exemption” that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3) of the State CEQA Guidelines.

NOW, THEREFORE THE CITY OF RIVERBANK CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: Title VII: Traffic Code, Chapter 71: Stopping, Standing and Parking, Section 71.07: Prohibited and Limited Parking, shall be amended as follows:

CHAPTER 71: STOPPING, STANDING AND PARKING

Section

- 71.01 Application; compliance required
- 71.02 Director of Public Works as Street Commissioner
- 71.03 Parallel parking
- 71.04 Angle parking
- 71.05 Stopping, standing and parking prohibited
- 71.06 Intersections and crosswalks
- 71.07 Prohibited and limited parking
- 71.08 Curb marking
- 71.09 Loading zones
- 71.10 Standing in alleys
- 71.11 Truck or trailer parking
- 71.12 Unlawful parking by peddlers and vendors
- 71.13 Temporary parking signs
- 71.14 Parking on private property
- 71.15 Parking on city-owned parking area
- 71.16 Parking of recreation vehicles
- 71.17 Washing vehicles in streets
- 71.18 Repairs and maintenance of vehicles in streets
- 71.19 Repair of vehicles and boats in residential districts

§ 71.01 APPLICATION; COMPLIANCE REQUIRED.

(A) The provisions of this chapter prohibiting the stopping, standing or parking of a vehicle shall apply at the times or at those times herein specified, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer.

(B) The provisions of this chapter imposing a time limit on standing or parking shall not relieve any person from the city to observe other and more restrictive provisions hereof or of law prohibiting or limiting the standing or parking of vehicle in specified places or at specified times.

('67 Code, § 9-2-4) (Ord. 41, passed 5-21-37)

§ 71.02 DIRECTOR OF PUBLIC WORKS AS STREET COMMISSIONER.

The Director of Public Works of the city is hereby designated the Street Commissioner for the purposes of this chapter.

('67 Code, § 9-2-20) (Ord. 79-4, passed 5-29-79)

§ 71.03 PARALLEL PARKING.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of traffic and with the right-hand wheels of the vehicle within 18 inches of the curb line or edge of the curb indicated by such marks or signs.

(`67 Code, § 9-2-1) (Ord. 41, passed 5-21-37)

§ 71.04 ANGLE PARKING.

(A) No person shall stand or park a vehicle upon those streets which have been marked or signed by order of the Council for angle parking. A vehicle shall be parked at the angle to the curb indicated by such marks or signs.

(`67 Code, § 9-2-2)

(B) The Council shall determine those streets upon which angle parking shall be permitted (other than state highways where such parking is prohibited by the State Vehicle Code) and the Street Commissioner shall indicate such places by placing white lines upon the surface of the roadway indicating the angle at which parking is permitted.

(`67 Code, § 9-2-3) (Ord. 41, passed 5-21-37)

§ 71.05 STOPPING, STANDING AND PARKING PROHIBITED.

No person shall stop, stand, or park a vehicle in any of the following places:

(A) Within any tunnel or upon any bridge, viaduct or approach thereto.

(B) Within any parkway.

(`67 Code, § 9-2-5) (Ord. 41, passed 5-21-37)

§ 71.06 INTERSECTIONS AND CROSSWALKS.

The Street Commissioner shall appropriately sign or mark the following places and when signs or markings are in place, no person shall stop, stand, or park a vehicle in any of those places:

(A) At any place within 30 feet of an intersection other than as hereinbefore mentioned.

(B) Within 15 feet of the approach to the nearest line of a crosswalk.

(`67 Code, § 9-2-6) (Ord. 41, passed 5-21-37)

§ 71.07 PROHIBITED AND LIMITED PARKING.

(A) No person shall stop, park or leave standing, any vehicle on any street or highway in the city for 72 or more consecutive hours. Such vehicle, cited or not, must be relocated at minimum of seventy-five (75) linear feet to avoid violation of California Vehicle Code Section 22651 (k) or this section. Any vehicle parked or left standing in excess of 72 consecutive hours in violation of this section may be cited or removed therefrom by a Neighborhood Improvement Officer or any regularly employed and salaried or contract officer of the Riverbank Police Services Division of the city. Such officer may move, remove and store the vehicle.

(B) If the vehicle is moved to another location where it is not readily visible from its formerly parked location or if it is stored, the officer causing such movement or storage of the vehicle shall immediately, by the most expeditious means, notify the owner of its location. If for any reason the owner of the vehicle cannot be so notified the person causing the vehicle to be moved or stored shall immediately, by the most expeditious means, send a letter by certified mail to the last known registered owner and legal owner of the vehicle.

(`67 Code, § 9-2-12) (Ord. 70-19, passed 1-25-71)

(C) No person shall stop, stand, or park any vehicle upon any street in the city when signs authorized by the City Council are in place giving notice that parking thereon is prohibited.

(D) When signs authorized by the City Council are in place giving notice thereof, no person shall stop, stand, or park any vehicle upon any street within the city between the hours designated by the sign on any day except Sunday for a period of time longer than so designated by said sign. Each period of over-parking for more than the period stated on the time limit sign shall constitute a separate offense.

(Ord. 85-14, passed 11-12-85)

(E) No person shall park a vehicle between the hours of 4:00 a.m. and 6:00 a.m. on Monday, Wednesday, and Friday upon any paved street or part of a paved street inside the area bounded by and including Second, Third and Fourth Streets south of Atchison to Sierra, and Santa Fe Street between Second and Fourth Streets.

(`67 Code, § 9-2-13) (Ord. 90-13, passed 7-9-90)

(F) No vehicle shall be parked for a longer period of time than one hour on any street or portion of street on which parking signs are erected informing the public that parking is limited thereon to a period of one hour. No vehicle shall be parked for a longer period of time than two hours on any street or portion of street on which parking signs are erected informing the public that parking is limited thereon to a period of two hours.

(`67 Code, § 9-2-8) (Ord. 245, passed 7-27-59)

§ 71.08 CURB MARKING.

(A) *Red, yellow, and green markings.*

(1) The Street Commissioner is hereby authorized, subject to the provisions and limitations of this title to place, and when required herein shall place, the following curb markings to indicate parking or standing regulations and the curb marking shall have the meaning as herein set forth.

(a) Red shall mean no stopping, standing or parking at any time; except that a bus stop in a red zone marked or signed as a bus zone.

