

CITY COUNCIL / LRA BOARD

Mayor/Chair
Richard D. O'Brien
Vice Mayor/ Chair (CM-D2) Rachel Hernandez
Council/Authority Members:
District 1 -Luis Uribe
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 St
Suite B
Riverbank, CA 95367



MINUTES

TUESDAY, FEBRUARY 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** - 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** – A Roll Call of councilmembers was done by the City Clerk.

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 3 Leanne Jones Cruz
Council Member / Authority Member District 4 Darlene Barber-Martinez
Vice Mayor / Vice Chair (CM-D2) Rachel Hernandez
Mayor / Chair Richard D. O'Brien

5. AGENDA CHANGES

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.

Councilmember Barber-Martinez conflict of interest on Item 11.2

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 Opened Public Comment at 6:03 P.M.

Dan Whetstone, Modesto Resident, spoke in opposition of the River Walk Project

There being no further public comments, Mayor O'Brien closed the Public Comment period at 6:04 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 January 24, 2023 City Council and Local Redevelopment Authority Board Minutes.

Item 9.3 **A Resolution 2023-009** Adopting by Reference Fair Political Practices Commission Title 2, Division 6, California Code Sections 18730 and 18730.1; the 2023 Conflict of Interest Code List of Designated City Positions; and the Related Economic Interest Disclosure Categories.

Item 9.4 **A Resolution 2023-010** Declaring Certain Property Surplus as Listed in Exhibit A and Authorizing its Disposition.

Item 9.5 **A Resolution 2023-011** to Award Bid for the Claus Road Curb & Sidewalk Project to Hensley's Paving & General Engineering Inc. and Authorize Execution of Future Change Orders

Mayor O'Brien Opened Public Comment at 6:05 P.M.

Assistant City Manager, Alcantor (Interim Clerk) stated a correction on item 9.2 the Minutes of January 24th, 2023 need to reflect the vote on Item 12.1, the record should reflect the AYES Votes were, Jones-Cruz, Barber-Martinez, Mayor O'Brien and the NAYS Votes were, Uribe and Hernandez, motioned passed 3/2, not unanimous.

Mayor O'Brien Closed Public Comment at 6:05 P.M.

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

ACTION: *By motion moved and seconded (Jones-Cruz / Uribe 5/0) to approve the consent calendar as corrected.*

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

10. PUBLIC HEARINGS

No Hearings Scheduled.

11. NEW BUSINESS

Item 11.1 **A Resolution Appropriating funds for the 2022 Cheese & Wine Festival-** It is recommended that the City Council consider the approval of a Resolution to appropriate funds for the 2022 Cheese & Wine Festival.

Parks & Recreation Director Fitzpatrick presented a comprehensive staff report on the need of fund appropriation from the General Fund into the Cheese and Wine account for the deficit incurred from the 2022 Cheese and Wine Festival.

City Council discussed item with City 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) to approve **Resolution 2023-0012** to Appropriating Funds for the 2022 Cheese & Wine Festival from the General Fund into the Cheese and Wine Account.*

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

Item 11.2 **2023 Cheese & Wine Festival Options-** It is recommended that the City Council consider the options for the 2023 Cheese & Wine Festival and give staff direction.

Councilmember Barber-Martinez stepped out of the Chambers.

Parks & Recreation Director Fitzpatrick presented a comprehensive staff report and Power Point Presentation on the options City Council could consider for the 2023 Cheese & Wine Festival.

City Council discussed item with City Staff.

Mayor O'Brien opened Public comment at 6:47pm

Riverbank Resident, Arlene Figueroa commented on the sales decrease of Beer and Wine at the last year's festival.

Building & Planning Manager, Donna Kenny commented on potentially purchasing fencing. Not only would it be beneficial for the Cheese and Wine and the Parks & Recreation department, but can also be used for health and safety reason for Code enforcement.

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

ACTION: *Direction was provided to staff.*

Councilmember Barber-Martinez returned to dais.

