AGENDA
TUESDAY, OCTOBER 17, 2017 – 6:30 P.M.
(THE AGENDA PACKET IS POSTED AT THE CITY CLERK’S OFFICE AND AT WWW.RIVERBANK.ORG)

CALL TO ORDER: Chair Anthony McKinney

ROLL CALL: Chair Anthony McKinney
Vice Chair Larry King
Appeals Board Member Scott McRitchie
Appeals Board Member Joan Stewart
Appeals Board Member Edward Tabacco

1. CONFLICT OF INTEREST
Any Appeals Board 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.

2. 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 Appeals Board. Individual comments will be limited to a maximum of 5 minutes per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Appeals Board.

3. CONSENT CALENDAR
All items listed on the Consent Calendar are to be acted upon by a single action of the Appeals Board unless otherwise requested by a Board Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 3.1: Action to Repeal and Replace the May 17, 2016, Appeals Board Minutes of Record with Amended Minutes – It is recommended that Appeals Board Members King, Stewart, Tabacco, and Chair McKinney (McRitchie – abstain) approve the following action:
1) Rescind the Board’s 06/21/2016 vote that approved the 05/17/2016 Appeals Board Minutes;
2) Repeal the 05/17/2016 Minutes from the record; and
3) Replace the repealed Minutes by approval of the amended 05/17/2016 Appeals Board Minutes as presented.
Item 3.1-1: Approval of the July 19, 2016, Appeals Board Meeting Minutes.

Item 3.1-2: Approval of the August 16, 2016, Appeals Board Meeting Minutes.

Item 3.1-3: Approval of the September 20, 2016, Appeals Board Meeting Minutes.

Recommendation: It is recommended that the Appeals Board (with the abstention of Board Member McRitchie) approve the Consent Calendar items by roll call vote.

4. BUSINESS There are no items to consider.

ADJOURNMENT
AFFIDAVIT OF POSTING

I, Annabelle Aguilar, do hereby certify under penalty of perjury, under the
laws of the State of California that the foregoing agenda was posted 72 hours
prior to the meeting in accordance to the Brown Act.

Posted this 12th day of October, 2017
/s/Annabelle H. Aguilar, CMC, City Clerk

Notice Regarding Americans with Disabilities Act: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk’s Office at (209) 863-7122 or cityclerk@riverbank.org. Notification 72-hours before the meeting will enable the City to make reasonable arrangements to ensure any special needs are met. [28 CFR 35.102-35.104 ADA Title II].

Notice Regarding Non-English Speakers: Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank Appeals Board shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Meeting Schedule</th>
<th>Appeals Board: Meets on an “as needed” basis.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The Appeals Board is a 5-member Board appointed by the Riverbank City Council and who also serve as the Riverbank Planning Commission.</td>
</tr>
</tbody>
</table>

| Appeals Board Agenda & Reports | The Appeals Board agenda is posted pursuant to the California Brown Act, which only requires agenda title pages to be posted near the entrance of the location where the meeting is to be held and, when technologically able, on the City’s website. Additional documents may be provided by the City in its efforts of transparency to keep the public well informed. The agenda packet (agenda plus supporting documents) are posted for public review at the City Clerk’s Office, 6707 Third Street, Riverbank, CA and at www.riverbank.org upon distribution to a majority of the Appeals Board. A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk’s Office. |

| Public Hearings | In general, a public hearing is an open consideration within a meeting of the Appeals Board, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration. |

| Televised / Video of Meetings (Meetings are not currently televised) | • Charter – Channel 2  
• AT&T Uverse – Channel 99  
Visit www.riverbank.org to connect to meeting videos. (Note: Technical difficulty occurs on occasion preventing the televising or recording of the meeting.) |

| City Hall Hours | City Hall is open Monday – Thursday; 7:30 am – 5:30 pm and Fridays: 8:00 am – 5:00 pm; CLOSED alternating Fridays |

| Questions | Contact the City Clerk at (209) 863-7122 or cityclerk@riverbank.org |

