

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, MARCH 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 O'Brien called the meeting to order at 6:00 p.m.
2. **FLAG SALUTE** - Mayor / Chair 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.

Mayor O'Brien opened Public Comment at 6:04 p.m.

Individuals who Spoke in Opposition of the River Walk Project

Jamie Eggers
Dan Whetstone
Bernard Eggers
Karen Carado

There being no further public comments, Mayor O'Brien closed the Public Comment period at 6:06 p.m.

8. PRESENTATIONS (Informational only)

Item 8.1 **Government Code Claim Submitted by Schneider Electric Buildings, Inc.** – Verbal Presentation by Deputy City Attorney Doug White

Deputy City Attorney White provided an overview, providing history on the litigation as well as recent processes related to the cross complaints with Schneider Electric Buildings, Inc.

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 March 8, 2022 City Council and Local Redevelopment Authority Board Minutes.

Item 9.3 **Resolution (2022-024)** Authorizing the City to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 361 Allowing the City to Continue a Hybrid Virtual Meeting Environment.

Item 9.4 **Resolution (2022-025)** Providing the Interim City Manager, or their designee, Signature Authority for the Submittal of an Application for Funding to the State Water Board Water and Wastewater Arrearage COVID Relief Program.

Item 9.5 **Resolution (2022-026)** Authorizing the Interim City Manager to Submit an Emergency Solutions Grant (ESG) and a California Emergency Solutions Grant (CA-ESG) Applications for Funding for Homeless Outreach and Shelter Services and, if Awarded, Execute an Agreement and Any Amendments thereto with Stanislaus County.

ACTION: *By motion moved and seconded (Hernandez / 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: Hernandez, Uribe, Campbell, and Mayor / Chair O'Brien*

10. PUBLIC HEARINGS

Item 10.1 **4th Public Hearing – Redistricting Process for Riverbank’s Four (4) Councilmember District Boundaries** - It is recommended that the City Council 1) conduct a public hearing to receive public input on the City Council district boundaries in response to data received in the 2020 census; and 2) adopt a resolution of the City Council of the City of Riverbank, California, adjusting City Council district boundaries in accordance with California Elections Code section 21600 et seq. and Riverbank Municipal Code section 30.03, subdivision (B)(3).

Mayor O’Brien introduced Aurora Dewhirst, tonight’s public hearing interpreter.

The time being 6:20 p.m., Mayor / Chair O’Brien opened the public hearing requesting staff’s report.

City Attorney Hallinan, with interpretation provided by Ms. Dewhirst, presented the staff report, recommending the City Council 1) conduct a public hearing to receive public input on the City Council district boundaries in response to data received in the 2020 census; and, 2) adopt a resolution of the City Council of the City of Riverbank, California, adjusting City Council district boundaries in accordance with California Elections Code section 21600 et seq. and Riverbank Municipal Code section 30.03, subdivision (B)(3).

The time being 6:24 p.m., Mayor / Chair O’Brien asked for public comments.

There being no public comment, Mayor / Chair O’Brien closed the public hearing at 6:25 p.m.

ACTION: *By motion moved and seconded (Uribe / Campbell / passed 4-0) to adopt **City Council Resolution 2022-027** adjusting City Council district boundaries in accordance with California Elections Code section 21600 et seq. and Riverbank Municipal Code section 30.03, subdivision (B)(3). Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Campbell, Hernandez, and Mayor / Chair O’Brien
NAYS: None / ABSENT: Barber-Martinez / ABSTAINED: None*

10.2 **First Reading by Title Only and Introduction of a Proposed Ordinance**
Adding New Chapter 54: Mandatory Organic Waste Disposal Reduction Ordinance to Title V: Public Works of the Riverbank Municipal Code of Ordinances – It is recommended that the City Council conduct the public hearing for the first reading of the proposed ordinance to consider its approval; if approved, the second reading of the ordinance by title only will be scheduled for the next regular City Council meeting on April 12, 2022, for consideration of its adoption.

The time being 6:30 p.m., Mayor / Chair O’Brien opened the public hearing requesting staff’s report.

