

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, SEPTEMBER 24, 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 6:00 P.M.
- 2. FLAG SALUTE** – Mayor 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.

Councilmember Barber-Martinez declared conflict of interest with Item 11.4

7. PRESENTATIONS (Informational only)

- Item 7.1** **Proclamation -Suicide Prevention Month- September 2024-** It is recommended that the City Council read and present the proclamation for Suicide Prevention Month to Nancy Andrews and Norm Andrews, volunteers for American Foundation for Suicide Prevention.

Mayor O'Brien read and presented the proclamation for Suicide Prevention Awareness Month to Nancy and Norm Andrews, volunteers for the American Foundation on Suicide Prevention.

Item 7.2 **Presentation- 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. No recommendation or formal action is necessary at this point of the Housing Element Update process.

Miguel Galvez, Senior planner with JB Anderson Planning gave a PowerPoint presentation on the 6th Cycle Housing Element Update.

Olivia Arambula, Timeless Real Estate to seek clarification on the requirements of the Housing Element.

Rich Holmer, Riverbank resident to share information from the California Department of Housing and Community Development (HCD).

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 6:49 P.M.

Olivia Arambula, Riverbank Chamber of Commerce to provide an update on upcoming events and extend an invitation.

Jami Aggers, Modesto resident to seek clarification on a comment made by Mayor O'Brien at the last City Council Meeting regarding the initiative and to request a meeting with Vice Mayor District 3, as her request has not been answered.

There being no further public comments, Mayor O'Brien closed the Public Comment period 6:54 P.M.

9. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council/LRA Board unless requested by an individual Council/Authority Member or member of the public for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by motion of the City Council/LRA Board.

Item 9.1 **Waive Readings.** All Readings of ordinances and resolutions, except by title, are waived.

Item 9.2 **Approval** of the City Council and Local Redevelopment Authority Board Minutes for August 27, 2024.

Item 9.3 **Resolution 2024-087** to Award Bid for the Roselle & S. Rosebrook Intersection Improvements Project to Hensley's Paving & General Engineering Inc., Authorize Execution of Future Change Orders, and Authorizing a Budget Amendment for an Additional \$261,219.00 from Measure L Local Streets and Roads.

Item 9.4 **Resolution 2024-088** Accepting the Annual Financial Report for Fiscal Year 2021-2022.

Item 9.5 **LRA Resolution 2024-002** to Award a Contract for Specialized Legal Services for the Local Redevelopment Authority and Authorize the City Manager to Enter into an Outside Counsel Services Agreement with Kutak Rock LLP.

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

ACTION: *By motion moved and seconded (Barber-Martinez / 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 HEARING

No Items Scheduled.

11. NEW BUSINESS

Item 11.1 **A Resolution to Approve a Contract Change Order for 60% Design for the Regional Recycled Water Project – Phase I to Brown and Caldwell, and Authorize a Budget Appropriation in the amount of \$2,254,540.00 from the Sewer Fund 106-** It is recommended that the City Council award the contract change order for preparation of the 60% design for the Riverbank Regional Recycled Water Project – Phase I to Brown and Caldwell, authorize the City Manager to execute a contract with said firm in the amount of \$2,049,540.00, authorize a contingency amount of \$205,000.00 (approximately 10%), and authorize a budget appropriation of \$2,254,540.00 from Sewer Fund 106 for said contract.

Director of Public Works Bridgewater, gave a comprehensive staff report and PowerPoint presentation on the contract change order for preparation of the 60% design for the Riverbank Regional Recycled Water Project-Phase I to Brown and Caldwell.

City Council Discussed item with City Staff.

Rich Holmer, Riverbank resident to seek clarification whether it will be a tertiary plant or improving our current plant.