Any documents that are not privileged or part of a Closed Session provided to a majority of the Appeals Board after distribution of the agenda packet, regarding any item on this agenda, will be made available for public inspection at North City Hall, 6707 Third Street, Riverbank, CA, during normal business hours.
Meeting Date: October 17, 2017
Subject: Action to Repeal and Replace the May 17, 2016, Appeals Board Minutes of Record with Amended Minutes
From: Sean Scully
Submitted by: Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that Appeals Board Members King, Stewart, Tabacco, and Chair McKinney (McRitchie to abstain), approve the following action:

1) Rescind the Board’s 06/21/2016 vote that approved the 05/17/2016 Appeals Board Minutes;
2) Repeal the 05/17/2016 Minutes from the record; and
3) Replace the repealed Minutes by approval of the amended 05/17/2016 Appeals Board Minutes as presented.

SUMMARY

The draft minutes of May 17, 2016, that were presented to the Appeals Board on June 21, 2016, had not been finalized and therefore are incorrect. In the City Clerk’s absence, the minutes were inadvertently placed on the June 21, 2016, agenda. In order to correct the record, and with the concurrence of City Attorney Tom Hallinan, Appeals Board Members King, Stewart, Tabacco, and Chair McKinney, who voted to approve the aforementioned minutes on June 21, 2016, must motion to 1) rescind the Board’s previous vote to approve the minutes on June 21, 2016, 2) repeal the minutes from the record, and 3) replace the repealed minutes by approving the amended 05/17/2016 minutes as presented.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. Amended May 17 2016, Appeals Board Meeting Minutes
CALL TO ORDER

The Appeals Board of the City of Riverbank met at 6:34 p.m. on this date at the Riverbank City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Vice Chair Anthony McKinney presiding.

ROLL CALL
Absent: Chair Carlos Villapudua
Present: Vice Chair Anthony McKinney
Appeals Board Member Larry King
Appeals Board Member Joan Stewart
Appeals Board Member Edward Tabacco

CONFLICT OF INTEREST
Any Appeals Board 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 one declared a conflict.

2. 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 Appeals Board. Individual comments will be limited to a maximum of 5 minutes per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Appeals Board.

There were no public comments.

3. CONSENT CALENDAR

Item 3.1: Approval of the April 19, 2016 Appeals Board Minutes – It is recommended that the Appeals Board approve the draft meeting minutes as presented.

Appeals Board Member Tabacco requested that a correction to the last paragraph on page 5 of the April 19th Minutes be made to reflect the correct title and name of the presiding Vice Chair.
ACTION: By motion moved and seconded (Tabacco / Stewart /passed 4-0) to approve Item 3.1 with requested amendment. Motion carried by unanimous Appeals Board roll call vote.

AYES: King, Stewart, Tabacco, and Vice Chair McKinney
NAYS: None / ABSENT: Chair Villapudua / ABSTAINED: None

4. BUSINESS

Item 4.1 Administrative Citation Appeal Hearings for Water Use Violations - It is recommended that the Appeals Board uphold Administrative Citation fines for water use violations issued in accordance with Chapter 52: Water, Section 52.34 Restricted Water Use, and City Council Resolution No. 2015-096.

Marisela Garcia, Director of Finance was present in the absence of City Manager Jill Anderson. Public Works Superintendent Michael Riddell presented the staff report. Water Coordinator Sherry Fenn was also present.

Vice Chair McKinney explained the appeals process. Deputy City Attorney Robin Baral further clarified that the hearing was an informal process, Board Members were to consider all the materials and testimony presented, and that the hearings were to be respectful and professional.

