

CITY COUNCIL / LRA BOARD

Mayor/Chair
Richard D. O'Brien
Vice Mayor/Chair (CM-D3) Cal Campbell
Council/Authority Members:
District 1 Luis Uribe
District 2 Rachel Hernandez
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, MAY 24, 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 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

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 4 Darlene Barber-Martinez

Vice Mayor / Vice Chair (CM-D03) Cal Campbell

Mayor / Chair Richard D. O'Brien

5. AGENDA CHANGES

Mayor O'Brien reordered the agenda to move item 8. PRESENTATIONS before item 7. PUBLIC COMMENTS.

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.

8. PRESENTATIONS (Informational only)

Item 8.1 **Proclamation for Mental Health Awareness Month – May 2022** - It is recommended that the City Council read and present the Proclamation to Shellie Lamar, Manager for Family Support Network and Luly Arias, Promotora for the Riverbank Community.

Mayor O'Brien presented a Proclamation acknowledging May 2022 as Mental Health Awareness Month to Kevin Panyanouvong, Chief Operations Officer of Stanislaus County Behavioral Health and Recovery Services and Shellie Lamar, Manager for Family Support Network and Luly Arias, Promotora for the Riverbank Community.

Mr. Panyanouvong, Ms. Lamar, and Ms. Arias each thanked the Riverbank City Council and the community.

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 6:11 p.m.

Individuals who Spoke in Opposition of the River Walk Project

Jamie Eggers
Bernard Eggers
Dan Whetstone

There being no further public comments, Mayor O'Brien closed the Public Comment period at 6:20 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 May 10, 2022 City Council and Local Redevelopment Authority Board Minutes.
- Item 9.3** Second Reading by Title Only and Adoption of Ordinance 2022-003 Approving a Development Agreement for The Heritage Collection at Sierra Street Subdivision at Sierra Street Tentative Map 01-2021 relating to real property located at 6448 Claus Road (APN 062-020-001).
- Item 9.4** **Resolution (2022-046)** Authorizing the City to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 361 Allowing the City to Continue a Hybrid Virtual Meeting Environment.
- Item 9.5** **Resolution (2022-047)** Calling and Giving Notice for the Holding of a General Municipal Election to be held on Tuesday, November 8, 2022, for the By-District Elections of Councilmember District 1 and Councilmember District 3, as required by the Provisions of the Laws of the State of California relating to General Law Cities; to request the Stanislaus County Board of Supervisors to permit the County Elections Official to render Election

Services to the City; and, to request the Consolidation of Said Election with the Statewide General Election Held on the Same Date.

ACTION: *By motion moved and seconded (Uribe / Barber-Martinez / passed 5/0) 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: Uribe, Barber-Martinez, Hernandez, Campbell, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

10. PUBLIC HEARINGS - No Public Hearings Scheduled.

11. NEW BUSINESS

Item 11.1 **Adopt a Resolution Granting an Appropriation Request for an Increase in Budget from the General Fund Reserve for Centennial Mural** - It is recommended that the City Council consider and approve a resolution appropriating an increase in an amount not to exceed \$8,000 to fund Mural Labor and Materials in celebration of the City of Riverbank Centennial.

City Manager Garcia provided a staff report and a PowerPoint presentation on a request for the City Council to provide feedback on the renderings offered by the artist in their packet and consider and approve a resolution appropriating an increase in an amount not to exceed \$8,000 to fund mural labor and materials in celebration of the City of Riverbank Centennial.

Staff responded to questions from the City Council.

Mayor O'Brien opened the item to public participation at 6:35 p.m.

Public Comment

Randy Richardson

There being no further public comments Mayor O'Brien closed public participation and brought the item back to the City Council at 6:36 p.m.

CONSENSUS

The consensus of the City Council with participation of the audience selected Sketch 4 as the preferred Mural design.

ACTION: *By motion moved and seconded (Barber-Martinez / Campbell / passed 5/0) to adopt **City Council Resolution 2022-048** appropriating an increase in an amount not to exceed \$8,000 to fund Mural Labor and Materials in celebration of the City of Riverbank Centennial.*

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Barber-Martinez, Campbell, Uribe, Hernandez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

Item 11.2 **Adopt a Resolution Continuing the Approved River Cove River Access Closure Plan** – It is recommended that the City Council consider and adopt a resolution to continue the approved River Cove River Access Closure Plan as developed by staff.

City Manager Garcia provided a staff report requesting the City Council to consider and adopt a resolution to continue the approved River Cove River Access Closure Plan as developed by staff.

Staff responded to questions from the City Council.

Mayor O'Brien opened the item to public participation and there being no public comment, Mayor O'Brien closed public participation at 6:40 p.m.

