



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

(The City Council also serves as the LRA Board)

**MINUTES**

**TUESDAY, JANUARY 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 Darlene Barber-Martinez  
Council/Authority Member Cal Campbell, Leanne Jones Cruz, and  
Jeanine Tucker

**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 spoke.*

**1. PRESENTATIONS** There were 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.

- *Vicky Holt, Riverbank Library Manager, provided an update on library activities.*
- *David Taylor, homeless, spoke in regards to being harassed by the Police dept.*

**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 December 8, 2015, City Council and Local Redevelopment Authority Minutes.

**Item 3.C:** A **Resolution [No. 2016-001]** of the City Council of the City of Riverbank, California, to Authorize the City Manager to Execute an Agreement with Willdan Financial Services to Assist with the Formation of a Community Facilities District and Subsequent Annexations to Fund Services and Maintenance Associated with New Development.

**Item 3.D:** A **Resolution [No. 2016-002]** of the City Council of the City of Riverbank, California, Adopting the Final Riverbank Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan Update and Appendices.

**Item 3.E:** A **Resolution [No. 2016-003]** of the City Council, of the City of Riverbank, California, Approving the Reappointment of Joan Stewart, and the New Appointments of Edward Tabacco, and Larry King to the Planning Commission to Serve a Four-Year Term Expiring December 2019.

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

*AYES: Campbell, Jones Cruz, Tucker, Barber-Martinez, and Mayor O'Brien  
NAYS: None, ABSENT: None, ABSTAINED: None*

#### **4. UNFINISHED BUSINESS**

**Item 4.1:** **Second Reading by Title Only and Adoption of Proposed Ordinance No. 2016-001 of the City Council of the City of Riverbank, California, Amending the Riverbank Municipal Code by repealing in its Entirety Chapter 120: Medical Marijuana Dispensary Ban of Title XI: Business Regulations and Substituting it with a New Chapter 120: Ban On Medical Marijuana Dispensaries and Commercial and Outdoor Marijuana Cultivation** – It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2016-001 and consider its adoption by roll call vote.

*City Manager Jill Anderson presented the staff report. Mayor O'Brien opened the item for discussion; no one spoke.*

**ACTION:** *By motion moved and seconded (Jones Cruz / Campbell/ passed 5-0) to approve the Second Reading and Adoption of Ordinance No. 2016-001 as presented. Motion carried by unanimous City Council roll call vote.*  
*AYES: Campbell, Jones Cruz, Tucker, Barber-Martinez, and Mayor O'Brien*  
*NAYS: None, ABSENT: None, ABSTAINED: None*

**5. PUBLIC HEARINGS**      There are no items to consider.

**6. NEW BUSINESS**

**Item 6.1:**      **City Council Appointments to Intergovernmental Boards and Committees and City Council/LRA Appointments to Internal City Committees for the Year 2016** – It is recommended that the City Council / Local Redevelopment Authority Board:  
1) review the appointment lists; 2) volunteer or nominate a member of the City Council/LRA to serve as the representative; and 3) by roll call vote, ratify the appointments for the year 2016.

*City Council unanimously agreed to keep the current appointments as presented.*

**ACTION:**      *By motion moved and seconded (Barber-Martinez / Campbell / passed 5-0) to approve and ratify the appointments as presented with no changes to the Boards, Commissions, and Committees lists (lists attached). Motion carried by unanimous City Council roll call vote.*  
*AYES: Campbell, Jones Cruz, Tucker, Barber-Martinez, and Mayor O'Brien*  
*NAYS: None, ABSENT: None, ABSTAINED: None*

**Item 6.2:**      **Annual Nomination and Appointment of the Vice Mayor** – It is recommended that the Mayor nominate a Councilmember to serve as Vice Mayor and the City Council, by motion for approval, make the appointment for a one-year term.

*City Manager Jill Anderson presented the staff report. Mayor O'Brien nominated Councilmember Tucker to serve as Vice Mayor for the year 2016.*

**ACTION:**      *By motion moved and seconded (Jones Cruz / Campbell / passed 5-0) to approve the appointment of Councilmember Tucker as Vice Mayor for the year 2016. Motion carried by unanimous City Council roll call vote.*  
*AYES: Campbell, Jones Cruz, Tucker, Barber-Martinez, and Mayor O'Brien*  
*NAYS: None, ABSENT: None, ABSTAINED: None*

**Item 6.3:**      **Request to Reconsider Regulations Relating to Outdoor Watering Hours** – It is recommended that the City Council consider a request from Councilmember Campbell to reconsider the hours that the City allows outdoor watering to occur.