Chair McKinney began the hearings. Each appellant presented his/her oral or documented testimony and thereafter responded to questions from the Board. Superintendent Riddell and Coordinator Fenn presented their oral and documented testimony for each citation issued (a copy of the documents were provided to each appellant), and thereafter staff responded to questions from the Board. A brief rebuttal period occurred and after consideration, the Appeals Board made its final decision to uphold, modify, or dismiss the citation fines as follows:

<table>
<thead>
<tr>
<th>CIT. #</th>
<th>NAME</th>
<th>WATER USE VIOLATION</th>
<th>Fine</th>
<th>Motion 1st/2nd Roll Call Votes</th>
<th>Final Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>2050</td>
<td>Miriam Hernandez</td>
<td>Leaky faucets, sprinklers or plumbing fixtures on premises</td>
<td>1st violation $100</td>
<td>King/McKinney Ayes: King/Stewart/Tabacco/McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0</td>
<td>Fine modified to $50.</td>
</tr>
<tr>
<td>2110</td>
<td>Jack and Candy Scruggs</td>
<td>Water running or spraying off property. Using sprinklers</td>
<td>3rd violation $300</td>
<td>Stewart/King – motion to dismiss Ayes: King/Stewart Nays: Tabacco/McKinney Absent: Villapudua Abstained: None Passed 2-2</td>
<td>Motion to dismiss the fine, failed.</td>
</tr>
<tr>
<td>CIT. #</td>
<td>NAME</td>
<td>WATER USE VIOLATION</td>
<td>Fine</td>
<td>Motion 1st/2nd Roll Call Votes</td>
<td>Final Action</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>-----------------------</td>
<td>------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>2110</td>
<td>Jack and Candy Scruggs</td>
<td>Water running or spraying off property. Using sprinklers</td>
<td>3rd violation = $300</td>
<td>King/McKinney&lt;br&gt; Ayes: King/Stewart/Tabacco/McKinney&lt;br&gt; Nayes: None&lt;br&gt; Absent: Villapudua&lt;br&gt; Abstained: None&lt;br&gt; Passed 4-0</td>
<td>Paid first and 2nd violation fines; modified to $100.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Motion by McKinney to uphold fine.</td>
<td></td>
</tr>
<tr>
<td>2114</td>
<td>Teresa and Manuel Melendez</td>
<td>Water running or spraying off property. Watering on unscheduled day.</td>
<td>2nd violation = $200</td>
<td>Tabacco/McKinney&lt;br&gt; Ayes: King/Stewart/Tabacco/ McKinney&lt;br&gt; Nayes: None&lt;br&gt; Absent: Villapudua&lt;br&gt; Abstained: None&lt;br&gt; Passed 4-0</td>
<td>Fine modified to $50.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>No time provided between citations to fix; fine entirely dismissed.</td>
<td></td>
</tr>
<tr>
<td>2119</td>
<td>Teresa and Manuel Melendez</td>
<td>Water running or spraying off property. Watering on unscheduled day.</td>
<td>3rd violation = $300</td>
<td>Tabacco/King&lt;br&gt; Ayes: King/Stewart/Tabacco/ McKinney&lt;br&gt; Nayes: None&lt;br&gt; Absent: Villapudua&lt;br&gt; Abstained: None&lt;br&gt; Passed 4-0</td>
<td>Upheld the $100 fine.</td>
</tr>
<tr>
<td>2122</td>
<td>Marshall Meyers</td>
<td>Water running or spraying off property. Watering outdoors on unscheduled day.</td>
<td>1st violation = $100</td>
<td>Tabacco/McKinney&lt;br&gt; Ayes: King/Stewart/Tabacco/ McKinney&lt;br&gt; Nayes: None&lt;br&gt; Absent: Villapudua&lt;br&gt; Abstained: None&lt;br&gt; Passed 4-0</td>
<td>Upheld the $100 fine.</td>
</tr>
<tr>
<td>2132</td>
<td>Lornalisa Adams</td>
<td>Water running/spraying off property. Watering on unscheduled day. Using sprinklers.</td>
<td>1st violation = $100</td>
<td>Tabacco/McKinney&lt;br&gt; Ayes: King/Stewart/Tabacco/ McKinney&lt;br&gt; Nayes: None&lt;br&gt; Absent: Villapudua&lt;br&gt; Abstained: None&lt;br&gt; Passed 4-0</td>
<td>Did not show up for the hearing; $100 fine upheld.</td>
</tr>
<tr>
<td>2135</td>
<td>Jesus Millanes, Jr.</td>
<td>Water running or spraying off property. Watering during incorrect time.</td>
<td>1st violation = $100</td>
<td>McKinney/Tabacco&lt;br&gt; Ayes: King/Stewart/Tabacco/ McKinney&lt;br&gt; Nayes: None&lt;br&gt; Absent: Villapudua&lt;br&gt; Abstained: None&lt;br&gt; Passed 4-0</td>
<td></td>
</tr>
<tr>
<td>CIT. #</td>
<td>NAME</td>