Development Services Administration Manager Cleek presented a comprehensive staff report with PowerPoint Presentation on the proposed Ordinance adding a new Chapter 54 : Mandatory Organic Waste Disposal Reduction Ordinance to Title V: Public Works of the Riverbank Municipal Code related to the SB 1383 which was approved in September 2016 to establish Statewide methane emissions reduction, established by SB 1383 (September 20 in an effort to reduce emissions of short-lived climate pollutants in various sectors of California's economy. She concluded staff's report recommending the City Council conduct the public hearing and approve the proposed ordinance for its adoption at the next regular City Council meeting on April 12, 2022, for consideration of its adoption.

The City Council discussed the ordinance with staff.

The time being 6:36 p.m., Mayor / Chair O'Brien asked for public comments.

In Opposition

Evelyn Halbert advised she had submitted her written comments to the City Clerk and was told they would be distributed to the City Council. She then questioned how garbage service providers would meet these requirements for those areas exempt from complying with SB 1383.

There being no further public comment, Mayor / Chair O'Brien closed the public hearing at 6:41 p.m.

Mayor O'Brien advised Ms. Halbert that Gilton are required by law to reduce organic waste in the landfills by 75% and if Gilton is receiving refuse from exempt areas they will be processing it the same way, there is no difference in the processing; the only difference is there are very few households within those areas exempted from SB 1383. Regarding the questions related to what to do with the waste, food and compostable waste versus non compostable, the food and compostable waste would go into one bin and the non-compostable waste would go into another bin. The process for separating the different waste types has been developed by Gilton and should be in operation within a year.

ACTION: By motion moved and seconded (Uribe / Hernandez / passed 4-0) to approve the first reading and introduction of the proposed Ordinance [No. 2022-001] Adding New Chapter 54: Mandatory Organic Waste Disposal Reduction Ordinance to Title V: Public Works of the Riverbank Municipal Code of Ordinances, to initiate a second reading by title and consider its adoption on April 12, 2022, as presented.

Motion carried by unanimous City Council roll call vote.

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

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

11. NEW BUSINESS

Item 11.1 **Presentation and Introduction to Harm Reduction** – It is recommended that the City Council receive the presentation by Donna Kenney, Planning & Building Manager with Diego Capistrano,

Community Health Worker III, Stanislaus County Health Services Agency and provide direction to staff.

Donna Kenney, Planning & Building Manager with Diego Capistrano, Community Health Worker III, Stanislaus County Health Services Agency, utilizing a PowerPoint Presentation provided a compressive overview and introduction to Harm Reduction advising The Stanislaus County Health Services Agency and St. Francis of Rome Church would like to establish a Harm Reduction program in Riverbank. To permit and allow the Stanislaus County Health Services Agency and St. Francis of Rome Church to undertake the least lengthy path towards a CDPH approved program they will need a show of support and that they have approval of the local jurisdiction which can be achieved by either an email from the Mayor, or a copy of the City Council meeting minutes.

Mayor O'Brien asked whether there was any public comment.

Public Testimony

Evelyn Halbert had questions related to the hours of operation, needle exchange program and asked for the Police Chief's thoughts on the program.

Mayor O'Brien responded to Ms. Halbert's question related to the hours of operation and as to the Police Chief's thoughts on the program.

Diego Capistrano, Community Health Worker III, Stanislaus County Health Services Agency responded to Ms. Halbert's questions operation and needle exchange program.

ACTION: *The City Council stated their unanimous concurrence of support to permit and allow the Stanislaus County Health Services Agency and St. Francis of Rome Church to undertake the less lengthy path towards a CDPH approved Harm Reduction Program with the City of Riverbank.*

Item 11.2 **A Resolution Adopting the 2021 General Plan and Housing Element Annual Progress Reports (APRs)** - It is recommended that the City Council adopt a resolution approving the 2021 General Plan and Housing Element Annual Progress Reports (APRs) and authorize staff to submit said Reports to the California Office of Planning and Research and California Department of Housing and Community Development.

