

CITY COUNCIL / LRA BOARD

Mayor/Chair
Richard D. O'Brien
Council/Authority Members:
District 1 -Luis Uribe
District 2- Rachel Hernandez
District 3- Vacant
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, OCTOBER 8, 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** – Councilmember Barber-Martinez 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-VACANT
Mayor / Chair Richard D. O'Brien

5. AGENDA CHANGES

The order of Proclamations and presentation will be changed.

- 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 7.3** **Proclamation – Walk and Roll to School Day – October 9, 2024-** It is recommended that the City Council read and present a Proclamation for Walk and Roll to School Day to Armando Nunez, Program/Grant Manager for CASA Del Rio Family Resource Center.

Mayor O'Brien read and presented the proclamation for Walk and Roll to School Day to Armando Nunez, with CASA del Rio Family Resource Center.

Item 7.4 **Proclamation – Lights on Afterschool – October 18, 2024-** It is recommended that the City Council read and present the Proclamation for Lights on Afterschool to Armando Nunez, Program/Grant Manager for CASA Del Rio Family Resource Center.

Mayor O'Brien read and presented the proclamation Lights on Afterschool to Armando Nunez, with CASA Family Resource Center.

Item 7.1 **Proclamation – Code Enforcement Officer Appreciation Week-** It is recommended that City Council present a proclamation for Code Enforcement Officer Appreciation week to Neighborhood Improvement Officer II, Patrick McCulloch and Senior Neighborhood Improvement Officer, Eric White.

Mayor O'Brien read and presented the proclamation for Code Enforcement Officer Appreciation Week to Patrick McCulloch & Eric White Neighborhood Improvement Officers.

Item 7.2 **Proclamation- October 2024 – Fire Prevention Month-** It is recommended that the City Council read and present the proclamation for Fire Prevention Month to Ciera Sansing, Fire Inspector and Battalion Chief, Scott Burke with Stanislaus Consolidated Fire Protection District.

Mayor O'Brien read and presented the proclamation for Fire Prevention Month to Ciera Sansing and Scott Burke with Stanislaus Consolidated Fire Protection District.

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 6:25 P.M

Olivia Arambula: Riverbank Chamber of Commerce to provide an update on upcoming Chamber events.

Olivia Arambula: Riverbank resident to express concern regarding speed limit on Oakdale Road at the Oakdale Road and Claribel Road intersection.

There being no further public comments, Mayor O'Brien closed the Public Comment period 6:33 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 September 24, 2024.
- Item 9.3** **Resolution 2024-093** of the City Council of the City of Riverbank Declaring Certain Property Surplus as Listed in Exhibit A and Authorizing Its Disposition
- Item 9.4** **Resolution** Approving a Voluntary Contribution Agreement for Participation in the Eastern San Joaquin Basin Nitrate Control Program Management Zone with Valley Water Collaborative for a not-to-exceed amount of \$10,000.00 annually.

Councilmember Barber-Martinez pulled Item 9.4 for further discussion.

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

ACTION: *By motion moved and seconded (Uribe / Barber-Martinez 4/0) to approve the **Consent Calendar Items 9.1-9.3** as presented.*

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

AYES: Uribe, Hernandez, Barber-Martinez, and Mayor O'Brien

NAYS: None / ABSENT: None / ABSTAINED: None

- Item 9.4** **Resolution 2024-094** Approving a Voluntary Contribution Agreement for Participation in the Eastern San Joaquin Basin Nitrate Control Program Management Zone with Valley Water Collaborative for a not-to-exceed amount of \$10,000.00 annually.

Councilmember Barber-Martinez would like to get clarification on what is the Eastern San Joaquin Basin Nitrate Control Program and why we have Councilmember District 1 Luis Uribe to do this type of additional testing? Would like to get clarification for the public.

Director of Public Works Cody Bridgewater provided clarification, the nitrate control program is actually a two-part program that the State implemented back in I believe 2018. We are a priority 2 basin, which means we had to start going into effect and doing these regulations in 2022. So, in 2022, we entered the Sea B salts program, and the State is essentially trying to clean up the groundwater. So, they are looking at the aquifers and the basins that the wastewater treatment plants discharge, into which City of Riverbank discharges into the eastern San Joaquin Basin, which is just north of the river there. So,

we are a priority, 2 basin. In 2022, we entered into the CB Salts program under the salinity portion. And now, 2 years later, they are kicking in the nitrate portion. For example, say Pathway A is what you choose to treat your water at your wastewater treatment plant to the level that the State requires. In order to discharge or you can choose pathway B, which means you grow. You join this group or coalition, and you perform studies and additional sampling on your water so that the State can take that data and have a further knowledge of what degradation is going on into the into the aquifer being that the city does not have the ability to treat to that pathway A portion right now, with our existing treatment plant, we are required to go into the pathway B, which means joining the coalition. So, in order to maintain compliance with the state, we have to choose one path, and with the state of our facility right now, in the condition that it's in, in the quality of treatment we are able to do, we cannot choose the treatment portion. We must go with the coalition.

