

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



TUESDAY, MARCH 12, 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** - 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 2 Rachel Hernandez
Council Member / Authority Member District 4 Darlene Barber-Martinez
Vice Mayor / Vice Chair District 3 Leanne Jones Cruz
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.

Mayor O'Brien declared a conflict with item 13.1.

7. PRESENTATIONS (Informational only)

Item 7.1 **Proclamation- Women's History Month March 2024**-It is recommended that the City Council read and present a Proclamation for Women's History Month to City of Riverbank Soroptimist Member, Penny Bartholomew.

Mayor O'Brien presented the Proclamation for Women's History Month to Soroptimist Club Member, Penny Bartholomew and fellow Club Members.

Item 7.2 **Workshop on the City's Housing Element Update-** It is recommended that City Council hear a staff presentation on the Housing Element Update effort. The presentation will serve to provide an overview of the 6th Cycle Housing Element update and new State Housing Laws. No recommendation or formal action is necessary at this point of the Housing Element Update process.

David Niskanen, with JB Anderson Land Use Planning gave a presentation and overview of the 6th Cycle Housing Element update and new State Housing Laws.

Evelyn Halbert, Riverbank Resident asked, if it could be clarified a little bit more when the staff, when you could be evaluating the sites. Most of the sites are privately owned, residential, non-residential, once you evaluate these privately-owned properties. How does the city go about obtaining the properties or the developer? Do you rezone it? What rights do the property owners have if they don't want to be developed?

David Niskanen, clarified, the housing element includes sites that are available for housing development, whether the sites develop into what's being proposed or not proposed. But what's being planned for, or what allows the city, as it relates to density, and zoning is up to the private owner of that property, whether they sell to a developer to develop, say, a subdivision, or, they develop the site themselves. So, the housing element is just a tool to identify sites that could be available over the next 8 years, but doesn't require sites to be acquired by any developer or city or otherwise.

Jami Aggers, Modesto Resident, I have a couple of comments for the person making the presentation, they very rapidly went over the slide that showed 4-person households, and I was wondering if they could please put that back up on the screen because I couldn't take notes quick and quick enough. But, also thank you to the presenter for pointing out that the crackdown is not for cities that are not trying to meet the RHNA numbers, because often it seems like jurisdictions, try to kind of hide behind, you know. Oh, we have to meet these numbers. So, thank you for clarifying that. And, lastly when I listened to this presentation a year ago, you did have the numbers. In other words, what percentage you were meeting toward the various very low, low, moderate, and above moderate-income levels? So, I'm curious if its to why you don't have numbers this evening?

City Manager Garcia, clarified the presentation is in the agenda, on page 19. In regards to the percentage as was share by David, that is part of the Annual Progress Report, which will be coming at a subsequent city council meeting. This is just specific to the housing element update process.

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 6:34P.M.

Residents who spoke regarding PG&E Concerns

Michelle Morgan, Riverbank Resident, I know that the City of Riverbank does not control the electric rates for PG&E, but I do know that you can petition the CPUC to change our area to MID. I know it's happened before. I previously worked at Turlock Irrigation District in Patterson did it. They requested it be moved from PG&E to TID. I don't know if you guys are aware of the difference in the rates between PG&E and MID, but MID is not for profit. PG&E made 18 billion dollars last year, that's 2 billion more profit than they made the year before, and they are making it from us. So, for myself, just as an example, for last month I paid 42 cents per kilowatt hour for the first tier, and 56 cents kilowatt hours for the second tier, for my 674 Kklowatts that I use, I paid \$319 for that electricity bill. If I had been with MID my bill would have been \$135. That is a lot when we have someone who is profiting from us in tat manner. In the area I live in, there are a lot of low-income people that of course can get discounts, and that type of thing, but not enough to make a difference. My experience from TID with Patterson. There was a fee that the rate holders, customers, has that they paid us about \$35 a month for their bill for 5 years and that took care of the transition for it. There's been a lot of chatter online about this and a lot of people saying that our city doesn't care, that we have to deal with this and that. We have these bills and I just can't believe that people that are in positions such as you, would not care and would not want to help. So, I just wanted to request that maybe you guys look into that, just to take care of your constituents.

