



CITY OF RIVERBANK APPEALS BOARD MEETING

(The Planning Commission also serves as the Appeals Board)
City Hall North • Council Chambers
6707 Third Street • Suite B • Riverbank • CA • 95367



AGENDA

TUESDAY, OCTOBER 17, 2017 – 6:30 P.M.

(THE AGENDA PACKET IS POSTED AT THE CITY CLERK’S OFFICE AND AT WWW.RIVERBANK.ORG)

CALL TO ORDER: Chair Anthony McKinney

ROLL CALL: Chair Anthony McKinney
Vice Chair Larry King
Appeals Board Member Scott McRitchie
Appeals Board Member Joan Stewart
Appeals Board Member Edward Tabacco

1. CONFLICT OF INTEREST
Any Appeals Board 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.

2. 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 Appeals Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Appeals Board.

3. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the Appeals Board unless otherwise requested by a Board Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 3.1: Action to Repeal and Replace the May 17, 2016, Appeals Board Minutes of Record with Amended Minutes – It is recommended that Appeals Board Members King, Stewart, Tabacco, and Chair McKinney (McRitchie – abstain) approve the following action:

- 1) Rescind the Board’s 06/21/2016 vote that approved the 05/17/2016 Appeals Board Minutes;
- 2) Repeal the 05/17/2016 Minutes from the record; and
- 3) Replace the repealed Minutes by approval of the amended 05/17/2016 Appeals Board Minutes as presented.

Item 3.1-1: Approval of the July 19, 2016, Appeals Board Meeting Minutes.

Item 3.1-2: Approval of the August 16, 2016, Appeals Board Meeting Minutes.

Item 3.1-3: Approval of the September 20, 2016, Appeals Board Meeting Minutes.

Recommendation:

It is recommended that the Appeals Board (with the abstention of Board Member McRitchie) approve the Consent Calendar items by roll call vote.

4. BUSINESS There are no items to consider.

ADJOURNMENT

AFFIDAVIT OF POSTING

I, Annabelle Aguilar, do hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted 72 hours prior to the meeting in accordance to the Brown Act.

*Posted this 12th day of October, 2017
/s/Annabelle H. Aguilar, CMC, City Clerk*

Notice Regarding Americans with Disabilities Act: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk’s Office at (209) 863-7122 or cityclerk@riverbank.org. Notification 72-hours before the meeting will enable the City to make reasonable arrangements to ensure any special needs are met. [28 CFR 35.102-35.104 ADA Title II].

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 Appeals 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.

GENERAL INFORMATION

<p>Meeting Schedule</p>	<p><u>Appeals Board:</u> Meets on an “as needed” basis.</p> <p>The Appeals Board is a 5-member Board appointed by the Riverbank City Council and who also serve as the Riverbank Planning Commission.</p>
<p>Appeals Board Agenda & Reports</p>	<p>The Appeals Board agenda is posted pursuant to the California Brown Act, which only requires agenda title pages to be posted near the entrance of the location where the meeting is to be held and, when technologically able, on the City’s website. Additional documents may be provided by the City in its efforts of transparency to keep the public well informed. The agenda packet (agenda plus supporting documents) are posted for public review at the City Clerk’s Office, 6707 Third Street, Riverbank, CA and at www.riverbank.org upon distribution to a majority of the Appeals Board. A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk’s Office.</p>
<p>Public Hearings</p>	<p>In general, a public hearing is an open consideration within a meeting of the Appeals Board, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.</p>
<p>Televised / Video of Meetings (Meetings are not currently televised)</p>	<ul style="list-style-type: none"> • Charter – Channel 2 • AT&T Uverse – Channel 99 <p>Visit www.riverbank.org to connect to meeting videos. (Note: Technical difficulty occurs on occasion preventing the televising or recording of the meeting.)</p>
<p>City Hall Hours</p>	<p>City Hall is open Monday – Thursday; 7:30 am – 5:30 pm and Fridays: 8:00 am – 5:00 pm; CLOSED alternating Fridays</p>
<p>Questions</p>	<p>Contact the City Clerk at (209) 863-7122 or cityclerk@riverbank.org</p>

Any documents that are not privileged or part of a Closed Session provided to a majority of the Appeals Board after distribution of the agenda packet, regarding any item on this agenda, will be made available for public inspection at North City Hall, 6707 Third Street, Riverbank, CA, during normal business hours.

