

CITY COUNCIL / LRA BOARD

Mayor/Chair
Richard D. O'Brien
Vice Mayor/Chair (CM-D1) Luis Uribe
Council/Authority Members:
District 2 Rachel Hernandez
District 3 Cal Campbell
District 4 Darlene Barber-Martinez



**City of Riverbank
Regular City Council and
Local Redevelopment Authority
Board Hybrid Meetings
(Virtual via ZOOM)**

Council Chambers, 6707 Third St., Suite B
Riverbank, CA 95367



MINUTES

TUESDAY, FEBRUARY 22, 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 6:00 p.m.
2. **FLAG SALUTE** - Mayor / Chair Richard 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
Vice Mayor / Vice Chair (CM-D03) Cal Campbell
Mayor / Chair Richard D. O'Brien

Members of the City Council / Local Redevelopment Authority absent and excused:
Council Member / Authority Member District 4 Darlene Barber-Martinez

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.

No conflicts were declared.

7. 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.

Chelsie King, President of the Young Adults Fighting Tobacco Coalition requested the City Council implement solutions to address the environmental burdens as result of the

tobacco industry by implementing public policies within the General Plan's Environmental Justice Element.

Jamie Eggers, Bernard Eggers, Karen Carado, Dan Whetstone all spoke in opposition of the River Walk project citing concerns of increased traffic and noise, loss of prime farmland, a flawed project process, building a flood zone, and adverse impacts to the water supply, sewage system and community services.

Anita Young spoke in opposition of the River Walk project citing concerns of continued shortage of affordable housing, loss prime farmland as well as the impacts to the water supply and sewage system.

8. PRESENTATIONS (Informational only)

Item 8.1 Presentation on Environmental Justice Program – City Council to receive a report from Zoe Jonick of CivicSpark on the Environmental Justice Element as part of the General Plan Update process.

Zoe Jonick provided a comprehensive PowerPoint Presentation on the Environmental Justice Element (AB 1000), noting Assembly Bill 1000 was passed in 2016 creating the newest element required to be a part of all jurisdictions General Plan Update processes. Key Principles for Community Engagement would include Access, Transparency, and Responsiveness, Accountability, Broad and Balanced Participation, Honor and include Local Community, Knowledge and Long-Term Commitment.

Mayor O'Brien invited Ms. Jonick to attend the San Joaquin Valley Environmental Justice Group meeting scheduled for February 24, 2022.

Ms. Jonick responded to questions raised by the Mayor and City Council.

Annabel Gammon stated her desire to be involved with the process.

Item 8.2 Presentation Mobile MMS - City Council receive the presentation; no action is requested at this time.

Michael Riddell, Public Works Director introduced Sean Dingman with Mobile MMS.

Mr. Dingman addressed the City Council advising Mobile MMS is a map-based, mobile, activity tracking system that agencies use to manage their plant assets such as treatment plants and their flat assets such as sewer or water pipes. The system provides maintenance, asset, inspection, and compliance management. MMS will help the city in the near term in managing Work Orders, Customer Service Requests, and Citizen Requests as well as a full implementation of a Backflow Tracking and Testing system similar to work that MMS has done for other jurisdictions.

Mr. Dingman responded to questions raised by the Mayor and City Council.

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 following Minutes:

9.2A: The January 4, 2022, Special City Council and Local Redevelopment Authority Board Minutes.

9.2B: The January 11, 2022, City Council and Local Redevelopment Authority Board Minutes.

9.2C: The January 25, 2022, City Council and Local Redevelopment Authority Board Minutes.

9.2D: The February 8, 2022, City Council and Local Redevelopment Authority Board Minutes.

Item 9.3 **Resolution (No. 2022-013)** Authorizing the Senior Project Coordinator Job Classification and Salary Range; and Amending the City of Riverbank Compensation Plan for the Addition.

Item 9.4 **Resolution (No. 2022-014)** of the City Council of the City of Riverbank, Authorizing Submittal of Notification of Intent to Comply with SB 1383 Requirements.

Item 9.5 **Resolution (No. 2022-015)** A Resolution Authorizing the City to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 361 Allowing the City to Continue a Hybrid Virtual Meeting Environment.

