

CITY COUNCIL / LRA BOARD

Mayor/Chair
Richard D. O'Brien
Vice Mayor/Chair (CM-D3) Cal Campbell
Council/Authority Members:
District 1 Luis Uribe
District 2 Rachel Hernandez
District 4 Darlene Barber-Martinez



CITY OF RIVERBANK

**Regular City Council and
Local Redevelopment Authority
Board Meetings**
Council Chambers, 6707 Third St., Suite B
Riverbank, CA 95367



MINUTES

TUESDAY, SEPTEMBER 13, 2022 – 6:00 P.M.

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

1. CALL TO ORDER - Mayor / Chair Richard D. O'Brien called the meeting to order at 6:00 P.M.

2. FLAG SALUTE - Mayor / Chair Richard D. O'Brien led the pledge of allegiance.

3. INVOCATION – Reverend Randy Richardson provided the invocation.

4. ROLL CALL

Members of the City Council / Local Redevelopment Authority Board present in the Chamber:

Council Member / Authority Member District 1 Luis Uribe
Council Member / Authority Member District 2 Rachel Hernandez
Council Member / Authority Member District 4 Darlene Barber-Martinez
Vice Mayor / Vice Chair (CM-D03) Cal Campbell
Mayor / Chair Richard D. O'Brien

5. AGENDA CHANGES – There were no changes to the agenda.

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)

No Presentations Scheduled.

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.*

Mayor O'Brien stated the Public Comment would be limited to a total of nine minutes per topic wishing to be discussed, on any item not on the agenda.

Public Comment Opened at 6:04 p.m.

Carol Blomquist & Jane Manly Volunteers with the Stanislaus Library Foundation, besides Summer reading, library programs for families include:

- Story Time for preschoolers
- "Read to Me Kits," in English and Spanish, on a variety of themes, for parents to enjoy with their preschoolers.
- 1000 Books Before Kindergarten, encouraging caregivers to read to the little ones before they start school.
- For Teen and older children there are Coding Classes, general computer availability and online resources.
- There is also a wildly popular program called Teen Book Box. Each box contains a handpicked reading recommendation based on the teen's preferences, with swag and a treat.
- For seniors, some county residents are homebound and do not have ability to get to a library. Volunteers in the Home Delivery Program check out books on the customer's wish list to deliver and pick up later.
- Book Clubs can borrow multiple copies of books, often with a large print and CD edition available, to read and discuss together.
- A new program- An Author Talk Series of live and digital events with bestselling authors, hosted via zoom that started this summer.
- Overall, the libraries' materials collection is extensive, meeting the wide array of diverse interest in our community. We want to spread the word and look forward to more exciting news from the Riverbank Branch.

Vicki Holt, Riverbank Library Branch Supervisor, Commented on the following events:

- The Mayor will be reading for Story Time at 11:30 a.m. on Tuesday, September 20th, 2022
- Alternating in English and Spanish, bilingual Story Time is Tuesdays at 11:00 a.m. before opening the library.
- The book Club is reading "The House Girl" By Tara Conklin and the discussion is on Tuesday, Sept 27th at 4:00 p.m. there are extra copies at the library if anyone would like to pick up a copy.
- For the month of October there will be a Candy Jar placed at the entrance of the Library and everyone can come in and guess how many candies are in the jar, the winner will take the candy jar home.
- The Library will be Open on Saturday, Oct 8th during the Cheese & Wine Festival from 11:00 a.m. to 5:00 p.m. there will probably be limited parking.
- The Master Gardener Class is growing succulents on October 15th at 2:00 p.m.

Residents who spoke in opposition of the Riverwalk Project

Jamie Aggers
Karen Conratto
Fred Walton
Libby Loingstren

There being no further public comments, Mayor O'Brien closed the Public Comment period at 6:17 p.m.

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 August 23, 2022 City Council and Local Redevelopment Authority Board Minutes.

Item 9.3 Acceptance of the Castleberg Park Basketball Court Project and Authorization to File a Notice of Completion.

Item 9.4 Award the sole source bid for the pool plastering project to Burkett's Pool Plastering Inc., by **Resolution 2022-114 as amended by the minutes.**

Item 9.5 Reject Bids for the Oakdale Road Improvements Project and Authorize staff to re-bid the project Minus the Joint Trench Work.

