



CITY OF RIVERBANK
**REGULAR CITY COUNCIL AND THE
 LOCAL REDEVELOPMENT AUTHORITY MEETINGS**
 (The City Council also serves as the LRA Board)
 City Hall North • Council Chambers
 6707 Third Street • Suite B • Riverbank • CA • 95367

AGENDA

TUESDAY, MARCH 8, 2016 – 6:00 P.M.

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

- CALL TO ORDER:** Mayor/Chair Richard D. O’Brien
- FLAG SALUTE:** Mayor/Chair Richard D. O’Brien
- INVOCATION:** Riverbank Ministerial Association
- ROLL CALL:** Mayor/Chair Richard D. O’Brien
 Vice Mayor/Chair Jeanine Tucker
 Council/Authority Member Darlene Barber-Martinez
 Council/Authority Member Cal Campbell
 Council/Authority Member Leanne Jones Cruz
- AGENDA CHANGES:** Mayor/Chair Richard D. O’Brien

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.

1. PRESENTATIONS There are no presentations.

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 City Council/LRA 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 City Council/LRA Board.

3. 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 otherwise requested by an individual Council/Authority Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 3.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 3.B: Approval of the February 23, 2016, City Council and Local Redevelopment Authority Minutes.

Item 3.C: A **Resolution** of the City Council of the City of Riverbank, California, to Approve the Reappointment of Michelle Guzman to the Stanislaus Consolidated Fire Protection District Board of Directors as the Riverbank Representative.

Recommendation: It is recommended that City Council/LRA Board approve the Consent Calendar items by roll call vote.

4. UNFINISHED BUSINESS

Item 4.1: **Second Reading by Title Only and Adoption of Proposed Ordinance No. 2016-004 of the City Council of the City of Riverbank, California, Amending Sections 52.01, 52.32, 52.34, and 52.61 of Chapter 52: Water, of Title V: Public Works, of the City of Riverbank Code of Ordinances** – It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2016-004 and consider its adoption by roll call vote.

5. PUBLIC HEARINGS There are no items to consider.

The Public Hearing Notice for the item 5.1 was published in the local newspaper of general circulation on 02/24/16.

Item 5.1: **A Resolution of the City Council of the City of Riverbank, California, Approving Variance No. 01-2016 for Galaxy-Cinemas Riverbank 2525 Patterson Road, Riverbank (APN 075-008-029)** – The Planning Commission recommends, by Resolution No. 2016-008, that the City Council finds the Project is categorically exempt under Section 15311, Class 11 Accessory Structures and approves a variance for a proposed 530 square foot IMAX sign at 47 feet in height where a 260 square foot sign at 40 feet in height is permitted.

6. NEW BUSINESS

Item 6.1: **Museum Annex Concept Plans** – It is recommended that the City Council review and approve the museum annex concept plan and direct that a project working group, involving representatives from the Historical Society and City staff, be formed to ensure that the project proceeds in alignment with the goals of both parties.

LRA Item 6.2: **Options for Future Organization and Oversight of the Local Redevelopment Authority and Riverbank Army Ammunition Plant** – It is recommended that Riverbank Local Redevelopment Authority (“LRA”) Board of Directors (“BOD”) receive a report from the LRA’s Base Closure and Realignment (“BRAC”) special counsel and consider the options for future oversight and ownership of the Riverbank Army Ammunition Plant (“RAAP”).

7. COMMENTS (Information only – No action)

Item 7.1: Staff Comments

Item 7.2: Council/Authority Member Comments

Item 7.3: Mayor/Chair Comments

8. CLOSED SESSION

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing into Closed Session.

LRA Item 8.1: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Government Code Section 54956.8
Property: APN #062-031-007; 062-031-006; 062-008-009
Agency Negotiator: Jill Anderson, City Manager, and Debbie Olson, LRA Executive Director
Property Negotiator: U.S. Army
Under Negotiation: Price, terms of payment, or both

Recommendation: It is recommended that City Council /LRA Board provide direction to Staff on the Closed Session item(s).

9. REPORT FROM CLOSED SESSION

LRA Item 9.1: Report on Closed Session LRA Item 8.1: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

ADJOURNMENT (The next regular City Council meeting –Tuesday, March 22 @ 6:pm)**UPCOMING EVENTS:**

City Hall Friday Office Hours	<ul style="list-style-type: none"> ▪ <u>City Offices are Closed Alternating Fridays</u> <ul style="list-style-type: none"> ○ Friday: February 26 and March 11 – CLOSED ○ Friday: February 19 and March 4: Hours 8:am – 5:pm
Available Now	<ul style="list-style-type: none"> ▪ <u>Spring and Summer Riverbank Recreation Activity Guide</u>

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 3rd day of March, 2016

/s/Annabelle H. Aguilar, CMC, City Clerk /LRA Recorder

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 City Council/LRA Board shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

GENERAL INFORMATION

Meeting Schedule	<p><u>Regular City Council Meetings:</u> 6:00 p.m. on the 2nd and 4th Tuesday of every month, unless otherwise noticed.</p> <p><u>Local Redevelopment Authority Board:</u> Meets on an "as needed" basis. The City Council also serves as the LRA Board.</p>
City Council / LRA Agenda & Reports	<p>The City Council/LRA Board agenda is posted pursuant to the California Brown Act, which only requires these 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 City Council/LRA Board. A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk's Office.</p>
Public Hearings	<p>In general, a public hearing is an open consideration within a regular meeting of the City Council or a meeting of the LRA, 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>
Televised / Video of Meetings	<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>
City Hall Hours	<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>
Questions	<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 City Council/LRA 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. 5

RIVERBANK CITY COUNCIL / LRA AGENDA ITEM NO. 3.A

SECTION 3: CONSENT CALENDAR

Meeting Date:	March 8, 2016
Subject:	Waiver of Readings
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council / LRA Board approve the waiver of readings of Ordinances and Resolutions, except by title.

SUMMARY

The approval of the waiver of readings will allow Ordinances and Resolutions to be introduced by title only and acted upon without the need to read the entire text of the item into the public record. The documents related to proposed Ordinances and Resolutions are available for review by the public on the City's website and in the City Clerk's office at City Hall (North).

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENTS

There are no attachments to this report.

**RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 3.B**

SECTION 3: CONSENT CALENDAR

Meeting Date:	March 8, 2016
Subject:	Approval of the February 23, 2016, City Council and Local Redevelopment Authority Minutes
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council / Local Redevelopment Authority Board approve the City Council /LRA Meeting Minutes as presented.

SUMMARY

The Draft Minutes of the February 23, 2016, regular City Council and the Local Redevelopment Authority Board meetings have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. February 23, 2016, City Council and LRA Minutes



City of Riverbank
**REGULAR CITY COUNCIL AND LOCAL REDEVELOPMENT AUTHORITY
MEETINGS**

(The City Council also serves as the LRA Board)

MINUTES

TUESDAY, FEBRUARY 23, 2016



CALL TO ORDER:

The City Council and Local Redevelopment Authority 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 Mayor/Chair Richard D. O'Brien presiding.

FLAG SALUTE: Boy Scout Bradley Hetzler of Troup 40

INVOCATION: Reverend Charles Neal

ROLL CALL: Mayor/Chair Richard D. O'Brien
Vice Mayor/Chair Jeanine Tucker
Council/Authority Member Darlene Barber-Martinez
Council/Authority Member Cal Campbell
Council/Authority Member Leanne Jones Cruz (excused absence)

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.

No one declared a conflict.

1. PRESENTATIONS

Mayor O'Brien presented a certificate of recognition to Boy Scout Troup 40.

Item 1.1: Presentation by StanCOG Regarding the Proposed Expenditure Plan Adopted by the StanCOG Board of Directors.

Ms. Rosa Park, Stanislaus Council of Governments Executive Director, presented the plan.

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 City Council/LRA 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 City Council/LRA Board.

Edward Jones, Riverbank, inquired about the reduction of price for seniors to participate in the Farmer's Market.

3. 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 otherwise requested by an individual Council/Authority Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 3.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 3.B: Approval of the February 9, 2016, City Council and Local Redevelopment Authority Minutes.

Item 3.C: A ***Resolution [No. 2016-012]*** of the City Council of the City of Riverbank, California, to Approve the Amended and Restated Joint Powers Agreement Establishing the Stanislaus Council of Governments.

Item 3.D: A ***Resolution [No. 2016-013]*** of the City Council of the City of Riverbank, California, Appointing a Member to the City of Riverbank Budget Advisory Committee

Recommendation: It is recommended that City Council/LRA Board approve the Consent Calendar items by roll call vote.

ACTION: *By motion moved and seconded (Tucker / Barber-Martinez / passed 4-0) to approve Items 3.A through 3.D as presented. Motion carried by unanimous City Council and LRA Board roll call vote.*

AYES: Barber-Martinez, Campbell, Tucker, and Mayor O'Brien

NAYS: None, ABSENT: Jones Cruz, ABSTAINED: None

4. UNFINISHED BUSINESS

Item 4.1: **Second Reading by Title Only and Adoption of Proposed Ordinance [No. 2016-002] of the City Council of the City of Riverbank, California, Approving Rezoning of 2.42 Acres to Planned Development, Located At APN 32-036-003, a Project Known as Ward Villas – It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2016-002 and consider its adoption by roll call vote.**

City Manager Jill Anderson presented the staff report.

ACTION: *By motion moved and seconded (Barber-Martinez / Campbell / passed 4-0) to approve the Second Reading and Adoption of Ordinance No. 2016-002 as*

presented, approving rezoning of 2.42 Acres to Planned Development, located at APN 32-036-003, a Project known as Ward Villas. Motion carried by unanimous City Council roll call vote.

AYES: Barber-Martinez, Campbell, Tucker, and Mayor O'Brien

NAYS: None, ABSENT: Jones Cruz, ABSTAINED: None

Item 4.2: **Table the Second Reading of Proposed Ordinance [No. 2016-003] Amending the Riverbank Municipal Code Section 153.217: Variance of Chapter 153: Zoning of Title XV: Land Usage** – It is recommended that the City Council motion to table the second reading of the proposed ordinance, to a future date to be determined, to allow for further research and modification of the Riverbank Municipal Code (RMC) Chapter 153, Section 153.217, and additional sections as deemed necessary.

ACTION: *By motion moved and seconded (Tucker / Barber-Martinez / passed 4-0) to approve to Table the Second Reading of Proposed Ordinance [No. 2016-003] Amending RMC Section 153.217: Variance of Chapter 153: Zoning of Title XV: Land Usage for further research and modification of said section and other sections as needed; to be presented at a later date to be determined. Motion carried by unanimous City Council roll call vote.*

AYES: Barber-Martinez, Campbell, Tucker, and Mayor O'Brien

NAYS: None, ABSENT: Jones Cruz, ABSTAINED: None

5. PUBLIC HEARINGS

The Public Hearing Notices for the following public hearing items 5.1 – 5.5, to be considered by the City Council were published in the local newspaper of general circulation. For 5.1 on 02/10/16 and a notice mailed on 02/05/16 to property owners within 300 feet (English & Spanish); for 5.2 on 02/10/16 (English & Spanish); for 5.3, 5.4, and 5.5 on 02/10/16.