<td>WATER USE VIOLATION</td>
<td>Fine</td>
<td>Motion 1st/2nd Roll Call Votes</td>
<td>Final Action</td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------</td>
<td>------------------------------------------------------------------------------------</td>
<td>-----------------------</td>
<td>------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>2141</td>
<td>Jerome and Sibille Endsley</td>
<td>Water running or spraying off property. Watering outdoors on unscheduled day.</td>
<td>1st violation = $100</td>
<td>Tabacco/Stewart Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None</td>
<td>Staff recommendation; $100 fine dismissed.</td>
</tr>
<tr>
<td>2142</td>
<td>Joe Alves</td>
<td>Water running/spraying off property. Watering on unscheduled day.</td>
<td>1st violation = $100</td>
<td>Tabacco/Stewart Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None</td>
<td>Did not show up for the hearing; $100 fine upheld.</td>
</tr>
<tr>
<td>2143</td>
<td>Melissa Bowen</td>
<td>Water running/spraying off property. Watering on unscheduled day.</td>
<td>1st violation = $100</td>
<td>Tabacco/Stewart Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None</td>
<td>Mistake by Gardener; fine dismissed.</td>
</tr>
<tr>
<td>2147</td>
<td>Luis Garcia</td>
<td>Water running/spraying off property. Watering on unscheduled day.</td>
<td>1st violation = $100</td>
<td>Tabacco/Stewart Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None</td>
<td>Fine upheld at $100.</td>
</tr>
<tr>
<td>2154</td>
<td>Jose Mendez</td>
<td>Water running/spraying off property. Watering on unscheduled day and incorrect time.</td>
<td>1st violation = $100</td>
<td>Tabacco/Stewart Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None</td>
<td>Did not show up for the hearing; $100 fine upheld.</td>
</tr>
<tr>
<td>2159</td>
<td>Ken Hoyt</td>
<td>Watering on unscheduled day.</td>
<td>1st violation = $100</td>
<td>Tabacco/Stewart Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None</td>
<td>Fine modified to $50.</td>
</tr>
<tr>
<td>2161</td>
<td>Suzanne Friedman</td>
<td>Water running/spraying off property. Washing asphalt/concrete/ Building. Watering during unscheduled day.</td>
<td>1st violation = $100</td>
<td>Tabacco/Stewart Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None</td>
<td>Did not show up for the hearing; $100 fine upheld.</td>
</tr>
<tr>
<td>CIT. #</td>
<td>NAME</td>
<td>WATER USE VIOLATION</td>
<td>Fine</td>
<td>Motion 1st/2nd Roll Call Votes</td>
<td>Final Action</td>
</tr>
<tr>
<td>--------</td>
<td>------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>-----------------------</td>
<td>------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>2170</td>
<td>Robert Ford</td>
<td>Water running/spraying off property. Watering during unscheduled day. Using sprinklers.</td>
<td>1st violation = $100</td>
<td>King/Stewart Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0</td>
<td>$100 fine upheld.</td>
</tr>
<tr>
<td>2178</td>
<td>Robert Lang</td>
<td>Watering on unscheduled day.</td>
<td>1st violation = $100</td>
<td>King/Stewart Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0</td>
<td>Fine modified to $25.</td>
</tr>
<tr>
<td>2179</td>
<td>Edgar Calonje</td>
<td>Watering on unscheduled day.</td>
<td>1st violation = $100</td>
<td>King/Stewart Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0</td>
<td>Fine modified to $50.</td>
</tr>
<tr>
<td>2190</td>
<td>Brian Stacey</td>
<td>Water running/spraying off property. Watering during unscheduled day. Using sprinklers.</td>
<td>1st violation = $100</td>
<td>King/Tabacco Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0</td>
<td>Fine modified to $50.</td>
</tr>
<tr>
<td>2193</td>
<td>Joe Bavaro</td>
<td>Water running/spraying off property. Using sprinklers</td>
<td>1st violation = $100</td>
<td>McKinney/King Ayes: King/Stewart/Tabacco/ McKinney Nays: None Absent: Villapudua Abstained: None Passed 4-0</td>
<td>Did not show up for the hearing; $100 fine upheld.</td>
</tr>
</tbody>
</table>

**ADJOURNMENT**

There being no further business, Vice Chair Anthony McKinney adjourned the meeting at 8:21 p.m.