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

ACTION: *By motion moved and seconded (Uribe / Barber-Martinez 5/0) to approve **Resolution 2024-089** approving a Contract Change Order for 60% Design for the Regional Recycled Water Project – Phase I to Brown and Caldwell, and Authorize a Budget Appropriation in the amount of \$2,254,540.00 from the Sewer Fund 106.*

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

Item 11.2 **A Resolution to Award a Contract Change Order for the 60% Design Phase Program Management and Project Permitting Support for the Regional Recycled Water Project – Phase I to Kjeldsen, Sinnock & Neudeck, Inc., and Authorize a Budget Appropriation in the amount of \$395,700.00.00 from the Sewer Fund 106 for FY 2024/2025-** *It is recommended that the City Council award the contract for ongoing program management for the 60% design phase and permitting support for the Riverbank Regional Recycled Water Project – Phase I to Kjeldsen, Sinnock & Neudeck, Inc. (KSN), authorize the City Manager to execute a contract change order with said firm in the amount of \$395,700.00 and authorize a budget appropriation from the Wastewater Enterprise Fund (Fund 106) for FY 2024/2025.*

Director of Public Works Bridgewater, gave a comprehensive staff report and PowerPoint presentation on the contract for the ongoing program management for the 60% design phase and permitting support for the Riverbank Regional Recycled Water Project – Phase I to Kjeldsen, Sinnock & Neudeck, Inc. (KSN).

City Council Discussed item with City Staff.

Evelyn Halbert, Riverbank resident to seek clarification on where the funds for this project are coming out of, whether it is the Sewer Fund or Enterprise Fund 106, are those two the same number? Second, Under Prop 218, funds have to be directly applied to the service residents are receiving, so how do you justify using the prop 218 funds across the river?

City Manager Garcia, clarified we refer to Waste water, or Sewer Fund, Enterprise fund, Operating fund 106, they are all the same fund. Sewer 106 is where all of our operating costs come from. We did do a Prop 218 notification process to our residents in order to allow us to raise rates for this specific project. So, if you think back to the workshop that we held with regards to the sewer rate study, the rates are broken up into different

components, one is to continue the operations of the sewer collection system and the sewer wastewater system, which is your treatment system itself. The second component is to provide for capital improvements in order to continue the operations of both your collection system, which would be all of your sewer lines in the street, etc. And then our wastewater treatment plants as well. So capital improvements to our wastewater treatment plant, despite the fact that it is across the river, still do qualify for costs that are eligible to be paid through the Sewer Enterprise Fund.

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

ACTION: By motion moved and seconded (Uribe / Barber-Martinez 5/0) to approve **Resolution 2024-090** awarding a Contract Change Order for the 60% Design Phase Program Management and Project Permitting Support for the Regional Recycled Water Project – Phase I to Kjeldsen, Sinnock & Neudeck, Inc., and Authorize a Budget Appropriation in the amount of \$395,700.00.00 from the Sewer Fund 106 for FY 2024/2025.

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

Item 11.3 **Resolution Adopting a Revised Statement of Investment Policy-** It is recommended that the City Council consider adopting a Resolution to amend the current Statement of Investment Policy originally approved in July 2007.

Assistant City Manager Alcator, gave a comprehensive report and PowerPoint presentation on a proposed revised Statement of investment Policy.

City Council Discussed item with City Staff.

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

ACTION: By motion moved and seconded (Jones Cruz / Hernandez 5/0) to approve **Resolution 2024-091 adopting the Revised Statement of Investment Policy.**

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

Item 11.4 **Direction on the Proposed Tiny Home Development and Park on City-Owned Property Near the Intersection of Jackson Ave. and Stanislaus Street-** It is recommended that the City Council receive an update on the

proposed development to be located on city-owned property and provide feedback to staff regarding the use of the site for a tiny home village permanent supportive housing development or a park.

City Manager Garcia, gave a comprehensive report and PowerPoint presentation on the proposed tiny home development and park on city owned property near the intersection of Jackson Avenue and Stanislaus Street.

Councilmember Barber-Martinez recused herself from the Dais at 7:22 P.M.

City Council Discussed item with City Staff.

Charles Neal, Riverbank resident to express the need of a park in the area.

Lorri Faile, Riverbank resident to seek clarification on the Tiny Home Development.

Rich Holmer, Riverbank resident to express the need of a park in the area.

*Gary Pearson, Riverbank resident to express the need of a park in the area.
(Submitted Written Comment Attached)*

Brad Hawn, Tiny Home Developer to provide feedback on funding that my no longer be available for the project.

Deanna Garcia, Tiny Home Management to express concern on the unhoused residents in the city, should this project not move forward.