RIVERBANK APPEALS BOARD AGENDA ITEM NO. 3.1

SECTION 3: CONSENT CALENDAR

Meeting Date:	October 17, 2017
Subject:	Action to Repeal and Replace the May 17, 2016, Appeals Board Minutes of Record with Amended Minutes
From:	Sean Scully
Submitted by:	Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that Appeals Board Members King, Stewart, Tabacco, and Chair McKinney (McRitchie to abstain), approve the following action:

- 1) Rescind the Board's 06/21/2016 vote that approved the 05/17/2016 Appeals Board Minutes;
- 2) Repeal the 05/17/2016 Minutes from the record; and
- 3) Replace the repealed Minutes by approval of the amended 05/17/2016 Appeals Board Minutes as presented.

SUMMARY

The draft minutes of May 17, 2016, that were presented to the Appeals Board on June 21, 2016, had not been finalized and therefore are incorrect. In the City Clerk's absence, the minutes were inadvertently placed on the June 21, 2016, agenda. In order to correct the record, and with the concurrence of City Attorney Tom Hallinan, Appeals Board Members King, Stewart, Tabacco, and Chair McKinney, who voted to approve the aforementioned minutes on June 21, 2016, must motion to 1) rescind the Board's previous vote to approve the minutes on June 21, 2016, 2) repeal the minutes from the record, and 3) replace the repealed minutes by approving the amended 05/17/2016 minutes as presented.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. Amended May 17 2016, Appeals Board Meeting Minutes



City of Riverbank
APPEALS BOARD MEETING
(The Planning Commission also serves as the Appeals Board)
AMENDED MINUTES OF
TUESDAY, MAY 17, 2016

CALL TO ORDER

The Appeals Board of the City of Riverbank met at 6:34 p.m. on this date at the Riverbank City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Vice Chair Anthony McKinney presiding.

ROLL CALL

Absent: Chair Carlos Villapudua
Present: Vice Chair Anthony McKinney
Appeals Board Member Larry King
Appeals Board Member Joan Stewart
Appeals Board Member Edward Tabacco

CONFLICT OF INTEREST

Any Appeals Board 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.

No one declared a conflict.

2. 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 Appeals Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Appeals Board.

There were no public comments.

3. CONSENT CALENDAR

Item 3.1: Approval of the April 19, 2016 Appeals Board Minutes – It is recommended that the Appeals Board approve the draft meeting minutes as presented.

Appeals Board Member Tabacco requested that a correction to the last paragraph on page 5 of the April 19th Minutes be made to reflect the correct title and name of the presiding Vice Chair.

ACTION: *By motion moved and seconded (Tabacco / Stewart /passed 4-0) to approve Item 3.1 with requested amendment. Motion carried by unanimous Appeals Board roll call vote.*

AYES: King, Stewart, Tabacco, and Vice Chair McKinney

NAYS: None / ABSENT: Chair Villapudua / ABSTAINED: None

4. BUSINESS

Item 4.1 **Administrative Citation Appeal Hearings for Water Use Violations** - It is recommended that the Appeals Board uphold Administrative Citation fines for water use violations issued in accordance with Chapter 52: Water, Section 52.34 Restricted Water Use, and City Council Resolution No. 2015-096.

Marisela Garcia, Director of Finance was present in the absence of City Manager Jill Anderson. Public Works Superintendent Michael Riddell presented the staff report. Water Coordinator Sherry Fenn was also present.

Vice Chair McKinney explained the appeals process. Deputy City Attorney Robin Baral further clarified that the hearing was an informal process, Board Members were to consider all the materials and testimony presented, and that the hearings were to be respectful and professional.

Chair McKinney began the hearings. Each appellant presented his/her oral or documented testimony and thereafter responded to questions from the Board. Superintendent Riddell and Coordinator Fenn presented their oral and documented testimony for each citation issued (a copy of the documents were provided to each appellant), and thereafter staff responded to questions from the Board. A brief rebuttal period occurred and after consideration, the Appeals Board made its final decision to uphold, modify, or dismiss the citation fines as follows:

CIT. #	NAME	WATER USE VIOLATION	Fine	Motion 1st/2nd Roll Call Votes	Final Action
2050	Miriam Hernandez	Leaky faucets, sprinklers or plumbing fixtures on premises	1 st violation = \$100	King/McKinney Ayes: King/Stewart/Tabacco/McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0	Fine modified to \$50.
2110	Jack and Candy Scruggs	Water running or spraying off property. Using sprinklers	3 rd violation = \$300	Stewart/King – motion to dismiss Ayes: King/Stewart Nays: Tabacco/McKinney Absent: Villapudua Abstained: None Passed 2-2	Motion to dismiss the fine, failed.

