



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

MINUTES OF
TUESDAY, APRIL 26, 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 Vice Mayor/Chair Jeanine Tucker presiding.

FLAG SALUTE Vice Mayor/Chair Jeanine Tucker

INVOCATION Reverend Charles Neal

ROLL CALL

Present: Vice Mayor/Chair Jeanine Tucker
Council/Authority Member Darlene Barber-Martinez
Council/Authority Member Cal Campbell
Council/Authority Member Leanne Jones Cruz
Absent: Mayor/Chair Richard D. O'Brien (excused)

AGENDA CHANGES: *Vice Mayor/Chair Jeanine Tucker confirmed 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 Declaring the Month of May as Bike to Work Month – *Vice Mayor Tucker presented the proclamation to Ms. Lisa Donahue representing the Community Connection.*

Item 1.2: Proclamation of Autism Awareness Month – *Vice Mayor Tucker presented the proclamation to Mr. Jeff White and Councilmember Jones Cruz.*

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.

Reverend Charles Neal announced the National Day of Prayer on May 5th.

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 April 12, 2016, City Council and Local Redevelopment Authority Minutes.

Item 3.C: A **Resolution** of the City Council of the City of Riverbank, California, Appropriating \$10,100.00 from the General Fund Reserve for the Repair of the Block Wall Located at Pouty Way and Oakdale Road.

Item 3.D: **Award Bid for the Slurry Seal Project 2016 and Authorize Execution of Future Change Orders** – It is recommended that City Council approve two (2) actions by a roll call vote: 1) Award bid to the lowest responsible bidder, VSS International, Inc.; and 2) Authorize the City Manager to execute Change Orders within total project budget.

Item 3.E: A **Resolution [No. 2016-025]** Authorizing the City Manager to Execute and Submit Applications to the California Department of Resources Recycling and Recovery (CalRecycle) for the Beverage Container Recycling Payment Program.

LRA Item 3.F: A **Resolution [No. 2016-003]** of the Local Redevelopment Authority of the City of Riverbank, California, Amending the Existing Contract with San Joaquin Engineering Solutions LLC for Facility Management Services to Include Work on the Environmental Services Cooperative Agreement No. 2.

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

ACTION: *By motion moved and seconded (Campbell/ Jones Cruz/passed 4-0) to approve Items 3.A, 3.B, 3.E, and 3.F, as presented. Motion carried by unanimous City Council and LRA Board roll call vote.*

AYES: Barber-Martinez, Campbell, Jones Cruz, and Vice Mayor Tucker

NAYS: None / ABSENT: Mayor O'Brien / ABSTAINED: None

Reference 3.C: *Councilmember Jones Cruz requested to pull this item for discussion and inquired about the extent of investigation and responsibility of the liability. After further consideration, City Council agreed to table for further investigation.*

Reference 3.D: *Councilmember Barber-Martinez requested to pull this item for discussion, and inquired whether there would be problems with the installation of the water meters and the slurry seal project. CDS Administration Manager Kathleen Cleek stated the timing of both projects had been coordinated to not interfere with each other.*

ACTION: *By motion moved and seconded (Jones Cruz / Campbell /passed 4-0) to approve Items 3.D as presented. Motion carried by unanimous City Council roll call vote.*

AYES: Barber-Martinez, Campbell, Jones Cruz, and Vice Mayor Tucker

NAYS: None / ABSENT: Mayor O'Brien / ABSTAINED: None

4. UNFINISHED BUSINESS

Item 4.1: **Second Reading by Title Only and Adoption of 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 second reading by title only of proposed Ordinance No. 2016-003 and consider its adoption by roll call vote.

City Manager Jill Anderson presented the staff report.

ACTION: *By motion moved and seconded (Barber-Martinez / Jones Cruz / passed 4-0) to approve the Second Reading and Adoption of Ordinance No. 2016-003 as presented. Motion carried by unanimous City Council roll call vote.*

AYES: Barber-Martinez, Campbell, Jones Cruz, and Vice Mayor Tucker,

NAYS: None / ABSENT: Mayor O'Brien / ABSTAINED: None

5. PUBLIC HEARINGS There were no items to consider.

6. NEW BUSINESS

Item 6.1: **A Resolution [No. 2016-027] of the City Council of the City of Riverbank, California, Establishing the City's Outdoor Water Use Policy** – It is recommended that the City Council adopt the proposed resolution to implement the updated outdoor water use plan as policy, thereby, establishing the enforcement and restrictions of water use in accordance with water provisions in Chapter 52 of the Riverbank Municipal Code.

City Manager Jill Anderson presented the staff report in the absence of Public Works Superintendent Michael Riddell; City Clerk/Sr. Management Analyst Annabelle Aguilar was present to assist.

