

**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, MAY 23, 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 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** – City Clerk Hernandez conducted Roll Call.

Members of the City Council / Local Redevelopment Authority Board present:  
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 (ABSENT)  
Mayor / Chair Richard D. O'Brien

**5. AGENDA CHANGES**

No Agenda Changes.

**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, Councilmember Jones Cruz, and Mayor O'Brien declared a conflict with Item 9.5-E: Crossroads Landscape and Lighting Resolutions. Mayor O'Brien stated there would be a lot drawn to choose what councilmember would stay to hear the item presentation and vote.

**7. PRESENTATIONS (Informational only)**

**Item: 7.1** **Proclamation-National Public Works Week-** It is recommended that the City Council read and present the Proclamation for National Public Works

Week to the City of Riverbank Public Works Department for their service to our community.

*Mayor O'Brien presented the Proclamation for National Public Works Week to Director of Public Works Bridgewater and the Public Works Team.*

*Vice Mayor Hernandez joined the Dais at 6:05 P.M.*

**Item 7.2**     **Presentation- The Homeless 2023 Point in Time (PIT) Count Results -**  
It is recommended that the City Council receive a presentation from Ronald Reid, Sr. Program Manager and Lynnell Fuller, HMIS Administrator both from the Stanislaus County Community Services Agency, Housing and Homeless Services Division; they will be presenting the results of the 2023 PIT Count.

*City Council received a Power Point Presentation from Lynell Fuller, HMIS Administrator on the homeless 2023 Point in Time (PIT) Count Results.*

**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 stated Public Comment would be limited to 9 minutes, with the remainder of Public Comments being at the end of the meeting.*

*Mayor O'Brien Opened Public Comment at 6:31P.M.*

*Jami Aggers, Modesto Resident commented on her request two weeks ago to be place on tonight's agenda, for the purposes of considering our urban limit initiative, that request unfortunately wasn't granted. So, I am here this evening to let you know that we will be moving forward with our Notice of Intent to Circulate a Petition, that will be turned into the City this week. This initiative would give the residents of Riverbank the power to determine where and how growth occurs in the city on its western boundary. For the record, I live within the proposed River Walk Project Area.*

*Veteran's First CEO, Paige McLaughlin commented on a Flag Retiring Event on June 17<sup>th</sup> at 11:00 A.M. the fire department will be there. We would like to welcome the city and city employees to attend and their children. We have some boy scouts' troops who will be doing the folding of the flags, that will be burned in the burn barrel. We will have hots dogs, chips and rinks afterwards. Would like to invite everyone and their families to come out. Also, here to introduce myself as the new CEO, as Duke Cooper has stepped down.*

*Karen Conrotto, Modesto Resident commented in Opposition of River Walk Project.*

*There being no further public comments, Mayor O'Brien closed the Public Comment period 6:35 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 May 9, 2023.

**Item 9.3**     **Resolution 2023-043** to Authorize the City Manager to Enter into a Professional Services Agreement for Environmental Analysis Services with BaseCamp Environmental, Inc.

**Item 9.4**     **Second Reading** by Title Only and Introduction of Proposed **Ordinance 2023-004** Adding Chapter 150.080 Through 150.100, Entitled Vacant Buildings to Chapter 150, Building Regulations, to Title XV, Land Usage, of the Riverbank Code of Ordinances.

**Item 9.5**     Adopt Three **(3) Resolutions** for Each of the Following Landscape and Lighting Districts to: 1) Initiate Proceedings for the Annual Levy of Assessments; 2) Declare Its Intention to Levy Annual Assessments; and 3) For Preliminary Approval of the Annual Levy Report for Fiscal Year 2023/2024. The Landscape and Lighting Districts are:

**9.5-A:** Consolidated Landscaping and Lighting District  
**Resolution 2023-044, Resolution 2023-045, Resolution 2023-046**

**9.5-B:** Ridgewood Place Landscaping and Lighting District  
**Resolution 2023-047, Resolution 2023-048, Resolution 2023-049**

**9.5-C:** River Cove Landscaping and Lighting District  
**Resolution 2023-050, Resolution 2023-051, Resolution 2023-052**

**9.5-D:** Sierra Vista Estates Landscaping and Lighting District  
**Resolution 2023-053, Resolution 2023-054, Resolution 2023-055**

**Item 9.6**     Adopt a **Resolution** for Each of the following Storm Drain Maintenance Districts Declaring its Intention to Levy and Collect Annual Assessments for Fiscal Year 2023/2024. The Storm Drain Maintenance Districts are:

**9.6-A:** Riverbank Storm Drain Maintenance District No.2006-01 (Heartlands)  
**Resolution 2023-056**

**9.6-B:** Riverbank Storm Drain Maintenance District No.05-01 (Sterling Ridge)  
**Resolution 2023-057**

**Item 9.7**      **Resolution 2023-058** Authorizing an Amendment to the Agreement between the City of Riverbank and the Riverbank Unified School District for School Resource Officer Services and Authorizing the City Manager to Finalize and Execute said Agreement.