Aleida Landeros, Riverbank Resident, I've lived in Riverbank for 60 years and I live in the old Riverbank, not the new one. My parents also live in the old. We are all on a fixed income and our PG&E bill is ridiculous. Its at \$400 to \$500 a month, and in the summertime is the same way, and I would just like you guys to take into consideration and maybe get MID and help us out so we can do more shopping with the extra money that we get.

Gregory McHale, Riverbank Resident, I'm with them, but I have a different side to this. So, from my perspective year over year my bill went up, I would say close to 70%. And I used 20% less electricity this last year over January of last year. I'm looking at buying a new home, one of the new homes. I'm in North Landing currently, but I think about the renters. I plan on turning my home into a rental property. And I'm looking at the way the rates are right now, and with the 20% increase proposed in April, I'm concerned that the electric bill would be in par with my mortgage. I want to keep my home as a rental, but I don't see how a renter would be able to afford that.

Libby Longstreth, Modesto Resident spoke in opposition of the River Walk Project and the time allotted for the comment period for the River Walk DEIR, I feel like that's not very fair, and maybe more could be available and more time could be allotted.

Dave Romano, on behalf of the River Walk project, I came to watch the housing element update that's always interesting, cities have a responsibility and it's a challenge that the State puts on you. Secondly, I wanted to thank the council for the workshop on February 27th. We really appreciated your time setting it up in a format that allowed for the public to comment. And with that said, I just wanted to let the Council know a lot of times on the

project there's discussion about flooding and the site floods and you know your EIR is now out on the street. There's a lot of information available that people can review. Actually, the EIR says that state policy has recently enacted State legislation SB 5, and it calls for a 200-year flood protection for urbanized areas and that it goes on to say that to account for the new requirements imposed by SB 5 Stanislaus County and the City of Riverbank have developed flood mapping that delineates the 200-year floodplain. And finally, that the project area the areas proposed for development are located outside the 200-year flood plain, and therefore will not be subject to the additional requirements of the 200-year flood zone. So, you know the site before there was a New Melones maybe there was some flooding. There were levees that were built, but the site's not in a flood plain. It's important to know. I know the Council's heard that before, and since I was coming I just thought I would mention that to you. Chapter 39 of the EIR. You can review it. That's the City's independent consultant, and the document has a lot of good information there that I think is helpful.

Karen Conrotto, Modesto Resident spoke in opposition of River Walk Project. Since Dave Romano just mentioned the flooding issue, something to be considered, would be the change in climate and the series of dry years and wet years that we have. If we have, you know, 3 or 4 wet years like we had last year there would be guaranteed flooding. Also, there's been talk of, I think, increasing the height of the levy to afford for protection for the new building. However, if you have increased level of water to go up to the higher level of that of the levy. You are going to have a flow up the river which would put River Cove itself at higher risk of flooding. I think that needs to be further looked into. I agree with Libby with the request for an extended timeline. We're talking about a massive amount, you know, of intricate information that needs to be looked at and digested and analyzed and be able to respond to. So, I am also asking for an extended timeline before the response to the DEIR.

Randy Richardson, Love Riverbank, just wanted to make an announcement, and let everybody know that Love Riverbank is coming up very quickly. The date is April 27th, it will be a Saturday. Go online at LoveRiverbank.com and you can register for the projects that are online. So, that we could participate together as a community. Last year we had just a little over 100 volunteers, and so we are expecting more. I've been on Zoom meetings with Love Riverbank and Love Stanislaus and Love other cities that are participating, and one of the things they struggle with is the participation and support of the Mayor and City Council. And I am blessed and feel very encouraged to have a Council and Mayor that supports what we're trying to do in Riverbank. I believe that is all of us would just mark our calendars, April 27th we meet at the Community Center Park at 8am in the morning, we get a t-shirt, you get a ticket, so we will purchase your lunch for that day. And after work we go to the Carnival and have fun.

Jami Aggers, Modesto Resident, commented and spoke on the draft environmental impact report and its impending deadline on Monday, March 18th. There have been several requests to extend the comment deadline and I just wanted to implore the Council to give the general public the opportunity for additional comment time. Over 2,600 pages of material to review is voluminous and difficult for people to comprehend. Myself, I have a background in this type of information and even for me it took countless hours to review.