**ATTEST:** (Adopted 10/17/2017)  
Annabelle H. Aguilar, CMC  
City Clerk

**APPROVED:**  
Anthony McKinney  
Vice Chair
Meeting Date: October 17, 2017
Subject: Approval of the July 19, 2016, Appeals Board Meeting Minutes
From: Sean Scully, City Manager
Submitted by: Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION
It is recommended that the Appeals Board approve the Meeting Minutes as presented.

SUMMARY
The draft minutes of the July 19, 2016, Appeals Board meeting have been prepared for review and approval.

FINANCIAL IMPACT
There is no financial impact to this item.

ATTACHMENT
1. July 19, 2016, Appeals Board Meeting Minutes
CALL TO ORDER

The Appeals Board of the City of Riverbank met at 6:30 p.m. on this date at the Riverbank City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Chair Carlos Villapudua presiding.

ROLL CALL
Present: Chair Carlos Villapudua
Vice Chair Anthony McKinney
Appeals Board Member Larry King
Appeals Board Member Joan Stewart
Absent: Appeals Board Member Edward Tabacco

CONFLICT OF INTEREST
Any Appeals Board 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 one declared a conflict.

2. 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 Appeals Board. Individual comments will be limited to a maximum of 5 minutes per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Appeals Board.

3. CONSENT CALENDAR

Item 3.1: Approval of the June 21, 2016, Appeals Board Meeting Minutes – It is recommended that the Appeals Board approve the Meeting Minutes as presented.

ACTION: By motion moved and seconded (Stewart /McKinney / passed 3-0) to approve Item 3.1 as presented. Motion carried by Appeals Board roll call vote.
AYES: Vice Chair McKinney, King, and Stewart
NAYS: None / ABSENT: None / ABSTAINED: Chair Villapudua
4. BUSINESS

Item 4.1 Administrative Citation Appeal Hearings for Water Use Violations – It is recommended that the Appeals Board uphold Administrative Citation fines for water use violations issued in accordance with Chapter 52: Water, Section 52.34 Restricted Water Use, and City Council Resolution No. 2015-096 covering the period from December 1, 2015 through May 1, 2016.

Deputy Attorney Jamie Garret, explained the conduct of the appeals hearings.

City staff Superintendent Michael Riddell presented the City’s oral and documented testimony for each citation. Water Conservation Coordinator Sherry Fenn was not present. (A copy of the documents were provided to each appellant), and thereafter staff responded to questions from the Board. Each appellant presented his/her oral or document testimony and thereafter responded to questions from the Board. A brief rebuttal period occurred and after consideration, the Appeals Board made its final decision to uphold, modify, or dismiss the citation fines as follows:

Acting City Manager Marisela Garcia explained that all violations being considered occurred during the time period prior to May 1, 2016; therefore, were also fined the amount as indicated under the former policy. Ms. Garcia informed everyone that the City Clerk would follow up with a notification letter to each appellant of the Board’s final decision.