CIT. #	NAME	WATER USE VIOLATION	Fine	Motion 1st/2nd Roll Call Votes	Final Action
2110	Jack and Candy Scruggs	Water running or spraying off property. Using sprinklers	3 rd violation = \$300	King/McKinney Ayes: King/Stewart/Tabacco/McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0	Paid first and 2 nd violation fines; modified to \$100.
2114	Teresa and Manuel Melendez	Water running or spraying off property. Watering on unscheduled day.	2 nd violation = \$200	Motion by McKinney to uphold fine.	Motion died due to a lack of a second motion.
				Tabacco/McKinney Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0	Fine modified to \$50.
2119	Teresa and Manuel Melendez	Water running or spraying off property. Watering on unscheduled day.	3 rd violation = \$300	Tabacco/Stewart Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0	No time provided between citations to fix; fine entirely dismissed.
2122	Marshall Meyers	Water running or spraying off property. Watering outdoors on unscheduled day.	1 st violation = \$100	Tabacco/King Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0	Upheld the \$100 fine.
2132	Lornalisa Adams	Water running/spraying off property. Watering on unscheduled day. Using sprinklers.	1 st violation = \$100	Tabacco/McKinney Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0	Upheld the \$100 fine.
2135	Jesus Millanes, Jr.	Water running or spraying off property. Watering during incorrect time.	1 st violation = \$100	McKinney/Tabacco Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0	Did not show up for the hearing; \$100 fine upheld.

CIT. #	NAME	WATER USE VIOLATION	Fine	Motion 1st/2nd Roll Call Votes	Final Action
2141	Jerome and Sibille Endsley	Water running or spraying off property. Watering outdoors on unscheduled day.	1 st violation = \$100	Tabacco/Stewart Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0	Staff recommendation; \$100 fine dismissed.
2142	Joe Alves	Water running/spraying off property. Watering on unscheduled day.	1 st violation = \$100	McKinney/King Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0	Did not show up for the hearing; \$100 fine upheld.
2143	Meliss Bowen	Water running/spraying off property. Watering on unscheduled day.	1 st violation = \$100	Tabacco/Stewart Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0	Mistake by Gardener; fine dismissed.
2147	Luis Garcia	Water running/spraying off property. Watering on unscheduled day.	1 st violation = \$100	McKinney/Tabacco Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0	Fine upheld at \$100.
2154	Jose Mendez	Water running/spraying off property. Watering on unscheduled day and incorrect time.	1 st violation = \$100	McKinney/Tabacco Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0	Did not show up for the hearing; \$100 fine upheld.
2159	Ken Hoyt	Watering on unscheduled day.	1 st violation = \$100	McKinney/Tabacco Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0	Fine modified to \$50.
2161	Suzanne Friedman	Water running/spraying off property. Washing asphalt/concrete/ Building. Watering during unscheduled day.	1 st violation = \$100	McKinney/King Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0	Did not show up for the hearing; \$100 fine upheld.

CIT. #	NAME	WATER USE VIOLATION	Fine	Motion 1st/2nd Roll Call Votes	Final Action
2170	Robert Ford	Water running/spraying off property. Watering during unscheduled day. Using sprinklers.	1 st violation = \$100	King/Stewart Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0	\$100 fine upheld.
2178	Robert Lang	Watering on unscheduled day.	1 st violation = \$100	McKinney/Tabacco Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0	Fine modified to \$25.
2179	Edgar Calonje	Watering on unscheduled day.	1 st violation = \$100	King/Stewart Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0	Fine modified to \$50.
2190	Brian Stacey	Water running/spraying off property. Watering during unscheduled day. Using sprinklers.	1 st violation = \$100	King/Tabacco Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0	Fine modified to \$50.
2193	Joe Bavaro	Water running/spraying off property. Using sprinklers	1 st violation = \$100	McKinney/King Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0	Did not show up for the hearing; \$100 fine upheld.

ADJOURNMENT

There being no further business, Vice Chair Anthony McKinney adjourned the meeting at 8:21 p.m.

ATTEST: (Adopted 10/17/2017)

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Anthony McKinney
Vice Chair

RIVERBANK APPEALS BOARD AGENDA ITEM NO. 3.1-1

SECTION 3: CONSENT CALENDAR

Meeting Date:	October 17, 2017
Subject:	Approval of the July 19, 2016, Appeals Board Meeting Minutes
From:	Sean Scully, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the Appeals Board approve the Meeting Minutes as presented.

