

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, APRIL 11, 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 - Vice Mayor / Vice Chair Rachel Hernandez called the meeting to order at 6:00 P.M.

2. FLAG SALUTE – Vice Mayor / Vice Chair Rachel Hernandez 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 District 2 Rachel Hernandez

Mayor / Chair Richard D. O'Brien (ABSENT)

5. AGENDA CHANGES

Vice Mayor Hernandez pulled item 9.3 from the Consent Calendar to consider at a later meeting.

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 declared a conflict of interest with Item 11.2 New Business.

7. PRESENTATIONS (Informational only)

Item: 7.1 **Presentation - Public Works Utilities-** It is recommended that City Council receive a presentation from Cody Bridgewater, Director of Public Works.

City Council received a Power Point Presentation on the Public Works Utilities tasks and responsibilities regarding Water Line and Sewer Lateral, from Director of Public Works Bridgewater.

Mayor Richard D. O'Brien joined at the Dais at 6:17 P.M.

Vice Mayor Hernandez, continued to preside over the Meeting.

Item 7.2 **Presentation on Juneteenth Celebration to be held on June 19th, 2023 at the Plaza Del Rio-** It is recommended that the City Council hear the presentation by Deborah Sullivan, regarding a Juneteenth Celebration that will be held at Plaza Del Rio on June 19th, 2023 Park”.

City Council received a Presentation regarding the Juneteenth Celebration which will be held at the Plaza Del Rio on June 19th from Event Coordinator, Deborah Sullivan with Sullie Entertainment.

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.*

Vice Mayor Hernandez Opened Public Comment at 6:26 P.M.

Karen Conrotto, Modesto Resident, spoke in opposition of the Riverwalk Project.

Randy Richardson, Riverbank Resident spoke in regards to Love Riverbank.

There being no further public comments, closed the Public Comment period at 6:29 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 28, 2023.

Item 9.3 **Resolution** to Award Bid for the Riverbank Police Gate & Fence Project to Golden Bay Fence Plus Iron Works, Inc., Authorize Execution of Future

Change Orders, and Authorizing a Budget Amendment for an Additional \$94,923.00 from American Rescue Plan Act.

Item 9.4 **Resolution 2023-031** Authorizing the Designation of the Signatories for the City of Riverbank Local Agency Investment Fund (LAIF) Account.

Item 9.5 **Authorization** for Out of State Travel Request for Vice Mayor Rachel Hernandez to Travel to Washington D.C. with the Stanislaus Council of Governments (StanCOG) to Advocate for City and County Regional Transportation Projects.

There being no public comments, Vice Mayor Hernandez brought the item back to City Council.

ACTION: *By motion moved and seconded (Jones Cruz / Uribe 5/0) to approve the **consent calendar** as amended with the exception of Item 9.3.*

*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 was published on March 29th, & April 5th, 2023 in the Riverbank News.

Item 10.1 **Resolution Authorizing a 9.3% Inflationary Adjustment Increase to the City of Riverbank System Development Fees Based on the Construction Cost Index to be effective May 1, 2023.**- It is recommended that the City Council consider adopting a resolution authorizing a 9.3% Inflationary Adjustment increase to the City of Riverbank System Development Fees (also known as Development Impact Fees) based on the Construction Cost Index.

Assistant City Manager Alcantor presented a comprehensive staff report and Power Point Presentation on the System Development Fee 9.3% Inflationary Adjustment Increase based on the Construction Cost Index for the City of Riverbank System Development Fees to be effective May 1, 2023.

City Council discussed item with staff.

Vice Mayor Hernandez opened up the Public Hearing for Public Comment at 6:38 P.M.

Vice Mayor Hernandez Closed the Public hearing at 6:39 P.M.

There being no public comments, Vice Mayor Hernandez brought the item back to the City Council.

ACTION: By motion moved and seconded (Barber-Martinez / Uribe 5/0) to approve **Resolution 2023-032** Authorizing a 9.3% Inflationary Adjustment Increase to the City of Riverbank system Development Fees effective May 1, 2023.

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

11. NEW BUSINESS

Item 11.1 **A Resolution Continuing the Approved River Cove River Access Closure Plan-** It is recommended that the City Council continue the closure plan as developed by staff to the 2023 summer season and provide any other additional direction as needed. The Closure Plan expired on November 1, 2022.

