

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 27, 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 (Absent)
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**

Mayor O'Brien stated that there would be an agenda change to item 9.2 to amend the minutes for September 13th, 2022 to include Resolution number 2022-114 for the pool plastering project, as it was not assigned a number on the posted minutes.

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 Hispanic Heritage Month-** It is recommended that City Council present the Hispanic Heritage Month Proclamation to Norma Torres-Manriquez, Director of Viva Mexico Ballet Folklorico.

Mayor O'Brien presented the Hispanic Heritage Month Proclamation to Norma Torres-Manriquez, Director of Viva Mexico Ballet Folklorico.

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 Opened Public Comment at 6:09 p.m.

Residents who spoke in opposition of the Riverwalk Project

Libby Loingstren
Karen Conratto
Barney Aaggers
Dan Wetstone

- Councilmember Rachel Hernandez came in at 6:11 p.m.

There being no further public comments, Mayor O'Brien closed the Public Comment period at 6:20 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 September 13, 2022 City Council and Local Redevelopment Authority Board Minutes.

As amended with the inclusion of Resolution 2022-114.

Item 9.3 A **Resolution 2022-115** to Adopt the 2022-2023 schedule of Park Amenity Rentals, Recreation Programs, and Facility Rental Fees for the City of Riverbank

Item 9.4 Adopt a **Resolution 2022-116** to Award Bid for the Overlay Project 2022 to DSS Company dba Knife River Construction and Authorize Execution of Future Change Orders.

Item 9.5 **Second Reading of an Ordinance 2022-005** 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 to Update Utility Billing Practices.

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- No Hearings Scheduled.

11. NEW BUSINESS

Item 11.1 **Progress Report and Preliminary Design Update on the Riverbank Regional Recycled Water Project-** It is recommended City Council receive a presentation with an update on the Riverbank Regional Recycled Water Project (RRRWP) as a result of progress on the preliminary design, environmental document preparation, and financial analysis. The progress report will revisit the purpose and need for the project as well as outline the project benefits. The preliminary design effort has proceeded to preparation of the draft Preliminary Design Report and development of the draft 15% design plans. This effort has included additional coordination with potential recycled water users, more in depth review of modifications to the existing treatment systems to accommodate the project improvements, and coordination with the environmental document preparation to integrate appropriate measures to mitigate for any environmental impacts.

Public Works Director Riddell introduced Neal Colwell, Engineer with Kjeldsen, Sinnock, Neudeck, Inc (KSN) who presented a comprehensive staff report & Power Point Presentation updating the City Council on the Progress Report and Preliminary Design Update on the Riverbank Regional Recycled Water Project and the options and approach that can be taken on this project.

City Council discussed item with Staff.

Opened Public Comment at 7:16 p.m.

Resident, Leanne Jones Cruz posed a question: With the recycled water project, how does the water get back to the growers? Is it trucked, is it piped?

City Staff clarified, the water would be piped to the farmers whose property is adjacent. It will be their responsibility to irrigate how they like.

The cost of the piping up to our property line would be at our cost, the ag users that are willing to partner with the city would have to build the rest of the facility on their own site.

Closed Public Comment at 7:18 p.m.

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

Item 11.2 **Presentation of the Draft Sewer Rate Study Prepared by Bartle Wells Associates and Request to Establish the Proposition 218 Public Hearing Date for the Adoption of the Proposed Sewer Rates on Tuesday, December 13, 2022-** It is recommended that the City Council accept a presentation of the Draft Sewer Rate Study and consider establishing the Public Hearing date for the adoption of the proposed Sewer rates for Tuesday, December 13, 2022.

City Manager Garcia introduced Erik Helgson with Bartle Wells Associates, who presented a Comprehensive staff report & Power Point Presentation on the Sewer

Rate Study Prepared by Bartle Wells Associates and Request to Establish the Proposition 218 Public Hearing Date for the Adoption of the Proposed Sewer Rates recommending that the City Council establish the Public Hearing date for the adoption of the proposed Sewer rates for Tuesday, December 13, 2022.

City Council discussed item with staff.

Opened Public Comment at 7:44 p.m.

Resident, Evelyn Halbert posed the question: On these scenarios, when you say it is going to \$123 a month, since our bill is every two months, that means it will go from \$98 to \$246 each billing cycle?

The second proposal, the phased approach is less, what happens if you need more money for phase one, do you go back out to 218 rate increase, how do you go back and get the money?

Why is there nothing raising industrial because they are also using a large part of that sewer system. Why they don't have increase, the developers, the farmers also need to pay for this?

City Staff Clarified, at the end of the fifth year that would be the proposal. No, there would not be a 218 process. We have commercial that is built into the rate study. Industrial rate is something that is set by ordinance and is something that can be evaluated.

We are having a connection fee for new construction to pay their fair share, that will be lowering the cost across the board, also as we secure increase in funding from other sources that overall cost could be lowered. As stated in the presentation, we do have to evaluate our financial assumptions on a yearly basis.

Closed Public Comment at 7:48 p.m.