Item 5.1: **A Resolution [No. 2016-014] of the City Council of the City of Riverbank, California, Adopting the Interim and Ultimate Plan Line for Patterson Road** – It is recommended that the City Council adopt the resolution to approve the Interim and Ultimate Plan Line for Patterson Road between Roselle to the west and Claus Road to the east in compliance with the City of Riverbank 2005-2025 General Plan and the Downtown Specific Plan, adopted July, 2015, which is found to not be a Project as defined by CEQA and is pursuant to findings contained in the attached resolution.

Consultant John B. Anderson of J.B. Anderson Land Use Planning presented the staff report.

Mayor O'Brien opened the public hearing at 6:40 p.m.

- Mr. Edward Jones asked for clarification of Photograph #4 [current Patterson Road Conditions] of the Patterson Road plan.*
- Mr. Haskell Moore spoke in regards to the plan creating insufficient parking space on Patterson Road.*

Mayor O'Brien closed the public hearing at 6:46 p.m.

City Council discussed the item.

ACTION: *By motion moved and seconded (Campbell / Tucker / passed 4-0) to adopt Resolution No. 2015-014 as presented, approving the Interim and Ultimate Plan Line for Patterson Road between Roselle to the west and Claus Road to the east in compliance with the City of Riverbank 2005-2025 General Plan and the Downtown Specific Plan, adopted July, 2015, which is found to not be a Project as defined by CEQA and is pursuant to findings contained in the resolution. Motion carried by unanimous City Council roll call vote.*

AYES: Barber-Martinez, Campbell, Tucker, and Mayor O'Brien

NAYS: None, ABSENT: Jones Cruz, ABSTAINED: None

Item 5.2: **A Resolution [2016-015] of the City Council of the City of Riverbank, California, Adopting the 2014-2023 Housing Element and 2014-2023 Housing Element Negative Declaration and Authorizing Its Submittal to the State Department of Housing and Community Development –** Consistent with the recommendation of the Planning Commission, it is recommended that the City Council approve the proposed Resolution (Attachment 1), adopting the 2014-2023 Housing Element and Negative Declaration and authorize the submittal of the 2014-2023 Housing Element to the State Department of Housing and Community Development (HCD) for certification.

Consultant John B. Anderson of J.B. Anderson Land Use Planning introduced the item and Associate Planner, David Niskanen, presented the staff report.

Mayor O'Brien opened the public hearing at 7:09 p.m.

- *Mrs. Evelyn Halbert made several inquiries about the Housing Element and requested that a small parcel of property that she owned next to her home be removed from the Housing Element list.*

Mayor O'Brien closed the public hearing a 7:15 p.m.

City Council discussed the item and Mr. Anderson responded to questions.

ACTION: *By motion moved and seconded (Tucker /Barber-Martinez / passed 4-0) Consistent with the recommendation of the Planning Commission, to adopt Resolution No. 2016-015 approving the adoption of the 2014-2023 Housing Element and 2014-2023 Housing Element Negative Declaration and authorizing its submittal to the State Department of Housing and Community Development for certification; with the modification of removing Mrs. Evelyn Halbert's parcel of property APN 132-010-031 from Table V-4, that is within the Downtown Specific Plan.*

Motion carried by unanimous City Council roll call vote.

AYES: Barber-Martinez, Campbell, Tucker, and Mayor O'Brien

NAYS: None, ABSENT: Jones Cruz, ABSTAINED: None

Item 5.3: **First reading and Introduction of a Proposed Ordinance [No. 2016-004] of the City Council of the City Of Riverbank, California, to Amend Sections 52.01, 52.32, 52.34, and 52.61 of Chapter 52: Water, of Title V: Public Works, of the City of Riverbank Code of Ordinances** – It is recommended that the City Council conduct the public hearing for the first reading and introduction by title only of the proposed ordinance and consider its approval as presented, which will initiate the scheduling of the ordinance for its second reading by title only on March 8, 2016, to consider its adoption.

Public Works Superintendent Michael Riddell presented the staff report.

Mayor O'Brien opened the public hearing at 7:30 p.m.; no one spoke, the hearing was closed.

ACTION: *By motion moved and seconded (Barber-Martinez / Tucker / passed 4-0) to approve the First Reading of proposed Ordinance [No. 2016-004] and to consider its Second Reading and adoption at the next regular City Council meeting on March 8, 2016, as presented.*
Motion carried by unanimous City Council roll call vote.
AYES: Barber-Martinez, Campbell, Tucker, and Mayor O'Brien
NAYS: None, ABSENT: Jones Cruz, ABSTAINED: None

Item 5.4: **A Resolution [No. 2016-016] of the City Council of the City of Riverbank, California, Approving the Fiscal Year 2015-16 Mid-Year Budget Amendments** – It is recommended that City Council consider: 1) Approval of the Fiscal Year 2015-16 Mid-Year Budget Amendment, and 2) Provide Guidance on One-Time Capital Expenditures that will impact the City Budget.

Director of Finance Marisela Garcia presented the staff report; City council and staff discussed the item.

Mayor O'Brien opened the public hearing at 7:46 p.m.; no one spoke, the hearing was closed.

ACTION: *By motion moved and seconded (Campbell / Tucker / passed 4-0) to adopt Resolution No. 2015-016 approving the Fiscal Year 2015-16 Mid-Year Budget Amendments, and One-Time Capital Expenditures that will impact the City Budget, including the purchase of a \$43,000 new City phone system as presented. Motion carried by unanimous City Council roll call vote.*
AYES: Barber-Martinez, Campbell, Tucker, and Mayor O'Brien
NAYS: None, ABSENT: Jones Cruz, ABSTAINED: None

LRA Item 5.5: **A Resolution [No. 2016-001] of the Local Redevelopment Authority of the City of Riverbank, California, Approving the Fiscal Year 2015/16 Mid-Year Budget Adjustment and Accepting the Second Quarter Revenue Expenditure Report** –

It is recommended that the Local Redevelopment Authority (“LRA”) Board of Directors (“Board”) accept the second quarter revenue and expenditure report (September 1, 2015 through December 31, 2015) and adopt the attached resolution approving mid-year budget adjustments to the Fiscal Year (“FY”) 2015/16 Local Redevelopment Authority Budget.

LRA Administrative Analyst Melissa Holdaway presented the staff report. The LRA Board and staff discussed the item.

Chair O’Brien opened the public hearing at 7:55 p.m.

- *Mrs. Evelyn Halbert inquired about the asterisk next to the fire suppression.*

Chair O’Brien closed the public hearing at 7:56 p.m.

ACTION: *By motion moved and seconded (Barber-Martinez / Campbell / passed 4-0) to adopt LRA Resolution No. 2016-001 approving the Fiscal Year 2015/16 Mid-Year Budget Adjustment and accepting the Second Quarter Revenue Expenditure Report as presented.*

Motion carried by unanimous LRA Board roll call vote.

AYES: Barber-Martinez, Campbell, Tucker, and Chair O’Brien

NAYS: None, ABSENT: Jones Cruz, ABSTAINED: None

6. NEW BUSINESS

Item 6.1: **Utility Rate Assistance Program for Water & Sewer Rates for Low-Income Seniors** – It is recommended that the City Council receive a presentation and provide feedback regarding the development and implementation of a Utility Rate Assistance Program for Water and Sewer Rates for Low-Income Seniors.

Director of Finance Marisela Garcia presented the staff report; City Council and staff discussed the item.

City Council directed to continue researching the program, and research the inclusion of the permanently disabled customers that meet the income requirements.

Public Comment: Mrs. Evelyn Halbert inquired about the periodic review and evaluation of the program.

7. COMMENTS (Information only – No action)

Item 7.1: Staff Comments

Chief Erin Kiely provided information on how Police Services enforced trespass laws relative to the homeless gentleman that has been commenting [on losing his property].

City Manager Jill Anderson encouraged Fast Eddy [Mr. Edward Jones] to contact the Riverbank Chamber of Commerce in regards to the Farmer's Market and announced the Mayor's State of the City Address at the Galaxy Theatre [February 24, 2016].

Item 7.2: Council/Authority Member Comments

Council/Authority Member Campbell encouraged everyone to be mindful of the water restrictions as the weather warmed up.

Vice Mayor/Chair Tucker commented on experiencing a drone invading her home's air space and family privacy and requested that drones be researched.

Item 7.3: Mayor/Chair Comments

Mayor/Chair O'Brien commented on: 1) keeping the drone matter in mind when conducting the City's strategic planning, 2) being aware of State unfunded mandates and requirements, which will affect the way the City conducts business, and 3) contacting the Riverbank School District to request that bus driver's exit the bus to secure the student's safe crossing of the street.

8. CLOSED SESSION

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing into Closed Session.

Mayor/Chair O'Brien announced the Closed Session item and called for public comment; no one spoke. The meetings were recessed and City Council went into Closed Session at 8:25 p.m.

Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: 1 potential case

Recommendation: It is recommended that City Council /LRA Board provide direction to Staff on the Closed Session item(s).

9. REPORT FROM CLOSED SESSION

Mayor/Chair O'Brien reconvened the meetings at 8:34 p.m.

Item 9.1: Report on Closed Session Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Mayor O'Brien reported that direction was given to staff.

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 8:34 p.m.

ATTEST: (Adopted 03/08/2016)

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

DRAFT

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.C

SECTION 3: CONSENT CALENDAR

Meeting Date:	March 8, 2016
Subject:	A Resolution of the City Council of the City of Riverbank, California, to Approve the Reappointment of Michelle Guzman to the Stanislaus Consolidated Fire Protection District Board of Directors as the Riverbank Representative
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, Sr. Management Analyst/City Clerk

RECOMMENDATION

It is recommended by Mayor O'Brien that the City Council adopt the resolution to approve the reappointment of Michelle Guzman to the SCFPD Board of Directors as the Riverbank representative, for a four-year term expiring December 2019.

SUMMARY

At the beginning of the year City was informed by the Stanislaus Consolidated Fire Protection District (SCFPD) that the appointment of Michelle Guzman, as the Riverbank representative on the SCFPD Board of Directors, expired December 2015. By adoption of Resolution No. 2016-004 on January 26, 2016, City Council approved to have Ms. Guzman continue to serve on the Board of Directors on an interim basis until a new appointment was approved by the City Council.

A recruitment process was conducted by the City during the period of January 25, 2016 through February 16, 2016, which resulted in receiving two (2) applications for consideration. After review and consideration of the applications, Mayor O'Brien is recommending that the City Council approve the reappointment of applicant Michelle Guzman for a second four-year term, expiring December 2019. If the appointment is approved by the City Council, the matter is forwarded, by the SCFPD, to the Stanislaus County Board of Supervisors for ratification of the appointment.