And yet, I'm still trying to complete my comments before Monday's deadline. So, I just implore you to consider additional time particularly given that you have extended the deadline for Spanish speaking residents to comment.

Evelyn Halbert, Riverbank Resident I just wanted to make a quick comment regarding your PG&E and MID, because I've been downtown a very long time also. And just to let you know the reason they had a problem getting MID down here before was because PG&E did not want to give them their poles. They would either have to buy the poles or install their own poles, and that was cost prohibitive, and it would have raised our bill for MID if they did come in and do that. So, I just wanted you to take the data also into consideration, of would happen to our MID rates if they have to pay PG&E to install all those poles.

There being no further public comments, Mayor O'Brien closed the Public Comment period 6:53P.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 February 13, 2024 and February 27, 2024.
- Item 9.3** **Acceptance** of the Drywell Rehabilitation Project and Authorization to File a Notice of Completion
- Item 9.4** **Authorization** for Out of State Travel Request for Mayor Richard D. O'Brien and City Manager Marisela H. Garcia to Travel to Washington D.C. for a Meeting with the U.S. Army
- Item 9.5** **Resolution 2024-010** to Waive the Community Center Rental Fee for the City of Riverbank Historical Society for their Annual Mother's Day Breakfast Fundraiser Event.

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

10. PUBLIC HEARINGS

No Items Scheduled.

11. NEW BUSINESS

No Items Scheduled.

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:

- Easter extravaganza event will be held on Saturday, March 23rd at Jacob Myers Park. It does include an Easter egg hunt and pictures with the Easter Bunny. So, hope everybody can join us that day*
- The River Walk presentation made to the City Council on February 27th is available for viewing on the River Walk Webpage. We did condense the video so that it only highlighted the presentation to facilitate that for our residents who were not able to attend.*
- Also available is the specific plan in both English and Spanish, and the English version of the draft environmental impact report is also on the website. We currently do not have an estimated date for the receipt of the translated version of the draft environmental impact report. Therefore, I will be recommending an extension of the public comment period until we can solidify the date that that will be received, and then bring that back to council for a firm date.*

Item 12.2 Council/Authority Member

Councilmember Hernandez reported on the following:

- I just wanted to give a quick update on this last week's election. The Superintendent from Riverbank Unified School district came to present to us on a bond measure, and it passed. So, we'll likely see some updates over at Cardozo and the rest of the district.*

Councilmember Uribe reported on the following:

- Me and a group of local electeds, we had a chance, an opportunity to sit with Senator Bogh. Kind of discuss some housing issues. We just express some concerns over the 7 years we've seen a ton of housing legislation come through, and they've all been kind of geared towards addressing this housing shortage, affordability, whatever you want to call it and, in my opinion, it hasn't really worked right. So, I mean, we see the cost of the houses at the moment. So, we're just kind of urged her and her committee to kind of address those RHNA numbers maybe bring HCD, to her committee just to kind of address that.*

- *Wednesday, I'll be meeting with Lieutenant Governor Kunalakis just to advocate to the State to continue the support programs for our homeless. Some of the money is being diverted to address the housing shortfall, but like I said, it's some of it's working, some of it is not.*
- *At our previous meeting, negotiations kind of fell through for continued discussions for the City Hall. So, I don't know if the Council is even interested, but I would like to see us maybe revitalize that. Continue the negotiations. But still look at those other options still hold that forum.*

Councilmember Barber-Martinez reported on the following:

- *Thanks to our Parks and Recreation Department for our new and upcoming events. There seems to be some exciting events for us to go to.*
- *Thanks to our Public Works Department for being out there in the rain and the wind. We appreciate you.*
- *An announcement from the Disabled American Veterans. Chapter 26, of Modesto. They're having a fundraiser at the Texas Roadhouse, and it's going to be March 26th from 4:30pm to 6:30pm.*

Vice Mayor Jones Cruz reported on the following:

- *No Comments.*

Item 12.3 Mayor/Chair

Mayor O'Brien reported on the following:

- *I too will be meeting with Lt. Governor tomorrow. One of the things I think we should discuss and bring up is RDA, the redevelopment authority which was taken away from us by Governor Brown, although we may not have used it the best way for the City of Riverbank that does have a lot of opportunities for establishing and correcting some of our shortfalls in housing. It really does give us the incentive to move forward.*
- *Some items that are coming on down, from the Air board that are quite restrictive. For auxiliary vessel called the Tugboat, or others. You have to have it an electric vehicle to pick it up from ports like Long Beach, L.A. or some of the others. You have to have an electric vehicle when you have hundreds of thousands of containers coming on in. Yet you only have 134 vehicles that can pull them out of the port. You're going to have a backlog. That's something called math. Some of the farmers are now being restricted to the amount of vehicle miles they can travel if they have a class 3 or older vehicle. But, were being so restrictive, that whatever you bring you can grow. You can't bring the market, or you can't export. There's a lot, and that is not going to go away. The air board is not going to anything about it. So, if you have a chance to go to the air board and speak, figure out the areas that we need to bring their attention.*

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 **LIABILITY CLAIMS**

(Pursuant to Government Code § 54961)
Claimant: O'Brien's Market
Agency Claimed Against: City of Riverbank

Bill O'Brien, Owner O'Brien's Market, I wish I was here for different reasons tonight, but I rise tonight to speak about a claim. The only claim I've ever filed against any Government agency. But it stems, from an incident on August 7, 2023, as my company truck was traveling down Oakdale Road, one of your city trees branches went through the cargo area of the truck, causing extensive damage. Through a Freedom of Information Act Public Records Act request I learned the following information. I think is extremely important to bring to your attention. Back, on December 17th, 2020, the City was advised by Grover Tree Service, your guys' contracted vendor specifically, Matt Long, who's a ISA Certified arborist that he suspected tree branches are being hit by trucks on Oakdale Road in the email he sent city staff. I quote, some of these trees are hanging down with some smaller branches in the sidewalk, and these trees will need to be pruned back to clear branches out of the roadway end quote. He recommended that they be trimmed, city staff responded that they agreed. 5 months later, on May 14, 2021, the city received a bid to trim those trees. Then nothing occurred for nearly 2 years. On April 11th, 2023, nearly 2 years after that bid was received city staff contacted Grover Tree service to say, Hey, is that bid still good? Turns out it wasn't, because they submitted a new bid that the city did approve, on June 12th, 2023, to trim those trees. That work started on August 9th 2023, 2 days after the tree branch went through my truck. Now, talk about the luck of the Irish. There was no luck of the Irish there that we're talking about 2 days and I probably would not be standing here in front of you. It took Grover couple more months to complete into August, October 2023, to finish trimming those trees. That timeframe was nearly 3 years long. From the time you were notified of a hazardous situation to the time that it was completed. And my truck got damaged, in that timeframe. We first went and got an estimate, and the repair shop said, is not repairable. It's going to be \$20,000 plus to replace the box in the back of our truck. We worked it, and found someone who would repair it and got it done for a lot less. So, my request to you is fair and reasonable. I didn't ask for everything I could of. I spent a lot of time. I've spent 6 years in that dais. I love the city. I'm just asking that the city be fair and reasonable with me. Let's get this solved so that there's no more additional cost that the city will have to pay.

There being no further Public Comments, Mayor O'Brien moved to Closed Session at 7:05P.M.

Mayor O'Brien recused himself from the Dais.

Reconvened from Closed Session at 7:14P.M.

14. **REPORT FROM CLOSED SESSION**

Item 14.1 Report from Closed Session **Item 13.1**
LIABILITY CLAIMS
(Pursuant to Government Code § 54961)

Claimant: O'Brien's Market
Agency Claimed Against: City of Riverbank

City Attorney Hallinan reported out from closed session.

ACTION: *City Council Unanimously voted to Approve the claim.*

15. ADJOURNMENT OF THE REGULAR MEETING

There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 7: 15P.M.to the next regular scheduled City Council / LRA Meeting of March 26, 2024 at 6:00 P.M.

ATTEST: (Adopted 03/26/2024)

APPROVED:


Gabriela Hernandez
City Clerk / LRA Recorder


Richard D. O'Brien
Mayor/ Chair