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

ACTION: *By motion moved and seconded (O'Brien /Campbell/5/0) to take the Phasing Approach, option two of the Sewer Rate Study proposal and commence the 218 process to have it completed by December 13, 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*

Local Redevelopment Authority

Item 11.3 **Riverbank Industrial Complex – Resolution Authorizing Amendments to Lease Disposition and Development Agreement with Aemetis Properties Riverbank, Inc. to Include Parcels 2/2A-** It is recommended that the City Council and Local Redevelopment Authority **adopt an LRA Resolution 2022-002** approving an amendment to the Lease Disposition and Development Agreement with Aemetis Riverbank Properties, Inc. to include Parcels 2/2A.

City Council discussed item with staff.

There being no public comments, Chair O'Brien brought the item back to the LRA Board.

ACTION: By motion moved and seconded (Uribe /Barber-Martinez/5/0) adopt LRA Resolution 2022-002 approving an amendment to the Lease Disposition and Development Agreement with Aemetis Riverbank Properties, Inc. to include Parcels 2/2A.

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:

- The third component of the Regional Recycled Water Project that the city and the consultants have been working on is the Environmental Review of the project, it's another component that needs to be submitted with the packet, the Initial Study for the proposed mitigation negative declaration is available for review by our residents at our website at [www. Riverbank.org](http://www.Riverbank.org) and can be accessed from our main page and are accepting comments through October 20th at 5:00pm those can be sent to Michael Riddell, Public Works Director at mriddell@riverbank.org .
- Would like to invite all the citizens and all members of the public to the 45th Annual Cheese & Wine Festival occurring October 8th and October 9th at Santa Fe Avenue in Downtown Riverbank.

Item 12.2 Council/Authority Member

Councilmember Hernandez reported on the following:

- Would like to thank Norma for accepting the Hispanic Heritage Month proclamation, apologize for not being here, but did get to catch the dancers and their beautiful outfits.

Councilmember Uribe reported on the following:

- Had the opportunity and attended a meeting on a discussion on Operation Forgotten Valor, which surrounded honorably discharged green card veterans that were deported for minor offenses, there were several agencies, several reps in attendance at this meeting, will be working with Josh Harder's Rep on drafting a Resolution in support of real solutions, asking anyone interested in helping these efforts to write to your legislatures. There are two bills in the house HR-6 and HR -1182 that are working towards fixing this problem.
- Also, looking forward to the Cheese & Wine, looking forward to volunteering for several of the non-profits.

Councilmember Barber-Martinez reported on the following:

- *Attended the SHA (Stanislaus Homeless Alliance) Meeting, the committee listened to a presentation that was given by our City Manager on the plans that we have for housing our homeless in Riverbank, I was very proud of being a part of that and what we are planning on doing.*
- *If you have a street light that is out, or any issues with roads, etc. please go to our city website and report that, so that can be fixed.*
- *October is national month walk to school day and awareness of safe routes to school, we will have more on that at our next council meeting.*
- *Looking forward to the Cheese and Wine.*

Vice Mayor Campbell reported on the following:

- *Would like to remind everyone we are still in a drought, and any water that we waste in our city does not do us any good, so we need to conserve.*
- *Likely to be a bill to vote on to send water down south, we need to keep water here in the central valley and north because we are growing and we need to keep our water here.*

Item 12.3 Mayor/Chair

Mayor O'Brien reported on the following:

- *A lot of us, attended the Countryside Park Ribbon Cutting and that was very good, it highlighted some of the issues we have, with park regulations behaviors such as, no smoking, no smoke marijuana, a lot of citizens complain, we have to take a look at items that we need to control. We need look at options to regulate, whether it be hiring staff, park ranger. Its not right to have kids with that behavior, and that is prevalent throughout city park areas, disappointed that this happens.*
- *At the same time, we have other regulations encroaching our easements. We have to stop it before these projects are completed.*

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 REAL PROPERTY NEGOTIATORS**

(Pursuant to Government Code § 54956.8)
Property: APN:132-010-062 (6813 3rd Street) &
APN:132-010-014 (6825 3rd Street)
Agency Negotiator: City Manager Marisela H. Garcia
Property Negotiator: Dhirendra M. & Saroj D. Patel
Under Negotiation: Price, terms of payment, or both.

Mayor O'Brien opened Public Comment at 8:02 p.m.

Resident, Karen Conratto made comment, how long is closed session?

Mayor O'Brien clarified time varies and depends on the matter at hand.

There being no public comments, Mayor O'Brien brought the item back to the City Council and went into Closed Session at 8:03 p.m.

City Council Reconvened at 8:15 p.m.

RECONVENE – REPORT FROM CLOSED SESSION

Item 14.1 Report from Closed Session on **Item 13.1**
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Government Code § 54956.8)
Property: APN:132-010-062 (6813 3rd Street) &
APN:132-010-014 (6825 3rd Street)
Agency Negotiator: City Manager Marisela H. Garcia
Property Negotiator: Dharendra M. & Saroj D. Patel
Under Negotiation: Price, terms of payment, or both.

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 8:15 p.m. to the next regular scheduled City Council / LRA Meeting of October 11, 2022 at 6:00 p.m.

ATTEST: (Adopted 10/11/2022)

APPROVED:


Gabriela Hernandez
City Clerk / LRA Recorder


Richard D. O'Brien
Mayor / Chair