



City of Riverbank
REGULAR CITY COUNCIL AND LOCAL REDEVELOPMENT AUTHORITY MEETINGS
(The City Council also serves as the LRA Board)

MINUTES OF
TUESDAY, FEBRUARY 09, 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: Riverbank Ministerial Association

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

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.

John Foley, Riverbank, spoke in opposition of how the city turned off people's water service.

Edward Jones, Riverbank, spoke in regards to the Farmer's Market.

Charles Neal, Riverbank, spoke in support of the City Manager.

David Taylor, homeless, spoke in regards to his innocent judgement at his court trial on trespassing, and the loss of his personal property.

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 January 26, 2016, City Council and Local Redevelopment Authority Minutes.

Item 3.C: A **Resolution [No. 2016-007]** to Approve the Pay Schedules for Part-Time Classifications effective January 1, 2016.

Item 3.D: Acceptance of the Central Avenue Pavement Resurfacing and Rehabilitation Project and Authorization to File a Notice of Completion.

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

ACTION: *By motion moved and seconded (Barber-Martinez / Jones Cruz / passed 5-0) 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, Jones Cruz, Tucker, and Mayor O'Brien
NAYS: None, ABSENT: None, ABSTAINED: None*

MAYOR O'BRIEN ANNOUNCED THAT ITEM 6.1 WOULD BE CONSIDERED NEXT; NO ONE OBJECTED.

4. UNFINISHED BUSINESS There are no items to consider.

5. PUBLIC HEARINGS

The Public Hearing Notices for the following public hearing items 5.1 – 5.4, to be considered by the City Council were published in the local newspaper of general circulation on January 25, 2016. Item 5.5 was published on January 23, 2016 and January 27, 2016.

Item 5.1: 1.) A Resolution [No. 2016-008] of the City Council of the City of Riverbank, California, Approving the General Plan Amendment

Redesignating 2.42 Acres to MDR Medium Density Residential, Located at APN 132-036-003, a Project Known as Ward Villas; and 2.) A Resolution [No. 2016-009] of the City Council of the City of Riverbank Approving the Request of Troy Wright for Tentative Subdivision Map 01-2015 to Subdivide 2.42 Acres into 28 Planned Development Single Family Residential Lots, Located South of Ward Avenue, West of Roselle Avenue APN: 132-036-003; and 3.) First Reading and Introduction by Title Only of an Ordinance [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 consider the adoption of the proposed resolutions, to conditionally approve the request of Troy Wright for a General Plan Amendment, Rezone, and Vesting Tentative Map to create 28 single family lots at a density of 16 dwelling units per net acre, a private street lot, and a basin/emergency vehicle access (EVA) lot on 2.42 acres, and as part of this project, 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 March 8, 2016, to consider its adoption.

Planning and Building Manager Donna Kenney presented the staff report.

Mayor O'Brien opened the public hearing at 7:07 p.m.

- *Mr. Troy Wright, Windwood Pacific Builders, spoke in favor the project.*
- *Ms. Lakeisha Castillo, Riverbank, spoke in opposition of the project's construction dust and noise; requesting that the fence be put up first.*
- *Ms. Rosa Madrono, Riverbank, inquired about the fencing material to be used and height, and the potential sewer system and parking problems.*
- *Lydia Barren, Riverbank, requested to have "children at play" signs be posted and had concerns with the width of Chavez Avenue, garages converted to housing causing parking problems, and more noise.*
- *Mr. Warton responded to comments.*

Mayor O'Brien closed the public hearing at 7:24 p.m.

City Council and staff discussed the item and concerns mentioned.

ACTION: *By motion moved and seconded (Tucker / Jones Cruz / passed 5-0) to approve the General Plan Amendment Redesignating 2.42 Acres to (MDR) Medium Density Residential, located at APN 132-036-003, a Project Known as Ward Villas by adoption of Resolution No. 2016-008 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

ACTION: *By motion moved and seconded (Jones Cruz / Tucker / passed 4-1) to approve the Request of Troy Wright for Tentative Subdivision Map 01-2015 to Subdivide 2.42 Acres into 28 Planned Development Single Family Residential Lots, Located South of Ward Avenue, West of Roselle Avenue APN: 132-036-003 by adoption of Resolution No. 2016-009 as presented. Motion carried by unanimous City Council roll call vote.*
AYES: Barber-Martinez, Jones Cruz, Tucker, and Mayor O'Brien
NAYS: Campbell, ABSENT: None, ABSTAINED: None

ACTION: *By motion moved and seconded (Jones Cruz / Tucker / passed 5-0) to approve the First Reading of proposed Ordinance [No. 2016-002] Approving Rezoning of 2.42 Acres to Planned Development, Located At APN 32-036-003 – a Project Known as Ward Villas, and to consider its Second Reading and adoption at the next regular City Council meeting 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

Item 5.2: **An Ordinance [No. 2016-003] of the City Council of the City of Riverbank Amending the Riverbank Municipal Code by Repealing in its Entirety Section 153.217: Variance of Chapter 153: Zoning of Title XV: Land Usage, and Substitute it with a New Section 153.217: Variance** - 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 March 8, 2016, to consider its adoption.

Planning and Building Manager Donna Kenney presented the staff report.

Mayor O'Brien opened the public hearing at 7:37 p.m.: no one spoke, the hearing was closed.