To keep the City Council abreast of the Board of Director's matters of discussion and decisions, Ms. Gusman will be scheduled to update the City Council on a quarterly basis.

FINANCIAL IMPACT

There is no financial impact to the City.

ATTACHMENT

1. Proposed Resolution
2. Application Copy

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, TO APPROVE THE REAPPOINTMENT OF MICHELLE GUZMAN TO THE STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT BOARD OF DIRECTORS AS THE RIVERBANK REPRESENTATIVE

WHEREAS, the Stanislaus Consolidated Fire Protection District (SCFPD) Board of Directors was established March 3, 1995, under the legal authority of the Health and Safety Code Section 13800, known as the Fire Protection District Law of 1987, which complied with the California Government Code Section 56001, Cortese-Knox Reorganization Act; and

WHEREAS, a five (5) member Board of Directors was created, with one (1) Director being a resident of the City of Riverbank, who is appointed to the Board by the City Council; and

WHEREAS, members appointed to the Board serve a four-year term, with a limit of two terms; and

WHEREAS, said appointment by the City Council is then ratified by the Stanislaus County Board of Supervisors; and

WHEREAS, all members who serve on the Board of Directors shall meet the Fair Political Practices Commission, conflict of interest filing requirements.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Riverbank hereby finds, determines, and resolves as follows:

1. City staff conducted a recruitment process during the period of January 25, 2016 through February 16, 2015 to fill the expired Riverbank seat on the SCFPD Board of Directors.
2. The City Council considered Mayor O'Brien's recommendation to reappoint Ms. Michelle Guzman to the Board of Directors.
3. Ms. Guzman has served one (1) four-year term and is eligible to serve a second four-year term.
4. The City Council approves the appointment of Ms. Guzman to the Riverbank seat on the SCFPD Board of Directors for a second four-year term expiring December 2019.

5. As the Riverbank representative, Ms. Guzman, shall provide an update of the Board's activities to the City Council on at least a quarterly basis.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Riverbank approves to have Ms. Guzman continue to serve on an interim basis upon the expiration of her term (December 2019), if she has provided the City written confirmation that she desires to do so, until a new appointment is approved by the City Council.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 8th day of March 2016; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor



APPLICATION For Appointment to the Stanislaus Consolidated Fire Protection District - Board of Directors (Riverbank Representative)

Received (Date Stamp)

CITY OF RIVERBANK

FEB 16 2016

RECEIVED

Ala

TO QUALIFY: APPLICANTS MUST BE A CITIZEN OF RIVERBANK AND LIVE WITHIN THE CITY POSTAL ZIP CODE AREA OF 95367.

Please type or print

(Home address and contact information will not be made public.)

Name Mr. Ms. Michelle Guzman
First M.I. Last

Home Address _____
Address City Zip

Mailing Address (if different) _____ #of Yrs.as Resident 20+

Contact Phone # _____ *E-mail _____
 (*The first method of communication will be via email.)

Current Employment Information

Employer Manteca Unified Address 2271 W. Louise Ave. Manteca, 95337
 Position Teacher Dates of Employment January 2016-present
 Responsibilities Teaching high school English.

Questionnaire

(For additional space, a separate sheet of paper may be attached)

Please explain why you want to be appointed to the SCFPD Board of Directors:
 During the last four years, I have learned a lot while serving as Riverbank's representative.
 The department is currently in a period of transition. I would like to be part of seeing
 the department through a smooth transition with several current projects, including: finding
 a permanent fire chief, possible future construction of an additional station in Riverbank and
 continually improving the services in the area without relying solely on increasing the assessment.

Please describe your education, training, and/or any special certifications or experience:

BA- English with a Single Subject teaching credential

MA- Educational Administration

Please list your experience of serving on any previous/current Board, Commission, or Committee:

Stanislaus Consolidated Fire Protection District including:

finance committee, Ad Hoc committee

Riverbank Language Academy Advisory Committee

Please list community organizations to which you currently/previoursly belong(ed) to:

Riverbank Language Academy Advisory Committee

Please provide any additional information, which covers your qualifications, interests, or training related to this appointment:

Having been on the board for the last four years, I am very familiar with current issues within the department. I am committed to Riverbank and have been very thoughtful in my decision making; I would like to continue to help the department move forward.

• I agree to devote sufficient time to this responsibility.
• I agree to file the FPPC Form 700 as required.
• I agree to publicly provide an update of the Board's activities to the Riverbank City Council at least on a quarterly basis.

• I agree to attend the required meetings if appointed.
• I am aware that this application is a public document.

By signing below, I declare under penalty of disqualification and termination, that I agree to the aforementioned statements, and that all statements made by me in completing this application, with any attached responses, are true and complete to the best of my knowledge.

Signature

UV

Date

2-16-16

Please return your application by **5:30 pm, Tuesday, February 16, 2016** to:

**Office of the City Clerk
City of Riverbank
6707 Third Street, Suite A
Riverbank, CA 95367**

No application will be accepted after the deadline.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 4.1

SECTION 4: UNFINISHED BUSINESS

Meeting Date:	March 8, 2016
Subject:	Second Reading by Title Only and Adoption of Proposed Ordinance No. 2016-004 of the City Council of the City of Riverbank, California, Amending Sections 52.01, 52.32, 52.34, and 52.61 of Chapter 52: Water, of Title V: Public Works, of the City of Riverbank Code of Ordinances
From:	Jill Anderson, City Manager
Submitted by:	Michael Riddell, Public Works Superintendent Annabelle Aguilar, CMC, Sr. Management Analyst/City Clerk

RECOMMENDATION

It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2016-004 and consider its adoption by roll call vote.

INTRODUCTION

A Public Hearing was conducted at the regular City Council meeting on February 23, 2016, to receive public opinions or evidence for or against the proposed Ordinance after its first reading and introduction by title only. The City Council approved the first reading and introduction of the proposed ordinance (now titled Ordinance No. 2016-004) which moved said Ordinance to the March 8, 2016, regular City Council meeting for its second reading by title only and consideration for adoption.

SUMMARY

The City's efforts to increase water conservation through the reduction of water use requires the City to take immediate action by implementing changes to its policies on outdoor water use, including penalties for noncompliance of those regulations. The proposed ordinance updates the Riverbank Municipal Code (RMC) to support and provide the mechanisms to enforce the City's adopted Urban Water Management Plan in order to comply with state mandated water conservation standards during the drought conditions and, just as importantly, to comply with the recent Conservation Order issued to the City by the State Water Resources Control Board for noncompliance of the 32% water reduction mandate.

BACKGROUND

On January 17, 2014, Governor Brown issued a Proclamation declaring a State of Emergency due to severe drought conditions calling for the reduction of water use by 20%. On April 25, 2014, Governor Brown issued a proclamation extending the State of Emergency due to the ongoing drought conditions in California, and to strengthen the measures the state may take to manage water effectively. On April 1, 2015, Governor Brown, issued Executive Order B-29-15, mandating that the State Water Resources Control Board ("Water Board") impose restrictions to achieve a statewide 25% reduction in potable urban water use through February 28, 2016 in response to the continuing drought conditions.

The Water Board adopted regulations under the Executive Order B-29-15 mandate on May 5, 2015, requiring local urban water suppliers such as the City of Riverbank ("City") to achieve conservation standards based on conservation tiers. The City's assigned tier requires it to reduce water use by 32% as compared to the same month's water production in the year 2013.

Water use in the City was reduced by 21% in June 2015, and 20% in July 2015; however, water use increased by 17% in August 2015, and then again reduced by 27.3% in September 2015 and 6.2% in October 2015. Unable to meet the required 32% water use reduction, the Water Board issued a Notice of Violation and Information Order on August 7, 2015, to the City in order to determine what actions the City had taken to comply with the mandated water conservation standard. On October 21, 2015, City staff met with the Water Board to further discuss the City's water conservation program and areas of potential water use savings.

Current Water Restrictions

The City is obligated to make strong modifications to its policies on outdoor water use, including penalties for noncompliance of those regulations. In accordance with the City's adopted Urban Water Management Plan to meet the 32% conservation standard, the City Council adopted Resolution No. 2015-096 on November 24, 2015, implementing the following outdoor water use restrictions:

- 1) Use of Landscape Irrigation Systems (Sprinklers) would be prohibited from December 1, 2015 to May 1, 2016. Only hand watering will be allowed and a person must be present to control the use of water.
- 2) Dwellings or establishments with ***even-numbered*** street addresses shall water only on ***Tuesdays***. Only hand watering is allowed and a person must be present to control the use of water. *(It is currently allowed on Tuesdays and Saturdays.)*
- 3) Dwellings or establishments with ***odd-numbered*** street addresses shall water only on ***Fridays***. Only hand watering is allowed and a person must be present to control the use of water. *(It is currently allowed on Mondays and Fridays.)*

- 4) No outdoor watering is allowed on days other than when it is expressly allowed.
- 5) No watering may occur for forty eight (48) hours after a rain event ends.
- 6) All fines are due 30 days from date of issuance of violation. If no payment is received, the fine will be added to the next utility bill.
 - (a) First violation – Change from a “warning” to a \$100 fine.
 - (b) Second violation – Change from a \$20 fine to a \$200 fine.
 - (c) Third violation – Change from a \$50 fine to a \$300 fine.
 - (d) Fourth violation – Change from a \$100 fine to \$400 fine.
 - (e) Fifth violation and each violation thereafter – Change from a \$200 fine to a \$500 fine.
- 7) No outdoor water use will be allowed between 9:00 a.m. and 9:00 p.m.

Although these measures were immediately implemented, on December 17, 2015, the Water Board’s Office of Enforcement issued a Conservation Order directing the City of Riverbank to immediately take further action to meet the mandated water conservation target of 32% or be subject to a civil liability of up to \$500 per day for each day the violation continued.

Proposed Ordinance Amendment

There are several factors that constitute the declaration of a water drought or water shortage that requires the City to implement water conservation regulations as expeditiously as changes occur or are state mandated. The amended ordinance proposes to establish water restrictions for outdoor water use, seasonal landscape irrigation schedules, prevent water waste, establish penalties for noncompliance of the regulations, and the ability to request an appeal hearing to settle administrative citations issued to violators. The proposed ordinance will also provide the City Council with the flexibility to set water use restrictions by adoption of a resolution; thereby, promptly adapting the City’s regulations to the changing water conservation measures and mandates.

FINANCIAL IMPACT

The early stages of implementing the restrictions and issued citations as part of the ordinance, may result in a cost to the City in providing an Appeal Hearing Officer or Board and staff time in preparation of a hearing; however, it is anticipated that in the long-term, costs may be offset through the collection of fines and implementation of an administrative appeals hearing fee of \$25.00.