Associate Planner Salazar presented the staff report recommending the City Council approve the City's 2021 General Plan and Housing Element Annual Progress Reports (APR) and authorize Staff to submit said reports to the California Office of Planning and Research (OPR) and the California Department of Housing and Community Development (HCD).

Staff and the City Council discussed aspects of the report.

Mayor O'Brien asked whether there was any public comment, there being none, Mayor O'Brien brought the item back to the City Council for action.

ACTION: By motion moved and seconded (Campbell / Hernandez / passed 4/0) to adopt **City Council Resolution 2022-028** to adopt a resolution approving the 2021 General Plan and Housing Element Annual Progress Reports (APRs) and authorize staff to submit said Reports to the California Office of Planning and Research and California Department of Housing and Community Development.
Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Campbell, Uribe, Hernandez, and Mayor / Chair O'Brien
NAYS: None / ABSENT: Barber-Martinez / ABSTAINED: None

Item 11.3 **A Resolution to (1) Rescind Resolution 2021-104; (2) Declare APN 132-012-024 Located at the Northeast Corner of 3rd Street & Stanislaus Street as Exempt Surplus Land under the Surplus Land Act; and, (3) Approve the Sale of Said Property to the Stanislaus Regional Housing Authority Pursuant to a Purchase and Sale Agreement** - It is recommended that the City Council adopt a resolution to (1) Rescind Resolution 2021-104; (2) Declare APN 132-012-024 Located at the Northeast Corner of 3rd Street & Stanislaus Street as Exempt Surplus Land under the Surplus Land Act; and, (3) Approve the Sale of Said Property to the Stanislaus Regional Housing Authority Pursuant to a Purchase and Sale Agreement.

Interim City Manager Garcia presented a comprehensive staff report advising on October 26, 2021, the City Council adopted Resolution 2021-104 which declared the city-owned parcel located at the Northeast corner of 3rd & Stanislaus as Surplus Land. At that time the City's intent was to declare the property exempt under the Surplus Land Act and proceed with a 60-day required Notice of Availability. However, after further legal review, it was determined that the City can declare this property as Exempt Surplus Land thereby avoiding the 60-day notification period. Tonight's action will rescind the prior Resolution and declare the property exempt. Staff recommends that the City Council adopt the Resolution which will rescind Resolution 2021-104; declare APN 132-012-024 located at the northeast corner of 3rd Street and Stanislaus Street as exempt surplus land under the Surplus Land Act; and, approve the sale of the property to the Stanislaus County Housing Authority pursuant to a Purchase and Sale Agreement.

Mayor O'Brien asked whether there was any public comment, there being none, Mayor O'Brien brought the item back to the City Council for action.

ACTION: By motion moved and seconded (Uribe / Hernandez / passed 4/0) to adopt **City Council Resolution 2022-029** to adopt a (1) Rescind Resolution 2021-104; (2) Declare APN 132-012-024 Located at the Northeast Corner of 3rd Street & Stanislaus Street as Exempt Surplus Land under the Surplus Land Act; and, (3) Approve the Sale of Said Property to the Stanislaus Regional Housing Authority Pursuant to a Purchase and Sale Agreement.

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez Campbell, 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 stated thanks to Associate Planner Gabriel Salazar who will be leaving employment with the City of Riverbank at the end of the month. Interim City Manager Garcia advised earlier this evening the City Council adopted a Resolution allowing the City to apply for funding to assist residents having difficulty with paying their utility bills. Last year the City applied for and received funds to assist customers with their water debt of approximately \$78,000; tonight's approval will allow for the City to apply for funding to assist those behind in payments for wastewater. The funds for water arrearages will be applied to residents' bills in April and they will also receive notification through the mail that a credit has been applied to their billing and staff is also looking to sign up for the low-income household water assistance program that will allow qualified residents to continue to receive assistance with their utility bills for a period of time. Residents who have questions related to the household water assistance program can contact the City's Finance Department for assistance.