*Mayor O'Brien opened Public comment at 6:38 P.M.*

*Evelyn Halbert, Riverbank Resident commented on item 9.4 asking, to clarify what is the definition or considered a "Vacant building"? What will be the cost of funding/running this program? Fees and fines are not assessed, the fees imposed or that are to be collected and where are they going, into what account, does it go the general fund or what fund? It is my understating that if you live in a Homeowners Association or a Specific Plan Area, that has coverage on that plan on how to handle Vacant buildings, then you would be exempt from this because you would be following your Specific Plan or Homeowners Association. So, I am not exactly sure, who this would affect, because you are not amending the Specific Plan or anything, with the specific plan being in certain areas, I'm not quite sure how that is going to work? Section 15.150.086 refers to Securing of Vacant Buildings that the city can impose of securing requirements, anyone have any idea what Securing Requirements mean? Section 15.150.082 refers to the billing of the monitoring procedures program fee, which states that would be billed to the property owner and mailed to the owner's address as set forth on the last assessment roll of the County assessors. Under Prop 218, it sates that reliance of an agency of maybe considered, this is a fee on property ownership. I would like to know why this is not going under prop 218?*

*Mayor O'Brien clarified the intent of this is to get those property owners who abandoned their buildings, who sometimes catch fire, have vagrants living in it, continuously have issues with weed abatements and no one is living there, that was the intent of this. The Fees we have not even determined if we will have fees. If it's a 218 process, we will go through that. Right now, the intent is to determined of individuals or a bank owned property, not being maintained is it considered blithe, is it considered some type of nuisance, or is a health or safety hazard. This is an understanding between the property owners, when they make that agreement with the city, when they buy the property that they will maintain it. We are not here to take away anyone's property rights, taking away property rights is against the constitution. Amendment 14 guarantees the right to property, amendment 5 guarantees due process, and we will do due process. When someone is in violation they'll have the capability of registering and if they are trying to rent a property, or is in between renters, actively trying to rent, actively trying to sale, we understand that. Were not here to take away a person's right to develop, to use the property, to tear it down, rebuild it, that is not our responsibility. Our responsibility is once they have a construction that they maintain it in good order.*

*City Manager Garcia, clarified, with regards with the establishment of fees, that will be something that will be coming forward as a resolution for the City Council to consider. Mrs. Halbert brought up whether this is a prop 218, this is not an assessment that is being assessed on all properties, just by the nature of them being in the city, these are only for those that are participating as part of this program. So, therefore this process does not apply.*

*Building and Planning Manger Kenney clarified on the Specific Plan questions, we have four specific plans here in the city, and to the best of my knowledge not one of them addresses vacant and abandoned buildings. Therefore, if a specific plan is silent on a topic, you refer to the municipal code. So, they would be covered just like any house in the city.*

*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** as amended, with the exception of Item 9.5.E.*

*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*

*Drew a lot the lowest number drawn stayed for the item consideration. Lowest number was drawn by Mayor O'Brien*

*Councilmembers Jones Cruz and Barber-Martinez recused themselves from the dais at 6:46 P.M.*

**Item 9.5** Adopt Three **(3) Resolutions** for Each of the Following Landscape and Lighting Districts to: 1) Initiate Proceedings for the Annual Levy of Assessments; 2) Declare Its Intention to Levy Annual Assessments; and 3) For Preliminary Approval of the Annual Levy Report for Fiscal Year 2023/2024. The Landscape and Lighting Districts are:

**9.5-E: Crossroads Landscaping and Lighting District  
Resolution 2023-059, Resolution 20223-060, Resolution 2023-061**

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

**ACTION:** *By motion moved and seconded (Uribe / Hernandez 3/0) to approve Item 9.5.E. Crossroads Landscape and Lighting District.*