*City Council and Staff discussed the item; no action was taken.*

## **7. COMMENTS (Information only – No action)**

### **Item 7.1:** Staff Comments

- *Director of Finance Marisela Garcia announced the Budget Advisory Committee meeting and provided an update on the Del Rio Theater property.*
- *Michael Riddell provided an update on the City's water conservation efforts.*

### **7.2:** Council/Authority Member Comments

- *Council/Authority Member Barber-Martinez reported on her attendance of the Stanislaus County Office of Emergency Training, and announced the Citizen of the Year Awards event.*

### **Item 7.3:** Mayor/Chair Comments

- *Mayor/Chair O'Brien commented on the delayed development of the park as part of the KB Homes Development and on the need for city signage to guide people to the downtown businesses.*

## **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 asked for public comment; no one spoke. The meetings were recessed and City Council went into Closed Session at 6:50 p.m.*

### **Item 8.1:** **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code § 54956.9(a)

Name of Case: City of Riverbank v. Riverbank Oil Transfer, LLC

Stanislaus County Superior Court Case No. 2012779

## **9. REPORT FROM CLOSED SESSION**

*Mayor/Chair O'Brien reconvened the meetings at 7:10 p.m.*

### **Item 9.1:** Report from Closed Session Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – EXISTING 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 7:10 p.m.

**ATTEST:** *(Adopted 01/26/2016)*

**APPROVED:**

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

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**Richard D. O'Brien**  
**Mayor / Chair**

Attachments: Item 6.1 – Boards/Commissions/Committee lists

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**CITY COUNCIL  
INTERGOVERNMENTAL BOARDS & COMMITTEES**

(Last revised and ratified on 01/12/2016)

<b>BOARD / COMMITTEE</b>	<b>COUNCIL REPRESENTATIVE (2016 - Appointments)</b>
<p align="center"><b><u>LEAGUE OF CALIFORNIA CITIES CENTRAL VALLEY DIVISION EXECUTIVE COMMITTEE</u></b></p> <p><b>Meets:</b> Quarterly, TBD when scheduled  <b>Location:</b> It rotates among the Northern and Southern central valley cities, TBD.            (Annual breakfast meeting of the year takes place at the League's Annual Conference in September)</p> <p>The Central Valley Division (CVD) is lead by an executive committee made up of local government officials who provide overall guidance and direction for CVD activities. These activities provide a variety of avenues for individuals to take the opportunity to exchange ideas and information and share the advantages of cooperative advocacy.</p>	<p align="center">Councilmember Cal Campbell  Mayor Richard D. O'Brien (alt.)</p>
<p align="center"><b><u>LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE VOTING DELEGATE(S)</u></b></p> <p>The League of California Cities is an association of California City Officials who work together to enhance their knowledge &amp; skills, and exchange information &amp; combine resources so that they may influence policy decisions that affect cities.</p>	<p align="center">Primary and Alternate to be determined in June.  (The appointment is typically made in June upon the League's request.)</p>
<p align="center"><b><u>NORTH COUNTY CORRIDOR TRANSPORTATION EXPRESSWAY AUTHORITY BOARD</u></b></p> <p><b>Meets:</b> 3<sup>rd</sup> Wed. of every alternate month; 4:30-6:pm  <b>Location:</b> Tenth Street Place, Board Chambers, 1010 10<sup>th</sup> Street (basement), Modesto</p> <p>The North County Corridor Transportation Expressway Authority (Authority) is the lead implementing agency for the North County Corridor State Route 108 East Route Adoption. The Authority leads the overall effort. These meetings pertain to locating the best route for the northern expressway from Hwy 99 to the eastern side of Oakdale.</p>	<p align="center">Mayor Richard D. O'Brien  Councilmember Darlene Barber-Martinez (alt.)</p>

**CITY COUNCIL  
INTERGOVERNMENTAL BOARDS & COMMITTEES**

(Last revised and ratified on 01/12/2016)