Director of Parks & Recreation Fitzpatrick presented a comprehensive staff report and update on the River Cove River Access Closure Plan that is recommended for this 2023 year.

City Council discussed item with staff.

Vice Mayor Hernandez opened up for Public Comment at 6:43 P.M.

Michael Halterman, Riverbank Resident commented on how the City's involvement is with the access there, I know in River Cove Drive there is a public creek, and the public has access to that. There is a levy there, is the levy on a private lot, that is owned by the city, and is that where the access concern comes in? It seems to me, that if that beach is below the line of ordinary high water that's a riparian issue, that would be a state lands, not the city. Just curious how the city's involved with that, and if we did not need to defer to the state. Sounds like that has passed through, with the Army Corps of Engineers, which would probably be the governing body on that. Just curious if there is a lot that is owned by the city, maybe for the levy or something that is upland of that highwater mark, which is why the city is involved. Or if it's just they are trying to mitigate the concerns of the citizens, which is also a valid reason to do that.

Director Fitzpatrick clarified, by our research there is an area that is owned by the city. The Army Corp does have an easement, that is about 20 feet up. Basically, our responsibility is to the water, and then from the water on it would be a variety of Army Corp or Fish and Game depending on what it is. As far as the habitat, we did bring everyone out to evaluate and they all felt we should be doing something, and they all felt like it was our responsibility. If we wanted to replant that would be something we would do, and we have been just letting repair itself, and its been doing that.

There being no other public comments, Vice Mayor Hernandez brought the item back to the City Council.

ACTION: By motion moved and seconded (Barber-Martinez / Jones Cruz 5/0) to approve **Resolution 2023-033** Approving the continuation of the River Cove River Access Closure Plan.

*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 **Resolution Adopting the Downtown Façade Improvement Program Guidelines**-It is recommended that the City Council consider adopting a Resolution approving the Downtown Façade Improvement Program Guidelines.

Councilmember Barber-Martinez recused herself and stepped down from the dais at 6:47 P.M.

City Manager Garcia gave a comprehensive staff report and Power Point Presentation on the Downtown Façade Improvement Program and the guidelines to apply for this program.

City Council discussed item with staff.

Vice Mayor Hernandez opened up for Public Comment at 6:58 P.M.

Pete DeMattos, Co-Owner of Kiwi's Custom Guns Downtown as well as a member of the Downtown Business Coalition commented, as a business owner downtown who has been heavily investing in the city for some years, definitely approve of this program and appreciate that it has finally come to fruition. I think it's going to help the issue we've had with building owners not wanting to help improve the downtown area. But some of the business owners who lease or rent, can get some help. Definitely would like to support that, hopefully you vote yes on it.

Evelyn Halbert, Riverbank Downtown Resident, the original purpose of the Downtown Specific Plan was to protect and preserve our history, historical district downtown the buildings also the downtown neighborhoods. Downtown Specific Plan is not just about the retail, it's not about commercial. There is a lot of residents around here too. Question is, these guidelines are simply for eligibility and getting the money? But in order for people to these improvements, they have to comply with the Downtown Specific Plan, and what it allows, it doesn't allow to protect the historical downtown? The specific Plan was passed on May 2015, that is a whole different version than the January 2015. The City has been using the May 2015, that also includes the mitigation measures on that one. Next question, Is the mitigation for the agriculture for the historically significant buildings, they will still be required to follow those mitigations? We are already having a problem with one building down here. Are these new guidelines for the façade going to include specific plan, do they have to follow it and these mitigations? Or how is this going to work?

City Manager Garcia clarified, with regards to the first question, it is the May 12th, 2015 Downtown Specific Plan, we will be changing the link that was included in the original

guidelines to reference back to the May 12th, 2015. With regards to the second item, as with any project here in the City of Riverbank, if it's a significant enough project, that it triggers the need for those mitigation measures to be addressed, then that is a conversation that we will have during that pre-application meeting, that they will have with us.

There being no public comments, Vice Mayor Hernandez brought the item back to the City Council.

ACTION: By motion moved and seconded (Uribe / Jones Cruz 4/0) to approve **Resolution 2023-034** Adopting the Downtown Façade Improvement Program Guidelines.