SUMMARY

The draft minutes of the July 19, 2016, Appeals Board meeting have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. July 19, 2016, Appeals Board Meeting Minutes



City of Riverbank
APPEALS BOARD MEETING
(The Planning Commission also serves as the Appeals Board)
MINUTES OF
TUESDAY, JULY 19, 2016

CALL TO ORDER

The Appeals Board of the City of Riverbank met at 6:30 p.m. on this date at the Riverbank City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Chair Carlos Villapudua presiding.

ROLL CALL

Present: Chair Carlos Villapudua
Vice Chair Anthony McKinney
Appeals Board Member Larry King
Appeals Board Member Joan Stewart

Absent: Appeals Board Member Edward Tabacco

CONFLICT OF INTEREST

Any Appeals Board 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.

No one declared a conflict.

2. 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 Appeals Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Appeals Board.

3. CONSENT CALENDAR

Item 3.1: **Approval of the June 21, 2016, Appeals Board Meeting Minutes** – It is recommended that the Appeals Board approve the Meeting Minutes as presented.

ACTION: *By motion moved and seconded (Stewart /McKinney / passed 3-0) to approve Item 3.1 as presented. Motion carried by Appeals Board roll call vote.*
AYES: Vice Chair McKinney, King, and Stewart
NAYS: None / ABSENT: None / ABSTAINED: Chair Villapudua

4. BUSINESS

Item 4.1 **Administrative Citation Appeal Hearings for Water Use Violations** – It is recommended that the Appeals Board uphold Administrative Citation fines for water use violations issued in accordance with Chapter 52: Water, Section 52.34 Restricted Water Use, and City Council Resolution No. 2015-096 covering the period from December 1, 2015 through May 1, 2016.

Deputy Attorney Jamie Garret, explained the conduct of the appeals hearings.

City staff Superintendent Michael Riddell presented the City’s oral and documented testimony for each citation. Water Conservation Coordinator Sherry Fenn was not present. (A copy of the documents were provided to each appellant), and thereafter staff responded to questions from the Board. Each appellant presented his/her oral or document testimony and thereafter responded to questions from the Board. A brief rebuttal period occurred and after consideration, the Appeals Board made its final decision to uphold, modify, or dismiss the citation fines as follows:

Acting City Manager Marisela Garcia explained that all violations being considered occurred during the time period prior to May 1, 2016; therefore, were also fined the amount as indicated under the former policy. Ms. Garcia informed everyone that the City Clerk would follow up with a notification letter to each appellant of the Board’s final decision.

CIT. #	NAME	WATER USE VIOLATION	Fine	Motion 1st/2nd Roll Call Votes	Final Action
2199	George Collier	Water running; water on unscheduled day; using sprinklers (occurred during the no sprinklers use period that ended on May 1, 2016)	1 st violation = \$100	King / Stewart Ayes: Villapudua/McKinney/King/Stewart Nays: 0 Absent: Tabacco Passed 4-0	To dismiss the fine.
2186	Cornelia Farcas	Water running/spraying; water on unscheduled day; using sprinklers (This occurred during the no sprinklers use period which ended May 1, 2016)	1 st violation = \$100	McKinney/King Ayes: Villapudua/McKinney/King/Stewart Nays: Villapudua/King Absent: Tabacco Passed 2-2	To uphold the \$100 fine; motion failed.
				Villapudua/Stewart Ayes: Villapudua/McKinney/King/Stewart Nays: None Absent: Tabacco Passed 4-0	To modify the fine amount to \$35.

CIT. #	NAME	WATER USE VIOLATION	Fine	Motion 1st/2nd Roll Call Votes	Final Action
2195	Cornelia Farcas	running/spraying; water on unscheduled day; using sprinklers (This occurred during the no sprinklers use period which ended May 1, 2016)	2 nd violation = \$200	Villapudua/King Ayes: Villapudua/McKinney/King/Stewart Nays: None Absent: Tabacco Passed 4-0	At the City's recommendation, dismiss the fine.
2209	John Azevedo	Watering on unscheduled day. (This occurred during the water schedule prior to May 1, 2016)	2 nd violation = \$200	McKinney/King Ayes: Villapudua/McKinney/King/Stewart Nays: None Absent: Tabacco Passed 4-0	At the City's recommendation dismiss the fine.

ADJOURNMENT

There being no further business, Chair Villapudua adjourned the meetings at 7:10 p.m.