Item 9.6 **Resolution 2022-108** to Approve the Employment Agreement between the City of Riverbank and Michael Riddell as Public Works Director and Interim Riverbank Local Redevelopment Authority Director and Authorize the City Manager to Execute the Agreement.

ACTION: *By motion moved and seconded (Uribe / Barber-Martinez 5/0) to approve the consent calendar as presented.*

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Campbell, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

10. PUBLIC HEARINGS

Item 10.1 Introduction and first reading of the Ordinance Amending Section 50.10, Method of Collection of Rates by City; Section 50.11, Payment; Section 51.02, Sanitary Sewer Permit; Billing Procedures; Section 51.03, Rates and Charges; Section 52.64, Payment of Bills; Section 52.65, Deposits; and Section 52.66, Disconnection for Late Payment, of the Riverbank Municipal Code ("**RMC**"). **Resolution Adopting a Residential Water Shut-Off Policy under SB 998.**- It is recommended that the City Council receive a presentation, take public comment, and consider adopting a Resolution establishing a Residential Shut-Off Policy for Water Service to comply with the requirements under Senate Bill 998 ("**SB 998**") and Introduction and First Reading of an Ordinance Amending Sections of the Riverbank Municipal Code.

Assistant Finance Director Alcantor presented a comprehensive staff report and Power Point Presentation recommending City Council to consider and adopt the Resolution and Ordinance for establishing a Residential Shut-Off Policy for Water Service to comply with the requirements under Senate Bill 998 ("SB 998") and Introduction and First Reading of an Ordinance Amending Sections of the Riverbank Municipal Code.

City Council discussed the item with staff.

Mayor O'Brien opened Public Comment at 6:17 p.m.

Resident Bill Brooks made comment, stating there are residents who are struggling to make their payments now every month. Agrees they need the 60 days to pay their water bill, not 30 days.

There being no public comments, Mayor O'Brien closed Public Comment at 6:37 p.m. brought the item back to the City Council.

ACTION: By motion moved and seconded (Campbell /Uribe/5/0) to adopt **City Council Resolution 2022-109** Resolution establishing a Residential Shut-Off Policy for Water Service to comply with the requirements under Senate Bill 998 ("SB 998") **and Ordinance 2022-005** Amending Sections of the Riverbank Municipal Code.

Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Campbell, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

Public Comment made @ 6:38 p.m.

Resident Evelyn Halbert made comment on Public Hearing Item 10.1, stating the following:

- Rate increases have to go through Prop 218
- 7 days is not enough time to make payment, to not be delinquent.
- Residents do not have a way to know when their bill was mailed.

City Staff clarified, this is not a proposed rate increase. The city offers multiple avenues and forms to make payment for utility bills. Dates on the bills do have and will continue have the mailing date.

11. NEW BUSINESS

Item 11.1 **Resolution Authorizing the Application and Adopting the PLHA Plan for the Permanent Local Housing Allocation Program-** It is recommended that the City Council consider adopting a Resolution that authorize staff City to submit an application for the 2020 and 2021 program year funding and adopt the PLHA Plan for the Permanent Local Housing Allocation Program.

City Manager Garcia presented a comprehensive staff report recommending City Council consider approving the **Resolution 2022-110** authorizing the application and adopting the PLHA Plan for the Permanent Local Housing Allocation Program.

City Council discussed item with Staff.

There being no public comments, Mayor O'Brien brought the item back to the City Council.

ACTION: By motion moved and seconded (Uribe/ Barber-Martinez/5/0) approving the **Resolution 2022-110** to authorize the City Manager to apply for the 2020 and 2021 program year funding and adopt the PLHA Plan for the Permanent Local Housing Allocation Program.

Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Campbell, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

Item 11.2 **Resolution of Concurrence and Support of the Community Development Block Grant Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2021-2022-** It is recommended that the City Council hold a Community Meeting to gather input on the Fiscal Year 2021-2022 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) prepared by Stanislaus County.

City Manager Garcia recommending City Council consider, gather input, and adopt the resolution declaring the concurrence and support of the Consolidated Annual Performance and Evaluation Report (CAPER) for fiscal year 2021-2022.