ACTION: *By motion moved and seconded (Campbell / Uribe / passed 4-0) to approve Consent Calendar Items 9.1 through 9.5, as presented.
Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Campbell, Hernandez, Uribe, and Mayor / Chair O'Brien
NAYS: None / ABSENT: Barber-Martinez / ABSTAINED: None*

10. PUBLIC HEARINGS

Item 10.1 Proposition 218 Public Notification and Protest Process for the Proposed Rate Increase for Solid Waste Disposal Services - *It is recommended that the City Council open the public hearing, allow public comment, and continue the public hearing to April 12, 2022, as requested. The public hearing notice for Item 10.1 was posted on the City website January 5, 2022 and mailed via USPS to each property owner and tenant signed up for service on January 6, 2022.*

The time being 6:45 p.m., Mayor / Chair Richard O'Brien opened the public hearing requesting staff's report.

Interim City Manager Garcia presented the staff report advising on December 14, 2021, the City Council received a report regarding the proposed solid waste rates that were presented by Gilton Solid Waste Management and at that point in time Council authorized staff to proceed with the process to increase refuse rates subject to the Proposition 218 process. The public hearing was scheduled for today, February 22 unfortunately due to some timing issues with the public notification in the local newspaper, the Riverbank News which is required to be published; staff is requesting that Council continue tonight's public hearing to April 12, 2022. This extends the time allowed for residents to submit their protest vote should they desire to the city clerk's office at City Hall at 6707 Third Street. City Council will then consider the adoption of the rates at the public hearing scheduled for April 2, 2022.

The time being 6:51 p.m., Mayor / Chair Richard O'Brien asked for public comments. There being none, Mayor / Chair Richard O'Brien requested a concurrence of the City Council to continue the public hearing to April 12, 2022.

ACTION: *A unanimous concurrence of the City Council (4/0) was to continue discussion of Proposition 218 Public Notification and Protest Process for the Proposed Rate Increase for Solid Waste Disposal Services and to continue the public hearing to April 12, 2018, as requested by staff.*

Item 10.2 *A Resolution Approving the Fiscal Year 2021-2022 Mid-Year Budget Amendments - It is recommended that the City Council consider approval of the Fiscal Year 2021-2022 Mid-Year Budget Amendments. **The public hearing notice for Item 10.2 was published in the Riverbank News on February 9, 2022.***

Tammy Alcantor, Assistant Finance Director presented a comprehensive staff report and PowerPoint presentation of the Fiscal Year 2021-2022 Mid-Year Budget Amendments recommending the City Council approve the amendments as recommended by staff.

Assistant Finance Director Alcantor responded to questions raised by the Mayor and City Council and discussed increasing the set aside for future employee benefits and to fund unfunded retirement liability.

ACTION: *By motion moved and seconded (Uribe / Hernandez / passed 4-0) to **adopt City Council Resolution 2022-016** approving the Fiscal Year 2021-2022 Mid-Year Budget Amendments.
Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Campbell, Hernandez, Uribe, and Mayor / Chair O'Brien
NAYS: None / ABSENT: Barber-Martinez / ABSTAINED: None*

11. NEW BUSINESS

Item 11.1 *2022 Cheese & Wine Festival - It is recommended that the City Council hear the plans being considered for the 2022 Cheese & Wine Festival and provide input to the Director of Parks and Recreation and Simply Devine Events, LLC for the Coordination of the 2022 Cheese & Wine Festival.*

Sue Fitzpatrick, Director of Parks and Recreation provided a brief overview of the outcome and challenges of the 2021 Cheese & Wine Festival. Director of Parks and Recreation Fitzpatrick advised potential plans and changes for the upcoming 2022 Festival will be presented to the City Council by Tamra Spade, owner of Simply Devine Events, LLC.

