

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, JUNE 27, 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 6:00P.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*  
*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.*

*No Conflicts Declared at this time.*

**7. PRESENTATIONS (Informational only)**

**Item 7.1** **Presentation by Gilton Solid Waste on SB 1383 and the Material Recovery Facility (MRF) Equipment-** It is recommended that the City Council receive an updated presentation from Gilton Solid Waste on SB 1383 and the Material Recovery Facility (MRF) Equipment.

Denise Landon, with Gilton Solid Waste Management gave a PowerPoint presentation on the SB 1383 and the Material Recovery Facility (MRF) Equipment.

## **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 6:23 P.M.*

*Jami Aggers, Modesto Resident commented in opposition of the River Walk Project.*

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

*Sergeant, David Hickman with Riverbank Police Services commented on the 4<sup>th</sup> of July Holiday fast approaching and with that we want to remind our residents that any illegal fireworks, so if it leaves the ground, airborne, that is a violation of City Ordinance and the first offense is a fine of \$1,000 dollars. For every subsequent contact after the first, it is a fine of additional \$1,000 dollars. Violations will be issued to the individual or the property owner who is lighting the fireworks. We will have several deputies out in marked and unmarked vehicles. All those who are caught and cited will be mailed a letter from the City. Safe and Sane fireworks are allowed, and those can be purchased from the City permitted booths.*

*There being no further public comments, Mayor O'Brien closed the Public Comment period 6:27 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 June 13, 2023.

**Item 9.3**      **Acceptance** of the Stanislaus & 7th Street Valley Gutter and Curb Ramp Project and Authorization to File a Notice of Completion.

**Item 9.4**      **Resolution 2023-081** to Award Bid for the Topeka Street Improvement Project to Consolidated Engineering, Inc., Authorize Execution of Future Change Orders, and Authorizing a Budget Amendment in the amount of \$85,000.00 from Sewer Fund 106.

**Item 9.5**      **Resolution 2023-082** Approving the Transportation Development Act Local Transportation Fund (LTF) Non-Transit Claim for Fiscal Year

2022/2023 Other Purposes and Amending the Budget for the City of Riverbank to Conform to Said Claim.

**Item 9.6**      **Resolution 2023-083** Approving the First Amendment to the Agreement between the City of Riverbank and MuniServices, LLC. and Authorizing the City Manager to Execute the First Amendment.

**Item 9.7**      **Resolution 2023-084** Awarding a Contract for Executive Recruitment Services to Mosaic Public Partners for the Recruitment of a Director of Parks and Recreation, Authorizing the City Manager to Finalize & Execute said Contract, and Allocate \$25,000 from the General Fund Reserve.

*City Council discussed Item 9.5 with Staff.*

*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 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**

**Item 10.1**      **Public Hearing for Proposed Solid Waste Rate Increase-** It is recommended that the City Council consider adopting a resolution approving a 4.2% Consumer Price Index (CPI) increase in rates for solid waste disposal services pursuant to the executed franchise agreement with Gilton Solid Waste, Inc.

*Assistant City Manager Alcantor presented a comprehensive staff report and Power Presentation on the proposed solid waste rate increase, based on the 4.2% Consumer Price Index (CPI) increase in rates to effective on July 1, 2023.*

*City Council discussed the item with staff.*

*Mayor O'Brien Opened the Public Hearing at 6:36 P.M.*

*Mayor O'Brien Closed the Public Hearing at 6:36 P.M.*

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

**ACTION:**      *By motion moved and seconded (Barber-Martinez / Jones Cruz 5/0) to approve **Resolution 2023-085** adopting a resolution approving a 4.2% Consumer Price Index (CPI) increase in rates for solid waste disposal*

*services pursuant to the executed franchise agreement with Gilton Solid Waste, Inc. effective July 1<sup>st</sup>, 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*

**Item 10.2** **Fiscal Year 2023-2024 Annual Operating Budget-**It is recommended that the City Council consider adopting a Resolution approving the Fiscal Year 2023-2024 Annual Operating Budget.

*Assistant City Manager Alcantor presented a comprehensive staff report and Power Presentation on the proposed Annual Operating Budget for Fiscal Year 2023-2024.*

*City Council discussed the item with staff.*

*Mayor O'Brien Opened the Public Hearing at 6:52 P.M.*

*Mayor O'Brien Closed the Public Hearing at 6:52 P.M*

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

**ACTION:** *By motion moved and seconded (Uribe / Hernandez 5/0) to adopt **Resolution 2023-086** adopting the Fiscal Year 2023-2024 Annual Operating Budget.*

*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*

**LRA** **Review and Adoption of Proposed Fiscal Year 2023-24 Local**  
**Item10.3** **Redevelopment Authority (LRA) Budget-** It is recommended that the Local Redevelopment Authority (LRA) Board of Directors (Board) review and approve the Proposed Fiscal Year 2023-2024 LRA Budget.