Cal Campbell, Riverbank resident submitted a written comment to express the need of park in the area. (Submitted Written Comment As attached)

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

ACTION: *City Council gave direction to move forward and use the land as a neighborhood park for District 3. City Council will seek other vacant land in the city for a Tiny Home Development project in the near future.*

Councilmember Barber-Martinez reconvened to the Dais at 7:59 P.M.

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:

- *Jacob Myers Park open house which is being held tomorrow we do have 2 sessions, one from 3:30 to 5:00 P.M, and one that will go from 6:30 to 8:00 P.M at Jacob Myers Park. It's intended to have residents be able to provide feedback with regards to amenities they'd like to see at the Park. We were awarded a grant to update the master plan for that site. So, we certainly want to be able to incorporate any of our residents wishes in that, as we continue to work towards that.*
- *Floating Pumpkin Patch event this Saturday tickets are \$10, and we do want to thank a couple of sponsors that we've had, that Michael will be able to highlight the day of the event, so we thank them for being able to assist us in putting this together, and for all of the work that Staff has done with regards to this event.*

Item 12.2 Council/Authority Member

Councilmember Hernandez reported on the following:

- *I want to add and emphasize to Councilmember Barbara Martinez's point earlier about the website for the regional water recycling wastewater plant project. But more so to ask where we are on the communications RFP because I feel like we have a real opportunity to tell the story of you know how this project is coming together. We had some tension around North County Corridor and that huge project itself. And so, I think it's important for us to you know, be proactive in telling the story communicating with the public and letting them know like where we are in this process. So, we're all on the same page moving forward. So is there an update on that.*

City Manager Garcia: An update will be provided at the next City Council meeting as some funding opportunities have come up.

Councilmember Uribe reported on the following:

- *No Comment.*

Councilmember Barber-Martinez reported on the following:

- *I received an email from a resident in District 4 regarding the crosswalks at Enochs. They needed attention because they were not clearly marked and were dangerous for students, pedestrians, and drivers. So, our City Staff contacted the City of Modesto, and the next day the issue was corrected. I just want to say thank you to Modesto for caring about our residents that attend Enoch's High School as much as we care for them to and we really appreciate the collaboration, and how quickly they got that done.*
- *An update on SHA our Stanislaus Homeless Alliance, we received a presentation. It was pretty much like the same one that we received about all kinds of funding for the regional homeless situations and it was grants that the county had received.*
- *The Stanislaus County urban projects that were presented included the before and after pictures of our Castleberg Park, the same ones that we saw about the ADA and trail improvements.*
- *An update on COSC which is a community system of care for Stanislaus County. So, even though there were flyers available for our ribbon cutting for the Sierra*

house, I personally made an announcement to ensure that everyone knows that Riverbank is moving forward with our programs to assist our unhoused neighbors.

- I want to say, thank you to everyone that attended the ribbon cutting for our newest park, Centennial Park, and thank you to parks and recreation for making our residents feel welcome and making it a fun event.
- Thank you to all our Hispanic leaders in the City of Riverbank that continue to help our City to move forward. So, whether they are old residents, or new ones, or young or old. I just want to say thank you for being a part of the City of Riverbank.

Vice Mayor Jones Cruz reported on the following:

- I have a couple announcements tonight if I can get through it. On a personal note although I'm a little choked up. I have a celebration, I am retiring from Modesto City Schools after 21 years of service. Friday is my last day at Modesto City schools. This will complete an actual 31 years of teaching and I'm very excited about it, whether you see this or not, but with that came the sale of my house. So, I have sold my house, and I will be retiring out of state, and so I am announcing that tonight and this has been an awesome run. My last council meeting will be October 8th and I will be stepping down because the house closes on Monday, and I will be moving out of my house on Monday. I couldn't really talk about it because of the closing, and didn't know if it actually goes through. I'm from here this is my home, but I also have family in another state, and unfortunately, being a single person, I wasn't able to retire and stay here, so I'm retiring out of state. But because this is my home, this is where I was born, it's not like you won't ever see me. I still have many, many extended families, and some of them are probably hearing this, because I haven't really set spoken a lot about it, because everything happened so fast. So, with that, said the City of Riverbank has a very near and dear place in my heart I will forever be grateful for all the opportunities. When I moved home 21 years ago to take the job with Modesto City Schools. I was the wayward child that traveled, and if you know me traveling is what I do and I will be doing some of it probably in the next few weeks. So, thank you, everybody that's been so supportive of me and this council, and I hope I've represented my neighborhood well you mean a lot to me and I will miss it. Thank you.

