

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 28, 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.

7. PRESENTATIONS (Informational only)

Item 7.1 Presentation – Stanislaus Arts Council- Heartland Creative Corps Grant Program- It is recommended that the City Council receive a presentation from Austin Romito, Project Manager with Stanislaus Arts Council.

Stanislaus Arts Council, Project Manager, Austin Romito gave a presentation to the City Council and Community regarding Heartland Creative Corps Grant Program.

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 6:08 P.M.

Residents who spoke regarding concerns with the Bruin Heights Subdivision

*Syd Halterman, Riverbank Resident
Jason Shrider, Riverbank Resident*

Residents who spoke in opposition of the Riverwalk Project

*Jamie Aggers, Modesto Resident
Karen Conrotto, Modesto Resident*

Gilbert Rosa, Riverbank Resident spoke regarding his corner lot received a notice that his 5th wheel has to be on a driveway not on a lawn. Would like to see his fence line be moved out, closer to the sidewalk, so that he may put his 5th wheel inside.

There being no further public comments, Mayor O'Brien closed the Public Comment period at 6:21 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.

Mayor O'Brien Opened Public Comment at 6:36 P.M.

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

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

*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

*The Public Notice for **Item 10.1** and **LRA Item 10.2** was published on February 15, 2023 in the Riverbank News.*

Item 10.1 **A Resolution Approving the Fiscal Year 2022-23 Mid-Year Budget Amendments-** It is recommended that the City Council consider approval of the Fiscal Year 2022-23 Mid-Year Budget Amendments.

Assistant City Manager/ Finance Director, Alcantor presented a comprehensive Staff Report and Power Point Presentation on the Fiscal Year 2022-23 Mid-Year Budget amendments.

City Council discussed item with Staff.

Mayor O'Brien Opened the Public Hearing at 6:33 P.M.

Mayor O'Brien Closed the Public Hearing at 6:34 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 **Resolution 2023-013** Approving the Fiscal Year 2022-23 Mid-Year Budget Amendments.*

*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*

LRA
Item 10.2 **A Resolution Approving the Local Redevelopment Authority (LRA) Fiscal Year 2022-2023 Mid-Year Budget Amendments-** It is recommended that the Local Redevelopment Authority ("LRA") Board of Directors ("Board") accept and adopt the attached resolution approving mid-year budget adjustments to the Fiscal Year ("FY") 2022/2023 Local Redevelopment Authority Budget.

Administrative Analyst II, Holdaway presented a comprehensive Staff Report and Power Point Presentation on the Local Redevelopment Authority (LRA) Fiscal Year 2022-23 Mid-Year Budget amendments.

LRA Board discussed item with Staff.

Chair O'Brien Opened the Public Hearing at 6:37 P.M.

Chair O'Brien Closed the Public Hearing at 6:38 P.M.

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

ACTION: *By motion moved and seconded (Uribe/ Barber-Martinez 5/0) to approve **Local Redevelopment Authority Resolution 2023-001** Approving the LRA's Fiscal Year 2022-2023 Mid-Year Budget Amendments.*

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

11. NEW BUSINESS

Item 11.1 **A Resolution Approving the Amendments to the Memorandum of Understanding Between the City of Riverbank and Cary Pope (DBA Ammo Plant Management, Inc.) Relating to the Ward Villas Affordable Housing Project-** It is recommended that the City Council consider adopting a Resolution that will amend the existing Memorandum of Understanding between the City and Cary Pope (DBA Ammo Plant Management, Inc.) for the Ward Villas Affordable Housing Project

City Manager, Garcia gave a comprehensive staff report on the Amendments to the Memorandum of Understanding Between the City of Riverbank and Cary Pope (DBA Ammo Plant Management, Inc.) Relating to the Ward Villas Affordable Housing Project.

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 (Jones Cruz / Uribe 5/0) to approve **Resolution 2023-014** amending the existing Memorandum of Understanding between the City and Cary Pope (DBA Ammo Plant Management, Inc.) for the Ward Villas Affordable Housing Project.*

*Motion carried by unanimous vote 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*

12. WORKSHOPS

Item 12.1 **Yard Regulations Workshop-** It is recommended that City Council listen to the presentation, take public comment, and provide staff direction.

Building and planning Manger Kenney presented a PowerPoint Presentation on the Yard Regulations Workshop regarding current regulations for driveways, paving in yards, water pecculation, fencing, ADA sidewalk ramps, etc.

City Council discussed item with Staff.

Senior Neighborhood Improvement officer, Garcia made clarification on the process which code enforcement follows when issuing and mailing code enforcement violations for the items being discussed.

Mayor O'Brien opened Public Comment at 7:16 P.M.

Reverend Randy Richardson, Riverbank Resident commented on the responsibility on new construction for the builder and seller to share and let the homeowners know of the regulations of Riverbank prior to them moving in and that way the information is in their hands. Also look into the properties that are grandfathered, may have to be regulated differently.

Gilbert Rosa, Riverbank Resident commented regarding his corner lot property a quarter acre lot purchased six months ago. Paid to get trees taken out and side yard cleaned up, did not want to move into a homeowner's association for this reason, to be able to do what needed to put my RV inside. Bought specifically this home for his Boat and RV, would like just to put gravel, to allow for water percolation on the side of his home. Received a notice for this violation.

Amber Cooper, Riverbank Resident received a violation letter, have been working with Donna and Michele on this issue. Home is on a corner lot, and are trying to fix the ADA Issue, the yard is rocky not paved, so still have the water percolation. The letters are hard to understand, a lot of legal verbiage and codes, I have a deep working background and education, and these violation letters are difficult to make out and understand what is going on with your home and what the violations mean and how to fix them. Would like to see, better communication and better clarification on these letters. It is disheartening to hear that someone is going around taking pictures of homes to turn into the city over and over again, that is very frustrating.