City Council discussed item with staff.

There being no public comments, Mayor O'Brien brought the item back to the City Council.

ACTION: By motion moved and seconded (Campbell/Hernandez/5/0) to adopt **Resolution 2022-111** declaring the concurrence and support of the Consolidated Annual Performance and Evaluation Report (CAPER) for fiscal year 2021-2022 for the Stanislaus Urban County.

Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Campbell, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

Item 11.3 **Resolution Approving the American Rescue Plan Act Spending Plan-** It is recommended that the City Council consider adopting a Resolution approving the allocation of American Rescue Act funding that has been received by the City of Riverbank in 2022.

City Manager Garcia presented a comprehensive staff report and Power Point Presentation recommending City council consider and adopt the resolution approving the allocation of the American Rescue Act funding.

City Council discussed item with staff.

City Manager Garcia clarified grant program policies will be brought back before City Council for Approval.

There being no public comments, Mayor O'Brien brought the item back to the City Council.

ACTION: *By motion moved and seconded (Uribe/Barber-Martinez/ 5/0) to adopt **Resolution 2022-112** approving the allocation of the American Rescue Act funding that has been received by the City of Riverbank in 2022.*

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Campbell, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

Item 11.4 **Authorize the City Manager to Submit an Application for Grant Funding under the CalOES Building Resilient Infrastructure and Communities (BRIC) Program, Direct the City's On-Call Utility Engineer to prepare a Grant Application and Preliminary Design Documents and to Repair and Reinstall the existing Well Pump, and Negotiate the Cost and Fee for such Services Not to Exceed \$290,000 for Well #10.**- It is recommended that the City Council authorize the City Manager to submit an application for grant funding to the California Department of Emergency Services (CalOES) for design and construction of a nitrate treatment system for the City's Well No. 10 and direct the City's on-call Utility Engineer Kjeldsen, Sinnock & Neudeck, Inc. (KSN) to prepare grant application documents and associated preliminary engineering at a cost not to exceed \$290,000.

Public Works Director Riddell presented a comprehensive staff report recommending City council consider and authorize the City Manager to submit an application for the Grant funding under CalOES Building Resilient Infrastructure and Communities (BRIC) Program, direct the City's On-Call Utility Engineer to prepare a Grant Application and Preliminary Design Documents and to Repair and Reinstall the existing Well Pump, and Negotiate the cost and fee for such services not to exceed \$290,000 for Well #10.

City Council discussed item with staff.

There being no public comments, Mayor O'Brien brought the item back to the City Council.

ACTION: *By motion moved and seconded (Barber-Martinez/Uribe/5/0) to adopt **Resolution 2022-113** to authorize the City Manager to negotiate a task*

order with KSN, Inc. for the repair of the well and pump in Well No. 10, preparation of the preliminary design for the wellhead treatment, and to prepare and submit a grant application for the project funding.

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Campbell, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

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

City Manager Garcia advised the City Council and the public on the following:

- Ribbon Cutting for Countryside Park this Saturday, September 17th located at 6145 Beagle Drive. We hope everyone can join us.*
- Water Supervisor, Eric Tackett after 41 years of Service to the city has retired. Stayed on for 41 years, which is one of the longest standing employees for the city. We wish him well in all his future endeavors, we hope he enjoys this time with his family.*

Planning & Building Manager Kenney advised on the following:

- Code Enforcement issues concerning corner houses.*
- Neighborhood Improvement Officers work on a complaint only basis.*
- ADA Ramps at corners of houses, are being used as driveway ramps for their side of their home to drive in their RVS, Boats, etc. That is a health and Safety issue. Those cannot be used as driveways*
- There is an ordinance that enforces front yards can only be paved over at 50% to allow the rain water to percolate.*
- Along the front and around to the back of homes, we have 10-foot public utility easements, therefore we do not allow street side fences to be moved into that 10-foot public utility easement on corner homes.*
- Before residents do any construction of type check Municipal Code Section 153, Residential Section, if they are confused, have questions, and if you do happen to receive a Code Enforcement Violation letter we are available to discuss with our residents and work with our residents. Planning & Building Department is available and can be reached at 209-863-7124. We are hoping to save our residents time and money.*