ATTACHMENT

1. Proposed Ordinance 2016-004

CITY OF RIVERBANK

ORDINANCE NO. 2016-004

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, TO AMEND SECTIONS 52.01, 52.32, 52.34. AND 52.61 OF CHAPTER
52: WATER, OF TITLE V: PUBLIC WORKS, OF THE CITY OF RIVERBANK CODE
OF ORDINANCES**

WHEREAS, on April 25, 2014, Governor Brown issued a proclamation extending a state of emergency due to ongoing drought conditions in California, and strengthening the measures the state may take to manage water effectively in drought conditions; and

WHEREAS, on April 1, 2015, Governor Brown, issued Executive Order B-29-15, mandating that the State Water Resources Control Board (“Water Board”) impose restrictions to achieve a statewide 25% reduction in potable urban water use through February 28, 2016 in response to the continuing drought conditions; and

WHEREAS, the Water Board adopted regulations under the Executive Order B-29-15 mandate on May 5, 2015, requiring local urban water suppliers such as the City of Riverbank (“City”) to achieve conservation standards based on conservation tiers; and

WHEREAS, the City’s assigned tier requires it to reduce water use by 32% as compared to the same month’s water production in 2013; and

WHEREAS, on February 2, 2016, the Water Board extended the regulations adopted under Executive Order B-29-15 to October 31, 2016; and

WHEREAS, water use in the City was reduced by 21% in June 2015, 20% in July 2015, 27.3% in September 2015 and 6.2% in October 2015, however, water use increased by 17% in August 2015; and

WHEREAS, the City has not been able to meet the 32% water conservation mandate in any month with reporting data available; and

WHEREAS, the City received a notice of violation from the Water Board for the month of June, and by the end of the year, on December 17, 2015, the Water Board’s Office of Enforcement issued a Conservation Order directing the City to immediately take certain action to comply with the water conservation target of 32% water use reduction; and

WHEREAS, in its efforts to increase water conservation through the reduction of water use, the City is obligated to make drastic changes to its policies on outdoor water use, including penalties for noncompliance; and

WHEREAS, the City understands by implementing its water conservation policies that there may be customers or persons that may disagree with the enforcement of such policies and

therefore wants to provide the opportunity to request an appeal hearing to adjudicate citations issued to violators; and

WHEREAS, the City Council of the City of Riverbank hereby takes action to update the Riverbank Municipal Code to support and provide the mechanisms to enforce the City's adopted Urban Water Management Plan and comply with the Conservation Order, by establishing water conservation regulations and penalties for noncompliance, which may be changed from time to time by City Council resolution.

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

SECTION 1: Section 52.01: Definitions, of Chapter 52: Water, of Title V: Public Works of the Riverbank Municipal Code shall be amended by adding a definition, which shall read as follows:

§ 52.01 DEFINITIONS.

[...]

ENFORCEMENT OFFICER. Means the City Manager, Department Director, Public Safety Officer, or any designated city personnel or other designated person that the City Manager or City Council has authorized and charged with the responsibility for the enforcement of any provision of this chapter.

[...]

DROUGHT. Means a drought or water shortage as defined in the Urban Water Management Plan or as otherwise designated by federal, state, or local government.

[...]

SECTION 2: Section 52.32: Irrigating, of Chapter 52: Water, of Title V: Public Works of the Riverbank Municipal Code shall be repealed in its entirety and amended with a new Section 52.32, which shall read as follows:

§ 52.32 IRRIGATING.

No water shall be used for irrigation purposes by means of an open hose without a quick-acting positive shut-off nozzle on the hose, nor shall such use of water be wasted or used except as allowed by the Riverbank Municipal Code.

SECTION 3: Section 52.34: Restricted Water Use During a Peak Period, of Chapter 52: Water, of Title V: Public Works of the Riverbank Municipal Code shall be repealed in its entirety and amended with a new Section 52.34, which shall read as follows:

§ 52.34 RESTRICTED WATER USE.

In addition to all other provisions and requirements of this chapter, the following additional rules and regulations for the use of water are hereby established. These provisions shall apply to all persons using water in the city regardless of whether any person using water shall have a contract for water service with the city.

(A) *Vehicle Washing.* The washing of commercial and noncommercial privately owned automobiles, trucks, trailers, motor homes, boats, buses, and other types of vehicles is restricted to the use of a hand-held bucket and quick rinses using a hose with a quick-acting positive shut-off nozzle.

(B) *Washing Exterior Surfaces.* There shall be no washing of building exteriors, mobile home exteriors, sidewalks, patios, driveways, gutters or other exterior surfaces, unless permitted by the Public Works Director, or Superintendent, or his/her designee, and done with the use of a quick-acting positive shut-off nozzle on the hose.

(C) *Outdoor Water Use.* A drought, water shortage, or waste of water may require the city to implement regulations as expeditiously as such findings occur. The City Council by resolution shall establish water conservation regulations to address such findings, which may include but are not limited to water conservation regulations that are mandated by the state or federal government.

(D) *Violations.* It shall be unlawful for any customer or person to fail to comply with any of the provisions set forth by this section or by City Council resolution. The Enforcement Officer or designee may issue an administrative citation for failure to comply.

(E) *Penalties.* Failure to comply with any provision, requirement, rules or regulations under this chapter shall be unlawful and punishable as an infraction.

(1) In addition to the stated penalties, the city may pursue any available civil remedies and criminal penalties together with any and all costs incurred by the city as a result of violation of this section or any City Council resolution adopted pursuant to this section.

(2) At the discretion of the Enforcement Officer with the approval of the City Manager, an issued administrative citation for noncompliance of this section may be reduced to a formal written warning and the related citation fines waived or the citation may be cancelled after review of the findings. All results of a citation issued shall be entered into the record. Any further violation of the water conservation regulations provided in this section or adopted pursuant to this section shall result in the imposition of an administrative citation and its related penalties as set forth herein.

(3) Penalties for noncompliance with water conservation regulations provided in this section or adopted pursuant to this section shall be as follows and may be amended from time to time by City Council resolution:

- (a) The fine for the first violation is a one hundred dollars (\$100).
- (b) The fine for the second violation is a two hundred dollars (\$200).
- (c) The fine for the third violation is a three hundred dollars (\$300).
- (d) The fine for the fourth violation is a four hundred dollars (\$400).
- (e) The fine for the fifth violation and each subsequent violation thereafter is a five hundred dollars (\$500).

(F) *Payment of Fines.* Fines shall be placed on the customer's water bill and paid in accordance with Section 52.64 of this chapter.

(G) *Citation Appeal Hearing.* Any customer or person receiving an administrative citation for noncompliance of this section may request an appeal hearing pursuant to the administrative remedies provided in Chapter 99 of the Riverbank Municipal Code. Any customer or person seeking an appeal hearing of an issued administrative citation for noncompliance of this section shall file an appeals request form within fifteen (15) days of the citation. Failure to timely file a request form shall waive the right to appeal the violation. At the end of the fifteen (15) day period, all fines incurred for noncompliance with this section shall be placed on the customer's water bill for payment.

SECTION 4: Section 52.61: Fees and Charges by Ordinance, of Chapter 52: Water, of Title V: Public Works of the Riverbank Municipal Code shall be amended to read as follows:

§ 52.61 FEE AND CHARGES ESTABLISHED BY ORDINANCE.

Unless otherwise provided in this chapter, the amounts of all charges provided for herein, including but not limited to, water rates, connection fees, deposits, turn-on charges, penalties, and reconnection fees, shall be established from time to time by ordinance of the City Council. The failure to pay any fee or charge pursuant to this chapter shall constitute a violation of this code and shall be subject to fines and penalties set forth in the city code.

[...]

SECTION 5: This Ordinance shall become effective thirty (30) days from and after its final passage (____), provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on February 23, 2016. Said ordinance was given a second reading by title only and adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the 8th day of March, 2016; motioned by Councilmember _____, seconded by Councilmember _____, moved said ordinance by a City Council roll call vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan, City Attorney

PROPOSED

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date:	March 8, 2016
Subject:	A Resolution of the City Council of the City of Riverbank, California, Approving Variance No. 01-2016 for Galaxy-Cinemas Riverbank 2525 Patterson Road, Riverbank (APN 075-008-029)
From:	Jill Anderson, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

The Planning Commission recommends, by Resolution No. 2016-008 (Attachment 2), that the City Council finds the Project is categorically exempt under Section 15311, Class 11 Accessory Structures and approves a variance for a proposed 530 square foot IMAX sign at 47 feet in height where a 260 square foot sign at 40 feet in height is permitted.

SUMMARY

The applicant, Galaxy-Cinemas Riverbank (“Galaxy”) is seeking a variance for a proposed five hundred-thirty (530) square foot (sf) IMAX sign at forty-seven (47) feet in height where a two hundred-sixty (260) sf sign at forty (40) feet in height is permitted. In conducting research for this report, it was determined that a conditional use permit could have been processed instead, requiring the approval of the Planning Commission only instead of hearings in front of both the Planning Commission and the City Council as is currently required for a variance. While there are fewer requirements related to a Conditional Use Permit, the applicant, with concurrence from staff, agreed that it was best to move forward with the variance request in order to expedite the decision making process.

BACKGROUND AND ANALYSIS

On May 5, 2015, the Planning Commission approved Conditional Use Permit No. 01-2015 for Galaxy, a request to modify the existing Development Plan for PD (42) to allow the construction of an 8,750 square foot addition to the existing 12–screen cinema

complex to accommodate an IMAX theater. The structure is 48 feet in total height and construction began on it in late 2015.

On January 19, 2016 a signage application was completed and submitted with plans to Development Services (Attachment 3). Planning reviewed the documents and found the sign's area was two hundred-seventy (270) sf over what was permitted for an eighty (80) foot addition and approximately seven (7) feet higher than what is permitted by Code in this zoning district. Staff denied the application based on the following calculations (RMC 153.285 (B)(1)(b)(2a and 3):

(2a) 80' new building frontage	(3) Maximum height allowed = 40'
First 50' = 4 sf / linear foot = 200 sf	Proposed height of sign = 47'
Second 50' = 2 sf / linear foot = 60 sf	
Total = 260 sf allowed	
Total proposed signage = 530 sf	

In the approved Building Permit plan set, Sheet A.7.2 contains two notations concerning the IMAX sign. In the "Materials Legend," #11 states that illuminated signage will be provided by Galaxy under a separate permit. Signage is normally processed under its own permit in the City. The second note states that the contractor will "coordinate with the sign manufacturer for the final locations of the tube steel sign supports" that connect the sign to the building. Unfortunately, the tube steel sign supports were placed into the south building elevation before the sign application was submitted to the City and before their locations were coordinated with the sign manufacturer (Attachment 4). Planning staff found out the tube steel sign supports were already installed after denying the sign application. They are not just connected to the block wall but they go through the block wall and into the frame of the building, an expensive mistake to correct.

Pursuant to RMC Section 153.217 (a), the following Finding of Facts below shall be made in approving a variance. If a CUP had been processed for this project instead, only Finding #3 would be necessary.

