



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

MINUTES OF
TUESDAY, MARCH 22, 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
Mayor O'Brien called for a moment of silence for the victims of the Brussels attack.

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 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.

There were no conflicts declared.

1. PRESENTATIONS

Item 1.1: 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 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.

Haskell Moore, Riverbank, spoke in regards to his water meter reading being incorrect and working with the City to solve the problem.

Aaron Hansen, Riverbank, spoke in regards to receiving three consecutive water citations.

David Taylor, Riverbank, spoke in regards to being homeless and requested to have his property returned to him.

Scott McRitchie, Riverbank, spoke in regards to developing a procedure on the collection of homeless people's property, and suggested that the city keep abreast of how money is spent when implementing the surveillance cameras.

David Provost, Riverbank Morris Nursery, spoke in regards to the watering schedule and the need to water trees.

Ron Hoffman, Riverbank Morris Nursery, spoke in regards to watering schedule for school districts and the need to see various water schedule needs for various entities.

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 8, 2016, City Council and Local Redevelopment Authority Minutes.

Item 3.C: A **Resolution [No. 2016-019]** of the City Council of the City of Riverbank, California, Authorizing the Execution of a Performance Agreement with Chris Ricci Presets Inc. for the Planning, Organizing and Implementation of the Cheese and Wine Festival and Appropriating \$15,000 from the General Fund for Those Services.

Item 3.D: A **Resolution [No, 2016-020]** of the City Council of the City of Riverbank, California, Authorizing the Mayor to Execute a Lease with Chris Ricci Presents, Inc. for the Riverbank Cheese and Wine Festival.

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

Reference 3.C: City Manager Jill Anderson clarified that the cost of the contract was expected to be covered by the revenue from the Festival, and that the requested \$15,000 from the General Fund would only be used if needed.

ACTION: *By motion moved and seconded (Tucker / 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

4. UNFINISHED BUSINESS

There are no items to consider.

5. PUBLIC HEARINGS

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

Item 5.1: **A Resolution [No. 2016-021] of the City Council of the City of Riverbank, California, Recommending That Stanislaus Local Agency Formation Commission (LAFCo) Approve the Municipal Service Review (MSR) Update And Sphere Of Influence Plan Dated February 2016, Including the Proposed Sphere Of Influence Expansion And Establishment of An Area of Concern** – After consideration of public testimony, motion to adopt the proposed Resolution to authorize City staff to forward the MSR Update and Sphere of Influence Expansion dated February 2016 to Stanislaus LAFCo which will support an expanded SOI and the establishment of an “Area of Concern” that extends to the limits of the Riverbank General Plan boundaries.

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

Mayor O'Brien opened the public hearing at 6:53 p.m.

- *Mr. Scott McRitchie spoke in regards making solid density numbers, and to not leave open ended costs. Mr. Anderson responded.*
- *Mrs. Evelyn Halbert spoke in regards public notification and Planning Commission review without an Environmental Impact Report.*

Mayor O'Brien closed the public hearing at 6:59 p.m.

Mr. Anderson responded, and Mayor O'Brien responded.

ACTION: *By motion moved and seconded (Campbell / Barber-Martinez / passed 5-0) to adopt Resolution No. 2016-021 recommending that Stanislaus Local Agency Formation Commission (LAFCo) Approve the Municipal Service Review (MSR) Update and Sphere of Influence Plan dated February 2016, including the Proposed Sphere of Influence Expansion and Establishment of an area of concern 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: A Resolution [No. 2016-022] of the City Council of the City of Riverbank, California, Recommending Approval of the Riverbank Sustainable Agricultural Strategy Dated February 2016 – After consideration of public testimony, motion to approve a Resolution adopting, as a policy document, the Riverbank Sustainable Agricultural Strategy dated February 2016.

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

Mayor O'Brien opened the public hearing at 7:11 p.m.

- *Mrs. Evelyn Halbert, Riverbank, questioned the public noticing of the matter and the mitigation of Riverbank's agriculture land for land anywhere in Stanislaus County.*

Mayor O'Brien closed the public hearing at 7:12 p.m.

Mr. Anderson responded.

City Council and Staff discussed the item.

ACTION: *By motion moved and seconded (Tucker / Campbell / passed 5-0) to adopt Resolution No. 2016-022 recommending Approval of the Riverbank Sustainable Agricultural Strategy dated February 2016 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: **Report on Options for Surveillance Camera System for City and Private Business Use** – It is recommended that Riverbank City Council receive this report on two programs that would use surveillance video camera systems to help enhance public safety throughout the City and provide direction to the staff.

