

CITY COUNCIL / LRA BOARD

Mayor/Chair

Richard D. O'Brien

Council/Authority Members

District 1 - Luis Uribe

District 2 - Rachel Hernandez

District 3 - Leanne Jones Cruz

District 4 - Darlene Barber-Martinez



CITY OF RIVERBANK

**Regular City Council and
Local Redevelopment Authority
Board Meetings**

Council Chambers, 6707 Third Street,
Suite B
Riverbank, CA 95367



TUESDAY, NOVEMBER 14, 2023 – 6:00 P.M.

(THE AGENDA PACKET IS ONLINE AT [HTTP://WWW.RIVERBANK.ORG/AGENDACENTER](http://www.riverbank.org/agendacenter))

1. CALL TO ORDER

2. FLAG SALUTE

3. INVOCATION

4. ROLL CALL

5. AGENDA CHANGES

6. 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.

7. PRESENTATIONS (Informational only)

Item 7.1 Proclamation - Native American Heritage Month

It is recommended that the City Council read a Proclamation for Native American Heritage Month.



Item 7.2 Presentation- Soroptimist Club

It is recommended that the City Council receive a presentation from members of the Soroptimist Club Riverbank Chapter.



Item 7.3 Presentation – Riverbank Regional Recycled Water Project Status Update-

It is recommended that the City Council receive a presentation from Neal Colwell, Principal Engineer for Kjeldsen, Sinnock, and Neudeck Inc. (KSN)



8. 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 3 minutes (or as stated by the presiding Officer)** and time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon.

PLEASE SPEAK DIRECTLY INTO THE MICROPHONE.

Refer to the last page of this agenda for the Public Comment Procedures via ZOOM.

9. 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 requested by an individual Council/Authority Member or member of the public for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by motion of the City Council/LRA Board.

Item 9.1 **Waive Readings.** All Readings of ordinances and resolutions, except by title, are waived.

Item 9.2 **Approval** of the City Council and Local Redevelopment Authority Board Minutes for October 24, 2023.

Item 9.3 **Acceptance** of the Claus Road Curb & Sidewalk Project and Authorization to File a Notice of Completion.

Item 9.4 **Acceptance** of 3rd Street Parking Lot Project and Authorization to File a Notice of Completion.

Item 9.5 **Resolution** Declaring Certain Property Surplus as Listed in Exhibit A and Authorizing Its Disposition.

Item 9.6 **Resolution** approving the Appointments of Natasha Basso, Joan Stewart, and Alternate Ben Reuben to the Planning Commission effective January 2024 and moving Michael Halterman from an Alternate to a Primary.

Item 9.7 **Resolution** to appropriate \$7,500 from the General Fund to the Elections Fund for the Verification of Petition Signatures to the Stanislaus County Office of the Clerk-Recorder.

10. PUBLIC HEARING

The Public Notice for Item 10.1 was published on 10/25/2023 in the Riverbank News.

The Public Notice for Item 10.2 was published on 11/01/2023 in the Riverbank News.

Item 10.1 **Resolutions to Consider Approval of (1) General Plan Amendment 01-2023, and (2) Vesting Tentative Map 02-2023, and the First Reading by Title Only and Introduction of an Ordinance Approving the Rezone 01-2023 of 8.55 Acres to Planned Development located at 6612 and 6472 Central Avenue (APN's 062-020-018 and 062-020-031) for the River's Edge Subdivision and McRoy Wilbur Communities, Inc-** Adopt two resolutions and an ordinance to approve the request of McRoy Wilbur Communities, Inc for a General Plan Amendment, Rezone, and Vesting Tentative Map to create 38 (36 new) single family residential lots in the proposed River's Edge subdivision. The location is 6612 and 6472 Central Avenue (APNs 062-020-018 and 062-020-031).

Item 10.2 **Resolution Accepting the Fiscal Year 2022-23 Annual AB 1600 Report of System Development Fee Activity-** It is recommended that the City Council adopt a Resolution accepting the Fiscal Year 2022-23 Annual AB 1600 Report of System Development Fee Activity.

11. NEW BUSINESS

Item 11.1 **Resolution to Reimburse SCM Hearthstone LLC for Additional Work at The Heritage Subdivision-** It is recommended that the City Council consider and approve the Resolution to reimburse SCM Hearthstone LLC for the construction of additional staff-requested improvements in The Heritage subdivision.

Item 11.2 **Resolution to Credit the LGI Homes LLC System Development Fees for Water, Storm Water, Waste Water and Parks for the Diamond Bar East Subdivision-** It is recommended that the City Council consider and approve the Resolution (Attachment 1) providing credit to LGI Homes LLC (“LGI Homes”) for System Development Fees for the water, storm water, waste water, and park fees assessed on the construction of dwelling units in the Diamond Bar East subdivision.

Item 11.3 **A Resolution to Approve an Employment Agreement Between the City of Riverbank and Michael Patton as Director of Parks and Recreation and Authorize the City Manager to Execute the Agreement-** It is recommended that the City Council consider adopting a Resolution which will approve an Employment Agreement with Michael Patton as the new Director of Parks and Recreation.