City Council and Staff discussed the item.

Public Comment: *Mr. Scott McRitchie, Riverbank, provided his recommendations to the proposed policy, and due to all the City's efforts in conserving water, questioned the method of measuring the City's water use.*

ACTION: *By motion moved and seconded (Jones Cruz / Barber-Martinez / passed 4-0) to adopt Resolution No. 2016-027 of the City Council of the City of Riverbank, California, Establishing the City's Outdoor Water Use Policy to include the amendments of (1) stating that the \$25 appeal request administrative processing fee "may be refundable"; (2) remove the \$25 application processing fee for a hardship exemption; and (3) change the no watering winter hours to be 10:00 a.m. – 4:00 p.m. Motion carried by unanimous City Council roll call vote.
AYES: Barber-Martinez, Campbell, Jones Cruz, and Vice Mayor Tucker
NAYS: None / ABSENT: Mayor O'Brien / ABSTAINED: None*

Item 6.2: **A Resolution [No. 2016-028] of the City Council of the City of Riverbank, California, Implementing a Utility Rate Assistance Program (URAP) for Water and Sewer Rates for Low-Income Senior and Low-Income Permanently-Disabled Residents** – It is recommended that the City Council consider adopting a Resolution regarding the implementation of a Utility Rate Assistance Program (URAP) for Water and Sewer Rates for Low-Income Senior and Low-Income Permanently-Disabled Residents.

Finance Director Marisela Garcia presented the staff report.

Public Comment:

- *Mr. Scott McRitchie, Riverbank, inquired about Census Data use.*
- *Mrs. Evelyn Halbert, Riverbank, was not in favor of the program's "extremely" low-income requirement. City Manager Anderson responded to Mrs. Halbert's comments.*

ACTION: *By motion moved and seconded (Barber-Martinez / Campbell / passed 4-0) to adopt Resolution No. 2016-028 of the City Council of the City of Riverbank, California, Implementing a Utility Rate Assistance Program (URAP) for Water and Sewer Rates for Low-Income Senior and Low-Income Permanently-Disabled Residents. Motion carried by unanimous City Council roll call vote.
AYES: Barber-Martinez, Campbell, Jones Cruz, and Vice Mayor Tucker
NAYS: None / ABSENT: Mayor O'Brien / ABSTAINED: None*

Item 6.3: Receive Presentation Regarding the Proposed Expenditure Plan Adopted by the Stanislaus Council of Governments (StanCOG) Board of Directors and Review the City of Riverbank's Expenditure Plan Project List – It is recommended that the City Council hear the presentation regarding the proposed Expenditure Plan adopted by the StanCOG Board of Directors and provide any feedback or comments on the City of Riverbank's Expenditure Plan Project List.

Community Development Services Administration Manager Kathleen Cleek presented the staff report.

Public Comment: *Mrs. Evelyn Halbert inquired about clarification of installing a traffic signal at HWY 108 and First Street as stated in the plan. Ms. Cleek clarified the information. Mrs. Halbert inquired about notification of widening the intersection. City Manager Anderson responded.*

7. COMMENTS (Information only – No action)

Item 7.1: Staff Comments

- *Parks and Recreation Director Sue Fitzpatrick announced several City events.*
- *City Manager Jill Anderson announced other organization's events in the City.*

Item 7.2: Council/Authority Member Comments

- *Council/Authority Member Jones Cruz announced that she and Council/Authority Member Barber-Martinez were attending the "Legislative Days" Conference in Sacramento.*
- *Council/Authority Member Campbell invited everyone to participate in the Color Run event.*
- *Council/Authority Member Barber-Martinez thanked volunteers of the Love Riverbank event, announced Older Americans Awareness month, and thanked Chief Kiely.*

Item 7.3: Mayor/Chair Comments – *Mayor/Chair O'Brien was absent (excused).*

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.

VICE MAYOR/CHAIR TUCKER ANNOUNCED THE CLOSED SESSION ITEM AND OPENED FOR PUBLIC COMMENT; NO ONE SPOKE. THE MEETINGS WERE RECESSED AND CITY COUNCIL WENT INTO CLOSED SESSION AT 7:48 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

VICE MAYOR/CHAIR TUCKER RECONVENED THE MEETINGS AT 7:53 P.M.

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

City Attorney Tom Hallinan reported that a \$300,000 settlement was reached with Riverbank Oil Transfer LLC. Riverbank Oil agreed to pay the City installments of \$5,000 a month for the next five years.

ADJOURNMENT

There being no further business, Vice Mayor/Chair Tucker adjourned the meetings at 7:54 p.m.

ATTEST: (Adopted 05/10/16)

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

Jeanine Tucker
Vice Mayor / Chair