<b>BOARD / COMMITTEE</b>	<b>COUNCIL REPRESENTATIVE (2016- Appointments)</b>
<p style="text-align: center;"><b><u>San Joaquin Valley Air Pollution Control District Special City Selection Committee</u></b></p> <p><b><u>Meets:</u></b> At least once annually and as needed <b><u>Location:</u></b> Northern Region Office, 4800 Enterprise Way, Modesto</p> <p>This Committee's purpose is to appoint (5) Council Members to the San Joaquin Valley Air Pollution Control District's Governing Board.</p>	<p style="text-align: center;">Councilmember Darlene Barber-Martinez</p> <p style="text-align: center;">Councilmember Leanne Jones Cruz (alternate)</p>
<p style="text-align: center;"><b><u>STANCOG – POLICY BOARD</u></b></p> <p><b><u>Meets:</u></b> The 3<sup>rd</sup> Wednesday of each month; 6:pm <b><u>Location:</u></b> 1111 I Street, Suite 308, Modesto</p> <p>To work together with local cities to enhance communication, cooperation and comprehensive planning in dealing with regional issues.</p>	<p style="text-align: center;">Mayor Richard D. O'Brien</p> <p style="text-align: center;">Councilmember Cal Campbell (alt.)</p>
<p style="text-align: center;"><b><u>STANISLAUS OFFICE OF EMERGENCY SERVICES DISASTER COUNCIL</u></b></p> <p><b><u>Meets:</u></b> Twice a year or as necessary, at 1:30 pm <b><u>Location:</u></b> Ray Simon Training Center, 3800 Cornucopia Way, Bldg A, Modesto</p> <p>To make recommendations to local governing agencies on matters pertinent to development of mitigation, disaster preparedness, response &amp; recovery plans, and programs for any potential local emergency.</p>	<p style="text-align: center;">Vice Mayor Jeanine Tucker</p> <p style="text-align: center;">Councilmember Darlene Barber-Martinez (alt.)</p> <p>(The appointed Councilmember serves a 2-year term; ending 12/2016.)</p>
<p style="text-align: center;"><b><u>STANISLAUS BUSINESS ALLIANCE BOARD</u></b> (due to official name change, July 2014)</p> <p><b><u>Meets:</u></b> The 3<sup>rd</sup> Monday of every <u>odd</u> month; the Executive Board meets on the 3<sup>rd</sup> Monday of every <u>even</u> month. <b><u>Location:</u></b> TBD</p> <p>The Alliance serves both county residents and businesses by helping attract jobs to Stanislaus and assisting local companies that want to expand. It also addresses employers' workforce needs and helps entrepreneurs turn their ideas into viable businesses.</p>	<p style="text-align: center;">Councilmember Cal Campbell</p> <p style="text-align: center;">Mayor Richard D. O'Brien (alt.)</p>

**CITY COUNCIL  
INTERGOVERNMENTAL BOARDS & COMMITTEES**

(Last revised and ratified on 01/12/2016)

<b>BOARD / COMMITTEE</b>	<b>COUNCIL REPRESENTATIVE (2016- Appointments)</b>
<p align="center"><b><u>Lower Stanislaus River Trail Improvement Plan Committee</u></b> (Resolution No. 2013-069)</p> <p><b><u>Meets:</u></b> TBD <b><u>Location:</u></b> TBD</p> <p>Representatives of the Cities of Riverbank, Oakdale, and Ripon and the Local Government Commission and the National Park Service will be working together to enhance public use and stewardship of the lower Stanislaus River.</p>	<p align="center">Councilmember Cal Campbell</p> <p align="center">Councilmember Darlene Barber-Martinez (alt.)</p>

**CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY BOARD  
INTERNAL CITY COMMITTEES**

(Last revised and ratified on 01/12/2016)

<b>CITY/LRA COMMITTEES</b>	<b>COUNCIL/LRA LIAISON (2016 – Appointments)</b>
<p align="center"><b><u>BUDGET ADVISORY COMMITTEE (BAC)</u></b></p> <p><b><u>Meets:</u></b> As needed  <b><u>Location:</u></b> City Hall Council Chambers or City Hall South Conference Room</p> <p>This (7) resident member advisory committee, including (1) non-voting Council representative and a Council alternate, reviews and discusses the City's operating budget and makes recommendations on projects, programs, and policies to the City Council.</p>	<p align="center">Councilmember Leanne Jones Cruz  Vice Mayor Jeanine Tucker (alternate)</p>
<p align="center"><b><u>FRIENDS OF JACOB MYERS PARK (JMP)</u></b>  (A non-profit organization)</p> <p><b><u>Meets:</u></b> On a monthly basis  <b><u>Location:</u></b> City Hall Council Chambers</p> <p>Works on projects, park planning, and fundraising events.</p>	<p align="center">Councilmember Leanne Jones Cruz  Councilmember Darlene Barber-Martinez (alt.)</p>
<p align="center"><b><u>LOCAL REDEVELOPMENT AUTHORITY (LRA) COMMUNITY ADVISORY COMMITTEE</u></b></p> <p><b><u>Meets:</u></b> As needed.  <b><u>Location:</u></b> LRA Conference Room, 5300 Claus Road, Building 17, Modesto, CA 95357</p> <p>The (12) member Committee provides feedback and recommendations to the LRA Board and staff regarding the reuse and redevelopment of the Riverbank Army Ammunition Plant, and to promote interest and involvement by the community in the project.</p>	<p align="center">Authority Member Darlene Barber-Martinez  Vice Chair Jeanine Tucker (alternate)</p>
<p align="center"><b><u>SISTER CITY COMMITTEE</u></b></p> <p><b><u>Meets:</u></b> As needed  <b><u>Location:</u></b> TBD</p> <p>Appointed Members of the City Council will serve in a liaison capacity. The Sister City relationships with Tamazula, Mexico and Fuyang, China was formed to foster understanding between these Cities and Riverbank and to engage in common efforts to promote the cultural understanding and awareness for the mutual good of each City. The Committees purpose is to facilitate and carry out these objectives.</p>	<p align="center">Vice Mayor Jeanine Tucker  Councilmember Darlene Barber-Martinez (alt.)  Councilmember Leanne Jones Cruz (2<sup>nd</sup> alt.)</p>