ATTEST: (Adopted 10/17/2017)

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk (based on the video recording)
for Janet Smallen (Recorder)
Sr. Community Development
Specialist

Anthony McKinney, Vice Chair
for Carlos Villapudua, Chair

RIVERBANK APPEALS BOARD AGENDA ITEM NO. 3.1-2

SECTION 3: CONSENT CALENDAR

Meeting Date:	October 17, 2017
Subject:	Approval of the August 16, 2016, Appeals Board Meeting Minutes
From:	Sean Scully, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the Appeals Board approve the Meeting Minutes as presented.

SUMMARY

The draft minutes of the August 16, 2016, Appeals Board meeting have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. August 16, 2016, Appeals Board Meeting Minutes



City of Riverbank
APPEALS BOARD MEETING
 (The Planning Commission also serves as the Appeals Board)

MINUTES OF
TUESDAY, AUGUST 16, 2016

CALL TO ORDER

The Appeals Board of the City of Riverbank met at 7:00 p.m. on this date at the Riverbank City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Chair Anthony McKinney presiding.

ROLL CALL

Present: Chair Carlos Villapudua
 Vice Chair Anthony McKinney
 Appeals Board Member Joan Stewart
 Appeals Board Member Edward Tabacco

Absent: Appeals Board Member Larry King

CONFLICT OF INTEREST
Any Appeals Board 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.

No one declared a conflict.

2. 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 Appeals Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Appeals Board.

Richard O'Brien commended the Board for their work as Appeals Board Members as well as Planning Commissioners, and commented on the City being more instructive and less punitive on the adjudication of water violations.

3. CONSENT CALENDAR

There were no items to consider.

4. BUSINESS

Item 4.1 **Administrative Citation Appeal Hearings for Water Use Violations** – It is recommended that the Appeals Board uphold Administrative Citation fines for water use violations issued in accordance with Riverbank

Municipal Code Chapter 52: Water, Section 52.34 Restricted Water Use, and Resolution No. 2015-096 and Resolution No. 2016-026.

Chair Villapudua announced the hearing process.

City staff Superintendent Michael Riddell presented the City's oral and documented testimony for each citation. Water Conservation Coordinator Sherry Fenn was also present. (A copy of the documents were provided to each appellant), and thereafter staff responded to questions from the Board. Each appellant presented his/her oral or document testimony and thereafter responded to questions from the Board. A brief rebuttal period occurred and after consideration, the Appeals Board made its final decision to uphold, modify, or dismiss the citation fines as follows:

CIT. #	NAME	WATER USE VIOLATION	Fine	Motion 1 st /2 nd Roll Call Votes	Final Action
1143	Susana and Juan Gallegos	Water running/spraying off property; water on unscheduled day (Resolution 2016-026)	2 nd violation = \$200	McKinney/Tabacco Ayes: Stewart/Tabacco/McKinney/Villapudua Nays: None Absent: King Passed 4-0	To modify the fine to \$100.
1178	Matthew Gregory	Water running or spraying off property; watering on unscheduled day (Resolution No. 2016-026)	1 st violation = \$35	Tabacco/McKinney Ayes: Stewart/Tabacco/McKinney/Villapudua Nays: None Absent: King Passed 4-0	To uphold the fine of \$35.
2028	Melissa Franzia	Water on unscheduled day; using sprinklers (Resolution No. 2015-096)	1 st violation = \$100	Tabacco/McKinney Ayes: Stewart/Tabacco/McKinney/Villapudua Nays: None Absent: King Passed 4-0	To uphold the fine of \$100.
2036	Melissa Franzia	Watering on unscheduled day; using sprinklers (Resolution 2015-096)	2 nd violation = \$200		To uphold the violation; but dismiss the fine.
2049	Melissa Franzia	Watering on unscheduled day; using sprinklers (Resolution 2015-096)	3 rd violation = \$300		

2054	Melissa Franzia	Watering on unscheduled day (Resolution 2015-096)	4 th violation = \$400	Tabacco/McKinney	To uphold the violation; but dismiss the fine.
2066	Melissa Franzia	Watering on unscheduled day (Resolution 2015-096)	5 th violation = \$500	Ayes: Stewart/Tabacco/McKinney/Villapudua Nays: None Absent: King Passed 4-0	
2255	Kenneth Bruner	Water running or spraying off property; watering on unscheduled day; using sprinklers (Resolution 2015-096)	1 st violation = \$100	Stewart/Villapudua Ayes: Stewart/Tabacco/McKinney/Villapudua Nays: None Absent: King Passed 4-0	To dismiss the fine.