1. Because of special circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications.

The Zoning development standards state that "Chimneys, communication towers, mechanical appurtenance, monuments, spires, campaniles, public and quasi-public buildings may be permitted in excess of height limits for the various districts". Thus taller structures are permitted for other commercial uses within the C-2 zone and within the general vicinity. There is no other theatre auditorium that has an IMAX screen within 55 miles of Riverbank (Dublin, Ca.). Other theaters that feature an IMAX screen have this same size exterior sign. This visual symbol will attract additional patronage and serve as a beacon for the economic success of present and future business throughout the City.

2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege.

The operation of a movie theatre relies on letting both pedestrians and motorists know they have reached an entertainment destination. The City General Plan recognizes the uniqueness of each business necessary for a vibrant local economy. For example the following General Plan policies are available for each and every Riverbank business:

a. Policy LAND-4.2 The City will encourage the revitalization of existing commercial areas through flexible development standards, public investment, property assemblage, incentives, streamlined entitlement process, catalyst project, public-private partnerships and other means.

b. Goal DESIGN-12 The Patterson road corridor and existing commercial areas are Vital and Attractive Focal points of Community Activity.

The auditorium will become an entertainment destination thus benefitting all commercial establishments on Patterson Road (CA Highway 108) and throughout the City. Also, the granting of this variance will directly implement the aforementioned goals and policies of the General Plan and will not constitute a special privilege to Galaxy Theatre.

3. The granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The sign will be facing Patterson Road, away from residential neighborhoods. Illumination from the sign will be directed toward Patterson Road, making minimal or actually beneficial impacts, such as patron safety, created by the sign. The sign will be constructed according to the California Building Code thereby not injurious to property or other neighborhood improvements.

ENVIRONMENTAL DETERMINATION

The proposed project will not have a significant effect on the environment and is categorically exempt under Section 15311, Class 11 Accessory Structures, the construction of minor structures accessory to existing commercial facilities, (a) on-premise signs.

FINANCIAL IMPACT

Resolution No. 2016-xxx will have no negative financial impact on the City.

ATTACHMENTS

1. Proposed City Council Resolution No. 2016-xxx
2. Planning Commission Resolution No. 2016-008
3. IMAX signage plans
4. South Elevation Photo, Tube Steel Sign Supports

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, APPROVING VARIANCE NO. 01-2016 FOR GALAXY-CINEMAS RIVERBANK 2525 PATTERSON ROAD, RIVERBANK (APN 075-008-029)

Whereas, An application for a Variance has been received from Galaxy-Cinemas Riverbank ("Galaxy") requesting a five hundred-thirty (530) square foot (sf) IMAX sign at forty-seven (47) feet in height where a two hundred-sixty (260) sf sign at forty (40) feet in height is permitted; and

Whereas, The property at 2525 Patterson Road, is zoned PD (42); and

Whereas, The Planning Commission held a public hearing on February 29, 2016 to consider the application; and

Whereas, Public Notice for the Public Hearing was published in the Riverbank News on February 24, 2016 and notices to individual property owners within 300-feet were mailed on February 24, 2016; and

Whereas, The applicant, Mr. Rich Holmer, provided evidence as part of his application, that the circumstance creates practical difficulties, unnecessary hardships and results inconsistent with the general purpose of the PD (Planned Development) Zoning District; and

Whereas, The Planning Commission of the City of Riverbank believes the following three findings required under Riverbank Municipal Code Section 153.217, Variance can be supported:

1. Because of special circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives the subject property of the privileges enjoyed by other properties in the vicinity and under identical zone classifications.
2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privileges.
3. The granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; and

Whereas, The Planning Commission of the City of Riverbank made the following findings in recommending their approval of the Variance to the City Council:

1. Notice has been given in the time and in the manner required by State Law and City Code.
2. A variance requesting a five hundred-thirty (530) square foot (sf) IMAX sign at forty-seven (47) feet in height where a two hundred-sixty (260) sf sign at forty (40) feet in height is permitted.is categorically exempt per Section 15311, Class 11 Accessory Structures, the construction of minor structures accessory to existing commercial facilities, (a) on-premise signs.
3. The property is zoned PD (42) (Planned Development) and is of level grade with no unique site characteristics.

Therefore, the mandatory findings for granting a variance, RMC Section 152.217, Variance, are found to exist and evidence is found to exist to support the request of Mr. Holmer to install a five hundred-thirty (530) square foot (sf) IMAX sign at forty-seven (47) feet in height where a two hundred-sixty (260) sf sign at forty (40) feet in height is permitted.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 8th day of March, 2016; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:
NAYS:
ABSENT:
ABSTAIN:

ATTEST:

Annabelle Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

**City of Riverbank
Planning Commission
Resolution No. 2016-008**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK
FINDING AND RECOMMENDING TO THE CITY COUNCIL APPROVAL OF
VARIANCE NO. 01-2016 FOR GALAXY-CINEMAS RIVERBANK**

Whereas, An application for a Variance has been received from Galaxy-Cinemas Riverbank (“Galaxy”) requesting to install a five hundred-thirty (530) square foot IMAX sign at forty-seven (47) feet in height where a two hundred-sixty (260) square foot sign at forty (40) feet in height is permitted; and

Whereas, The property, 2525 Patterson Road, is zoned PD (42); and

Whereas, The Planning Commission held a public hearing on February 29, 2016 to consider the application; and

Whereas, Public Notice for the Public Hearing was published in the Modesto Bee on February 18, 2016 and notices to individual property owners within three hundred (300) feet were mailed on February 18, 2016; and

Whereas, The applicant, Mr. Rich Holmer, has provided evidence as part of his application, that the circumstance creates practical difficulties, unnecessary hardships and results inconsistent with the general purpose of the PD (Planned Development) Zoning District; and

Whereas, The Planning Commission of the City of Riverbank believes the following three findings required under Riverbank Municipal Code Section 153.217, Variance can be supported:

1. Because of special circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives the subject property of the privileges enjoyed by other properties in the vicinity and under identical zone classifications; and
2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privileges; and
3. The granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; and

Whereas, The Planning Commission of the City of Riverbank makes the following findings:

1. Notice has been given in the time and in the manner required by State Law and City Code; and
2. A variance requesting to install a five hundred-thirty (530) square foot IMAX sign at forty-seven (47) feet in height where a two hundred-sixty (260) square foot sign at forty (40) feet in height is permitted is categorically exempt under Section 15311, Class 11 Accessory Structures, the construction of minor structures accessory to existing commercial facilities, (a) on-premise signs; and
3. The property is zoned PD (Planned Development 42) and is of level grade with no unique site characteristics; and
4. That the mandatory findings for granting a Variance, RMC Section 152.217, Variance, are found to exist and evidence is found to exist to support the request of Mr. Holmer to install a five hundred-thirty (530) square foot IMAX sign at forty-seven (47) feet in height where a two hundred-sixty (260) square foot sign at forty (40) feet in height is permitted.

NOW THEREFORE, BE IT RESOLVED by the City of Riverbank Planning Commission that Variance Application No. 01-2016 and Resolution No. 2016-008 be forwarded to the City Council for approval.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a special meeting held on the 29th of February, 2016; motioned by Commissioner McKinney, seconded by Commissioner Tabacco, and upon roll call was carried by the following vote of 4-0:

Ayes: Commissioners: McKinney, Tabacco, Stewart and Villapudua

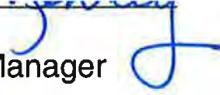
Nays:

Absent: King

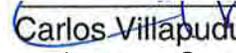
Abstain:

Attest:

Approve:



Donna M. Kenney
Planning and Building Manager



Carlos Villapudua
Planning Commission, Chair

COPY

Design #	0612057AR4
Sheet	1 of 4
Location	
Address	2525 PATTERSON RD RIVERBANK, CA 95367
Acct. Rep. / Coordinator	STAN MACRUM JAMIE MACRUM
Designer	H. PAYNE
Date	11/23/15
Approval / Date	
Client	
Sales	
Estimating	
Art	
Landlord	
Engineering	

Revision / Date
R1(12/31/15)HP: ADDED ALTERNATE WALL MOUNTING ATTACHMENT FOR CHANNEL LETTERS.
(12/21/15)HP: REMOVED SELF CONTAINED POWER OPTION, PER CUSTOMER REQUEST.
R2(12-30-15)JG: UPDATED CABINET SECTIONS PER ARCHITECT'S DRAWINGS, REV'D MOUNTING INFO
R3(01/13/16)HP: ADDED 1.5" RETAINER, AND "SPRUE" ON EACH LETTER TO HOUSE POWER SUPPLY.
R4(12/29/16)JG: REMOVED RACEWAYS, ADDED PAGE BOXES, SHOWED WHIP LOCATIONS

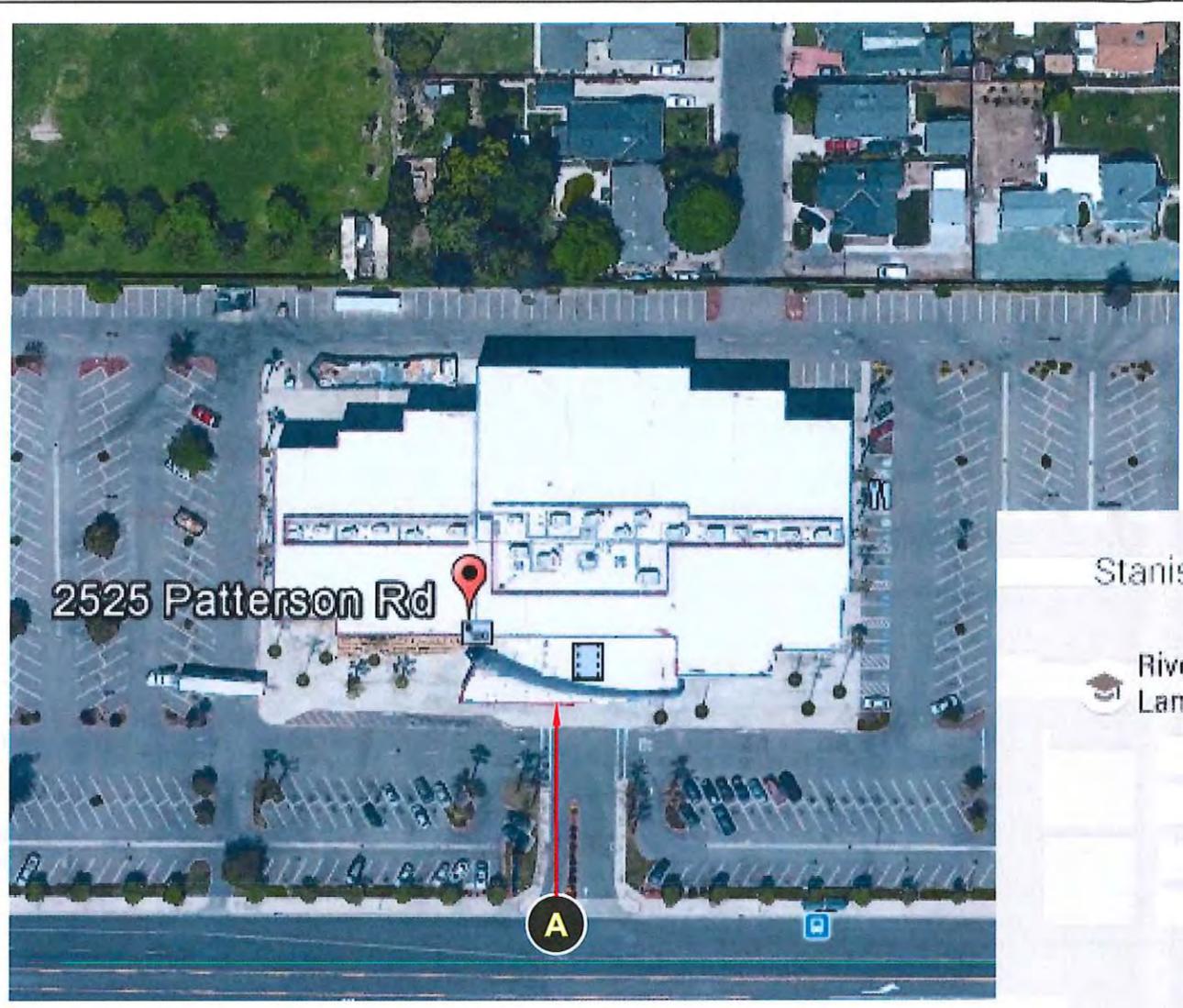
Chandler Signs
Brand Image Begins Here.

