



City of Riverbank
REGULAR CITY COUNCIL AND LOCAL REDEVELOPMENT AUTHORITY
MEETINGS

(The City Council also serves as the LRA Board)

MINUTES

TUESDAY, APRIL 12, 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: Mayor/Chair Richard D. O'Brien

INVOCATION: Reverend Charles Neal

ROLL CALL: Mayor/Chair Richard D. O'Brien
Present 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 O'Brien affirmed that there were no changes to the agenda.*

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

Item 1.1: Proclamation of National Library Week. *Mayor O'Brien presented the proclamation to Riverbank Library Branch Manager Ms. Vicky Holt.*

Item 1.2: Proclamation of Autism Awareness Month. *The proclamation was not presented.*

Item 1.3: Stanislaus Consolidated Fire Protection District Update. *Ms. Michelle Guzman provided an update.*

Item 1.4: Update on the “Focus on Prevention” Initiative. *Stanislaus County Supervisor Bill O’ Brien introduced the item and Stanislaus County Supervisor Terri Withrow was also present. Mr. Ruben Imperial, Community Development & Empowerment Manager, made the presentation. Mr. Marvin Jacobo, Stewardship Council Leader, also spoke.*

Item 1.5: Stanislaus Alliance Small Business Development Center 2016 Presentation. *Mr. Kirk Clark, Director of the SBDC, made the presentation.*

Item 1.6: Strategic Plan Update. *City Manager Jill Anderson presented the update.*

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.

Minister Ruben Fazio announced the “Love Riverbank” event.

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 March 22, 2016, City Council and Local Redevelopment Authority Minutes.

Item 3.B-1: Approval of the April 5, 2016, Special City Council Minutes.

LRA Item 3.C: Environmental Services Cooperative Agreement with the US Army that will Remediate and/or Remove Contamination to Real Property at the (former) Riverbank Army Ammunition Plant.

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 / Jones Cruz / passed 5-0) to approve Items 3.A through 3.C as presented. Motion carried by unanimous City Council and LRA Board roll call vote.*

AYES: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor O’Brien

NAYS: None, ABSENT: None, ABSTAINED: None

4. UNFINISHED BUSINESS

There were no items to consider.

5. PUBLIC HEARINGS

The Public Hearing Notice for the following public hearing item 5.1 was published in the local newspaper of general circulation on March 30, 2016.

Item 5.1: **Proposed Ordinance No. 2016-003 of the City Council of the City of Riverbank, California, Amending the Riverbank Municipal Code by Repealing in its Entirety Section 153.217: Variance and Section 153.218: Appeals of Chapter 153: Zoning of Title XV: Land Usage, and Substitute it with New Sections 153.217 and 153.218** – It is recommended that the City Council conduct the public hearing for the first reading and introduction by title only of the proposed ordinance to consider its approval as presented, which will initiate the scheduling of the ordinance for its second reading by title only on April 26, 2016, to consider its adoption. The proposed ordinance is also recommended by adopted Planning Commission Resolution No. 2016-003.

City Manager Jill Anderson presented the staff report in the absence of Planning and Building Manager, Donna Kenney. Planning Consultant John Anderson and City Clerk Annabelle Aguilar were present to assist in responding to questions.

Mayor O'Brien opened the public hearing at 7:19 p.m.; no one spoke, the hearing was closed.

ACTION: *By motion moved and seconded (Barber-Martinez / Campbell / passed 5-0) to adopt Ordinance No. 2016-003 as presented. Motion carried by unanimous City Council roll call vote.*

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

NAYS: None, ABSENT: None, ABSTAINED: None

6. NEW BUSINESS

Item 6.1: **A Resolution [No. 2016-023] of the City Council of the City of Riverbank, California, to Adopt Local Goals and Policies for Community Facilities Districts** – It is recommended that the City Council adopt a Resolution outlining the City of Riverbank's Local Goals and Policies for Community Facilities Districts. The recommended action will allow Council to establish local goals and policies concerning the formation and use of the Mello-Roos Community Facilities Act of 1982 (the "Act") prior to the initiation of proceedings to establish new community facilities district ("CFD") under the Act.

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

ACTION: *By motion moved and seconded (Tucker / Barber-Martinez / passed 5-0) to adopt Resolution No. 2016-023 adopting the Local Goals and Policies for*

Community Facilities as presented. Motion carried by unanimous City Council roll call vote.