ADJOURNMENT

There being no further business, Chair Villapudua adjourned the meetings at 7:44 p.m.

ATTEST: (Adopted 10/17/2017)

APPROVED:

**Annabelle H. Aguilar, CMC
City Clerk**

**Anthony McKinney, Vice Chair
for Carlos Villapudua, Chair**

RIVERBANK APPEALS BOARD AGENDA ITEM NO. 3.1-3

SECTION 3: CONSENT CALENDAR

Meeting Date:	October 17, 2017
Subject:	Approval of the September 20, 2016, Appeals Board Meeting Minutes
From:	Sean Scully, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the Appeals Board approve the Meeting Minutes as presented.

SUMMARY

The draft minutes of the September 20, 2016, Appeals Board meeting have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. September 20, 2016, Appeals Board Meeting Minutes



City of Riverbank
APPEALS BOARD MEETING
(The Planning Commission also serves as the Appeals Board)
MINUTES OF
TUESDAY, SEPTEMBER 20, 2016

CALL TO ORDER

The Appeals Board of the City of Riverbank met at 6:00 p.m. on this date at the Riverbank City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Chair Anthony McKinney presiding.

ROLL CALL

Absent:

Chair Carlos Villapudua

Present:

Vice Chair Anthony McKinney

Appeals Board Member Joan Stewart

Appeals Board Member Edward Tabacco

Appeals Board Member Larry King

CONFLICT OF INTEREST

Any Appeals Board 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.

No one declared a conflict.

2. 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 Appeals Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Appeals Board.

No one spoke.

3. CONSENT CALENDAR

There were no items to consider.

4. BUSINESS

Item 4.1

Administrative Citation Appeal Hearings for Water Use Violations – It is recommended that the Appeals Board uphold Administrative Citation fines for water use violations issued in accordance with Riverbank Municipal Code Chapter 52: Water, Section 52.34 Restricted Water Use, and Resolution No. 2015-096 and Resolution No. 2016-026.

Vice Chair McKinney announced the process of the hearings.

Public Works Superintendent Michael Riddell presented the staff report. Water Coordinator Sherry Fenn was also present.

Each appellant presented his/her oral or document testimony and thereafter responded to questions from the Board. City staff Superintendent Riddell and Coordinator Fenn presented their oral and documented testimony for each citation (a copy of the documents were provided to each appellant), and thereafter responded to questions from the Board. A brief rebuttal period occurred and after consideration, the Appeals Board made its final decision to uphold, modify, or dismiss the citation fines as follows:

CIT. #	NAME	WATER USE VIOLATION	Fine	Motion 1st/2nd Roll Call Votes	Final Action
2164	Tina Von Stade	Watering Outdoors on Unscheduled Day, using Sprinklers (Resolution 2015-096)	1 st violation = \$100	King/Tabacco Ayes: King, Stewart, Tabacco, McKinney Nayes: None Absent: Villapudua Abstained: None Passed 4-0	Reduce the \$100 fine to \$35.
1200	Juan Manuel Laureano	Watering outdoors on unscheduled day, using sprinklers(Resolution 2016-026)	1 st violation = \$35	McKinney/Stewart Ayes: King, Stewart, McKinney Nayes: Tabacco Absent: Villapudua Abstained: None Passed 3-1	Waive \$35 fine only. Keep the \$25 Administrative Processing Fee.
1214	Vicki and Richard Davis	Watering Outdoors on Unscheduled Day (Resolution 2016-026)	1 st violation = \$35	Tabacco/Stewart Ayes: King, Stewart, Tabacco, McKinney Nayes: None Absent: Villapudua Abstained: None Passed 4-0	Uphold find of \$35.
				Motion to uphold fine and waive \$25 Administrative fee by McKinney	Motion died due to lack of a second motion.
1258	Anesh Rai	Watering outdoors on unscheduled day (Resolution 2016-026)	2 nd violation = \$200	Tabacco/King Ayes: King, Stewart, Tabacco, McKinney Nayes: None Absent: Villapudua Abstained: None Passed 4-0	Keep \$25 Administrative Processing Fee and Reduce fine to \$100.

ADJOURNMENT

There being no further business, Vice Chair McKinney adjourned the meetings at 6:52 p.m.

ATTEST: (Adopted 10/17/2017)

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Anthony McKinney
Vice Chair

DRAFT