(b) Yellow shall mean no stopping, standing or parking at any time between 7:00 a.m. and 6:00 p.m. of any day except Sunday for any purpose other than the loading or unloading of materials, provided that the loading or unloading of materials shall not consume more than 30 minutes.

(Ord. 41, passed 5-21-37)

(c) Green shall mean no stopping, standing or parking for more than ten minutes at any time between 7:00 a.m. and 7:00 p.m. on any day except Sunday.

(Ord. 102, passed 9-11-51)

(2) When the Street Commissioner, as authorized under this title, has caused curb markings to be placed, no person shall stop, stand, or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this section.

(Ord. 41, passed 5-21-37) (`67 Code, § 9-2-7)

(B) *Blue curb parking.*

(1) *Use of blue curb spaces.* Persons using “blue curb” parking spaces shall comply with the following:

(a) No person shall park or stand any vehicle in a disabled persons parking zone (blue curb) unless the vehicle bears a special license or displays a special placard issued under the provisions of Cal. Veh. Code § 9105 or § 22511.5.

(b) Parking zones for the physically handicapped are subject to any temporary parking prohibitions established by the city.

(2) *On-street parking.* The City Council, by resolution, shall designate special “blue curb” parking spaces for the purpose of providing on-street parking and off-street parking in publicly owned or controlled parking facilities for exclusive use by physically handicapped persons.

(3) *Off-street/privately financed facilities.* The city hereby declares that there are privately owned and operated parking facilities which may reserve parking stalls for exclusive use by physically handicapped persons.

(4) *Identification.*

(a) *On-street blue curb spaces.* Blue curb spaces shall be indicated by blue paint on the curb edge of the paved portion of the street. For further identification, the international symbol of access may be painted on the blue curb in white followed by the word “ONLY”.

(b) *Off-street/publicly owned facilities.* Designation of blue curbs parking stalls in publicly financed off-street parking facilities shall be made by posting immediately adjacent to, and visible from same, a sign consisting of the international symbol of access.

(c) *Off-street/privately financed facilities.* Designation of “blue curb” parking stalls in privately financed off-street parking facilities shall be made by posting immediately adjacent to, and visible from same a sign consisting of the international symbol of access.

(Ord. 77-25, passed 10-25-77) (`67 Code, § 9-2-19)

§ 71.09 LOADING ZONES.

(A) The Street Commissioner shall when authorized by resolution of the Council mark loading zones.

(B) Permission herein granted to stop or stand a vehicle for purposes of loading or unloading of materials shall apply only to commercial vehicles and shall not extend beyond the time necessary therefor, and in no event for more than 30 minutes.

(C) The loading or unloading of materials shall apply only to commercial deliveries, also the delivery or pickup of express and parcel post packages and United States mail.

(D) Within the total time limits above specified the provisions of this section shall be enforced so as to accommodate necessary and reasonable loading or unloading but without permitting abuse of the privileges hereby granted.

(`67 Code, § 9-2-9)

(E) When authorized signs or marks are in place giving notice thereof no person shall stop, stand, or park a vehicle for any purpose other than loading or unloading materials for such time as is permitted herein, in any of the following places: In any yellow loading zone.

(`67 Code, § 9-2-11) (Ord. 41, passed 5-21-37)

§ 71.10 STANDING IN ALLEYS.

No person shall stop, stand, or park a vehicle for any purpose other than the loading or unloading of persons or material in any alley.

(`67 Code, § 9-2-10) (Ord. 41, passed 5-21-37)

§ 71.12 UNLAWFUL PARKING BY PEDDLERS AND VENDORS.

(A) Except as otherwise provided in this section, no person shall stand or park any vehicle, wagon or push-cart from which goods, wares, merchandise, fruits, vegetables or food stuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating cart or vehicle, on any portion of any street within this city, except that such vehicle, wagon, push-carts may stand or park at the request of a bona fide purchaser for a period of time not to exceed ten minutes at any one place. The provisions of this division shall not apply to persons delivering such articles upon order of or by agreement with a customer from a store or other fixed place of business or distribution.

(B) No person shall park or stand on any city park or street, any lunch wagon, eating cart or vehicle or push-cart, from which food and beverages are sold or offered for sale without first obtaining a written permit to do so from the City Manager which shall designate the specific location in which such cart shall stand. Applicants may appeal the City Manager's decision to the City Council.

(C) No person shall park or stand any vehicle, or wagon used or intended to be used in the transportation of property for hire on any street while awaiting patronage for such vehicle or wagon without first obtaining a written permit to do so from the Council which shall designate the specific location where such vehicle shall stand.

(Ord. 74-20, passed 9-9-74)

(D) The City Council may, by resolution, restrict the parking of any vehicle, bus, boat, camper, trailer, motorhome or motorcycle upon any street or any portion of any street in the city advertising or displaying it for sale, upon a finding that the parking of any such vehicle, bus, boat, camper, trailer, motorhome or motorcycle would be hazardous to the health and safety of the public. Notice of intent to adopt such a resolution shall be given by publishing once in a newspaper of general circulation at least five days prior to adoption.

(Ord. 92-13, passed 10-12-92)

(E) Whenever any permit is granted under the provisions of this section and a particular location to park or stand is specified therein, no person shall park or stand any

vehicle, wagon or pushcart on any location other than as designated in such permit. In the event that the holder of any such permit is convicted in any court of competent jurisdiction for violating any of the provisions of this Section, such permit shall be forthwith revoked by the Council upon the filing of the record of such conviction with the Council and no permit shall thereafter be issued to such person until six months have elapsed from the date of such revocation.

(Ord. 41, passed 5-21-37) ('67 Code, § 9-2-15) (Am. Ord. 2003-016, passed 12-8-03)

§ 71.13 TEMPORARY PARKING SIGNS.

(A) Whenever the Sheriff's Commanding Officer determines that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions or for other reasons, the Sheriff's Commanding Officer shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the Sheriff's Commanding Officer shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the Sheriff's Commanding Officer shall cause such signs to be removed promptly thereafter.

(B) When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the direction and provisions of such signs.

('67 Code, § 9-2-17) (Ord. 41, passed 5-21-37)

§ 71.14 PARKING ON PRIVATE PROPERTY.

No person shall park a vehicle on private property without the direct or implied consent of the owner or person in lawful possession of such property.

('67 Code, § 9-2-21) (Ord. 82-6, passed 9-13-82)

§ 71.15 PARKING ON CITY-OWNED PARKING AREA.