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

*Councilmembers Jones Cruz and Barber-Martinez Returned to dais at 6:48 P.M.*

**10. PUBLIC HEARINGS- No Items Scheduled.**

**11. NEW BUSINESS- No Items Scheduled.**

**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 Attorney Hallinan commented:*

- *Thank you to Riverbank Police Service Deputy Gamez for the Ride Along on Saturday from 7:00 P.M. to 7:00 A.M. I would like to commend the Chief on his staff, they were fantastic, it was definitely an interesting night.*

**Item 12.2 Council/Authority Member**

*Councilmember Jones Cruz reported on the following:*

- *Would like to personally thank the Public Works Staff, they do amazing stuff out there!*
- *Downtown Market every Tuesday from now till June, when you are done here, go out and check it out, get some dinner and grab some crafts.*
- *The weather is getting hot, and would just like to remind folks to be careful with fast and cold water coming down from the mountains, with all the snow melt. Reminder there are life jackets available at the fire department if you need to use those, please take advantage of that service.*
- *Take a look at Parks and Rec Classes, they do have a lot of swim lessons going on, lets keep it safe out there this summer. So, let's stay safe out there!*

*Councilmember Uribe reported on the following:*

- *No Comments.*

*Councilmember Barber-Martinez reported on the following:*

- *Attended the Stanislaus Homeless Alliance (SHA) Meeting, every Friday the meetings will be recorded and can be viewed on our CSOC website on YouTube.*
- *The County announced there would be an Opioid Substance Abuse program, which will be coming in the fall for adults and adolescents with life long support.*
- *Stanislaus County of Education (SCOE), they are looking at prevention of homeless it is a coalition trying to identify homeless in schools. They're focus is on housing, and those students that are unhoused or transportation. For a lot of students, especially the younger ones, there is no transportation or booster seats to get them to their Pre-Kindergarten.*
- *The Royal Neighbors, the Riverbank Chapter will be having an event a Tea Party on June 10<sup>th</sup> at the Stanislaus County Veteran Center all proceeds will go to the Veterans Luncheon.*

*Vice Mayor Hernandez reported on the following:*

- *No Comments.*

**Item 12.3 Mayor/Chair**

Mayor O'Brien reported on the following:

- *Attended the San Joaquin Joint Powers Authority Board Meeting, this the one that secures the funding and plans the safety and future of raiing in this area, that has been going on for 10 years. It started with StanCOG and Senator Galgiani, where they got together to form this board which goes from Sacramento to Kern County. It has garnered billions of dollars in improvement for rail, rail safety, and new rail services. While the ACE is not here and it should have been here in 2022, it will be here before I expire, But, maybe not my term.*
- *Memorial Day this Monday, it will be a cool day in the 70's so please come out.*

**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: Robert Tapia  
Agency Claimed Against: City of Riverbank

**Item 13.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
(Pursuant to Government Code § 54956.8)  
Property: 062-031-005 (Parcels 1 and 1A)  
Agency Negotiator: Marisela H. Garcia, City Manager  
Property Negotiator: Aemetis, Inc.  
Under Negotiation: Price, terms of payment, or both

*There being no Public Comments, Mayor O'Brien moved to Closed Session at 6:54P.M.*

*Reconvened from Closed Session at 7:22P.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**

**ACTION:** *Direction was provided to staff.*

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

**ACTION:** Claim was denied with a vote of 5/0.

**Item 14.3** Report from Closed Session **Item 13.3**  
**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
(Pursuant to Government Code § 54956.8)  
Property: 062-031-005 (Parcels 1 and 1A)  
Agency Negotiator: Marisela H. Garcia, City Manager  
Property Negotiator: Aemetis, Inc.  
Under Negotiation: Price, terms of payment, or both

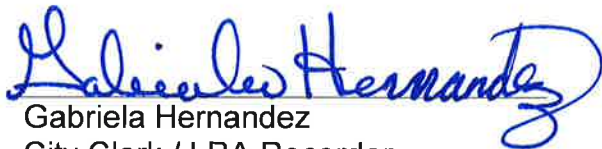
**ACTION:** Direction was provided to staff.

**15. ADJOURNMENT OF THE REGULAR MEETING**

*There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 7:24 P.M. to the next regular scheduled City Council / LRA Meeting of June 13<sup>th</sup>, 2023 at 6:00 P.M.*

ATTEST: (Adopted 06/13/2023)

APPROVED:



Gabriela Hernandez  
City Clerk / LRA Recorder



Richard D. O'Brien  
Mayor/ Chair