ACTION: *By motion moved and seconded (Campbell / Uribe / passed 5/0) to adopt **City Council Resolution 2022-049** continue the approved River Cove River Access Closure Plan as developed by staff.*

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Campbell, Uribe, Hernandez, 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 upcoming public events:

- *Memorial Day event to be held Monday, May 30 at 11:00 a.m. at the Riverbank Community Center near the Veterans Wall.*
- *Riverbank Car Show and Picnic to be held at the Riverbank Community Center Saturday, June 25 from 11:00 a.m. until 3:00 p.m. This event, including the picnic is free to the public which will be hosted by the City of Riverbank.*

Public Works Director Riddell provided an update on water services throughout the City including:

- *Update on water pressure issues resulting from four of the City wells being down, those wells include Well 10 (Heartland), Well 3 (Jackson), Well 6 (Whorton) and Well 4 (Pioneer).*
- *Updated the City Council on Governor Newsom's Executive Order N-7-22, the Governor's response to the drought.*

Item 12.2 Council/Authority Member

Councilmember Hernandez reported on the following:

- *Thanked Kevin Panyanouvong, Chief Operations Officer of Stanislaus County Behavioral Health and Recovery Services and Shellie Lamar, Manager for Family Support Network and Luly Arias, Promotora for the Riverbank Community or attending tonight's City Council meeting.*
- *Reported she and Councilmember Barber-Martinez had attended the League of California Cities City Leaders Summit May 11, through May 13.*
- *Advised on May 14, YAFT (Young Adults Fighting Tobacco) had conducted a park cleanup focusing on cigarette butts and would provide a presentation to the City Council at a later date.*

Councilmember Uribe reported on the following:

- *Stated his appreciation for staff.*
- *Stanislaus County Fire Protection District Badge Pinning Ceremony will be held at the Riverbank Community Center at 6:00 p.m. on Thursday, June 2.*
- *Riverbank Chamber of Commerce will host a Ribbon Cutting Ceremony at WOW Lash and Brow Studio located at 2202 Patterson Road on Thursday, May 26, 2022 from 6:00 to 8:00 p.m.*

Councilmember Barber-Martinez reported on the following:

- *Reported she had also attended the League of California Cities City Leaders Summit May 11, through May 13; one of the topics was on mental health; she advised by July 15, 2022, individuals will be able to dial 988 to reach the National System for Suicide Prevention.*
- *Told everyone to enjoy their holiday and asked residents to help the City with the conservation of water and prevent fires at all times.*

Vice Mayor Campbell reminded the public of the importance to report suspicious activity and wished everyone a Happy Memorial Day.

Item 12.3 Mayor/Chair

Mayor O'Brien reported on the following:

- *Stated his appreciation to Kevin Panyanouvong, Chief Operations Officer of Stanislaus County Behavioral Health and Recovery Services and Shellie Lamar, Manager for Family Support Network and Luly Arias, Promotora for their involvement in the Riverbank Community and keeping the City Council active in the mental health discussion.*
- *He would like staff to take a look around the City at infrastructure needing repairs.*

- *Stating it has been mentioned previously, he reminded legal counsel to investigate Ag Land mitigation to prepare the City when development of Ag land comes before the City Council.*

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 LEGAL COUNSEL – EXISTING LITIGATION**
(Pursuant to Government Code §54956.9)
Name of Case: Riverbank Land LLC v. City of Riverbank

Item 13.3 **LIABILITY CLAIMS**
(Pursuant to Government Code § 54961)
Claimant: Carlton Strauss
Agency Claimed Against: City of Riverbank

Item 13.4 **CONFERENCE WITH LABOR NEGOTIATORS**
(Pursuant to Government Code §54957.6)
Agency representative: City Manager Marisela Garcia
Employee Organizations: Riverbank Mid-Management Employee Association

At 6:58 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 6:59 p.m.

14. RECONVENE – REPORT FROM CLOSED SESSION

Mayor O'Brien reconvened the meeting at 7:40 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 direction had been provided to staff on Item 13.2, 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 14.2 Report from Closed Session on **Item 13.2**
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Government Code §54956.9)
Name of Case: Riverbank Land, LLC

Mayor O'Brien reported direction had been provided to staff on Item 13.2, CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9) Name of Case: Riverbank Land, LLC

Item 14.3 Report from Closed Session on **Item 13.3**
LIABILITY CLAIMS
(Pursuant to Government Code § 54961)
Claimant: Carlton Strauss
Agency Claimed Against: City of Riverbank

Mayor O'Brien reported Mayor/Chair O'Brien reported the City Council has rejected the claim and will provide and direction has been provided to staff to prepare and provide a written response to Carlton Strauss.

Item 14.4 Report from Closed Session on **Item 13.1**
CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Government Code §54957.6)
Agency representative: City Manager Marisela Garcia
Employee Organizations: Riverbank Mid-Management Employee Association

Mayor O'Brien reported direction had been provided to staff on Item 13.4. CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code §54957.6)

15. ADJOURNMENT OF THE REGULAR MEETING

There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 7:45 p.m. to the next regular scheduled City Council / LRA Meeting of June 14, 2022.

ATTEST: (Adopted 06/14/2022)

APPROVED:

/s/Kathy L. Teixeira

Kathy L. Teixeira
Interim City Clerk / LRA Recorder

/s/Richard D. O'Brien

Richard D. O'Brien
Mayor / Chair