No person shall stop, stand, or park any vehicles other than one owned by the city for any purpose in the city-owned parking area immediately behind the City Hall and the Riverbank Police Services Division located at 6701 Third Street, Riverbank, without the express written permission of the City Manager.

('67 Code, § 9-2-23) (Ord. 85-02, passed 6-24-85)

§ 71.16 PARKING OF RECREATION VEHICLES.

(A) The City Council finds and determines that the unrestricted parking of recreation vehicles on public streets in the city leads to their unlawful occupation as dwelling units, congests traffic and constitute a hazard to the public safety in that recreation vehicles restrict visibility.

(B) It is unlawful to park recreation vehicles on any public street in the city for more than 72 hours, within any period of seven consecutive days, except that non residents of the city may park, upon the issuance of a permit to do so, for a period not to exceed seven consecutive days, while the owner or operator of the recreation vehicle is a guest of any residence adjoining that portion of the street upon which the recreation

vehicle is parked. In either circumstance the recreation vehicle is to remain unoccupied. Permits under this section may be issued by any regularly salaried member of the Riverbank Police Services Division. A visitor permit will only be issued twice a calendar year for the same owner or recreational vehicle. In extenuating circumstances, such as health reasons requiring the visitor's stay to be extended several days, the party must receive approval by the Chief of Police Services. There is a \$25 administrative fee for the issuance of said permit.

(C) Recreation vehicles, for the purpose of this section, shall include any motor home, which exceeds 20 feet in overall length, travel trailers, fifth wheel trailers, trailers with boats and house boats.

(D) It shall also be unlawful to park any recreation vehicle in a diagonal parking space so that the recreation vehicle protrudes more than 20 feet into the street as measured perpendicularly from the curb.

(`67 Code, § 9-2-22) (Ord. 85-02, passed 6-24-85; Am. Ord. 2003-017, passed 12-8-03; Am. Ord. 2005-003, passed 2-14-05)

§ 71.17 WASHING VEHICLES IN STREETS.

No person shall dust, wipe, wash or otherwise clean, use or employ any method of dusting, wiping, washing or otherwise cleaning any vehicle or portion thereof while on any street unless such vehicle is owned by or is under the direct control or supervision of the person doing any of the acts herein enumerated.

(`67 Code, § 9-2-16) (Ord. 41, passed 5-21-37)

§ 71.18 REPAIRS AND MAINTENANCE OF VEHICLES IN STREETS.

(A) No person shall add oil to or change the oil of a motor vehicle while such motor vehicle is parked or standing on any street.

(B) No person shall repair any motor vehicle while such motor vehicle is parked or standing on any street, excepting as follows:

(1) Repairs and maintenance work may be done if the required work can be completed within two hours from the time the work commences, and

(2) Such repairs are not likely to result in oil or gas being spilled on the street.
(`67 Code, § 9-2-18) (Ord. 76-7, passed 6-14-76)

§ 71.19 REPAIR OF VEHICLES AND BOATS IN RESIDENTIAL DISTRICTS.

(A) *Findings and determinations; definitions.*

(1) The City Council has determined that the repairing and/or dismantling of vehicles and boats in public view in residential districts has a negative impact on the livability and appearance of the city, on the availability of driveways for parking, on property values and can pose safety and health hazards to children and adults. The Council hereby makes the finding that the public health, safety and welfare require the prohibition of repairing or dismantling of vehicles or boats in public view in residential districts, except under certain circumstances.

(2) For the purpose of this section, the following words shall have the meaning set forth herein:

BOAT. Includes every description of watercraft used or capable of being used as a means of transportation on water.

IMMEDIATE FAMILY. Consists of parents, grandparents, spouse and children related by blood, marriage or adoption.

MAJOR REPAIR. Includes pulling and dismantling engines, repair or replacement of transmissions, axles, water pumps, alternators, brakes, shocks and similar work as well as vehicle body, panel repair and any hull or cabin repair to a boat.

OPERATIONAL VEHICLE. A motor vehicle that is currently capable of being propelled by its own engine.

OWNER OF VEHICLE OR BOAT. The last registered owner and legal owner of record.

PROPERTY, REAL PROPERTY, PRIVATE PROPERTY. Shall not include sidewalks or unpaved areas.

REGISTRATION. A current valid state registration for a vehicle conforming to Cal. Veh. Code §§ 4000 or 9840 *et seq.*, for boats.

RESIDENT. The owner or lessee of real property.

RESIDENTIAL DISTRICTS. Those areas of the city zoned for residential use, whether for single or multiple family dwellings.

ROUTINE MAINTENANCE. Shall be limited to changing oil, tires, air filters, spark plugs and similar work commonly referred to as a tune-up. Except as listed, the removal or replacement of mechanical or body parts of a vehicle or boat constitute major repair.

VEHICLE. A device by which any person or property may be propelled, moved or drawn upon a highway or street, except a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

(B) *Routine maintenance; exception.* Except as otherwise provided in this chapter, no person shall be authorized to perform routine maintenance in public view in a residential district on a vehicle or boat, unless as follows:

- (1) Such person is the lawful resident of the property where the routine maintenance is being performed; and
- (2) Such vehicle or boat is registered to the lawful resident of the property or a member of the immediate family; or
- (3) Such person is licensed by the city to perform routine maintenance at the residence of another; and
- (4) Proof of registration or proof of immediate family relation is provided upon request.

(C) *Major repairs; exception.* Except as otherwise provided in this section, no person shall be authorized to perform major repairs in public view in a residential district unless:

- (1) Such person is the lawful resident of the property where the major repair is being performed; and
- (2) In a fully-enclosed garage or building, or behind a six-foot fence or gate capable of screening the boat or vehicle and parts thereof from public view.
- (3) The door of such garage or building or the fence gate is closed when repairs are not in progress.

(D) *Major repairs; carport.* It is unlawful to perform major repairs in a residential district on any vehicle or boat within a carport which is exposed to public view.

(E) *Major repairs; limits.* It shall be unlawful for more than two boats or vehicles to be under major repair or stored at any one time, in a residential district, except if located within a fully enclosed garage or building.

(F) *Spray painting prohibited.* It shall be unlawful to spray paint a vehicle or boat, panels or parts thereof in a residential district.