Councilmember Barber-Martinez, and it's my understanding these are mandated testing that we have to do by the State of California? Does that require us to hire additional staff? Or will our staff, you know, be doing the testing?

*Public Works Director Bridgewater, Yes, Mandated testing by the state.
No, ma'am, our contractor that does our testing currently will be taking care of that.*

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

ACTION: *By motion moved and seconded (Barber-Martinez / Uribe 4/0) to approve the **Consent Calendar Item 9.4** as presented.*

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

Item 7.5 **Recognition – Vice Mayor District 3, Leanne Jones Cruz-** It is recommended that the Riverbank City Council recognize Vice Mayor District 3 Leanne Jones Cruz for her dedication and public service to the City of Riverbank.

Mayor O'Brien read a presented a plaque and flowers to former Councilmember/Vice Mayor Leanne Jones Cruz in recognition of her time serving as Councilmember for the City of Riverbank.

10. PUBLIC HEARING

Public Notices for Item 10.1 & Item 10.2 were published on 9/25/2024 in the Riverbank News.

Item 10.1 **Resolution to Consider Approval of the Request for an Exception to Allow for Flag Lot Configuration and Vesting Tentative Parcel Map 01-2024 Located at 2842 Turpin Avenue (APN 132-062-003).** – It is recommended City Council adopt one resolution to approve a request of Mr. Jorge and Consuelo Alcala for an Exception to allow for a flag lot

configuration and to subdivide the subject parcel based on the General Plan and Zoning Consistency findings.

Michael Arroyo, Contract Planner with JB Anderson Land Use Planning gave a comprehensive staff report and PowerPoint presentation on the Request for an Exception to Allow for Flag Lot Configuration and vesting tentative parcel map 01-2024 located at 2842 Turpin Avenue.

City Council Discussed item with City Staff.

Mayor O'Brien opened the Public Hearing at 7:04 P.M.

Mayor O'Brien closed the Public Hearing at 7:04 P.M.

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

ACTION: *By motion moved and seconded (Uribe / Hernandez 4/0) to approve **Resolution 2024-095** approving the request of Rod Hawkins, Hawkins and Associates Engineering, Inc. for an exception request and tentative parcel map 01-2024, located at 2842 Turpin Avenue (APN 132-062-003).*

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

Item 10.2 **Resolutions to Consider Approval of (1) General Plan Amendment 01-2024, (2) Tentative Subdivision Map 01-2024, and (3) Architectural and Site Plan Review 06-2024 and the First Reading by Title Only and Introduction of an Ordinance Approving the Rezone 01-2024 5.9 Acres to Planned Development Located at 6448 Claus Road (APN 062-039-048) for the Heritage II Subdivision-** Adopt three resolutions and one ordinance approving the request of Summerfaire Commerce Center LLC. for a General Plan Amendment, Rezone, Vesting Tentative Subdivision Map, and Architecture and Site Plan Review to create forty-seven (47) single family residential lots in the proposed Heritage II subdivision. The property is located at 6448 Claus Road (APN 062-039-048).

Michael Arroyo, Contract Planner with JB Anderson Land Use Planning gave a comprehensive staff report and PowerPoint presentation on 1) General Plan Amendment 01-2024, 2) Tentative Subdivision Map 01-2024, and 3) Architectural and Site Plan Review 06-2024 and the First Reading by Title Only and Introduction of an Ordinance Approving the Rezone 01-2024 5.9 Acres to Planned Development Located at 6448 Claus Road.

City Council Discussed item with City Staff.

Mayor O'Brien opened the Public Hearing at 7:19 P.M.

Mayor O'Brien closed the Public Hearing at 7:19 P.M.

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

ACTION: By motion moved and seconded (Uribe/ Hernandez 4/0) to approve **Resolution 2024-096** Approving General Plan Amendment 01-2024 **Resolution 2024-097** Approving the Tentative Subdivision Map 01-2024 **Resolution 2024-098** Approving the Architectural & Site Plan Review 06-2024 and Approving the First Reading of proposed **Ordinance 2024-XXX** Approving the Rezone 01-2024 of 5.9 Acres to Planned Development located at 6448 Claus Road (APN 062-039-048).

