



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 at 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:**

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

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**Richard D. O'Brien**  
Mayor

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