Police Chief Erin Kiely presented the staff report; City Council and Staff discussed the item. City Council agreed to make use of Option #2, which utilizes a Community Video Partnership Program, and to work towards Option #1, which is the installation of City owned cameras.

Public Comment: *Mr. Aaron Hansen recommended the City asking Burlington Railroad for funding.*

Item 6.2: **Outdoor Water Use Plan** – It is recommended that the City Council receive the proposed outdoor water use plan and provide direction as deemed necessary for the implementation of an outdoor water use policy to establish the enforcement and restrictions of water use in accordance with water provisions in Chapter 52 of the Riverbank Municipal Code.

Public Works Superintendent Michael Riddell presented the staff report. Sr. Management Analyst/City Clerk Annabelle Aguilar was also present to assist in answering questions.

Public Comment:

- *Mr. Scott McRitchie, Riverbank, spoke in regards to wasting water when draining a pool, and the use of gray water.*
- *Mr. Ron Hoffman, Riverbank Morris Nursery, inquired about restrictions on drip irrigation.*
- *Mr. Aaron Hansen, Riverbank, spoke in regards to taking pictures of sprinklers actually being used if citing someone; not just if the concrete is wet.*

City Council and Staff discussed the item.

Mayor O'Brien requested the policy be further reviewed to make the language stronger in regards to the washing of vehicles and language clearer in regards to temporary waivers. Staff was to return with a proposed resolution to set the water use policy. No one objected.

LRA Item 6.3: **A Resolution [No. 2016-002] of the Local Redevelopment Authority of the City of Riverbank Awarding the Riverbank Army Ammunition Plant Facility Manager Contract to San Joaquin Engineering Solutions LLC** – It is recommended that the Local Redevelopment Authority Board of Directors adopt resolution approving a Riverbank Army Ammunition Plant Facility Management Services Contract.

LRA Executive Director Debbie Olson presented the staff report.

ACTION: *By motion moved and seconded (Barber-Martinez / Tucker / passed 5-0) to approve LRA Resolution No. 2016-002 of the Local Redevelopment Authority of the City of Riverbank Awarding the Riverbank Army Ammunition Plant Facility Manager Contract to San Joaquin Engineering Solutions LLC. Motion carried by unanimous LRA Board roll call vote.*
AYES: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Chair O'Brien
NAYS: None, ABSENT: None, ABSTAINED: None

Item 6.4: **Informational Presentation on the Feasibility of a Citywide Storm Water Utility District** – It is recommended that the City Council receive this informational presentation on the feasibility of establishing the formation of a Citywide Storm Water Utility District.

Development Services Administration Manager Kathleen Cleek presented the staff report. Mr. John Anderson of J.B. Anderson Land Use Planning, Inc. assisted in responding to questions.

City Council and Staff discussed the item.

7. COMMENTS (Information only – No action)

Item 7.1: Staff Comments

Staff Member Kathleen Cleek provided an update on the Stanislaus County project at Terminal and Claus.

Staff Member Michael Riddell provided an update on PG&E street light outages, and the installation of the water meters.

City Manager Jill Anderson: 1) commented on the review and revision of water bills in regards to an earlier public comment made on corrections, 2) thanked Morris Nursery representatives for speaking in regards to water conservation, and 3) clarified the matter with Mr. Taylor and the loss of his property.

Item 7.2: Council/Authority Member Comments

Council/Authority Member Jones Cruz thanked the public for their comments and sharing their knowledge, and thanked staff for the work on the water plan.

Council/Authority Member Campbell agreed with Member Jones Cruz' comments, and encouraged the public to contact their State Representatives on the funding of state mandates.

Council/Authority Member Barber-Martinez: 1) announced the volunteer opportunity of the "Love Riverbank" event on April 23rd, 2) thanked staff for their work on the detailed staff reports, 3) announced the SAFE (Seniors Against Finance Exploitation) seminar on April 1st.

Vice Mayor/Chair Tucker expressed appreciation of the strategic planning process and invited everyone to support the effort, and appreciation for staff's work on the reports.

Item 7.3: Mayor/Chair Comments

Mayor O'Brien encouraged the public to attend the April 5th City Strategic Planning Session, and announced that he would be absent beginning April 20, which could require his alternates to attend Committee meetings.

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 ITEMS FOR PUBLIC COMMENT; NO ONE SPOKE. THE MEETINGS WERE RECESSED AND CITY COUNCIL WENT INTO CLOSED SESSION AT 8:52 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

Item 8.2: **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

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 9:03 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 provided 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 provided to staff.

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at
9:04 p.m.

ATTEST: (*Adopted 04/12/16*)

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

Richard D. O'Brien
Mayor / Chair