*LRA Board discussed the item with staff.*

*Chair O'Brien Opened the Public Hearing at 6:58 P.M.*

*Evelyn Halbert, Riverbank Resident commented on the budget not showing who or how the Fire assessment is paid for the Ammo Plant?*

*Chair O'Brien Closed the Public Hearing at 6:59 P.M*

*Chair O'Brien, clarified fire assessments will be paid once the land is conveyed to either the City or Aemetis. As of right now, it is federal property, except for Parcel B, which has fire assessments paid to that, but not through the LRA. Federal does not pay State Assessments or taxes or fees.*

*There being no public comments, Chair O'Brien brought the item back to the LRA Board.*

**ACTION:** *By motion moved and seconded (Barber-Martinez / Uribe 5/0) to adopt **LRA Resolution 2023-002** adopting the Fiscal year 2023-2024 Local Redevelopment Authority (LRA) Budget.*

*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** **Resolution to Reduce (Credit) and Waive the Summerfaire Commerce Center, LLC System Development Fees for The Concierge RV, Boat, and Self-storage Facility-** It is recommended that the City Council consider and approve the Resolution (Attachment 1) reducing (credit) and/or waiving the Summerfaire Commerce Center, LLC ("Summerfaire") System Development Fees assessed on the construction of The Concierge RV, Boat, and Self-storage facility ("The Concierge").

*Building and Planning Manager, Kenney presented a comprehensive staff report and power point presentation on the request to reduce and/or waive the Summerfaire Commerce Center System Development Fees for the Storage Facility.*

*City Council discussed the item with staff.*

*Steve Mothersell, Summerfaire Commerce Developer commented on the request to waive and reduce the fees for the proposed storage facility and the use of water for the storage facility and the proposal that has been worked on diligently with engineers and city staff.*

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

**ACTION:** *Councilmember Jones Cruz motioned to approve Item 11.1 as presented. Motion died due to lack of a second.*

*By motion moved and seconded (O'Brien / Uribe 4/1) to adopt **Resolution 2023-087** reducing and waiving system development fees, to include a one-time fee for water of \$5, 738.00 (equivalent to one housing unit) for the Summerfaire Commercial Center, llc for The Concierge.*

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

**Item 11.2**    **A Resolution to Award a Contract for 30% Design for the Regional Recycled Water Project – Phase I to Brown and Caldwell, and Authorize a Budget Appropriation in the amount of \$1,400,247.00 from the Sewer Fund 106-** It is recommended that the City Council award the contract for preparation of the 30% design for the Riverbank Regional Recycled Water Project – Phase I to Brown and Caldwell, authorize the City Manager to execute a contract with said firm in the amount of \$1,272,952.00, authorize a contingency amount of \$127,295.00 (approximately 10%), and authorize a budget appropriation of \$1,400,247.00 from Sewer Fund 106 for said contract.

*Public Works Director, Bridgewater gave a comprehensive staff report and power point presentation on the proposal to award a contract for the 30% design for the Regional Recycled Water Project Phase I to Brown and Caldwell.*

*City Council discussed the item with staff.*

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

**ACTION:**    *By motion moved and seconded (Hernandez / Jones Cruz 5/0) to adopt **Resolution 2023-088** to Award a Contract for 30% Design for the Regional Recycled Water Project – Phase I to Brown and Caldwell, and Authorize a Budget Appropriation in the amount of \$1,400,247.00 from the Sewer Fund 106.*

*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 11.3**    **A Resolution to Award a Contract for the 30% Design Phase Program Management and Project Permitting Support for the Regional Recycled Water Project – Phase I to Kjeldsen, Sinnock & Neudeck, Inc., and Authorize a Budget Appropriation in the amount of \$219,122.00.00 from the Sewer Fund 106 for FY 2023/2024-** It is recommended that the City Council award the contract for ongoing program management for the 30% design phase and permitting support for the Riverbank Regional Recycled Water Project – Phase I to Kjeldsen, Sinnock & Neudeck, Inc. (KSN), authorize the City Manager to execute a contract with said firm in the amount of \$199,202.00, authorize a contingency amount of \$19,920.00 (approximately 10%), and authorize a budget appropriation of \$219,122.00 from the Wastewater Enterprise Fund (Fund 106) for FY 2023/2024.

*Public Works Director, Bridgewater gave a comprehensive staff report and power point presentation on the proposal to award a contract for the 30% design Phase I to Kjeldsen, Sinnock, & Neudeck, Inc for the Program Management and Project Permitting Support for the Regional Recycled Water Project.*

City Council discussed the item with staff.