<table>
<thead>
<tr>
<th>CIT. #</th>
<th>NAME</th>
<th>WATER USE VIOLATION</th>
<th>Fine</th>
<th>Motion 1st/2nd Roll Call Votes</th>
<th>Final Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>2199</td>
<td>George Collier</td>
<td>Water running; water on unscheduled day; using sprinklers (occurred during the no sprinklers use period that ended on May 1, 2016)</td>
<td>1st violation = $100</td>
<td>King / Stewart Ayes: Villapudua/McKinney/King/Stewart Nays: 0 Absent: Tabacco Passed 4-0</td>
<td>To dismiss the fine.</td>
</tr>
<tr>
<td>2186</td>
<td>Cornelia Farcas</td>
<td>Water running/spraying; water on unscheduled day; using sprinklers (This occurred during the no sprinklers use period which ended May 1, 2016)</td>
<td>1st violation = $100</td>
<td>Villapudua/Stewart Ayes: Villapudua/McKinney/King/Stewart Nays: None Absent: Tabacco Passed 4-0</td>
<td>To modify the fine amount to $35.</td>
</tr>
<tr>
<td>CIT. #</td>
<td>NAME</td>
<td>WATER USE VIOLATION</td>
<td>Fine</td>
<td>Motion 1st/2nd Roll Call Votes</td>
<td>Final Action</td>
</tr>
<tr>
<td>-------</td>
<td>------------</td>
<td>------------------------------------------------------------------------------------</td>
<td>---------------</td>
<td>------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>2195</td>
<td>Cornelia Farcas</td>
<td>running/spraying; water on unscheduled day; using sprinklers (This occurred during the no sprinklers use period which ended May 1, 2016)</td>
<td>2nd violation = $200</td>
<td>Villapudua/King Ayes: Villapudua/McKinney/King/Stewart Nays: None Absent: Tabacco Passed 4-0</td>
<td>At the City’s recommendation, dismiss the fine.</td>
</tr>
<tr>
<td>2209</td>
<td>John Azevedo</td>
<td>Watering on unscheduled day. (This occurred during the water schedule prior to May 1, 2016)</td>
<td>2nd violation = $200</td>
<td>McKinney/King Ayes: Villapudua/McKinney/King/Stewart Nays: None Absent: Tabacco Passed 4-0</td>
<td>At the City’s recommendation, dismiss the fine.</td>
</tr>
</tbody>
</table>

**ADJOURNMENT**

There being no further business, Chair Villapudua adjourned the meetings at 7:10 p.m.

**ATTEST:** (Adopted 10/17/2017)  
ANNABELLE H. AGUILAR, CMC  
City Clerk (based on the video recording)  
for Janet Smallen (Recorder)  
Sr. Community Development Specialist  

**APPROVED:**  
ANTHONY MCKINNEY, Vice Chair  
for Carlos Villapudua, Chair
Meeting Date: October 17, 2017
Subject: Approval of the August 16, 2016, Appeals Board Meeting Minutes
From: Sean Scully, City Manager
Submitted by: Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION
It is recommended that the Appeals Board approve the Meeting Minutes as presented.

SUMMARY
The draft minutes of the August 16, 2016, Appeals Board meeting have been prepared for review and approval.

FINANCIAL IMPACT
There is no financial impact to this item.

ATTACHMENT
1. August 16, 2016, Appeals Board Meeting Minutes
CALL TO ORDER

The Appeals Board of the City of Riverbank met at 7:00 p.m. on this date at the Riverbank City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Chair Anthony McKinney presiding.

ROLL CALL

Present:   Chair Carlos Villapudua
          Vice Chair Anthony McKinney
          Appeals Board Member Joan Stewart
          Appeals Board Member Edward Tabacco

Absent:    Appeals Board Member Larry King

CONFLICT OF INTEREST

Any Appeals Board 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 one declared a conflict.

2. 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 Appeals Board. Individual comments will be limited to a maximum of 5 minutes per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Appeals Board.

Richard O’Brien commended the Board for their work as Appeals Board Members as well as Planning Commissioners, and commented on the City being more instructive and less punitive on the adjudication of water violations.

3. CONSENT CALENDAR

There were no items to consider.

4. BUSINESS

Item 4.1 Administrative Citation Appeal Hearings for Water Use Violations – It is recommended that the Appeals Board uphold Administrative Citation fines for water use violations issued in accordance with Riverbank
Chair Villapudua announced the hearing process.