(G) *Current registration requirements.* All vehicles or boats in public view in a residential district, shall display current registration and shall be operational. Proof of operational status and current registration shall be provided upon request.

(H) *Compensation for major repair and routine maintenance.* No monies or anything of monetary value may be charged, exchanged, given or received for major repairs or routine maintenance performed in any residential district except for those persons licensed by the city to perform routine maintenance at the residence of another.

(I) *Nighttime routine maintenance and major repair work.* Routine maintenance or major repairs in residential districts shall take place between the hours of 8:00 a.m. and 9:00 p.m. Monday through Saturday and between the hours of 9:00 a.m. and 9:00 p.m. Sundays and holidays.

(J) *Testing of vehicle or boat engines.* Testing of a vehicle or boat engine in residential districts shall take place between the hours of 8:00 a.m. and 9:00 p.m. Monday through Saturday and between the hours of 9:00 a.m. and 9:00 p.m. Sundays and holidays.

(K) *Routine maintenance time limit.* Routine maintenance in a residential district shall be completed within a 72 consecutive hour period after the maintenance has begun, and shall not exceed this time period.

(L) *Clean-up.* Upon completion of any work authorized by this section, all debris, oil, grease, gasoline, rags, equipment, parts or materials shall be disposed of in a lawful manner where it is not visible from the street or other public or private property. Hazardous materials shall be disposed of in a lawful manner and in accordance with state, county and city regulations.

(M) *Property maintenance; responsibility.*

(1) *Owner.* Every owner of real property shall maintain such property in a lawful manner consistent with the provisions of this section. In the case of leased or rented single-family dwelling or apartment or multiple family dwelling, the property owner shall ensure that every occupant properly maintains the property. Such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.

(2) *Occupant or lessee.* Every occupant, lessee or holder of any interest in property, other than as owner thereof, is required to maintain such property in the same manner as is required of the owner thereof, and the duty imposed by this section on the owner thereof shall in no instance relieve those persons herein referred to from similar duty.

('67 Code, § 9-2-24) (Ord. 92-10, passed 9-14-92)

SECTION 2: This Ordinance shall become effective thirty (30) days from and after its final passage (01-09-24), provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on December 12, 2023. Said ordinance was given a second reading by title only and adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the 9th day of January, 2024; motioned by Councilmember _____, seconded by Councilmember _____; moved said ordinance by a City Council _____ vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

APPROVED TO FORM:

City Attorney

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 10.1

SECTION10: PUBLIC HEARING

Meeting Date: January 9, 2024

Subject: First Reading by Title Only and Introduction of an Ordinance, Amending Title III: Administration, Chapter 30: City Council, Section 30.02: Compensation, of the City of Riverbank Municipal Code

From: Marisela H. Garcia, City Manager

RECOMMENDATION

It is recommended that the City Council consider the introduction for first reading of Ordinance 2024-XXX amending Title III: Administration, Chapter 30: City Council, Section 30.02: Compensation of the Riverbank Municipal Code which would authorize the increase in City Council Compensation in compliance with the implementation of SB 329.

SUMMARY

On June 29, 2023, Governor Newsom signed into law SB 329 which allows general law cities to adjust council member salaries for inflation for the first time in almost four decades. Based on recommended adjustments, cities up to and including 35,000 in population may approve a salary of up to nine hundred fifty dollars (\$950) per month. The recommendation is to increase council member salaries to nine hundred dollars (\$900) per month and the mayor's salary to nine hundred fifty dollars (\$950) per month effective December 2024.

BACKGROUND

Salary compensation for general law cities, such as the City of Riverbank, is established by legislation codified in the Government Code. Government Code Section 36516 allows city councils in general law cities to vote to receive a limited salary, not to exceed caps based on population size provided in state law. They can also increase their salary annually. This limited mechanism does not always allow salaries to stay in line with inflation. Based on population size, cities up to and including 35,000 in population had a council salary cap of \$300 per month. In addition, Government Code Section 36516(a)(4) allowed for an increase beyond the salary cap in an amount that shall not exceed an

amount equal to five percent (5%) for each calendar year from the operative date of the last adjustment of the salary in effect.

In January 1986, the City Council adopted Ordinance 86-01 which enacted the allowable compensation for council at \$300 per month. Subsequently in December 2004, a salary adjustment pursuant to Government Code 35615(a)(4) was adopted via Ordinance 2004-011 which increased the salaries to \$350 per month for the City Council and \$400 per month for the Mayor. An amendment to Section 30.02 Compensation was presented and adopted by the Riverbank City Council in 2008 as part of a comprehensive Municipal Code Update but did not include any salary adjustments.

SB 329, sponsored by Senator Bill Dodd, is the first bill allowing for an adjustment to the council member salary schedule in almost forty years. Comments in support of the bill cited lengthy time commitments and limited pay may have discouraged many residents from running for office. The bill was subsequently signed into law in June 2023 by Governor Newsom and became effective January 1, 2024. The bill allows for cities up to and including 35,000 in population to enact salaries up to and including \$950 per month.

Given that the Riverbank City Council and Mayor have not had a salary adjustment in almost 20 years, it is prudent to recommend an adjustment to salaries in compliance with SB 329 as follows:

Title	Current Salary	Proposed Salary
Mayor	\$400	\$950
City Council	\$350	\$900

IMPLEMENTATION

Pursuant to Government Code Section 36516.5, a change in compensation does not apply to a council member during the council member's term of office. However, this does not prevent the adjustment of the compensation of all members of a council serving staggered terms, such as the Riverbank City Council, whenever one or more members of the city council becomes eligible for a salary increase by virtue of the council member beginning a new term of office. In 2024 terms of office will expire for the mayor's seat and council members for District 2 and District 4, therefore all members of the City Council would be eligible for a salary adjustment when either the incumbents for these three seats or a newly elected official for these seats takes their oath of office in December 2024.

STRATEGIC PLAN

While this item is not directly related to the City Council's adopted Strategic Plan, just compensation for all members is encouraged due to the time commitment made in the service of their community.

FINANCIAL IMPACT

Council salaries are budgeted on an annual basis during the normal budgeting process. The adoption of this ordinance would not take effect until December 2024 which would affect the Fiscal Year 2024-2025 annual budget. Approximate increase in base salary and payroll costs of \$22,600.