3201 Manor Way 214-902-2000	Dallas, TX 75235 Fax 214-902-2044
17319 San Pedro, Ste 200 210-349-3804	San Antonio, TX 78232 Fax 210-349-8724
963 Baxter Avenue, Ste 200 502-479-3075	Louisville, KY 40204 Fax 502-412-0013
2584 Sand Hill Point Circle 863-420-1100	Davenport, FL 33837 Fax 863-424-1160
37 Waterfront Park Court 800-851-7062	Dawsonville, GA 30534 Fax 210-349-8724
P.O. Box 125 106 Doral Drive 361-563-5599	Portland, TX 78374 Fax 361-643-6533
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FINAL ELECTRICAL CONNECTION BY CUSTOMER

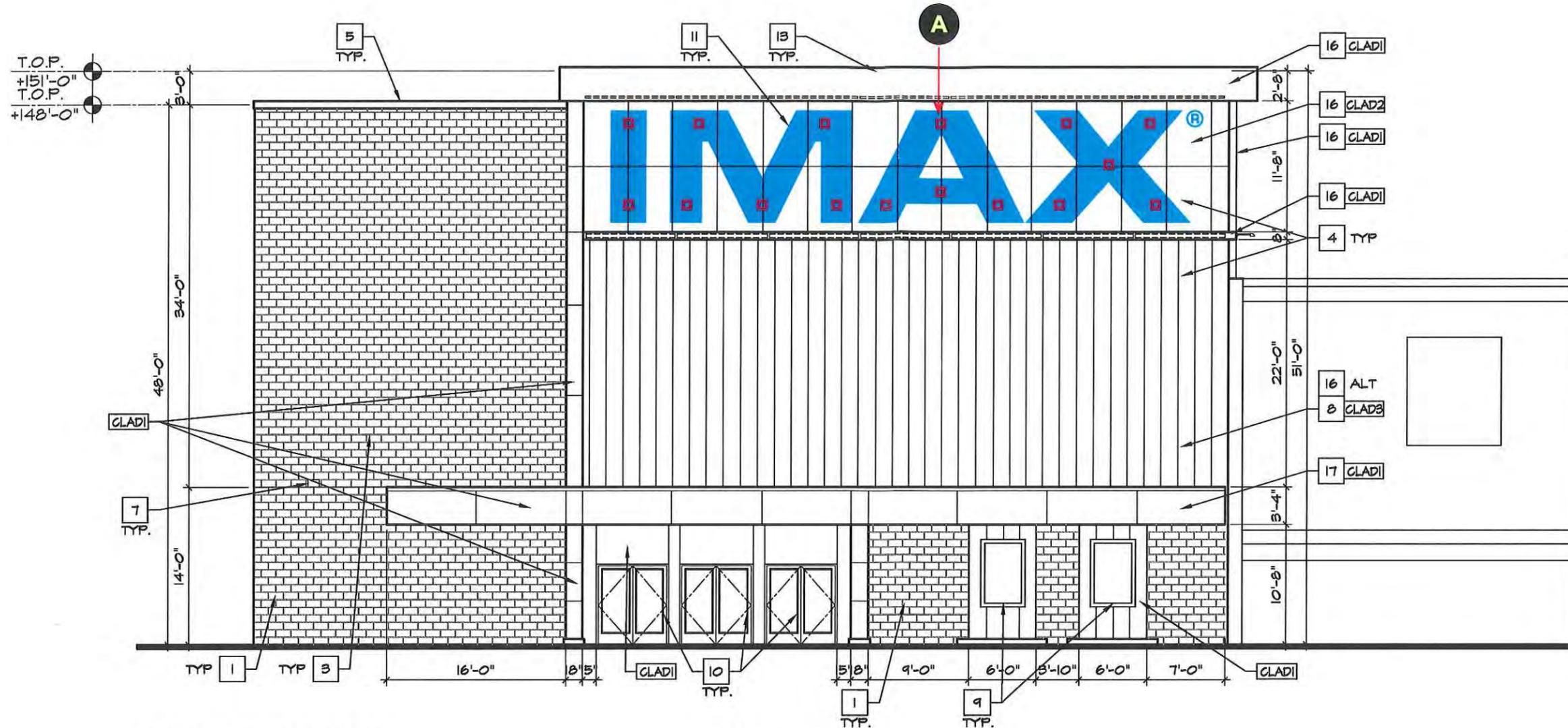
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VICINITY & AERIAL MAP

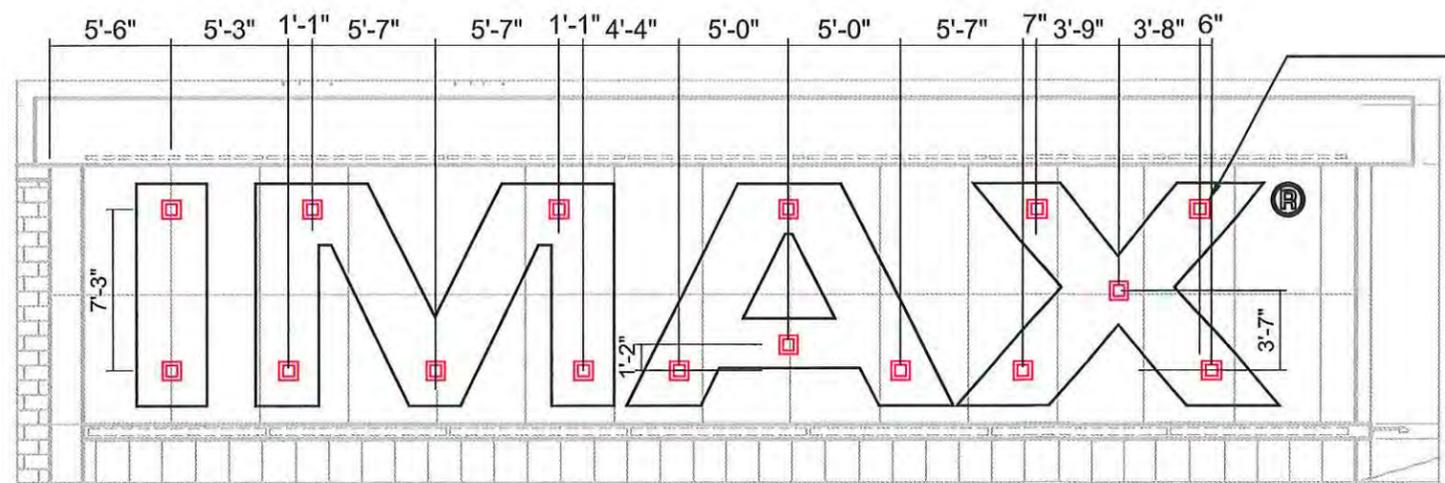
N.T.S. NORTH

TITLE 24 COMPLIANT
State of California



SOUTH ELEVATION

SCALE: 3/32"=1'-0"



ENLARGED DETAIL

SCALE: 1/8"=1'-0"

CSI TO LOCATE STEEL SUPPORTS AS SHOWN - LETTER INSTALLATION TO FOLLOW (16 MOUNTS TOTAL)

Design #	0612057AR4
Sheet	2 of 4
Location	
Address	2525 PATTERSON RD RIVERBANK, CA 95367
Acct. Rep.	STAN MACRUM
Coordinator	JAMIE MACRUM
Designer	H. PAYNE
Date	11/23/15
Approval / Date	
Client	
Sales	
Estimating	
Art	
Landlord	
Engineering	

Revision / Date

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R3(01/13/16)HP: ADDED 1" RETAINER, AND "SPINE" ON EACH LETTER TO HOUSE POWER SUPPLY.

R4(1/25/16)G: REMOVED RACEWAYS, ADDED PANCE BOXES, SHOWED WHP LOCATIONS

Chandler Signs
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- 3301 Manor Way Dallas, TX 75235
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- 963 Baxter Avenue, Ste 200 Louisville, KY 40204
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- 2584 Sand Hill Point Circle Davenport, FL 33837
863-420-1100 Fax 863-424-1160
- 37 Waterfront Park Court Dawsonville, GA 30534
800-851-7052 Fax 210-349-8724
- P.O. Box 125 205 Doral Drive Portland, TX 78374
361-583-5589 Fax 361-643-6533
- 1335 Park Center Drive, UNIT C Vista, CA 92081
760-967-7003 Fax 760-967-7033

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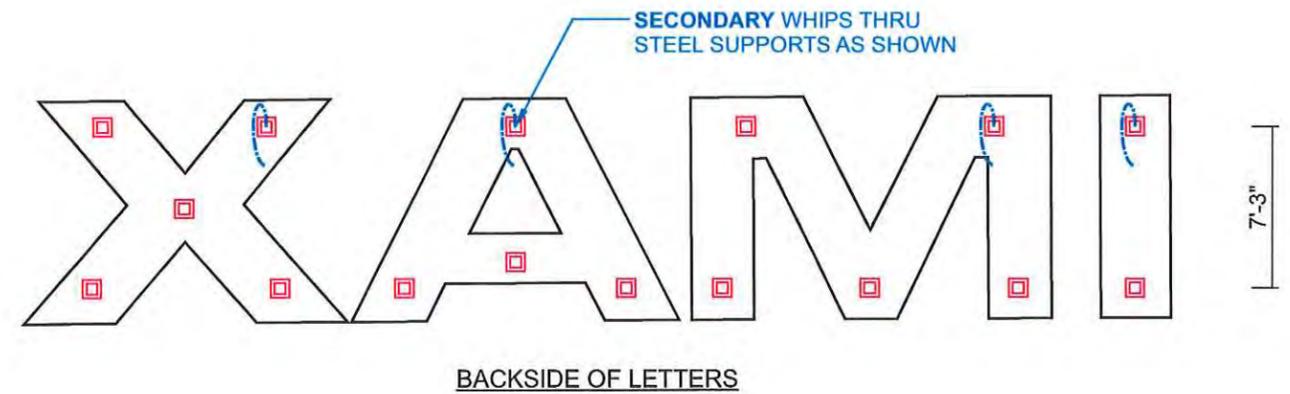
FINAL ELECTRICAL CONNECTION BY CUSTOMER

