

**CITY COUNCIL / LRA BOARD**

Mayor/Chair  
Richard D. O'Brien  
Council/Authority Members:  
District 1 -Luis Uribe  
District 2- Rachel Hernandez  
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, MARCH 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 2 Rachel Hernandez  
Council Member / Authority Member District 3 Leanne Jones Cruz  
Council Member / Authority Member District 4 Darlene Barber-Martinez  
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 by Stanislaus Regional Transit Authority (StanRTA)- It is recommended that City Council receive a presentation from Mr. Adam Barth, StanRTA CEO.

City Council received a Power Point Presentation regarding Stanislaus Regional Transit Authority (StanRTA) route overview from Adam Barth, StanRTA CEO.

## **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 6:14 P.M.*

### *Residents who spoke in opposition of the Riverwalk Project*

*Karen Conrotto, Modesto Resident*

*Jamie Aggers, Modesto Resident*

*Reverend Randy Richardson with Love Riverbank commented on the upcoming event for Love Riverbank taking place on Saturday, April 29<sup>th</sup>. Thank you to the City for how amazing they have been and councilmember Uribe has been vital in the helping and directing us and thank you Vice Mayor Hernandez for doing it before and giving us such great ideas. The committee has come together and it will be a citywide volunteer day we will start at 8:00am at gazebo in the Community Center Park we will rally and then from 9:00 A.M. to 12:00 P.M. we will take on 5 projects that have been suggested through different individuals and what the need of the city is, Jessica has been helpful. We will be planting trees, cleaning up parks, cleaning up alley ways, visiting 99 residents at the convalescent hospital. We are going to have stations in different places in Riverbank were people will be able to write Thank You Notes to, First Responders, Firemen, Sheriff's, to the Teachers in Riverbank. We are just really excited there are businesses who have invested and we have an account growing. The real vision is not to do this on April 29<sup>th</sup>, but to do this throughout the year, and help and meet the needs in the city throughout the year. Registration is going on right now at [loveriverbank.org](http://loveriverbank.org). Look forward to rocking this place, The City of Action!*

*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.

**Item 9.2**      **Approval** of the City Council and Local Redevelopment Authority Board Minutes for March 14, 2023.

**Item 9.3**      **Resolution 2023-021** Opposing Initiative No. 21-0042A1, The Taxpayer Protection and Government Accountability Act.

**Item 9.4**      **Resolution 2023-** Awarding a Contract for budgeting and transparency software to ClearGov, Inc. and Authorizing the Assistant City Manager Execute said Contract.

- Item 9.5**      **Resolution 2023-022** Authorizing the Addition of the Senior Planner Job Classification and Salary Range; and Amending the City of Riverbank Compensation Plan.
- Item 9.6**      **Resolution 2023-023** to Approve and Adopt the 2023 City of Riverbank Measure L Expenditure Plan Project List.
- Item 9.7**      **Resolution 2023-024** Adopting a List of Projects for Fiscal Year 2023-2024 Funded by SB 1: The Road Repair and Accountability Act of 2017.
- Item 9.8**      **Resolution 2023-025** of the City of Riverbank Declaring Its Intention to Annex Territory to a Community Facilities District and to Authorize the Levy of Special Taxes Therein, the City of Riverbank Community Facilities District No. 2016-1 (Public Services) Annexation No. 2.
- Item 9.9**      **Resolution 2023-026** to Approve a Subdivision Improvement Agreement for Diamond Bar East with LGI Homes - California LLC and Authorizing the City Manager to Execute the Agreement.
- Item 9.10**     **Resolution 2023-027** adopting the Final Map 03-2022 Diamond Bar East – APN: 062-020-010.
- Item 9.11**     **Resolution 2023-028** Accepting the Annual Financial Report for Fiscal Year 2020-2021.
- Item 9.12**     **Authorization** for Out of State Travel Request for Mayor Richard D. O'Brien and City Manager Marisela H. Garcia to Travel to Washington D.C. for Meetings with the U.S. Army and Federal Regulators.

*Councilmember Barber-Martinez pulled Item 9.4 from the Consent Calendar for further discussion.*

*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 with the exception of Item 9.4.*

*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 9.4**      **Resolution 2023-029** Awarding a Contract for budgeting and transparency software to ClearGov, Inc. and Authorizing the Assistant City Manager Execute said Contract.

*Councilmember Barber-Martinez asked for further clarification on Item 9.4 the cybersecurity protection for this software, who would be performing that for us? Also, the cost, if we need an update or if we need to make changes, are we going to be responsible for that or is that a maintenance fee that we pay?*

*Assistant City Manager Alcantor clarified the Company (ClearGov) themselves would have the cybersecurity for their software, within their cloud platform, and it will be included within their quoted maintenance fees that we would be paying.*

*Mayor O'Brien asked we won't have an incident like a neighboring law enforcement agency had with malware and ransomware?*

*Assistant City Manager Alcantor clarified, nothing is one hundred percent. But, it is hosted on their platform, not on ours, so there is a barrier there.*

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

**ACTION:** *By motion moved and seconded (Barber-Martinez / Uribe 5/0) to approve Item 9.34 from 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**

*No Items Scheduled.*

## **11. NEW BUSINESS**

**Item 11.1** **2022 General Plan and Housing Element Annual Progress Reports. A Resolution Adopting the 2022 General Plan and Housing Element Annual Progress Reports (APRs) and Authorizing Staff to Submit said Reports to the California Office of Planning and Research and the California Department of Housing and Community Development.** - Staff recommends City Council approve the 2022 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).