Item 12.2 Council/Authority Member

Councilmember Hernandez reported on the following:

- *Participated on a Grant Review Panel with Stanislaus County.*
- *Attended State of City Address.*

Councilmember Uribe reported on the following:

- *Toured the Stanislaus County District Attorney's office and got to meet outgoing District Attorney Birgit Fladager and incoming District Attorney, Jeff Laugero and*
- *Toured the Family Justice Center.*
- *Meet with new outreach and engagement leader Dina Fernandez (Ms. Fernandez was present and invited to the podium to introduce herself.)*

Outreach and Engagement Leader Dina Fernandez expressed her excitement at engaging and working towards outreach with the City's homeless. An event is scheduled for March 30 from 1 to 4 p.m. at the Community Park to assist individuals in getting documentation and needed services.

Vice Mayor Campbell reported on the following:

- *Meet with the City of Oakdale's City Manager related to reestablishment of the Lower Stanislaus Committee and Mr. Whitemyer has indicated he is on board and will present it to the Oakdale City Council for approval.*
- *Contacted the City of Ripon and the Corp of Engineers related to the reestablishment of the Lower Stanislaus Committee and is waiting to hear back.*

- *Heard a Presentation on Environmental Justice Program at Church over the weekend and advised them he would be willing to participate on their committee.*

Item 12.3 Mayor/Chair

Mayor/Chair O'Brien requested an update on Sierra House, as well as discuss the possibility of day use outreach, temporary showers, etc., doing what can be done as a City before the County is ready to operate Sierra House at the next City Council meeting. He thanked Gaby Hernandez, Norma Manriquez, and Interim City Manager Garcia for their assistance during State of the City Address. Mayor O'Brien concluded his comments requesting a timeline for the General Plan Technical Review.

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: Interim City Manager Marisela Garcia

Employee Organizations: Riverbank Miscellaneous Employees

Item 13.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to Government Code § 54956.8)

Property: Jackson Avenue, Riverbank (APN 075-005-025 & APN 075-005-013)

Agency Negotiator: Interim City Manager Marisela H. Garcia

Property Negotiator: Jon R. & Suki H. Gonzalez

Under Negotiation: Price, terms of payment, or both.

Item 13.4 PUBLIC EMPLOYEE APPOINTMENT

(Pursuant to Government Code § 54957 [b][1])

Position Title: City Manager

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 7:41 p.m.

14. RECONVENE – REPORT FROM CLOSED SESSION

Mayor O'Brien reconvened the meeting at 9:04 p.m.

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.

Mayor O'Brien reported The City of Riverbank rejects the Schneider Electric Buildings America, Inc. case pursuant to Government Code §54956.9.

**Item 14.2 Report from Closed Session on Item 13.2
CONFERENCE WITH LABOR NEGOTIATORS**
(Pursuant to Government Code §54957.6)
Agency Representative: Interim City Manager Marisela Garcia
Employee Organizations: Riverbank Miscellaneous Employees

Mayor O'Brien reported direction had been provided to staff on Item 13. CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code §54957.6).

**Item 14.3 Report from Closed Session on Item 13.3
CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
(Pursuant to Government Code § 54956.8)
Property: Jackson Avenue, Riverbank (APN 075-005-025 & APN 075-005-013)
Agency Negotiator: Interim City Manager Marisela H. Garcia
Property Negotiator: Jon R. & Suki H. Gonzalez
Under Negotiation: Price, terms of payment, or both.

Mayor O'Brien reported direction had been provided to staff on Item 13.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Government Code § 54956.8)

**Item 14.4 Report from Closed Session on Item 13.4
PUBLIC EMPLOYEE APPOINTMENT**
(Pursuant to Government Code § 54957 [b][1])
Position Title: City Manager

Mayor O'Brien reported direction had been provided to staff on Item 13.4 PUBLIC EMPLOYEE APPOINTMENT (Pursuant to Government Code § 54957 [b][1]).

15. ADJOURNMENT OF THE REGULAR MEETING

There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 9:09 p.m. to the next regular scheduled City Council / LRA Meeting April 12, 2022.

ATTEST: (Adopted 04/12/2022)

APPROVED:

/s/Kathy L. Teixeira
Kathy L. Teixeira
Interim City Clerk / LRA Recorder

/s/Cal Campbell
Cal Campbell
Vice Mayor / Vice Chair (CM-D3)