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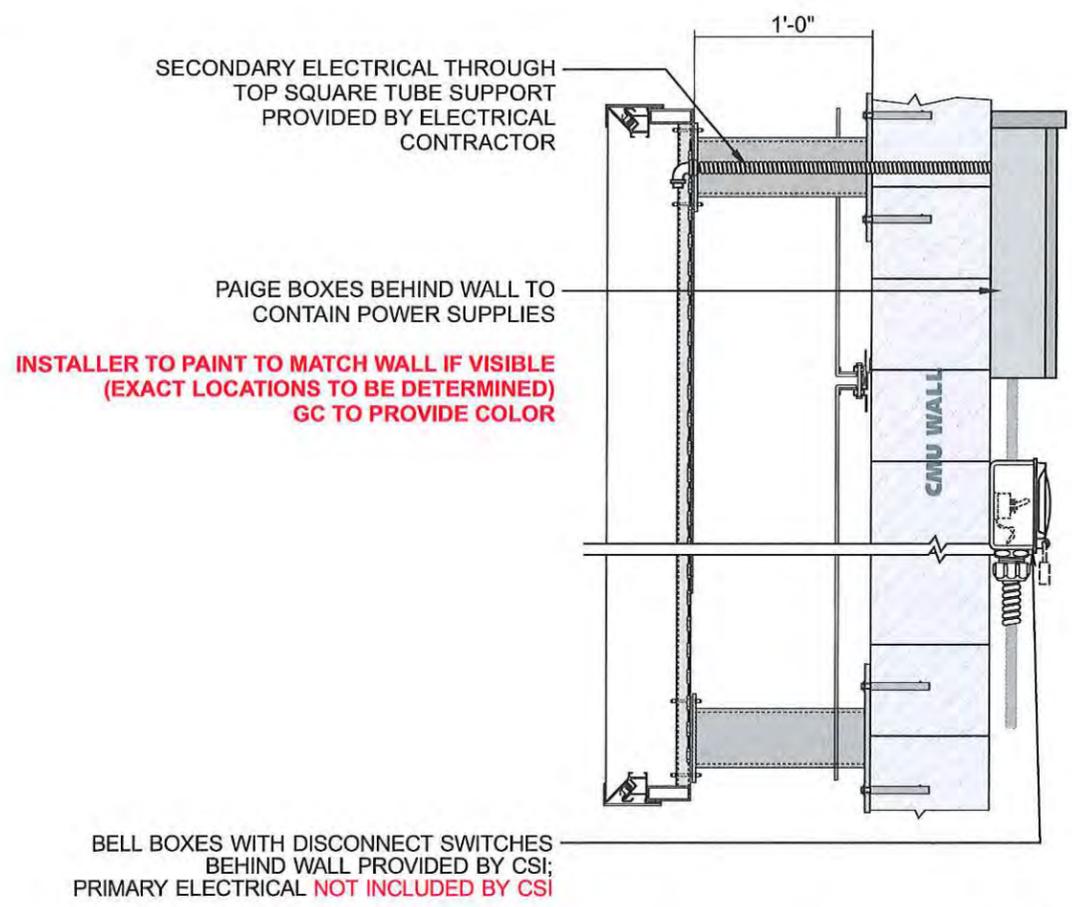
TITLE 24 COMPLIANT
State of California



SEE SECTION DETAILS ON NEXT PAGE



BACKSIDE OF LETTERS



IMAX LETTER SECTION SCALE 1"=1'-0"

A **REMOTE CHANNEL LETTERS** SCALE: 1/8" = 1'-0"
 ONE (1) REQUIRED - MANUFACTURE and INSTALL 530 TOT. SQ. FT.

STEEL SIGN MOUNTS TO BE PROVIDED BY GC

GELCORE TETRA MAX WHITE LED ILLUMINATION
 TOTAL = .65 AMPS



Design #	0612057AR4
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Chandler Signs
 Brand Image Begins Here

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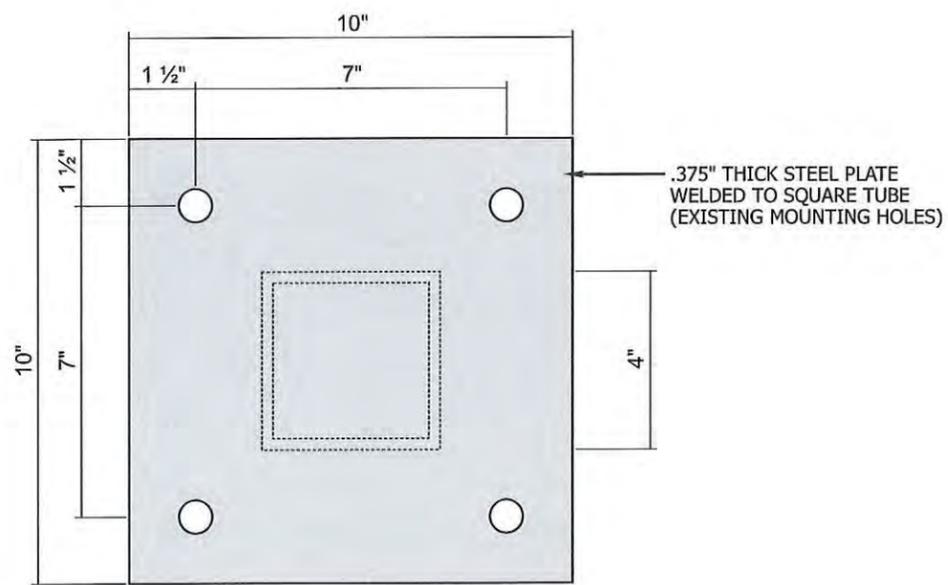



PLATE MOUNT SECTION - TO BUILDING SCALE: 3" = 1'-0"

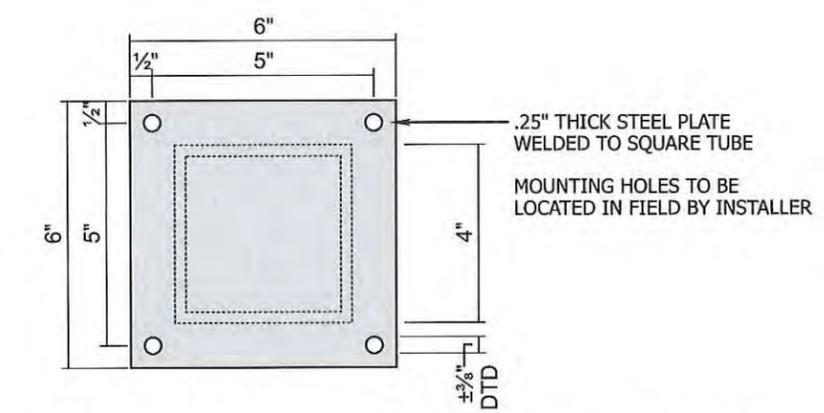
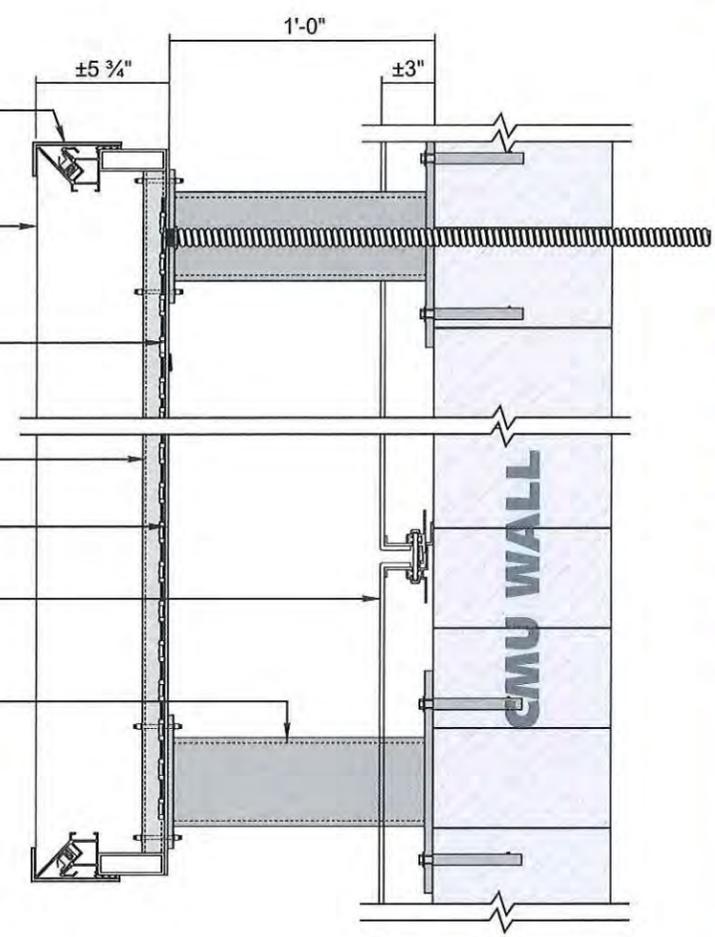


PLATE MOUNT SECTION - TO 'IMAX' LETTERS SCALE: 3" = 1'-0"

- ALUMINUM EXTRUSION WITH 1 1/2" RETAINER. RETURNS RETAINERS AND BACKS PAINTED TO MATCH PMS 2925C BLUE, INSIDE WHITE L.E.F. (KICKERS BUILT INTO FRAME)
- FLEX FACE WITH 1ST SURFACE APPLIED 3M 3630-147 LIGHT EUROPEAN BLUE VINYL
- WHITE LED ILLUMINATION - POWER SUPPLIES TO BE CONTAINED IN PAIGE BOXES BEHIND WALL
INSTALLER TO PAINT TO MATCH WALL IF VISIBLE (EXACT LOCATIONS TO BE DETERMINED) GC TO PROVIDE COLOR
- ALUMINUM FRAMING - MANUFACTURING TO DETERMINE
- .125" ALUMINUM BACKS
- ALPOLIC METAL COMPOSITE MATERIAL CLADDING TO BE INSTALLED BY CUSTOMER AFTER INSTALLATION OF MOUNTING PLATES
- GALVANIZED STEEL SUPPORTS PROVIDED BY CUSTOMER - INSTALLED BY CSI WITH
FOUR (4) EA. .625" KB-3 CONCRETE WEDGE ANCHORS AND EPOXY 4" MINIMUM EMBEDMENT PER ARCHITECT'S DRAWINGS



IMAX LETTER SECTION

WATERPROOF DISCONNECT SWITCH REQUIRED
(1) 20 AMP. 120v CIRCUIT REQUIRED

N.T.S.