Item 12.3 Mayor/Chair

Mayor O'Brien reported on the following:

- No Comments.

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– Anticipated Litigation**
Significant Exposure to **Litigation**,
(Pursuant to Gov. Code § 54956.9(d))
Number of Potential Cases: **1**

September 24, 2024

To: Riverbank City Council

From: Cal Campbell; Former Council Member of District 3.

Subject: Agenda Item 11.4 Direction on Proposed Tiny home Development and Park on City owned property Near the intersection of Jackson Avenue and Stanislaus Street.

Good evening, Mayor and Council members. In January of 2022, the former Director of Parks and Recreation, Sue Fitzpatric, asked me to walk with her in the Jackson Avenue and Stanislaus Street area to find land for a future Neighborhood Park. In the past the public used Rio Altura School; currently The Language School; as a park after school and on weekends and holidays as a park. The Riverbank School District closed all schools to be used by the public when schools were closed because of damages to the schools; and the public getting injuries on the school grounds for possible legal suits.

During the past four years many retired older homeowners sold homes to families with children. They range in age from babies to teenagers. They play in the streets because of no neighborhood park. This area of District 3 is out of compliance with state and federal regulations by not having a neighborhood park. The area should totally be a neighborhood park where area families and others have a place to relax, gather, and do other activities.

I am not against tiny homes unless they are put in areas where the public needs use of the land. If these tiny homes are put into this area, it would create more traffic problems because of a school, rehabilitation hospital, a small mental facility, and near businesses getting daily traffic. This is not a good area for young adults; transcending out of foster homes and high schools, to be living in because they are very near a K-8 charter school, where there are traffic problems when students are being brought in the morning and picked up in the afternoon by private cars and busses. There are better areas in Riverbank where these tiny homes can be developed with less neighborhood problems.

A neighborhood park is needed more in this area than tiny homes!

Cal Campbell

Cal Campbell

AGENDA ITEM NO. 11.4 September 24th 2024

Comments from Garry Pearson, Resident of Riverbank, District 3

SEP 24 2024
Received By: *Juc*
2:36 pm

SUMMARY

Prior conversations with both the City Council and Planning Commission regarding the best use of the city-owned property located at Jackson Ave. and Stanislaus Street have provided varied feedback as to the best use of the site. Tonight, we are asking for feedback regarding the site in order to allow the City to move forward based on Council's Direction

First, I reside less than a mile from the Property being considered. In our neighborhood there are no parks, recreational and open spaces.

Second, I recommend that the City owned property at Jackson and Stanislaus be dedicated to a neighborhood park for the following reasons:

- There are no other neighborhood park space within the area being considered. Please see figure 1 and 2
- Open space for recreation, outdoor sports, and neighborhood activities would be a great advancement for the culture and community of the area.
- Currently, travelling to other areas of the city for parks, recreation and open space require the people to either travel by car, bicycle, walk or use public transportation'

Third, If council looks at figure 2 of the list of current inventory of parks and recreational areas there are no sites available other than the Jackson and Stanislaus site

Fourth, figure 3 shows an additional number of potential sites for housing for tiny homes, very low income, low income, moderate and high income housing.

Please consider the Jackson and Stanislaus property as a dedicated neighborhood park.

Best regards,

Garry Pearson

The map below labeled figure 1 indicates the current inventory of parks and recreation facilities. Figure 2 shows the number and location of current parks and recreation with in the city.