Tamra Spade, owner of Simply Devine Events, LLC. provided a PowerPoint and Vimeo Video presentation reviewing the 2021 Cheese and Wine Festival covering the highlights and challenges addressing security, cost savings, advertising, car show, Riverbank Wine and Cheese Dinner, event boundaries, set up and take down issues, challenges with multiple booths of volunteers handling wine and beer tickets, noting preference for one booth selling beer and wine tickets. Recommended changes to the 2022 event include:

- *Change in layout and boundaries.*
- *Use of the Community Center for the craft beer and wine and cheese tasting.*
- *Elimination Caltrans Road closures.*
- *Increase to vendor fees.*
- *Increase to Wine and Cheese Tasting Fee.*
- *Addition of a ticket booth for the sale of beer tickets, ID check and wine and cheese ticket sales.*

The Mayor and City Council discussed with Ms. Spade how to elevate the experience of the Wine and Cheese tasting, as well as potentially alternating having one day be Wine and Cheese Tasting and the next Craft Beers with snacks. Also discussed was expanding advertising through Galaxy Theatres throughout their chain to get the word out about the festival to get individuals to come in from out of the area to enjoy the event.

An unidentified gentleman approached the podium suggesting rather than just increasing ticket pricing perhaps there could be a couple's price ticket. Ms. Spade responded she is open to all ideas.

Item 11.2 A Resolution to Award a Contract for the Technical Package, Program Management, and Preliminary Design for the Regional Recycled Water Project - Phase I to Kjeldsen, Sinnock & Neudeck, Inc., and Authorize a Budget Appropriation in the amount of \$425,000 from the Wastewater Enterprise Fund for Said Contract - It is recommended that the City Council award the contract for preliminary design phase, program management, and preparation of the Technical Package for the State Water Resources Control Board Clean Water State Revolving Fund Financial Assistance application for the Riverbank Regional Recycled Water Project - Phase I to Kjeldsen, Sinnock & Neudeck, Inc., authorize the City Manager to execute a contract with said firm in the amount of \$404,662, authorize a contingency amount of \$20,338 (approximately 5%), and authorize a budget appropriation of \$425,000 from the Wastewater Enterprise Fund for said contract.

Michael Riddell, Public Works Director presented the staff report recommending that the City Council award the contract for preliminary design phase, program management, and preparation of the Technical Package for the State Water Resources Control Board Clean

Water State Revolving Fund Financial Assistance application for the Riverbank Regional Recycled Water Project – Phase I to Kjeldsen, Sinnock & Neudeck, Inc., subject to the resolution contained in staff's report.

ACTION: *By motion moved and seconded (Campbell / Uribe / passed 4-0) to **adopt City Council Resolution 2022-017** award the contract for preliminary design phase, program management, and preparation of the Technical Package for the State Water Resources Control Board Clean Water State Revolving Fund Financial Assistance application for the Riverbank Regional Recycled Water Project - Phase I to Kjeldsen, Sinnock & Neudeck, Inc., authorize the City Manager to execute a contract with said firm in the amount of \$404,662, authorize a contingency amount of \$20,338 (approximately 5%), and authorize a budget appropriation of \$425,000 from the Wastewater Enterprise Fund for said contract.*

Motion carried by unanimous City Council and LRA Board roll call vote:

AYES: Campbell, Hernandez, Uribe, and Mayor / Chair O'Brien

NAYS: None / ABSENT: Barber-Martinez / ABSTAINED: None

Item 11.3 *A Resolution Opposing Initiative 21-0042A1 the Taxpayer Protection and Government Accountability Act - It is recommended that the City Council consider adopting a resolution in opposition of Initiative 21-0042A1, the Taxpayer Protection and Government Accountability Act.*

Interim City Manager Garcia presented the staff report recommending the City Council consider adopting the resolution opposing Initiative 21-0042A1, the Taxpayer Protection and Government Accountability Act which limits voters' authority to adopt new and stricter rules for raising taxes and fees and makes it more difficult to hold violators of state and local laws accountable.