*Building and Planning Manager Kenney presented a comprehensive staff report and Power Point Presentation on the 2022 General Plan and Housing Element Annual Progress Report to submit to the state by April 1<sup>st</sup>.*

*City Council discussed item with staff.*

*Mayor O'Brien opened up for Public Comment at 6:34 P.M.*

*Annabel Gammon, Modesto Resident commented on the General Plan from years ago, and do not find a housing element in the General Plan. Would like to be directed to where she can find the housing element on the General Plan?*

*Building & Planning Manager Kenney clarified that the 2014 Housing element it is considered part of the General Plan, but it is kept separate. The General Plan and the Housing Element are two separate documents, we are reporting on both these documents to the state, and the Housing Element can be found on the Planning page of our City's website. It can be found underneath the Downtown Specific Plan section.*

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

**ACTION:** *By motion moved and seconded (Uribe / Jones Cruz 5/0) to approve **Resolution 2023-030** Adopting the 2022 Annual General Plan Progress Report and the 2022 Annual Progress Report of the General Plan Housing Element.*

*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*

## **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:*

- Our Founder's Day Carnival and Health Fair will also be held on April 29<sup>th</sup>.*
- We are looking for volunteers for the carnival to assist with some of the games and rides, if anyone would like to volunteer they can contact the Recreation Department.*
- The Founder's Day Carnival will be from 12:00 P.M to 5:00 P.M. at the Community Center Park, it is free to all members of the public.*
- The Health Fair will be from 8:00 A.M. to 1:00 P.M. inside the Community Center.*
- Registration for all the Recreation Summer Programs is now open online and in our office.*
- Starting April 3<sup>rd</sup> through April 15<sup>th</sup> the First Street and Santa Fe Bridge will be closed from 7:00am to 5:00pm for an overlay project that is through the Measure L sales tax funding. Message boards are at River Road and McHenry Avenue in order to advise those, to take alternate routes.*

### **Item 12.2** Council/Authority Member

*Councilmember Jones Cruz reported on the following:*

- Keep all those who suffered loss in the Tennessee tragedy, keep them in our thoughts and prayers at this time.*

*Councilmember Uribe reported on the following:*

- Love Riverbank.com the website is live; all the members of the committee have been doing a great job!*

- Follow, Like the Facebook Page for Love Riverbank that is where you can get all the updates and sign up for a project.
- Spend some time at the Health Fair, will have a lot of resources. Staff has been putting a lot of effort into it, we have been trying to launch this before COVID. COVID Stopped it, and we've been trying to get this going.
- Looking forward to ending the day at the Carnival, come out and serve your community.

Councilmember Barber-Martinez reported on the following:

- Attended the swear in ceremony for Senator Marie Alvarado-Gil.
- Attended the Public Safety Policy Committee Meeting discussed the examples of sponsored Fentanyl legislation, discussed public records regarding parole, talked about America's Opioid epidemic and how it has been soaring.
- This is the month of March Women's History theme for 2023, which is celebrating women who tell our stories and recognizes women past and present, who have been active in all forms of media and storytelling. Thank you to the women who are on the dais with her, believe we are making history in our own rights.
- Thank you to the Public Works Department and for keeping our streets and keeping us safe. Thank you for all your doing for us.

Vice Mayor Hernandez reported on the following:

- Update on some of the events attended, being an alternate on the Stanislaus Council of Governments and Cal Cities Community Services policy committee, here for questions on any of that.
- Congratulations to the Riverbank Winter Percussion Ensemble, they did a great job over at Enochs.
- Hosted our first Sister City Committee Meeting with Luis along with the rest of the committee, we heard from what the equivalent of the mayor is in Tamazula, and he is very grateful for this reinvention of the committee.
- Would like to congratulate the Riverbank Soroptimist who is just starting their new chapter in Riverbank and they had a very successful first meeting.

**Item 12.3** Mayor/Chair

Mayor O'Brien reported on the following:

- Would like to have every councilmember take a look at older citizens in your district, if we can gather names. So, that we may get that to the Board of Supervisors, to get on their agenda. Marisela, has already received two names, please coordinate with her any other names. So that we may solidify.
- For the Love Riverbank, thank you for the enthusiasm. Is there a way that at the end, in association with the carnival, that we would have a citywide picnic?

**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 LABOR NEGOTIATORS (Pursuant to Government Code § 54957.6)**

Agency Representative: Marisela H. Garcia, City Manager  
Unrepresented Employee: Director of Parks & Recreation

*There being No Public Comment, Mayor O'Brien adjourned to Move to Closed Session at 6:46 P.M.*

*Reconvened from Closed Session at 7:03 P.M.*

**14. REPORT FROM CLOSED SESSION**

**Item 14.1 Report from Closed Session on Item 13.1  
CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code § 54957.6)**

Agency Representative: Marisela H. Garcia, City Manager  
Unrepresented Employee: Director of Parks & Recreation

**ACTION:** *No Reportable Action.*

**DIRECTION:** *Direction was provided to Staff.*

**14. ADJOURNMENT OF THE REGULAR MEETING**

*There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 7:04 P.M. to the next regular scheduled City Council / LRA Meeting of April 11, 2023 at 6:00 p.m.*

ATTEST: (Adopted 4/11/2023)

APPROVED:

  
Gabriela Hernandez  
City Clerk / LRA Recorder

  
Rachel Hernandez  
Vice Mayor/ Vice Chair