ATTACHMENTS

1. Ordinance 2024-XXX
2. Ordinance 1986-01
3. Ordinance 2004-011
4. Senate Bill No. 329

CITY OF RIVERBANK

ORDINANCE 2024-XXX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
AMENDING TITLE III: ADMINISTRATION, CHAPTER 30: CITY COUNCIL,
SECTION 30.02: COMPENSATION, OF THE CITY OF RIVERBANK CODE OF
ORDINANCES**

WHEREAS, California Government Code section 36516(a), as amended by the adoption of SB 329 in 2023, provides that council members in cities with a population up to 35,000 may receive up to Nine Hundred Fifty Dollars (\$950) per month in salary; and

WHEREAS, on December 13, 2004 the City Council of the City of Riverbank ("City") enacted Ordinance No. 2004-011 which established the compensation of the City Councilmembers at the rate of Three Hundred Fifty Dollars (\$350) per month, and Four Hundred Dollars (\$400) per month for the Mayor, and

WHEREAS, the compensation earned by the Councilmembers and Mayor, as modified in 2004, has not been increased, despite substantial increases in the cost of living, for nineteen (19) years; and

WHEREAS, because of the additional duties carried out by the Mayor, the Mayor's salary is traditionally established at a slightly higher level than that of other Councilmembers; and

WHEREAS, the rate of compensation for City Councilmembers is codified in Riverbank Municipal Code Section 30.02; and

WHEREAS, Government Code Section 36516.5 states that a salary increase cannot become effective until at least one Councilmember begins a new term of office; and

WHEREAS, two council members and the mayor will be elected in November of 2024 and will begin new terms of office in December 2024; and

WHEREAS, the City Council desires to increase council members' salaries as provided for in Government Code sections 36516(a)(4) as amended by SB 329, 36516(c), and 36516.5.

NOW, THEREFORE, THE CITY OF RIVERBANK CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1: The Riverbank Municipal Code, Chapter 30, "City Council" Section 30.02 "Compensation" is amended as follows:

§ 30.02 **COMPENSATION**

(A) *Purpose.* This section is enacted pursuant to Cal. Gov't Code § 36516, authorizing the Council to provide by ordinance that each member of the Council shall receive a prescribed salary.

(B) *Salaries.* Commencing on the operative date of this section members of the Council of the city shall receive, as salary, the sum of \$900 per month and the Mayor \$950 per month, as prescribed in Cal. Gov't Code § 36516 for cities up to and including 35,000 in population, which shall be payable from and after the operative date in this section at the same time and in the same manner as the salaries are paid to other officers and employees of the city.

(C) *Change in compensation.* Any change in compensation may only be made effective whenever one or more members of the City Council begins a new term of office.

(D) *Reimbursement.* The salaries prescribed herein are and shall be exclusive of any amounts payable to each member of the Council of reimbursement for actual and necessary expenses incurred by him in the performance of official duties for the city.

Section 2: If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3: This Ordinance shall become effective thirty (30) days after it passage by the City Council, and following the affirmative vote of a majority of the members of the City Council. Within fifteen (15) days of its adoption, a summary of the ordinance shall be published in a newspaper of general circulation in the City of Riverbank, State of California, which summary shall include the names of those Council Members voting for and against the ordinance. A certified copy of the full text of such adopted ordinance or amendment shall be on file in the office of the City Clerk.

The foregoing was introduced at a regular meeting of the City Council of the City of Riverbank held on _____, 2024; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote _____; said ordinance was given a second reading by title only at a regular meeting of the City Council on _____, 2024, Councilmember _____ moved its adoption, seconded by Councilmember _____, and upon roll call was carried by the following:

AYES:
NAYS:
ABSENT:
ABSTAINED:

ATTEST:

Gabriela Hernandez
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

APPROVED TO FORM:

City Attorney

PROPOSED

ORDINANCE NO. 86-01

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF RIVERBANK AMENDING SECTION 2 OF CHAPTER 6
OF TITLE 1 OF THE RIVERBANK CITY CODE

THE CITY COUNCIL OF THE CITY OF RIVERBANK DOES ORDAIN AS
FOLLOWS:

SECTION 1: Section 2 of Chapter 6 of Title 1 of the
Riverbank City Code is hereby amended to read as follows:

1-6-2: COMPENSATION:

(A) Purpose: This Section is enacted pursuant to Section 36516 of the Government Code, authorizing the Council to provide by ordinance that each member of the Council shall receive a prescribed salary.

(B) Salaries: Commencing on the operative date of this Section each member of the Council of the City of Riverbank shall receive, as salary, the sum of three hundred dollars (\$300.00) per month, as prescribed in Section 36516 for cities up to and including thirty five thousand (35,000) in population, which shall be payable from and after the operative date of this Section at the same time and in the same manner as the salaries are paid to other officers and employees of the City of Riverbank.

(C) Change in Compensation: The change in compensation provided for in this Section does not apply to a Councilmember during his or her term of office; provided, however, all of the members of the City Council shall receive the increase in salary whenever one or more members of the City Council becomes eligible for a salary increase by virtue of his or her beginning a new term of office. Until such time, the salaries of Councilmembers shall be one hundred fifty dollars (\$150.00) per month, as provided in subsection 1-6-2 (B) of the Riverbank City Code.

(D) Reimbursement: The salaries prescribed herein are and shall be exclusive of any amounts payable to each member of the Council of reimbursement for actual and necessary expenses incurred by him or her in the performance of official duties for the City of Riverbank.

(E) Operative Date: This Section shall become operative

(1)

only on and after the date upon which one or more members of the Council of the City of Riverbank become eligible for the salary prescribed herein by virtue of beginning a new term of office following the general municipal election next succeeding its effective date.

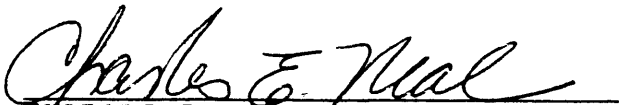
SECTION 2: This Ordinance shall become effective thirty days after its final passage and the City Clerk shall cause this Ordinance to be published once within 15 days after its passage in the Riverbank News, a newspaper of general circulation, published and circulated in the City of Riverbank.

Introduced at a regular meeting of the City Council of the City of Riverbank, held on the 13th day of January, 1986, by Councilmember David White, and given a first reading at said meeting. Said Ordinance was given a second reading at a regular meeting of the City Council held on the 27th day of January, 1986, and thereupon on motion of Councilmember Overholtzer, seconded by Councilmember White, was passed and adopted by the following vote:

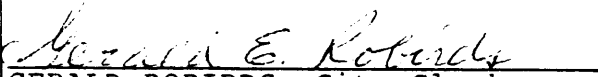
AYES: COUNCILMEMBERS: White, Overholtzer, and Mayor Neal.