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 adopt **Resolution 2023-089** to award a contract for the 30% design phase program management and project permitting support for the regional recycled water project – Phase I to Kjeldsen, Sinnock & Neudeck, Inc., authorize the city manager to execute a contract with said firm, and authorize a budget appropriation of \$219,122.00 from the wastewater enterprise fund 106 for said contract

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 reported on the following:

- Thank you to the City Council for the rapport that we have up here on the dais, it provides staff with an opportunity to see Council's view and perspective on certain items. It gives us an opportunity to go back and look at our processes, so that we can continue to make those better. So as recommendations, come forward to City Council, were able to come back and make we are complying or addressing City Council's wishes.
- The city has issued a request for proposals (RFP) from qualified housing developers, for the construction and operation of the City's transitional housing project. This will be built on City owned property, that is located at Jackson and Stanislaus. The RFP will be available on our website starting tomorrow.
- All City Offices will be closed on Tuesday, July 4<sup>th</sup> for the Independence Day Holiday.
- Groundbreaking Ceremony will be taking place on Tuesday, July 11<sup>th</sup> at 9:00 a.m. for the Crossroads West Commercial Site. That will be at the Northwest corner of Oakdale and Claribel Road.

Director of Public Works, Bridgewater reported on:

- Tomorrow morning beginning at 8:00 a.m. City Staff will be assisting the developer at Aeriz, with identifying their cross connections, between the sewer and storm drain lines. So, if you see a lot of smoke coming out of the ground over there, I promise you it is not on fire. We are going to be performing some smoke testing, we also did this about a week ago, and it was relatively successful.

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

*Councilmember Jones Cruz reported on the following:*

- *Thank you to the Recreational Staff for putting on the Downtown Market, I've heard nothing but positive feedback. The only negative comment was, they wish it would have been longer. I appreciate their staff, I know what a great undertaking this is.*
- *Wish everyone a happy and safe 4<sup>th</sup> of July. Let's remember to keep it Safe & Sane.*

*Councilmember Uribe reported on the following:*

- *Thank you to the volunteers of the Sister City Committee for taking the time out of their day on Saturday to show up for the fundraiser. Just very proud of these committee members, who show up, take time out of their day, and just support Sister City Events.*
- *The next fundraiser for Sister City, we will be teaming up with Menchie's Frozen Yogurt, it will be all day Friday, July 14<sup>th</sup> from 11:00 a.m. to 10:00 p.m. located at 2231 Claribel, just mention the flyer and 20% of sales will go to Sister City Committee, please show up and support.*

*Councilmember Barber-Martinez reported on the following:*

- *Attended the Public Safety Committee meeting last week, representing the Central Valley and Riverbank. Topics of discussion were homeless outreach services with a different and interesting approach, earthquake early warning systems, ambulance patient offload time, transnational opioid trafficking, emergency response and recovery services from natural disasters, and seismic retrofits for vulnerable housing.*
- *Attended the cultural event on Saturday. Enjoyed the different experiences of tasting of food, the booths and the traditional dancers and the music.*
- *Along with our Recreation Department, our Sheriff's Department we will be hosting our Annual Bike Rodeo Kids Health and Safety Event that is on Wednesday, July 12<sup>th</sup>, it will be right out front of the Plaza.*
- *Attended the Zero Waste Stanislaus workshop, regarding waste reduction, recycling, composting, and sustainable alternatives.*
- *CVCR is hosting a Christmas in July Dinner Dance its going to be a fundraiser for scholarships.*
- *Happy July 4<sup>th</sup> to Everyone!*

*Vice Mayor Hernandez reported on the following:*

- *Attended Cal Cities Policy Committee meeting, encompassing state wide bills that are coming up on behavioral health, parks, and housing. It was nice to advocate for the small cities and what they face and opening communication lines with statewide departments. Look forward to having and bringing a list of bills the State is trying to propose.*
- *With June ending, would like to wish everyone a Happy Pride Month, and also an upcoming Happy 4<sup>th</sup> of July!*

**Item 12.3** Mayor/Chair

*Mayor O'Brien reported on the following:*



- *Would like the city to participate in May Bike Month, bike to work month. Would like to see us next May participate in one way or the other. Would allow us to take a look at our walk and bike route safety.*
- *Would like to get an update in early August on our rating for EPA.*

**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    **LIABILITY CLAIMS****

(Pursuant to Government Code § 54961)  
 Claimant: Margarita Castaneda  
 Agency Claimed Against: City of Riverbank

*There being No Public Comment, Mayor O'Brien adjourned to Move to Closed Session at 7:56 P.M.*

*Reconvened from Closed Session at 8:05 P.M.*

**14. REPORT FROM CLOSED SESSION**

**Item 14.1    Report from Closed Session **Item 13.1****

**LIABILITY CLAIMS**  
 (Pursuant to Government Code § 54961)  
 Claimant: Margarita Castaneda  
 Agency Claimed Against: City of Riverbank

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

**15. ADJOURNMENT OF THE REGULAR MEETING**

*There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 8:06 P.M. to the next regular scheduled City Council / LRA Meeting of July 25th, 2023 at 6:00 P.M.*

ATTEST: (Adopted 07/25/2023)

APPROVED:

  
 Gabriela Hernandez  
 City Clerk / LRA Recorder

  
 Richard D. O'Brien  
 Mayor/ Chair