Item 12.2 Council/Authority Member

Councilmember Hernandez reported on the following:

- Attended the League Annual Conference with City Council and City Manager with other State Local Elected officials. Personal highlight, was able to network and chat with other young elected officials.*

- *No longer leading the Love Riverbank Project, but will be inviting committee members come before City Council to present the updates on Love Riverbank.*

Councilmember Uribe reported on the following:

- *Riverbank was very well represented at the Annual Cal Cities Conference a great deal of meetings, workshops, lots of opportunities to network, and was nice to spend quality time with City Council. Bringing back all the knowledge learned at conference back to the city.*
- *Thank you, Marisela, for enduring and answering questions during the long ride.*
- *Hope everyone joins us for the Countryside Ribbon Cutting Ceremony.*
- *Congratulations to Eric Tackett on his retirement, 41 years!*

Councilmember Barber-Martinez reported on the following:

- *Enjoyed attending and spending time at the Annual Cal Cities Conference.*
- *Will be attending along with our City Manager the Stanislaus Homeless Alliance (SHA) meeting tomorrow, September 14, our City Manager will be giving a presentation on all the great strides Riverbank is doing to help our Homeless Community.*

Vice Mayor Campbell reported on the following:

- *Attended and voted on two items at the Annual League of Cal Cities Conference. One was to give more power to the Planning department and the other was on bylaws and changes to that. Both items were passed.*
- *Would like to thank Councilmember Barber-Martinez for helping out the Friends of Jacob Myers Park on their 501-(C)(3), as they are having some trouble with that and she will be helping them straightened that item out, so that can still be used with the city.*
- *Met with the Historical Society yesterday evening, working on the membership. Encourage people to join the society and more information can be found on their website. Also working on being a part of the Cheese and Wine Expo and how that can be done.*

Item 12.3 Mayor/Chair

Mayor O'Brien reported on the following:

- *Would like the staff to understand when we communicate with the public and the businesses we have to make sure that there is a balance in communication and not, were it can be taken out of context or we are not representing the city point of view properly. That can be spoken with Marisela privately.*
- *With the American Rescue Plan, do not want to tie the Translation Services to that plan. We need to look into hiring a translation service, because it is extremely important.*

- *Next Tuesday, would be starting Mayor's office hours from 3:00pm to 4:30pm at City Council Chambers for those who would like to speak to the mayor.*
- *Event, State of the City for the middle of March.*
- *An event for the middle of April at the Local Redevelopment Authority (LRA) with Aemetis, Circulus, Carbon Sequestration Station, and with Opportunity Stanislaus. We are investing in Opportunity Stanislaus and hoping those who are receiving those heavy equipment certifications are filtering back into the LRA.*

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: Marisela H. Garcia, City Manager

Unrepresented Employee: Parks & Recreation Director

Item 13.3 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Pursuant to Government Code §54956.9)

Name of Case: Riverbank Land LLC v. City of Riverbank

Mayor O'Brien opened Public Comment at 7:31 p.m.

There being no public comments, Mayor O'Brien brought the item back to the City Council and went into Closed Session at 7:32 p.m.

City Council Reconvened at 8:11 p.m.

RECONVENE – REPORT FROM CLOSED SESSION

Item 14.1 Report from Closed Session on 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.

ACTION: *Direction was provided to staff.*

Item 14.2 Report from Closed Session on Item 13.2 CONFERENCE WITH LABOR NEGOTIATORS

(Pursuant to Government Code § 54957.6)

Agency Representative: Marisela H. Garcia, City Manager

Unrepresented Employee: Parks & Recreation Director

ACTION: *Direction was provided to staff.*

Item 14.3 Report from Closed Session on **Item 13.3**
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Government Code §54956.9)
Name of Case: Riverbank Land LLC v. City of Riverbank

ACTION: *Direction was provided to staff.*

15. ADJOURNMENT OF THE REGULAR MEETING

There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 8:12 p.m. to the next regular scheduled City Council / LRA Meeting of September 27, 2022.

ATTEST: (Adopted 09/27/2022)

APPROVED:



Gabriela Hernandez
City Clerk / LRA Recorder



Richard D. O'Brien
Mayor / Chair