NOES: COUNCILMEMBERS: Safreno and Porter.

ABSENT: COUNCILMEMBERS: None.


CHARLES E. NEAL, Mayor

ATTEST:


GERALD ROBIRDS, City Clerk

City of Riverbank

Ordinance No. 2004-011

**An Ordinance of the City Council of the City of Riverbank
Amending TITLE III: ADMINISTRATION, Chapter 30: CITY COUNCIL,
Section 30.02 COMPENSATION of the City of Riverbank Code of Ordinances.**

The City Council of the City of Riverbank does hereby ordain as follows:

SECTION 1: Title III: ADMINISTRATION, Chapter 30: CITY COUNCIL, Section 30.02 COMPENSATION, Subsection (B) and Subsection (C) is hereby amended to read as follows:

**TITLE III
Chapter 30: CITY COUNCIL**

§ 30.02 COMPENSATION

- (B) Salaries: Commencing on the operative date of this Ordinance members of the Council of the City of Riverbank shall receive, as salary, the sum of \$350.00 per month and the Mayor \$400.00 per month, as prescribed in Section 36516 for cities up to and including thirty five thousand (35,000) in population, which shall be payable from and after the operative date in this Section at the same time and in the same manner as the salaries are paid to other officers and employees of the City of Riverbank.**
- (C) Change in Compensation: Any change in compensation may only be made effective whenever one or more members of the City Council begins a new term of office.**

This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank held on November 22, 2004. Said ordinance was given a second reading at a regular meeting of said Council on December 13, 2004, and after such reading, Vice Mayor Benitez seconded by Councilmember Lineberger, moved the adoption of said ordinance and upon roll call was carried by the following:

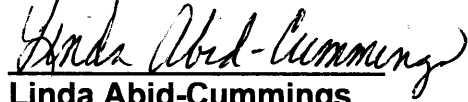
AYES: Councilmembers Benitez, Lineberger, and Mayor O'Brien.

NAYS: Councilmembers McGinnis and White.

ABSENT: None.

ABSTAIN: None.

Attest:



Linda Abid-Cummings
City Clerk

Approved:



William O'Brien
Mayor

Senate Bill No. 329**CHAPTER 27**

An act to amend Section 36516 of the Government Code, relating to local government.

[Approved by Governor June 29, 2023. Filed with Secretary of State June 29, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 329, Dodd. Cities: city council members: compensation.

Existing law authorizes a city council to enact an ordinance to provide each member of the city council a salary based upon the population of the city, as specified. Existing law authorizes that amount to be increased by the city council by an amount that does not exceed 5% for each calendar year from the operative date of the last adjustment of the salary that is in effect when the increase is enacted. Existing law provides for the procedures by which a city may enact ordinances.

This bill would increase the maximum amount of salary, based upon the population of the city, that may be approved by an ordinance passed by the city council, as specified. The bill would authorize the salary of council members to be increased beyond the specified maximums to an amount not exceeding the greater of either 5% for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted, or an amount equal to inflation since January 1, 2024, based upon the California Consumer Price Index, which shall not exceed 10% for each calendar year. The bill would require the city council to consider the adoption of an ordinance to increase council member compensation in open session during at least 2 regular meetings of the city council.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

Bill Text**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

SECTION 1. The Legislature finds and declares all of the following:

(a) The compensation schedule for general law cities has not been adjusted since 1984, meaning that city council compensation has not kept pace with inflation.

(b) Allowing cities to adjust their compensation for inflation since 1984 may help city councils become more diverse because increased compensation can help individuals from across different income levels receive

sufficient income from their service to help ensure that they can continue to serve the public and support their families.

SEC. 2. Section 36516 of the Government Code is amended to read:

36516. (a) (1) A city council may enact an ordinance providing that each member of the city council shall receive a salary based on the population of the city as set forth in paragraph (2).

(2) The salaries approved by ordinance under paragraph (1) shall be as follows:

(A) In cities up to and including 35,000 in population, up to and including nine hundred fifty dollars (\$950) per month.

(B) In cities over 35,000 up to and including 50,000 in population, up to and including one thousand two hundred seventy-five dollars (\$1,275) per month.

(C) In cities over 50,000 up to and including 75,000 in population, up to and including one thousand six hundred dollars (\$1,600) per month.

(D) In cities over 75,000 up to and including 150,000 in population, up to and including one thousand nine hundred dollars (\$1,900) per month.

(E) In cities over 150,000 up to and including 250,000 in population, up to and including two thousand five hundred fifty dollars (\$2,550) per month.

(F) In cities over 250,000 population, up to and including three thousand two hundred dollars (\$3,200) per month.

(3) For the purposes of this subdivision, the population of a city shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.

(4) The salary of council members may be increased beyond the amount provided in this subdivision by an ordinance or by an amendment to an ordinance, but the amount of the increase shall not exceed the greater of either of the following:

(A) An amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted.

(B) An amount equal to inflation since January 1, 2024, based upon the California Consumer Price Index, which shall not exceed 10 percent for each calendar year.

(5) No ordinance shall be enacted or amended to provide automatic future increases in salary.

(b) Notwithstanding subdivision (a), at any municipal election, the question of whether city council members shall receive a salary for services, and the amount of that salary, may be submitted to the electors. If a majority of the electors voting at the election favor it, all of the council members shall receive the salary specified in the election call. The salary of council members may be increased beyond the amount provided in this section or decreased below the amount in the same manner.

(c) Unless specifically authorized by another statute, a city council may not enact an ordinance providing for compensation to city council members in excess of that authorized by the procedures described in subdivisions (a) and (b). For the purposes of this section, compensation includes payment for service by a city council member on a commission, committee, board, authority, or similar body on which the city council member serves. If the other statute that authorizes the compensation does not specify the amount of compensation, the maximum amount shall be one hundred fifty dollars (\$150) per month for each commission, committee, board, authority, or similar body.

(d) Any amounts paid by a city for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section, provided that the same benefits are available and paid by the city for its employees.

(e) Any amounts paid by a city to reimburse a council member for actual and necessary expenses pursuant to Section 36514.5 shall not be included for purposes of determining salary pursuant to this section.