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

AYES: Uribe, Hernandez, Barber-Martinez, and Mayor O'Brien

NAYS: None / ABSENT: None / ABSTAINED: None

11. NEW BUSINESS

Item 11.1 **Resolution Authorizing an Amendment to the American Rescue Plan Act Spending Plan-** It is recommended that the City Council receive an update regarding the ARPA Spending Plan Projects and provide direction to staff on possible amendments.

City Manager Garcia, gave a comprehensive staff report and power point presentation on the proposed amendment to the American Rescue Plan Act Spending Plan.

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 (Uribe / Barber-Martinez 4/0) to approve **Resolution 2024-099** authorizing an Amendment to the American Rescue Plan Act Spending Plan.

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

AYES: Uribe, Hernandez, Barber-Martinez, and Mayor O'Brien

NAYS: None / ABSENT: None / ABSTAINED: None

Item 11.2 **Consideration of the 2024 Cal Cities Annual Conference Resolution-** It is recommended that the City Council provide direction to the Voting Delegates for the 2024 Cal Cities Conference General Assembly on the proposed resolution.

City Manager Garcia, gave a comprehensive staff report and power point presentation on the 2024 Cal Cities Annual Conference proposed resolution and seeks direction for the voting delegate to vote at the General Assembly.

City Council Discussed item with City Staff.

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

ACTION: *Provided direction to the Voting Delegate's Councilmember Barber-Martinez as primary and Councilmember Hernandez as alternate, to support the Resolution No.1 as presented at the General Assembly. By City Council vote of 4/0.*

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

Item 11.3 **Nomination and Appointment of the Vice Mayor to Serve for the Remainder of the 2024 Calendar Year-** *With the resignation of the 2024 Vice Mayor, Councilmember District 3 Jones Cruz, the position became vacant. It is recommended that the Mayor nominate a Councilmember to serve as Vice Mayor for the remainder of the year 2024 and, by roll call vote, the City Council shall approve the Appointment*

City Manager Garcia, gave a comprehensive staff report on the nomination and appointment of a Vice Mayor to serve for the remainder of the 2024 Calendar Year, due to the resignation of Councilmember Leanne Jones Cruz who was serving as Vice - Mayor.

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 (O'Brien / Hernandez 4/0) to approve the nomination and appointment of **Councilmember Luis Uribe** as Vice Mayor for the remainder of the 2024 calendar year.*

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

- *Join us this Saturday, October 12th for the annual cheese and wine festival. The festival will run from 10 am to 10 pm. Here, in downtown Riverbank we have over 160 vendors, a car show, 2 stages with live entertainment throughout the day. Including the dancing horses at 12 pm. All day activities at the kids' corner. The festival is free to the public and tickets to the 3 wine tasting sessions at the Community Center are currently available at City Hall or on Eventbrite.*
- *The Sierra House, open house and dedication ceremony will be held on Monday, October 14th. The open house will run from 4 pm to 5:15 pm, with the dedication ceremony starting at 5:30 pm. The Sierra House is located at the corner of 4th Street and Sierra.*
- *The draft housing element will be made available to the public with this Thursday's publishing of the October 15th Planning Commission agenda and kicks off a 30-day review process. The draft housing element will then be brought forward to City Council at the November 12th meeting.*
- *The Haunted Hayride is happening on October 25th & 26th, at Jacob Myers Park.*
- *Our Dia de los Muertos event is scheduled for November 1st from 5 to 9 pm. Here in Downtown.*
- *Christmas Parade this year is scheduled for Saturday, December 14th.*

City Clerk Gabriela Hernandez reported on the following:

- *The district 3 City Council seat is currently vacant, we are conducting a recruitment and taking applications. Any persons interested are encouraged to apply. The minimum requirements are that you are:*
 - *18 years of age or older and that you are a registered voter residing within the boundaries of District 3.*
 - *Applications are available on our City website and at City Hall City Clerk Office. Applications will be accepted until Tuesday Nov. 12th at 12:00 pm. Interviews will be conducted in a special meeting soon after. For more information or questions please contact the City Clerk's Office.*

Item 12.2 Council/Authority Member

Councilmember Hernandez reported on the following:

- *Annual run for the cheese run is the morning of the cheese and wine festival. I'm going to be running the 10k. I ran my 1st mile like a month ago so wish me luck. I will see you all at the wine tasting though.*

Councilmember Barber-Martinez reported on the following:

- We had our presentation about the walk and roll to school. I'm asking everyone to join me at 7:15am at Castleberg Park. We will have fun walking with the kiddos to school.
- If you have not heard about the great shake out day, it will be October 17th at 10:17 am. You can join millions of people across the world practicing earthquake safety, do it at work, at school or at home. Just practice what to do in case we have an earthquake, because you just never know. So, I want to ask the question, do you know what to do if we do have an earthquake? you can go to the website www.shakeout.org, and find out more about the drills that you can practice on and know and be prepared in case we have an earthquake.
- Thank you to Cody and his department for putting the recycled water project on our website. I appreciate that because I think that we need to explain and have access to our big huge projects for the public.
- A couple of save the dates there will be a spaghetti dinner fundraiser and support for Veterans and First Responders. This will be at the Veterans Service Center, 3500 Coffee Road, Thursday, October 17th from 4:30 to 7:30 tickets are \$15 per person. And you can call the veterans first and there is a phone number 209-556-4738.
- Royal Neighbors of America. They will be having their 16th Annual Veterans luncheon. That will be on November 9th which is a Saturday. It is free to all Veterans, and you can also bring one guest, and it's at the Veterans foundation, 3500 Coffee Rd. Ste.15 in Modesto doors open at 11, and reservations are open now. They've been open since September 15th but they do close on October 15th so you have a little bit of time to get your call in and get your reservations. Phone number is 209-869-3635. Let's support our Veterans. Thank you.

Vice Mayor Uribe reported on the following:

- I got the opportunity to meet with F & M Bank, Jared Steinwert from the regional Senior VP. Corinne Santos, the Senior VP. They're just kind of reaching out looking for additional ways to kind of support Riverbank, and kind of give back. Thank you to Michael, for the suggestions of Tot Time, The sharks and mermaid programs. Two really popular programs. One's running at a loss. So, I am hoping, fingers crossed that they're going to be reaching out to you and sponsoring those. And then I do have a follow up meeting with them. We're going to be meeting with the SBDC, German. They want to do a cool little project in town, so when we're back from Long Beach I have that set up, and looking forward to see where that meeting goes.
- Cheese and Wine like Marisela stated Michael please let parks and rec. staff know that we are very proud of the work they are doing, they should be proud of everything they have done. Probably stressed out. But it's going to be a good event. I'm excited to be there. I will be out there supporting the Sister City. I am going be out there supporting Randy and Love Riverbank. Then of course The Chamber I will be helping them out. So, looking forward to it, and that's all I have. Thank you.

Item 12.3 Mayor/Chair

Mayor O'Brien reported on the following:

- *I, too, want to commend Cody for the wastewater treatment plant website. I would like to see it expanded. Have a water segment throughout because we have our sigma we have our management for groundwater. The Delta needs to be in there because we're paying what? \$25,000 a year for delta sampling if with stormwater. Even though we collected, we sampled the Delta for us. So, we have a whole list of things that the State is regulating with the water because they're really controlling water throughout the State. And it's going to happen here soon, so we need to be prepared for what they're doing. But it was a great segment that I saw, and I know it's a work in progress because we'll make it in progress.*

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: Janet Vaughn

Agency Claimed Against: City of Riverbank

Item 13.2 **CONFERENCE WITH LABOR NEGOTIATORS**

(Pursuant to Government Code §54957.6)

Agency representative: City Manager Marisela H. Garcia

Employee Organizations: Riverbank Mid-Management Employee

Association and Riverbank Miscellaneous Employees

There being no public comment, Mayor O'Brien moved to Closed Session at 7:53 P.M.

Reconvened from Closed Session at 8:12 P.M.

14. REPORT FROM CLOSED SESSION

Item 14.1 Report from Closed Session **Item 13.1**

LIABILITY CLAIMS

Pursuant to Government Code § 54961)

Claimant: Janet Vaughn

Agency Claimed Against: City of Riverbank

ACTION: *By a 4/0 Vote the claim has been denied.*

Item 14.2 Report from Closed Session **Item 13.2**

CONFERENCE WITH LABOR NEGOTIATORS

(Pursuant to Government Code §54957.6)

Agency representative: City Manager Marisela H. Garcia
Employee Organizations: Riverbank Mid-Management Employee
Association and Riverbank Miscellaneous Employees

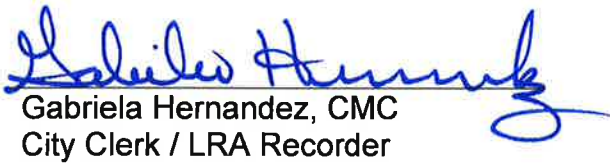
ACTION: *Direction has been provided to staff.*

15. ADJOURNMENT OF THE REGULAR MEETING

There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 8:12 P.M. to the next regular scheduled City Council / LRA Meeting of October 22, 2024 at 6:00 P.M.

ATTEST: (Adopted 10/22/2024)

APPROVED:


Gabriela Hernandez, CMC
City Clerk / LRA Recorder


Richard D. O'Brien
Mayor/ Chair