ACTION: *By motion moved and seconded (Barber-Martinez / Campbell / passed 5-0) to approve the First Reading and Introduction of proposed Ordinance [No. 2016-003] Amending the Riverbank Municipal Code by Repealing in its Entirety Section 153.217: Variance, of Chapter 153: Zoning, of Title XV: Land Usage, and Substitute it with a New Section 153.217: Variance and to consider its Second Reading and adoption at the March 8, 2016, regular City Council meeting 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

Item 5.3: **A Resolution [No. 2016-010] of the City Council of the City of Riverbank, California, to Establish, Amend, or Authorize Fees for the**

Spring/Summer 2016 City of Riverbank Recreation Programs, Parks and Facility Use – It is recommended that the City Council consider the proposed fees as presented and adopt the Resolution to Establish, Amend or Authorize Fees for the Spring/Summer 2016 City of Riverbank Recreation Programs, Parks and Facility Use.

Parks and Recreation Director Sue Fitzpatrick presented the staff report.

Mayor O'Brien opened the public hearing at 7:47 p.m.; No one spoke, the hearing was closed.

ACTION: *By motion moved and seconded (Jones Cruz / Campbell / passed 5-0) to approve the Establishment, Amendment, or Authorization of Fees for the Spring/Summer 2016 City of Riverbank Recreation Programs, Parks and Facility Use by adoption of Resolution No. 2016-010 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: **River Cove River Access Review** – It is recommended that the City Council receive a report on river access concerns in the River Cove subdivision, review the options for dealing with these concerns in the future and provide direction to staff.

Parks and Recreation Director Sue Fitzpatrick presented the staff report; City Council and staff discussed the item.

Public comments

- *Ms. Elaine Alcott, River Cove resident, inquired about the location of the fencing, and was concerned about cutting off an access point used to get on or out of the river.*
- *Mr. John Foley, River Cove resident, spoke in favor of making River Cove a gated community.*
- *Chief Kiely spoke in regards to the river activity related calls.*
- *Ms. Carla Weaver, River Cove resident, spoke in favor of issuing parking permits.*
- *Ms. Alcott spoke again to clarify there were three river access points to consider if River Cove became a gated community.*
- *Mr. Dan Scott, River Cove resident, was opposed to any decisions that would be a financial burden or inconvenience.*
- *Mr. Ken Berkus, River Cove resident, agreed with Mr. Scott, was opposed to a gated community, and stated that law enforcement should be dealing with the problems.*
- *Mr. Foley handed the City Clerk the results of a River Cove resident survey he conducted.*

*City council and staff discussed the item further.
“Mayor-option to increase sheriff reserves during peak time.*

DIRECTION: *Proceed with the construction of the fencing around the access point on Briarcliff to reduce potential liability of a land pit, and unanimously agreed to continue with Option #4 – Patrol area by use of private security personnel and increased Sheriff patrol, and pick up the garbage at a current cost of \$4,000 annually, which may need to be revisited for additional funds to cover the costs.*

CITY COUNCIL RETURNED TO THE AGENDA ORDER WITH ITEM 5.1

Item 6.2: **A Resolution [No. 2016-011] of the City Council of the City of Riverbank, California, to Establish a Facility Improvement Fund Account for the City of Riverbank Community Center, Scout Hall, and Gymnasium Facilities** – It is recommended that the City Council consider adopting the resolution authorizing the establishment of a Facility Improvement Fund Account to be funded by a portion of the facility rental fees to fund equipment replacement and/or facility renovations as needed.

Parks and Recreation Director Sue Fitzpatrick presented the staff report.

ACTION: *By motion moved and seconded (Campbell / Tucker / passed 5-0) to approve the Establishment of a Facility Improvement Fund Account for the City of Riverbank Community Center, Scout Hall, and Gymnasium Facilities by adoption of Resolution No. 2016-011 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

Item 6.3: **Recommend City Council Review and Provide Feedback on the Removal of Ash Trees Along Crawford Road to Prevent On-going Damage to Sidewalk and Other Infrastructure Now and in the Future and Review Design Concepts for a New Landscaping Plan** – It is recommended that the City Council receive the presentation and provide feedback on the Crawford Road Ash tree removal and design concepts for a new landscaping plan.

City Manager Jill Anderson introduced the item; Development Services Administration Manager Kathleen Cleek presented the staff report.

City Council directed staff to proceed with the action to minimize the damage.

7. COMMENTS (Information only – No action)

Item 7.1: Staff Comments

Public Works Superintendent, Michael Riddell, provided an overview of water production and water use for the month of January 2016.

Item 7.2: Council/Authority Member Comments

Council/Authority Member Jones Cruz clarified that she also agreed with River Cove Option 4 and thanked the River Cove residents for engaging in tonight's discussion.

Council/Authority Member Campbell agreed with Council/Authority member Jones Cruz.

Council/Authority Member Barber-Martinez thanked everyone for attending the meeting and providing important input.

Vice Mayor Tucker agreed with all the comments made.

Item 7.3: Mayor/Chair Comments

Mayor O'Brien spoke in regards to the archiving of records and their availability on-line.

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 items and opened for public comment; no one spoke. The meetings were recessed and City Council went into Closed Session at 8:12 p.m.

Item 8.1: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code § 54956.9(a)

Name of Case: Barham Construction, Inc. v. City of Riverbank

Court of Appeals of California, Fifth District

Case No. F058692 and Case No. F059499

Item 8.2: 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

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 8:32p.m.

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

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

Item 9.2: Report on Closed Session Item 8.2: **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 8:33 p.m.

ATTEST: *(Adopted 02/23/16)*

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

Richard D. O'Brien
Mayor / Chair