Kevin Cooper, Riverbank Resident moved to Riverbank about thirteen years ago, with a background in construction. Have had and just recently had his work truck broken into. Right now, that truck is parked in front of home, its too big to fit in his driveway, so its not in camera view or inside protected. Spoke to someone at City Hall a few years ago, regarding a permit to rebuild his fence, that person stated he did need or did not need a permit to build that fence. So, he took it as he could build the fence, built a nice fence with a nice gate. It was just till recently that I received a violation letter, because a busy body went around and complained. There are several homes around in crossroads area that have a fenced moved out with paved side and are using the ADA ramp, so since we saw other homes around with it, we assumed we could do it. We do want to comply with the code, and we've been in contact with Donna and Michele, we just want to see if the code can be changed. I think if the fence and the yard look nice, we should really be looking at those who are not taking care of their yards and making our neighborhoods look bad.

Evelyn Halbert, Riverbank Resident are these older homes going to be required and be forced into these new changes, or are we going to be preexisting and not be required to make these changes, when the fences were allowed. Downtown homes, we do not have that public utility easements, I don't know how that would apply to us. Storm Drains, this side of town is not flat, the water does not drain equally, how is this going to apply to us.

DIRECTION: *City Staff will work on putting a plan together to receive community/resident input and feedback regarding these workshop topics.*

13. 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 13.1 Staff

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

- Parks & Recreation Activity Guides are now available, you can find them online and City Hall Offices. A lot of different programs available.*
- Structures/poles at Crossroads there is some movement of electrical lines, if one should happen to fall on the street it does not hit a resident driving by.*

Item 13.2 Council/Authority Member

Councilmember Jones Cruz reported on the following:

- It is nice to see the roundabout at crossroads is being repaired.*

Councilmember Uribe reported on the following:

- American Veteran's First is having two events:
1) A luncheon on March 31st from 11:00am to 2:00pm at 3500 Coffee Road talking about issues facing the VA System, if interest contact Shirley at (209) 281-5170
2) Save the Date for Nationals Women's Veterans Day on June 9th at the County's Veteran's Center.*

Councilmember Barber-Martinez reported on the following:

- Thank you, the City, for the repair of the Roundabout statue at crossroads, to our residents please be careful driving and slow down with this wet weather.*
- We are having improved Route 60 bus transportation, it will now provide service to our Community Center, better access to the community pool, teen center, and also it will make a stop at our public library and just more frequent stops. This service will start on March 5th, when you ride from March 5th through March 18th the service will be free for Go Green Weeks. There will also will be a new bus transportation service from Patterson Road in Riverbank to Senior Grove in Modesto, which is something that has been very dear to our hearts with our students that are walking on Roselle to get to Enoch's High School or other schools.*

Vice Mayor Hernandez reported on the following:

- Thank you to the residents for coming in and having their comments, the best way to know the next steps will be to follow up on social media, it is the quickest and easiest way and also a good source is our website: www.riverbank.org. Also, our utility newsletter, although it is once every two months, make sure you are opening your utility bill and looking at the newsletter, do not throw it away, or if you have auto pay, please click on that link to the newsletter.*
- Interest in forming a Soroptimist Chapter here in Riverbank please contact me if you are interested.*
- Working with an intern from Stanislaus State currently in partnership with the Central Valley Hispanic Chamber to hold a small Business Boot Camp for folks that would like to start a business license, it will be only in Spanish we will connect*

them with resources and possibly funding, that will m be in May. We will keep you al posted.

Item 13.3 Mayor/Chair

Mayor O'Brien reported on the following:

- Attended the State of the City Address for the City of Modesto and was amazed that they received a Helen Putnam award for a program they purchased that allows as they are holding a meeting its being translated directly into Spanish, I'd like to see if we could piggy back off what they have, and tie into one way or the other. We need to look into everything we write and publish translated into Spanish.*
- We received a letter from the Commission on the Aging, on nominating an older citizen who we would like to recognize for the month of May (May is Senior Citizen Awareness) who has made contributions, or gave civil or military service. Please think and share who you would like to see recognized. Would like to have each councilmember nominate someone from your district, we can recognize more than one.*
- We have been asked to solicit from the public for the Civil Grand Jury for this year, if you would like to participate please contact the Administration Department main number 209-863-7122.*
- It has been a long time coming, to change the Route 60. We do have to talk to StanRTA about the stop at Roselle and Patterson and blocks traffic, because as you are making a right hand turn it does have some blocked vision.*
- Tomorrow starts Women's History Month, take a look at the history of women, please thank them. Congratulations to all the women who have imparted some history on this great land.*
- State of the City is on March 9th at 6:30pm at the Community Center, it is an opportunity for the Mayor to highlight all of the great things the city has done this last year.*

14. 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 14.1 **CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation**
Significant Exposure to Litigation, pursuant to Gov. Code § 54956.9(d)
Number of Potential Cases: 1

There being No Public Comment, Mayor O'Brien adjourned to Closed Session at 7:56 P.M.

Reconvened from Closed Session at 8:07 P.M.

15. REPORT FROM CLOSED SESSION

Item 15.1 Report from Closed Session on **Item 13.1**
CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation
Significant Exposure to Litigation, pursuant to Gov. Code § 54956.9(d)
Number of Potential Cases: 1

ACTION: *Direction has been provided to staff.*

16. ADJOURNMENT OF THE REGULAR MEETING

There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 8:08 P.M. to the next regular scheduled City Council / LRA Meeting of March 14, 2023 at 6:00 p.m.

ATTEST: (Adopted 3/14/2023)

APPROVED:



Gabriela Hernandez
City Clerk / LRA Recorder



Richard D. O'Brien
Mayor/ Chair