AYES: Barber-Martínez, Campbell, Jones Cruz, Tucker, and Mayor O'Brien

NAYS: None, ABSENT: None, ABSTAINED: None

Item 6.2: **A Resolution [No. 2016-024] of the City Council of the City of Riverbank, California, Declaring Its Intention to Establish City of Riverbank Community Facilities District No. 2016-1 (Public Services) and to Authorize the Levy of a Special Tax Therein to Finance Certain City Services** – It is recommended that the City Council adopt a Resolution declaring its intention to establish a City of Riverbank Community Facilities District 2016-1 (Public Services) and to authorize the levy of a special tax therein to finance certain City services. The recommended action will declare the City Council's intent to create a Community Facilities District (CFD) pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"), as amended, for the purpose of financing police services, street maintenance, parks, storm drainage, and landscaping.

Susana Medina, of Willdan Financial Services presented the report. City Manager Jill Anderson clarified the discounting of Affordable Housing. Consultant John Anderson provided additional information of the proposed CFD. City Council and Presenters discussed the item.

ACTION: *By motion moved and seconded (Campbell / Jones Cruz / passed 5-0) to adopt Resolution No. 2016-024 Declaring Its Intention to Establish City of Riverbank Community Facilities District No. 2016-1 (Public Services) and to Authorize the Levy of a Special Tax Therein to Finance Certain City Services as presented. Motion carried by unanimous City Council roll call vote.*

AYES: Barber-Martínez, Campbell, Jones Cruz, Tucker, and Mayor O'Brien

NAYS: None, ABSENT: None, ABSTAINED: None

Item 6.3: **Presentation by Neal Colwell of KSN Engineering Regarding Potential Production and Use of Recycled Water** – It is recommended that the City Council receive a presentation by Neal Colwell from KSN Engineering regarding the potential production and use of recycled water at the City's Wastewater Treatment Plant.

Mr. Neal Colwell of KSN Engineering presented the information and responded to questions. City Council discussed the item.

Item 6.4: **Presentation Regarding Options for Becoming a Business-Friendly Community** - It is recommended that Riverbank City Council receive a presentation regarding ways in which the City is promoting a business-

friendly environment and options for further development of a business-friendly City.

LRA Executive Director Debbie Olson presented the staff report; City Council and Staff discussed the item.

Item 6.5: **Report on Senate Bill 5 and Compliance with the Central Valley Flood Protection Plan** – It is recommended that the City Council approve Option 4, presented in more detail later in this report, to defer the modeling and mapping obligation to when an identified project, which might be impacted by the 200 year flood elevation determination, is presented for consideration.

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

7. COMMENTS (Information only – No action)

Item 7.1: Staff Comments

Public works Superintendent Michael Riddell reported on the City's water use which resulted in a 36% reduction for the month March, and reported on the progress of water meter installations.

City Manager Jill Anderson announced upcoming City activities.

Item 7.2: Council/Authority Member Comments

Council/Authority Member Barber-Martinez reported on her attendance of the League of California Cities Community Policy Committee Meeting.

Item 7.3: Mayor/Chair Comments

No business reports/comments provided.

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 OPENED FOR PUBLIC COMMENT; NO ONE SPOKE. THE MEETINGS WERE RECESSED AND CITY COUNCIL AND THE LRA BOARD WENT INTO CLOSED SESSION AT 9:26 P.M.

Item 8.1: **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to Government Code Section 54957
Title: City Attorney

Item 8.2: **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:26**
Pursuant to Government Code Section 54957
Title: City Manager

LRA Item 8.3: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Government Code § 54956.9(a)
Name of Case: In Re: AQH, LLC dba Aquifer LLC
United States Bankruptcy Court, Northern District of California
Case No. 15-50553 ASW 11

9. REPORT FROM CLOSED SESSION

MAYOR/CHAIR O'BRIEN RECONVENED THE MEETINGS AT 9:40 P.M.

Item 9.1: Report from Closed Session Item 8.1: **PUBLIC EMPLOYEE PERFORMANCE EVALUATION – City Attorney**

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

Item 9.2: Report from Closed Session Item 8.2: **PUBLIC EMPLOYEE PERFORMANCE EVALUATION – City Manager**

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

LRA Item 9.3: Report on Closed Session LRA Item 8.3: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

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

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 9:41 p.m.

ATTEST: (Adopted 04/26/16)

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

Richard D. O'Brien
Mayor / Chair