City staff Superintendent Michael Riddell presented the City's oral and documented testimony for each citation. Water Conservation Coordinator Sherry Fenn was also present. (A copy of the documents were provided to each appellant), and thereafter staff responded to questions from the Board. Each appellant presented his/her oral or document testimony and thereafter responded to questions from the Board. A brief rebuttal period occurred and after consideration, the Appeals Board made its final decision to uphold, modify, or dismiss the citation fines as follows:

<table>
<thead>
<tr>
<th>CIT. #</th>
<th>NAME</th>
<th>WATER USE VIOLATION</th>
<th>Fine</th>
<th>Motion 1st/2nd Roll Call Votes</th>
<th>Final Action</th>
</tr>
</thead>
</table>
| 1143   | Susana and Juan Gallegos | Water running/spraying off property; water on unscheduled day (Resolution 2016-026) | 2nd violation = $200 | McKinney/Tabacco  
Ayes: Stewart/Tabacco/McKinney/Villapudua  
Nays: None  
Absent: King  
Passed 4-0 | To modify the fine to $100. |
| 1178   | Matthew Gregory       | Water running or spraying off property; watering on unscheduled day (Resolution No. 2016-026) | 1st violation = $35 | Tabacco/McKinney  
Ayes: Stewart/Tabacco/McKinney/Villapudua  
Nays: None  
Absent: King  
Passed 4-0 | To uphold the fine of $35. |
| 2028   | Melissa Franzia       | Water on unscheduled day; using sprinklers (Resolution No. 2015-096)                | 1st violation = $100 | Tabacco/McKinney  
Ayes: Stewart/Tabacco/McKinney/Villapudua  
Nays: None  
Absent: King  
Passed 4-0 | To uphold the fine of $100. |
| 2036   | Melissa Franzia       | Watering on unscheduled day; using sprinklers (Resolution 2015-096)                 | 2nd violation = $200 | Tabacco/McKinney  
Ayes: Stewart/Tabacco/McKinney/Villapudua  
Nays: None  
Absent: King  
Passed 4-0 | To uphold the violation; but dismiss the fine. |
| 2049   | Melissa Franzia       | Watering on unscheduled day; using sprinklers (Resolution 2015-096)                 | 3rd violation = $300 | Tabacco/McKinney  
Ayes: Stewart/Tabacco/McKinney/Villapudua  
Nays: None  
Absent: King  
Passed 4-0 | To uphold the fine of $300. |
<table>
<thead>
<tr>
<th>Case Number</th>
<th>Name</th>
<th>Description</th>
<th>Violation</th>
<th>Ayes:</th>
<th>Nays:</th>
<th>Absent:</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>2054</td>
<td>Melissa Franzia</td>
<td>Watering on unscheduled day (Resolution 2015-096)</td>
<td>4th violation = $400</td>
<td>Tabacco/McKinney</td>
<td>None</td>
<td>King</td>
<td>To uphold the violation; but dismiss the fine.</td>
</tr>
<tr>
<td>2066</td>
<td>Melissa Franzia</td>
<td>Watering on unscheduled day (Resolution 2015-096)</td>
<td>5th violation = $500</td>
<td>Stewart/Tabacco/McKinney/Villapudua</td>
<td>None</td>
<td>King</td>
<td>Passed 4-0</td>
</tr>
<tr>
<td>2255</td>
<td>Kenneth Bruner</td>
<td>Water running or spraying off property; watering on unscheduled day; using sprinklers (Resolution 2015-096)</td>
<td>1st violation = $100</td>
<td>Stewart/Villapudua</td>
<td>None</td>
<td>King</td>
<td>To dismiss the fine.</td>
</tr>
</tbody>
</table>

**ADJOURNMENT**

There being no further business, Chair Villapudua adjourned the meetings at 7:44 p.m.

**ATTEST:** (Adopted 10/17/2017) **APPROVED:**

_______________________________   __________________________
Annabelle H. Aguilar, CMC        Anthony McKinney, Vice Chair
City Clerk                        for Carlos Villapudua, Chair
RIVERBANK APPEALS BOARD AGENDA ITEM NO. 3.1-3

SECTION 3: CONSENT CALENDAR

Meeting Date: October 17, 2017
Subject: Approval of the September 20, 2016, Appeals Board Meeting Minutes
From: Sean Scully, City Manager
Submitted by: Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the Appeals Board approve the Meeting Minutes as presented.