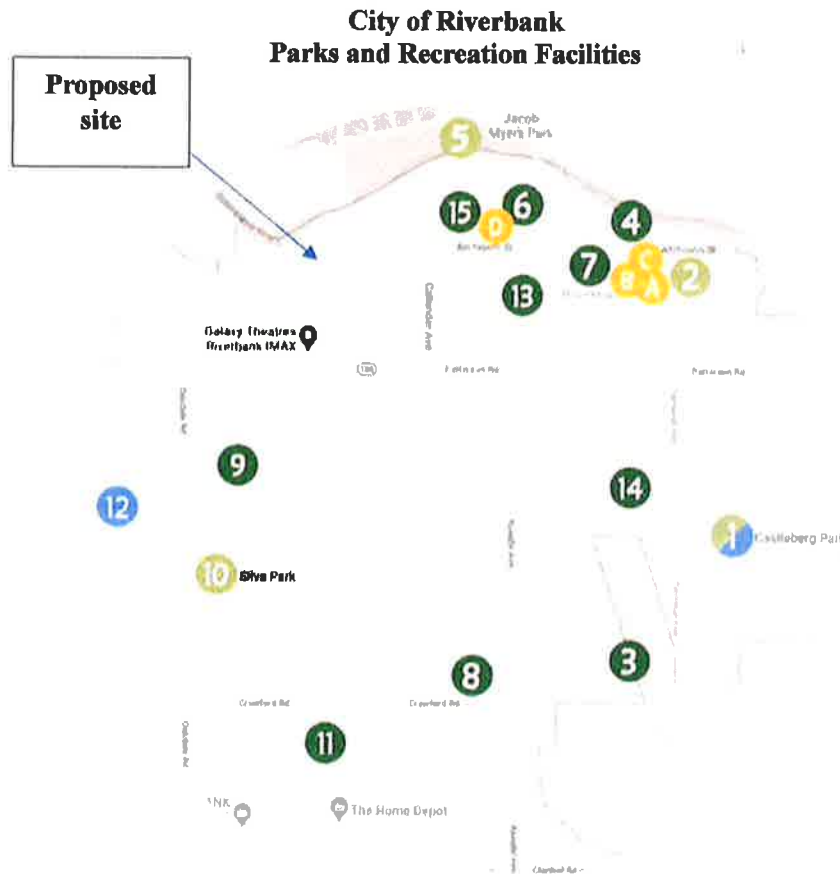


Figure 1

#	Park/Facility	Address
1	Castleborg Park	5845 Eighth Street
2	Community Park (Veteran's Park)	3600 Santa Fe
3	Harless Park	6600 Litt Road
4	Hutchinson Park	3411 High Street
5	Jacob Myers Park	2365 S. Santa Fe
6	Pioneer Park	3017 High Street
7	Plaza Del Rio	6702 Third Street
8	Rotary Centennial Park	6690 Procopio's Parkway
9	Safrano Park	2308 McAllister Lane
10	Silva Park	5800 Antique Rose Way
11	Sorenson Park	2622 Donner Trail
12	Riverbank Sports Complex	2119 Merrill Road
13	Stalvey Park- Skato Park	3036 Santa Fe
14	Whorton Park	6082 Tennessee Avenue
15	Zorillo Park	2800 Birchcliff Drive
16	Riverbank Community Center	3600 Santa Fe
17	Town Center	3600 (A) Santa Fe
18	Community Gym (Cardozo Gym)	3525 Santa Fe
19	Scout Hall	3017 High Street

Figure 2

Source: <https://www.riverbank.org/217/Parks-Facilities>

This map of the City of Riverbank indicates the number of open sites within the city which number 59 sites and relates to available space for additional housing including all categories of Housing and other uses.