12. COMMENTS/REPORTS

A brief report on notable attendance of a meeting or conference or other notable topics of City business shall be made. The Brown Act does not allow for discussion or action of items by the City Council/LRA Board during this time.

Item 12.1 Staff

Item 12.2 Council/Authority Member

Item 12.3 Mayor/Chair

13. CLOSED SESSION

The public will have a limit of **3 minutes** to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing to Closed Session

Item 13.1 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Pursuant to Government Code §54956.9)
Name of Case: City of Riverbank v. Schneider Electric Buildings America, Inc.

- Item 13.2** **CONFERENCE WITH LABOR NEGOTIATORS**
(Pursuant to Government Code §54957.6)
Agency representative: City Manager Marisela Garcia
Employee Organizations: Riverbank Mid-Management Employee Association and Riverbank Miscellaneous Employees

14. REPORT FROM CLOSED SESSION

- Item 14.1** Report from Closed Session **Item 13.1**
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Government Code §54956.9)
Name of Case: City of Riverbank v. Schneider Electric Buildings America, Inc.

- Item 14.2** Report from Closed Session **Item 13.2**
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(Pursuant to Government Code §54957.6)
Agency representative: City Manager Marisela Garcia
Employee Organizations: Riverbank Mid-Management Employee Association and Riverbank Miscellaneous Employees

15. ADJOURNMENT

The Next Regular City Council Meeting will be on:

Tuesday, December 12th, 2023 at 6:00 P.M.

CANCELED- November 28th, 2023- Happy Thanksgiving!

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted at the meeting location, on the North City Hall public exterior bulletin board, South City Hall public exterior Bulletin, Riverbank Community Center exterior bulletin, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act.

Posted this 8th Day of November, 2023

/s/ *Gabriela Hernandez, City Clerk*



ADA COMPLIANCE STATEMENT

In compliance with the Americans with Disabilities Act, and the Governor's Executive Order N-29-20, the City will make every effort to make reasonable modifications or accommodations from individuals with disabilities. Contact the Administration Dept. at (209) 863-7122 or the City Clerk at cityclerk@riverbank.org at least (48) hours prior to the meeting to enable the City to make reasonable arrangements for accessibility.

NOTICE REGARDING NON-ENGLISH SPEAKERS

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Council/LRA Board shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

Any documents that are not privileged or part of a Closed Session provided to a majority of the City Council/LRA Board after distribution of the agenda packet, regarding any item on this agenda, will be made available for public inspection at the City Clerk's Office 6707 Third St., Suite A, Riverbank.



TELECONFERENCE/VIRUAL PLATFORM PUBLIC PARTICIPATION COMMENT PROCEDURES FOR CITY COUNCIL MEETING HELD IN CONFORMANCE WITH THE BROWN ACT

PUBLIC “LIVE” VIEWING

- Government Channels: Charter– 2 and AT&T U-VERSE – 99
- YouTube Live – City of Riverbank
- Via ZOOM Platform (See instructions below)

SUBMITTING PUBLIC COMMENTS FOR THE RECORD

Written comments must be received before 4:00 p.m. on the date of the meeting in order for them to be distributed to the Council prior to consideration of the matter. Written comments will not be read aloud at the meeting, but will be reported as received for the record. If you do not receive an acknowledgement of receipt within an hour of submission or by 5:00 pm, please call the City Clerk’s Office at (209) 863-7198 or the Administration Dept. at (209) 863-7122.

ACCEPTABLE METHODS OF SUBMITTING COMMENTS **BEFORE THE 4:00 PM DEADLINE**

- **Via Mail Service:** Mail comments to City of Riverbank, Attn. City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367. (Call 209-863-7198 / 209-863-7122 to ensure they were received.)
- **Via Email:** Mail to cityclerk@riverbank.org. (*Note: This technology is not a guaranteed method.*)
 - Indicate Agenda Item # in the **subject line**. (Call 209-863-7198 /209-863-7122 to ensure receipt)
- **Oral Comments In-Person:** The Mayor will ask the public if anyone wishes to comment, at that time you may approach the podium.
- **Oral Comments Via Zoom:** The Mayor will announce when public comments may be made for a limit of 3 minutes on the agenda item being considered, at which time you will:
(please make sure the volume on your video device or any nearby device is turned down.)
 - Using a computer – click on the “raise hand” feature in the webinar controls. This will alert staff that you wish to speak, and you will be unmuted.
 - Using a Phone – press ***9** to “raise the hand”. This will alert staff that you wish to speak, and you will be unmuted.

Teleconference Phone Number (This system is a backup for ZOOM technical difficulties only when providing oral comments.) If there are technical difficulties or disconnection with ZOOM while making oral comments, please immediately call the **teleconference phone number (209) 863-7151 so that Council may receive your comments. Council will be waiting for your call. Thank you**

JOIN THE MEETING VIA ZOOM PLATFORM

Join by this link: <https://us02web.zoom.us/j/87922706918>

Join by accessing website: <https://zoom.us/join>, enter Webinar ID: **879 2270 6918**

Join by telephone: **1 669 444 9171 OR 1 669 900 9128**, plus Webinar ID: **879 2270 6918**

Learn about using ZOOM - Visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.