SUMMARY

The draft minutes of the September 20, 2016, Appeals Board meeting have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. September 20, 2016, Appeals Board Meeting Minutes
CALL TO ORDER

The Appeals Board of the City of Riverbank met at 6:00 p.m. on this date at the Riverbank City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Chair Anthony McKinney presiding.

ROLL CALL
Absent:   Chair Carlos Villapudua
Present:   Vice Chair Anthony McKinney
Appeals Board Member Joan Stewart
Appeals Board Member Edward Tabacco
Appeals Board Member Larry King

CONFLICT OF INTEREST
Any Appeals Board 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 one declared a conflict.

2. 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 Appeals Board. Individual comments will be limited to a maximum of 5 minutes per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Appeals Board.

No one spoke.

3. CONSENT CALENDAR
There were no items to consider.

4. BUSINESS

Item 4.1 Administrative Citation Appeal Hearings for Water Use Violations – It is recommended that the Appeals Board uphold Administrative Citation fines for water use violations issued in accordance with Riverbank Municipal Code Chapter 52: Water, Section 52.34 Restricted Water Use, and Resolution No. 2015-096 and Resolution No. 2016-026.
Vice Chair McKinney announced the process of the hearings.

Public Works Superintendent Michael Riddell presented the staff report. Water Coordinator Sherry Fenn was also present.

Each appellant presented his/her oral or document testimony and thereafter responded to questions from the Board. City staff Superintendent Riddell and Coordinator Fenn presented their oral and documented testimony for each citation (a copy of the documents were provided to each appellant), and thereafter responded to questions from the Board. A brief rebuttal period occurred and after consideration, the Appeals Board made its final decision to uphold, modify, or dismiss the citation fines as follows:

<table>
<thead>
<tr>
<th>CIT. #</th>
<th>NAME</th>
<th>WATER USE VIOLATION</th>
<th>Fine</th>
<th>Motion 1st/2nd Roll Call Votes</th>
<th>Final Action</th>
</tr>
</thead>
</table>
| 2164   | Tina Von Stade        | Watering Outdoors on Unscheduled Day, using Sprinklers (Resolution 2015-096) | 1st violation = $100 | King/Tabacco  
Ayes: King, Stewart, Tabacco, McKinney  
Nayes: None  
Absent: Villapudua  
Abstained: None  
Passed 4-0 | Reduce the $100 fine to $35. |
| 1200   | Juan Manuel Laureano  | Watering outdoors on unscheduled day, using sprinklers (Resolution 2016-026) | 1st violation = $35 | McKinney/Stewart  
Ayes: King, Stewart, McKinney  
Nayes: Tabacco  
Absent: Villapudua  
Abstained: None  
Passed 3-1 | Waive $35 fine only.  
Keep the $25 Administrative Processing Fee. |
| 1214   | Vicki and Richard Davis | Watering Outdoors on Unscheduled Day (Resolution 2016-026) | 1st violation = $35 | Tabacco/Stewart  
Ayes: King, Stewart, Tabacco, McKinney  
Nayes: None  
Absent: Villapudua  
Abstained: None  
Passed 4-0 | Uphold find of $35. |
| 1258   | Anesh Rai             | Watering outdoors on unscheduled day (Resolution 2016-026) | 2nd violation = $200 | Motion to uphold fine and waive $25 Administrative fee by McKinney | Motion died due to lack of a second motion. |
|        |                       |                                                          |               | Tabacco/King  
Ayes: King, Stewart, Tabacco, McKinney  
Nayes: None  
Absent: Villapudua  
Abstained: None  
Passed 4-0 | Keep $25 Administrative Processing Fee and Reduce fine to $100. |
ADJOURNMENT

There being no further business, Vice Chair McKinney adjourned the meetings at 6:52 p.m.

ATTEST: (Adopted 10/17/2017)  

Annabelle H. Aguilar, CMC  
City Clerk

APPROVED:  

_________________________________  __________________________________  
Annabelle H. Aguilar, CMC  
City Clerk  

Anthony McKinney  
Vice Chair