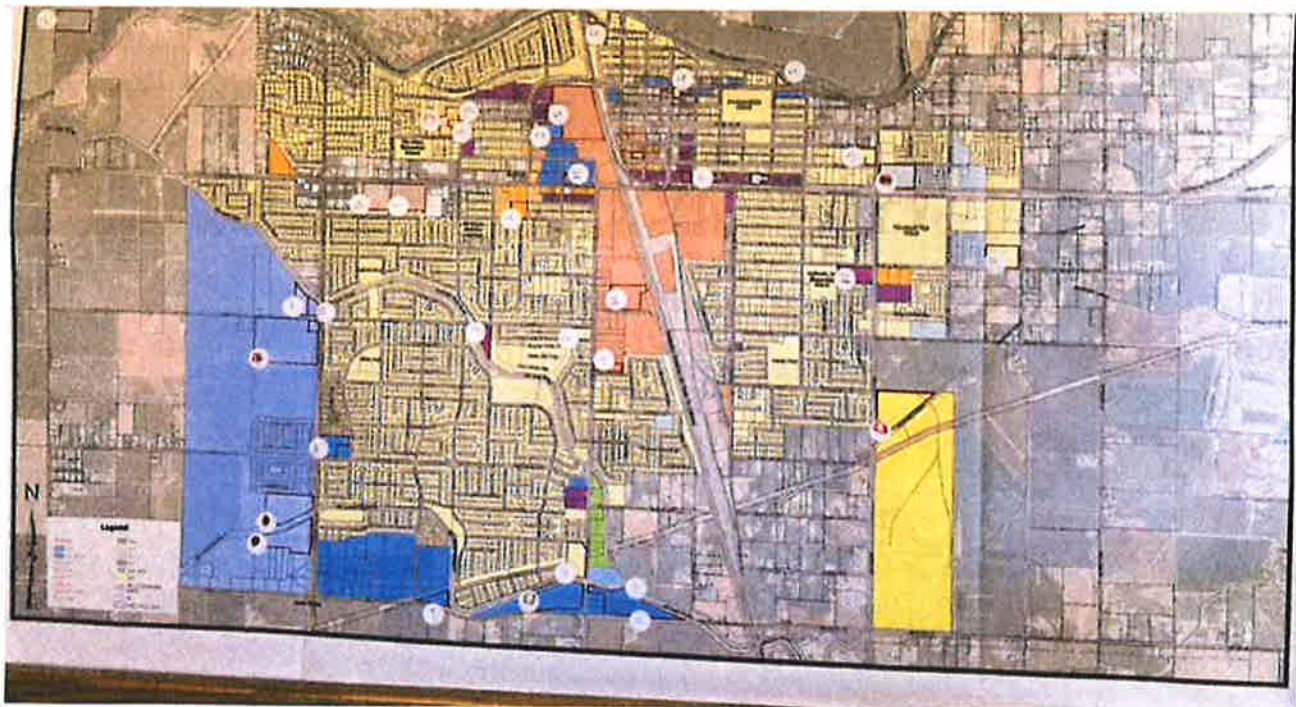


Figure 3

Source: <https://cityofriverbankca.nextrequest.com/documents/37214959?token=3b701a800c8d8767d3fe7688ed912ea5>

Item 13.2 **LIABILITY CLAIMS**
Pursuant to Government Code § 54961)
Claimant: Nathan Wilson
Agency Claimed Against: City of Riverbank

There being no public comment, Mayor O'Brien moved to Closed Session at 8:07 P.M.

Reconvened from Closed Session at 8:32 P.M.

14. REPORT FROM CLOSED SESSION

Item 14.1 Report from Closed Session **Item 13.1**
CONFERENCE WITH LEGAL COUNSEL– Anticipated Litigation
Significant Exposure to **Litigation**,
(Pursuant to Gov. Code § 54956.9(d))
Number of Potential Cases: 1

ACTION: *Direction has been provided to staff.*

Item 14.2 Report from Closed Session **Item 13.2**
LIABILITY CLAIMS
Pursuant to Government Code § 54961)
Claimant: Nathan Wilson
Agency Claimed Against: City of Riverbank

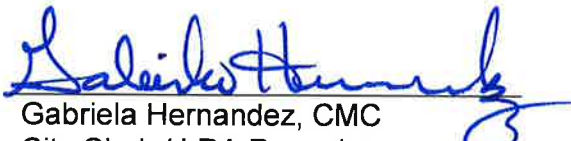
ACTION: *Claim denied by a vote of 5/0.*

15. ADJOURNMENT OF THE REGULAR MEETING

There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 8:33 P.M. to the next regular scheduled City Council / LRA Meeting of October 8th, 2024 at 6:00 P.M.

ATTEST: (Adopted 10/08/2024)

APPROVED:



Gabriela Hernandez, CMC
City Clerk / LRA Recorder



Richard D. O'Brien
Mayor/ Chair