(f) A city council member may waive any or all of the compensation permitted by this section.

(g) (1) For the purposes of this section, a city council shall consider the adoption of an ordinance to increase compensation in open session during at least two regular meetings of the city council.

(2) At the first meeting, the city council shall present the proposed ordinance, which shall include findings demonstrating the need for the increased compensation. The ordinance shall not be adopted at the first meeting.

(3) At least seven days after the first meeting, the city council shall hold a second meeting to consider whether to adopt the ordinance.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.1

SECTION 11: NEW BUSINESS

Meeting Date:	January 9, 2024
Subject:	Nomination and Appointment of the Vice Mayor to Serve for the Year 2024
From:	Marisela H. Garcia, City Manager
Submitted by:	Gabriela Hernandez, City Clerk

RECOMMENDATION

It is recommended that the Mayor nominate a Councilmember to serve as Vice Mayor for the year 2024 and, by roll call vote, the City Council shall approve the Appointment for a one-year term.

SUMMARY

The City Council typically designates the Vice Mayor for a one-year term. Through nomination by the Mayor and favorable motion to approve by the majority vote of the Members of the Council. The Councilmember appointed will serve as Vice Mayor for the year 2024.

FINANCIAL IMPACT

There is no financial impact.

ATTACHMENTS

There are no attachments to this report.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.2

SECTION 11: NEW BUSINESS

Meeting Date: January 9, 2024

Subject: Annual Consideration of City Council Appointments to Intergovernmental Boards and Committees and Appointments to Internal City Committees for the Year 2024

From: Marisela H. Garcia, City Manager

Submitted by: Gabriela Hernandez, City Clerk

RECOMMENDATION

It is recommended that City Council:

- 1) Review the appointment lists; and
- 2) Volunteer or nominate a member of the Council to serve as the representative; and
- 3) By roll call vote, ratify the appointments for the year 2024.

SUMMARY

One of the first orders of business of each year is for the City Council to review the prior year's Board and Committee appointment lists as adopted, nominate a member of the Council or staff or volunteer for an appointment, and ratify the changes agreed upon by roll call vote.

The City's participation in various intergovernmental boards and committees provides a valuable opportunity for the City's legislative body to actively engage in the discussion and decisions that affect the residents of Riverbank, and ensure the City's best interest are taken into consideration.

In addition, Members of the City Council function in a liaison role to internal City committees which provides the opportunity for members to share their perspectives and recommendations on matters to be addressed while, simultaneously, foster open communication and collaboration with diverse committees of various community interests and expertise.

Intergovernmental Boards/Committees List

Stanislaus County Workforce Development Board. As a reminder, this board has been on the list for several years due to the understanding that a member of the council would have the opportunity to be designated to the Government seat on the board. After further inquiry of this seat it was determined that this seat is typically held by a County Representative, and is filled by the predecessor. To stay informed of the Agency and the Board's activities and decisions, other cities have appointed a Council Member to a separate "Interest Group". The Interest Group members receive notifications of the Board's meetings, the agenda, materials provided to the board, and may participate as an attendee of the meeting.

Stanislaus Homeless Alliance Board. According to the bylaws, the East County Cities of Oakdale, Hughson, Riverbank, and Waterford are to decide among themselves which two (2) cities will represent the region. Riverbank has been one of the representatives since 2019. At the writing of this report, the City Clerk had not been informed of any changes that may have occurred. Councilmember Darlene Barber-Martinez is currently serving on the Board and may provide clarification on the status of whether Riverbank will continue to serve as a representative of the region.

Lower Stanislaus River Trail Improvement Plan Committee. This Committee was formulated in 2013 with Representatives of the Cities of Riverbank, Oakdale, and Ripon and the Local Government Commission and the National Park Service to work together to enhance public use and stewardship of the lower Stanislaus River. Vice Mayor Cal Campbell had been the designated Riverbank representative, with his departure from City Council this position is currently vacant. The Committee has been inactive for several years due to lack of interest.

Internal City Committees

Budget Advisory Committee (BAC). This is a (7) member advisory committee, including (1) non-voting Council representative and Council alternate, tasked to review and discuss the City's operating budget and makes recommendations on projects, programs, and policies to the City Council. This committee has been inactive for the past (5) years. Recruitment for five (5) members of the community will commence this year in anticipation of the preparation of the Fiscal Year 2024-2025 Annual Budget.

The 2023 ratified list of External Intergovernmental Boards and Internal City Boards is provided for Review and ratification of any changes made for the year 2024.

STRATEGIC PLAN

City Council and Staff serve as city representatives fostering relationships with external agencies and community members, and at times may involve collaborating joint efforts on accomplishing various aspects of the strategic plan.

FINANCIAL IMPACT

There is no financial impact.

ATTACHMENTS

1. Prior year 2023 adopted Boards and Committees lists.

2023 List of Appointments

(Ratified on January 10, 2023)

BOARD / COMMITTEE	COUNCIL REPRESENTATIVE (2023 - Appointments)
<u>LEAGUE OF CALIFORNIA CITIES</u> <u>CENTRAL VALLEY DIVISION EXECUTIVE COMMITTEE</u> Meets: Quarterly, TBD when scheduled Location: It rotates among the Northern and Southern central valley cities, TBD. (Annual breakfast meeting of the year takes place at the League's Annual Conference in September) The Central Valley Division (CVD) is led by an executive committee made up of local government officials who provide overall guidance and direction for CVD activities. These activities provide a variety of avenues for individuals to take the opportunity to exchange ideas and information and share the advantages of cooperative advocacy.	Vice Mayor Rachel Hernandez (Primary) Councilmember Luis Uribe (Alternate)
<u>San Joaquin Valley Air Pollution Control District</u> <u>Special City Selection Committee</u> Meets: At least once annually and as needed Location: Northern Region Office, 4800 Enterprise Way, Modesto This Committee's purpose is to appoint (5) Council Members to the San Joaquin Valley Air Pollution Control District's Governing Board.	Councilmember Darlene Barber-Martinez (Primary) Councilmember Luis Uribe (Alternate)
<u>STANCOG – POLICY BOARD</u> Meets: The 3rd Wednesday of each month; 6:pm Location: 1111 I Street, Suite 308, Modesto To work together with local cities to enhance communication, cooperation and comprehensive planning in dealing with regional issues.	Mayor Richard D. O'Brien (Primary) Vice Mayor Rachel Hernandez (Alternate)
<u>STANISLAUS HOMELESS ALLIANCE BOARD</u> <u>(RESOLUTION NO. 2019-032)</u> Meets: 1st Wednesday of Each Month at 5:30 pm Location: Tenth Street Place, Board Chambers, 1010 10th Street (Basement), Modesto The Alliance Is A Collaborative Board Formed to Align Homeless Service, Planning, And Funding Among Stakeholders in Stanislaus County. The Board Consists of Several Community Leaders of Governmental and	Councilmember Darlene Barber-Martinez *(primary) *If and when the final decision is made by the East County Cities to assign Riverbank as the second representative city. City Manager (per bylaws serves as the Alternate)