TITLE 24 COMPLIANT
State of California



RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date:	March 8, 2016
Subject:	Museum Annex Concept Plans
From:	Jill Anderson, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

It is recommended that the City Council review and approve the museum annex concept plan and direct that a project working group, involving representatives from the Historical Society and City staff, be formed to ensure that the project proceeds in alignment with the goals of both parties.

INFORMATION

The Historical Society continues to work on the concept plan for the Riverbank Museum Annex, which is planned for the vacant lot adjacent to the current museum. The Society has requested that the City Council review and approve the concept plan so it may be used to establish a vision to facilitate fundraising and apply for grants. Representatives from the Historical Society are expected to be available to address any questions about the proposed concept plans and the future of the project.

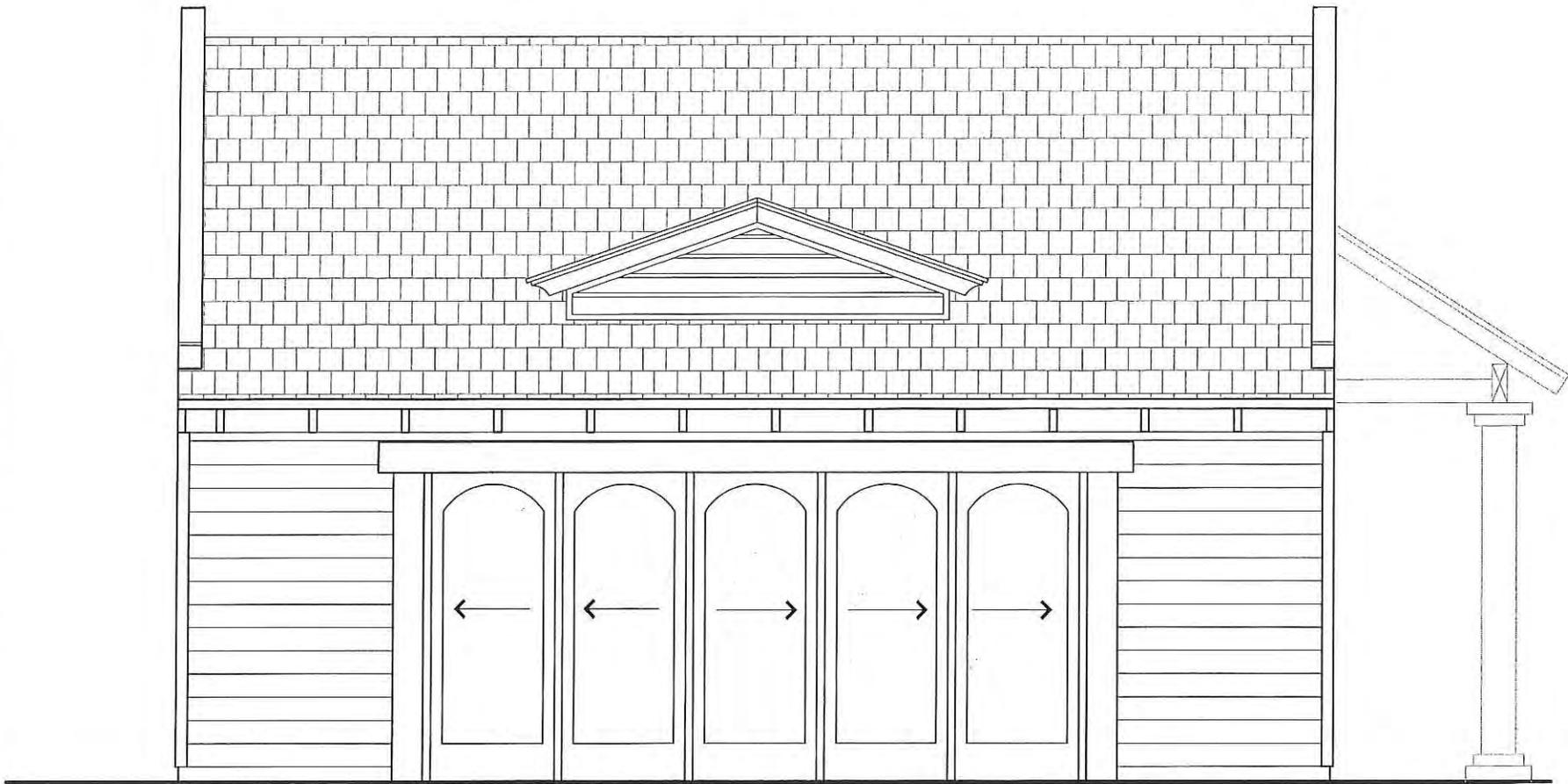
Since the annex will be partially funded by the City's System Development Fees, the City will need to be a part of the discussions for the development of the ultimate design through its architectural review process, the construction of the building, and its future maintenance. This is critical to ensure that the City is following the proper public bidding procedures and should include the procurement of the architect and/or engineer who will be designing the project. Therefore, it is recommended that a working group be established that would include representatives from the Historical Society and staff, most notably, the City's Project Coordinator in Development Services. The City's intent during the architectural review process is to ensure the structure meets the Downtown Specific Plan, focusing on the functionality of the space and providing options for discussion by the group.

FINANCIAL IMPACT

There is no financial impact to the City associated with the approval of the concept plan, as its primary purpose is to set a vision for fundraising events and application for grant funds.

ATTACHMENTS

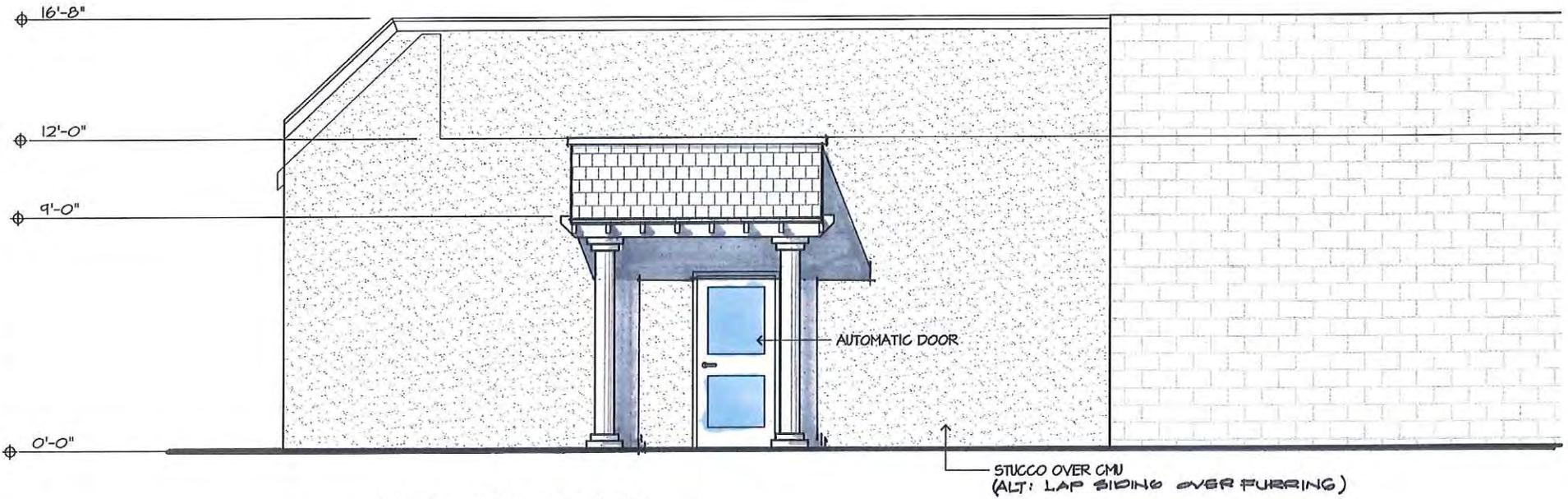
1. Riverbank Museum Annex Concept Plans



(B)

NORTH ELEVATION

L:\2012 Jobs\20131612 Riverbank Historical Society Building Review\YELLEV.dwg, 2/17/2016 4:16:46 PM



Ⓒ EAST ELEVATION

**RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 6.2**

SECTION 6: NEW BUSINESS

Meeting Date:	March 8, 2016
Subject:	Options for Future Organization and Oversight of the Local Redevelopment Authority and Riverbank Army Ammunition Plant
From:	Jill Anderson, City Manager
Submitted by:	Debbie Olson, Executive Director, Riverbank Local Redevelopment Authority

RECOMMENDATION

It is recommended that Riverbank Local Redevelopment Authority (“LRA”) Board of Directors (“BOD”) receive a report from the LRA’s Base Closure and Realignment (“BRAC”) special counsel and consider the options for future oversight and ownership of the Riverbank Army Ammunition Plant (“RAAP”).

SUMMARY

The LRA Board of Directors will be provided a report and an opportunity to discuss the variety of options available for future oversight and ownership of RAAP and the associated implications of each option. The discussion will be led primarily by George Schlossberg, the RLRA’s special counsel on BRAC from Kutak Rock, LLP.

BACKGROUND

The Riverbank Local Redevelopment Authority was created in 2006 to plan, oversee, finance and implement base reuse and economic development programs for the Riverbank Army Ammunition Plant throughout the closure process and to facilitate the transfer of the real and other property to the community of Riverbank.

In 2008, the LRA Board adopted the Riverbank Army Ammunition Plant Reuse Plan (“Reuse Plan”), a community-supported plan that serves as a roadmap for redevelopment activities at RAAP.

Today's presentation is intended to provide a variety options for consideration of the future disposition of both the LRA and the RAAP property that are consistent with the Reuse Plan.

As the City moves closer to land transfer, considerations for how the property will be managed in the future may guide and direct subsequent implementation, reuse and economic development activities. Options will include a comparison of the relative impact on the City's resources and exposure to risk.

FINANCIAL IMPACT

There are no financial impacts to the General Fund associated with the presentation.

ALIGNMENT WITH THE STRATEGIC PLAN

This aligns with the City's Strategic Plan in that it provides an opportunity for the public to engage and be better informed about the strategic decisions involved in the transfer of the former military site. It also provides transparency, accountability and open communication with the public regarding a key City project.

ATTACHMENTS

There are no attachments to this report; a memorandum regarding LRA Options for reuse of the former Riverbank Army Ammunition Plant will be provided under separate cover, prior to the meeting. The memo will also be made available to the public upon distribution to the City Council.