Motion carried by a vote of 4-0 of City Council and LRA Board roll call vote:

AYES: Uribe, Hernandez, Jones Cruz, and Mayor O'Brien

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

Councilmember Barber-Martinez returned to the dais at 7:09 P.M.

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 Riverbank Health Fair will be the same day as Love Riverbank, we invite everyone to attend at our Community Center from 8:00am to 1:00pm, we have quite a few service providers and vendors that will be here.
- From 12:00pm to 5:00pm we have our 2nd Annual Founders Carnival that will be at the Community Center Park, right next door. We are still looking for volunteers, if anyone is interested in helping with that please contact the Parks and Recreation Department.
- As you've seen, we've been slowly making modifications to our Audio and Visual here in our Council Chambers, Happy to announce today we were able to go live on our Spectrum Channel 2. For any resident that has a subscription with Spectrum they can see our council meetings on Tuesdays at 6:00pm, live and in color!

Item 12.2 Council/Authority Member

Councilmember Barber-Martinez reported on the following:

- For Love Riverbank, I have a project that is not on the website, but it is regarding our first responders. If anyone is interested in joining with that project, please reach out, we do need help with that.
- Looking forward to going to Sacramento and representing our city, at our Capitol.

Councilmember Jones Cruz reported on the following:

- Thank you to Public Works, really found the presentation enjoyable. Look forward at our future meetings to have more of those, look forward to the next one.
- I too will be heading to the Capitol, and I'm anxious to see what they have in store for us and spending some time with our legislator.

Councilmember Uribe reported on the following:

- Next Sister City Committee will be meeting on April 19th will be at the Perko's at 6pm. We are encouraging a plus one, to try and grow the group. We do have set fundraiser date for June 24th there at the community center, were going to be a small part of a cultural event already happening there. Try and make a huge impact for our Sister City in Mexico.

Mayor O'Brien reported on the following:

- As we move forward with this Façade improvement, would also like to have a discussion with the absentee landowners, homeowners, that allow their buildings to be run down, there has to be a consequence. They can't move away and let the weeds grow, every quarter we go back and say mow your lawn, you have an easement. We have to bring it down. I'd like to see that come on out, because that will be very important.
- With our commitment to the businesses, I'd like to have the businesses commit to themselves and at least have a discussion on the BID (Business Improvement District), according to the California Guidelines. So, they can moving forward, that is equitable as we move everyone together. That is something that has been ignored, and if we are providing funds I think that they should provide commitment.

Item 12.3 Mayor/Chair

Vice Mayor Hernandez reported on the following:

- Thank you staff for presentations and for being here and being able to decipher the expertise that is going on every day.
- Went over to welcome Del Rio's, as they had their grand opening.
- Will be joining the other two ladies in Sacramento this week, to advocate with our state legislators. Then the following week in D.C. with our Federal legislators and advocate for our City and will report back next time.

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 – Anticipated Litigation**
Significant Exposure to Litigation, (Pursuant to Gov. Code § 54956.9(d))
Number of Potential Cases: 1

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

There being No Public Comment, Vice Mayor Hernandez adjourned to Move to Closed Session at 7:16 P.M.

Reconvened from Closed Session at 7:32 P.M.

14. REPORT FROM CLOSED SESSION

Item 14.1 Report from Closed Session **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

DIRECTION: *Direction has been provided to staff.*

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

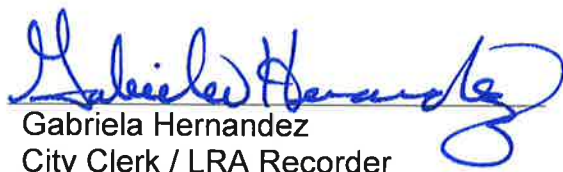
ACTION: *Claim was unanimously rejected 5/0.*

15. ADJOURNMENT OF THE REGULAR MEETING

There being no further business, Vice Mayor / Vice Chair Hernandez adjourned the regular meeting at 7:32 P.M. to the next regular scheduled City Council / LRA Meeting of April 25, 2023 at 6:00 P.M.

ATTEST: (Adopted 04/25/2023)

APPROVED:


Gabriela Hernandez
City Clerk / LRA Recorder


Richard D. O'Brien
Mayor/ Chair