ACTION: *By motion moved and seconded (Uribe / Hernandez / passed 4-0) to **adopt City Council Resolution 2022-018** opposing Initiative 21-0042A1, the Taxpayer Protection and Government Accountability Act.*

Motion carried by City Council and LRA Board roll call vote:

Motion carried by unanimous City Council and LRA Board roll call vote:

AYES: Campbell, Hernandez, Uribe, and Mayor / Chair O'Brien

NAYS: None / ABSENT: Barber-Martinez / 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

Interim City Manager Garcia reported on the following:

- Tickets are still available for the Centennial Gala scheduled for March 5, 2022, at 6:00 p.m. at the Community Center. Tickets may be purchased until March 1 and may be purchased at City Hall North or from a Historical Society Member for \$25.*
- The Point and Time Count for unsheltered individuals will be held this Thursday, February 24, 2022.*

- *Reminded residents holding yard sales to keep in mind when putting up their signs to please remove them after their sales, especially if they are in the public right-of-way.*

Item 12.2 Council/Authority Member

Councilmember Hernandez stated although she agrees with changing the structure of the Wine and Cheese tasting portion of the Festival she recommended to Tamra Spade, owner of Simply Devine Events LLC, in order to avoid push back from individuals when introducing increase price changes, to do so slowly and, with regard to a different tasting program she suggested having wine and cheese tasting one day with craft beer and noshes the next day.

Councilmember Uribe reported on the following:

- *Met with John Djnan, representative on the Stanislaus Commission on Aging to discuss the need for low-income senior housing. Although, Mr. Klarich praised Riverbank on the Willow Point apartments and the units available through the Housing Authority, Mr. Klarich has shared his concerns with the Stanislaus Commission on Aging for the need for more low-income senior housing units. He stated he expects Mr. Klarich will be coming before the City Council within a couple of weeks to provide a presentation.*
- *Continued conversations with Opportunity Stanislaus not only on economic development at the LRA, but also on stackable grants available for electric charging stations.*
- *Attended a Department of Transportation (DOT) webinar which discussed infrastructure, specifically for Electric Vehicles noting there are 18.6 billion dollars available in grant money available for this program.*
- *Will be holding monthly meetings with the City's Economic Specialist.*

Vice Mayor Campbell encouraged individuals, especially parents during drop off and pick up of their children at school to please drive slowly and be aware of their surroundings particularly at the Crossroads, California Avenue and Language Arts schools as these schools are located on narrow streets.

Item 12.3 Mayor/Chair

Mayor/Chair O'Brien requested updates on the City Council calendar from Department Heads, not all together, but on rotation once monthly to receive updates on each department's projects. One of interest would be an update from Kathleen Cleek on Measure L Funds stating he would encourage community involvement as to where the City should spend those funds. He also requested that the City Council receive a quarterly update on the Fire District from Charlie Neal.

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: 6509 Claus Road, Riverbank (APN 132-048-016)
Agency Negotiator: Interim City Manager Marisela H. Garcia
Property Negotiator: Esam Khacho
Under Negotiation: Price, terms of payment, or both.

Item 13.2 LIABILITY CLAIMS
(Pursuant to Government Code § 54961)
Claimant: Eva Rodriguez
Agency Claimed Against: City of Riverbank

At 7:54 p.m. Mayor O'Brien asked whether there was anyone wishing to speak on the items listed on the Closed Session Agenda: there being none, Mayor O'Brien adjourned the City Council to closed session at 7:56 p.m.

14. RECONVENE – REPORT FROM CLOSED SESSION

Mayor O'Brien reconvened the meeting at 8:11 p.m.

Item 14.1 Report from Closed Session Item 13.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Government Code § 54956.8)
Property: 6509 Claus Road, Riverbank (APN 132-048-016)
Agency Negotiator: Interim City Manager Marisela H. Garcia
Property Negotiator: Esam Khacho
Under Negotiation: Price, terms of payment, or both.

Mayor/Chair O'Brien reported direction was provided to staff.

Item 14.2 Report from Closed Session Item 13.2 LIABILITY CLAIMS
(Pursuant to Government Code § 54961)
Claimant: Eva Rodriguez
Agency Claimed Against: City of Riverbank

Mayor/Chair O'Brien reported the City Council has rejected the claim and will provide a written response to Claimant, Eva Rodriguez.

15. ADJOURNMENT OF THE REGULAR MEETING

There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 8:11 p.m. to the next regular scheduled City Council / LRA Meeting March 8, 2022.

ATTEST: (Adopted 03/08/2022)

APPROVED:

/s/Kathy L. Teixeira

Kathy L. Teixeira
Interim City Clerk / LRA Recorder

/s/Richard D. O'Brien

Richard D. O'Brien
Mayor / Chair