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 items:

- *City Hall Offices will be closed this Monday for President's Day.*
- *Job Recruitment for and Administrative Clerk in the Parks & Recreation Department, anyone interested please go to the city website for www.riverbank.org applications also available in our offices. Be on the look out by the end of the week for three other positions opening up in the Public Works Department.*

Item 12.2 Council/Authority Member

Councilmember Jones Cruz reported on the following:

- *Attended the California League of California Cities Conference New council members and mayors, attended the required ethics training that is required and also sat in on other workshops that were very valuable.*
- *Will be meeting with department heads starting next week, to catch up on new/current projects.*

Councilmember Uribe reported on the following:

- *Happy Valentine's day*

Councilmember Barber-Martinez reported on the following:

- *Attended and Electronic vehicle event last month and got a chance to drive an EV vehicle, learned a lot about charging stations both in home and charging stations that we are planning to have here in our city.*

- *Attended a homeless summit presented by The Office of Education, youth panel who experienced homeless, and how we can help anyone who finds themselves in that situation.*
- *“People fail to get along because they fear each other; they fear each other because they don’t know each other; they don’t know each other because they have not communicated with each other” -MLK*
- *There are plenty of opportunities to get to know us and meet us, there are plenty of volunteer opportunities with the non-profits, so please get involved.*

Vice Mayor Hernandez reported on the following:

- *City Staff, along with Councilmember Barber-Martinez and myself did the Point in time Count. Every year around the same time, Stanislaus County goes out and does a physical count, on those unsheltered and reports to the state, the numbers are not out yet.*
- *Attended a Stan State economic impact presentation, the numbers are on their website. It gave us a glimpse of the university’s (which is my alma matter) impact qualitatively and quantitatively in the area.*

Item 12.3 Mayor/Chair

Mayor O’Brien reported on the following:

- *For Legal- Downtown absentee ordinance it has been 3 years, if I can have it within 6 weeks.*
- *We are working on a Riverwalk EIR, the sooner that is out the better, so we can move the process one way or the other.*
- *Would like to have an update on our homeless housing situation, I know that we may have some problems with the Sierra House, also how are we doing on procuring housing for the homeless, so that we may not have to hold a PIT Count.*
- *Cal Trans Director went along with a ride on the needs that we have here in our community and has given guidance on how we can get certain projects moving. He understands that we are not a one size fits all, we are not San Francisco or Los Angeles.*
- *He is going to be working on one of our most notable projects the North County Corridor.*

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- POTENTIAL LITIGATION

(Pursuant to Government Code § 54956.9)
Number of Cases: 1 Potential Case

Item 13.2 LIABILITY CLAIMS

(Pursuant to Government Code § 54961)
Claimant: Henry S. (Mic) Meeks, Advanced Materials and Manufacturing Technologies, LLC
Agency Claimed Against: City of Riverbank

There being No Public Comment, Mayor O'Brien adjourned to Closed Session at 7:00 P.M.

Reconvened from Closed Session at 7:11 P.M.

14. REPORT FROM CLOSED SESSION

Item 14.1 Report from Closed Session **Item 13.1**
CONFERENCE WITH LEGAL COUNSEL- POTENTIAL LITIGATION
(Pursuant to Government Code § 54956.9)
Number of Cases: 1 Potential Case

ACTION: *Direction has been provided to staff.*

Item 14.2 Report from Closed Session **Item 13.2**
LIABILITY CLAIMS
(Pursuant to Government Code § 54961)
Claimant: Henry S. (Mic) Meeks, Advanced Materials and Manufacturing Technologies, LLC
Agency Claimed Against: City of Riverbank

ACTION: *Claim was denied by a vote of 5 to 0*

15. ADJOURNMENT OF THE REGULAR MEETING

There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 7:12 P.M. to the next regular scheduled City Council / LRA Meeting of February 28, 2023 at 6:00 p.m.

ATTEST: (Adopted 3/14/2023)

APPROVED:



Gabriela Hernandez
City Clerk / LRA Recorder



Richard D. O'Brien
Mayor/ Chair