2023 List of Appointments

(Ratified on January 10, 2023)

Nongovernmental Entities. A Primary Voting Member Is Appointed by The City Council Annually.	
BOARD / COMMITTEE	COUNCIL REPRESENTATIVE (2023 - Appointments)
<u>STANISLAUS OFFICE OF EMERGENCY SERVICES DISASTER COUNCIL</u> <u>Meets:</u> Once a year or as necessary (tentative April 13th) <u>Location</u> Harvest Hall Cornucopia Way, Modesto To make recommendations to local governing agencies on matters pertinent to development of mitigation, disaster preparedness, response & recovery plans, and programs for any potential local emergency.	Councilmember Luis Uribe (*Primary) Vice Mayor Rachel Hernandez (Alternate) (*Note: The appointed Councilmember serves a 2-year term; ending 12/2025.)
<u>(NEW) "INTEREST GROUP MEMBER" OF THE STANISLAUS COUNTY WORKFORCE DEVELOPMENT BOARD</u> (formerly the Stanislaus Business Alliance Board that ended 6/2016) <u>Meets:</u> The 1st Monday of the 1st month of every quarter. <u>Location:</u> 251 E. Hackett Road, Modesto. The WDB is a business led public body whose members are appointed by the Board of Supervisors to oversee activities funded by the Workforce Innovation and Opportunity Act. The WBD is responsible for shaping and strengthening local and regional workforce development efforts to support small, medium and large business job growth by providing services such as job search assistance, resume development, career counseling, and job placement assistance.	Councilmember Darlene Barber-Martinez (Primary) Councilmember Leanne Jones Cruz (Alternate) (Note: The Stanislaus County Workforce Development Agency is a County Agency; not to be confused with Opportunity Stanislaus Agency, which is a nonprofit organization; a separate entity.)

2023 List of Appointments

(Ratified on January 10, 2023)

<u>Lower Stanislaus River Trail Improvement Plan Committee</u> (Resolution No. 2013-069) <u>Meets:</u> TBD <u>Location:</u> TBD Representatives of the Cities of Riverbank, Oakdale, and Ripon and the Local Government Commission and the National Park Service will be working together to enhance public use and stewardship of the lower Stanislaus River.	Councilmember Leanne Jones Cruz (Primary) Councilmember Darlene Barber-Martinez (Alternate)
CITY / LRA COMMITTEES	COUNCIL / LRA LIAISON (2023 – Appointments)
<u>BUDGET ADVISORY COMMITTEE (BAC)</u> <u>Meets:</u> As needed <u>Location:</u> City Hall Council Chambers or City Hall South Conference Room This (7) resident member advisory committee, including (1) non-voting Council representative and a Council alternate, reviews and discusses the City's operating budget and makes recommendations on projects, programs, and policies to the City Council.	Councilmember Luis Uribe (Primary) Councilmember Rachel Hernandez (Alternate) (Note: This committee has been inactive for the past five (5) years.)
<u>FRIENDS OF JACOB MYERS PARK (JMP)</u> (A non-profit organization) <u>Meets:</u> On a monthly basis <u>Location:</u> City Hall Council Chambers Works on projects, park planning, and fundraising events.	Councilmember Darlene Barber-Martinez (Primary) Councilmember Rachel Hernandez (Alternate)
<u>SISTER CITY</u> <u>Meets:</u> As needed <u>Location:</u> TBD based on availability	Councilmember Luis Uribe (Primary) Councilmember Rachel Hernandez (Primary)

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.3

SECTION 11: NEW BUSINESS

Meeting Date:	January 9, 2024
Subject:	Adjustments to the 2024 City Council Meeting Schedule
From:	Marisela H. Garcia, City Manager
Submitted by:	Gabriela Hernandez, City Clerk

RECOMMENDATION

It is recommended that the City Council by roll call vote:

- 1) Cancel the meetings of July 9th, August 13th, November 26th and December 24th, for a modified summer schedule and to minimize conflicts with Holiday Activities.

SUMMARY

Summer 2024

It is not uncommon for agencies to set up a schedule that includes adjustments for summer vacations. The City has in the past adopted a modified summer schedule which allowed staff, as well as members of the City Council, to effectively coordinate their vacation plans and minimize scheduling conflicts. In consideration of the number of projects moving forward, it is proposed that the City once again hold only one meeting in July and August rather than cancel both meetings in one of the summer months.

This is consistent with the meeting schedule from 2023 and previous years. The Labor Day Holiday does not fall on the City council meeting week in 2024, so no changes to the September City Council meeting schedule are proposed. However, if Council would like to consider alternate or additional Council meeting closures to accommodate summer plans it is within Council's authority to do so. In previous years Council has elected to cancel both a meeting in July and a meeting in August. The proposed cancellation dates, should Council elect to continue this practice, would be **July 9th and August 13th**. This is also an election year and would greatly benefit the City Clerk's Office in accommodating the nomination period and be available for potential candidates.

Fall/Winter 2024

It is also recommended that Council cancel the **November 26th and December 24th** meetings. The November 26th date is right in the middle of frequent Council, Staff and Community Thanksgiving holiday travel schedules. Similarly, the December 24th date falls on the week of Christmas and therefore is recommended for cancellation. As always, in the event that issues arise that need to be attended to between regularly scheduled meetings, a special meeting can be held.

FINANCIAL IMPACT

There is no financial impact.

STRATEGIC PLAN

Since the City Council meetings play an integral role in the delivery of the strategic plan, establishing a clear Council Meeting Schedule relates directly to most aspects of the strategic plan.

ATTACHMENTS

There are no attachments to this report.