



CITY OF RIVERBANK
**REGULAR CITY COUNCIL AND
LOCAL REDEVELOPMENT AUTHORITY BOARD
MEETINGS**

(The City Council also serves as the LIRA Board)
City Hall North • Council Chambers
6707 Third Street • Suite B • Riverbank • CA • 95367

AGENDA

TUESDAY, JANUARY 14, 2020– 6:00 P.M.

(THE AGENDA PACKET IS POSTED AT THE CITY CLERK’S OFFICE AND AT WWW.RIVERBANK.ORG)

- CALL TO ORDER:** Mayor/Chair Richard D. O’Brien
- FLAG SALUTE:** Mayor/Chair Richard D. O’Brien
- INVOCATION:** Riverbank Ministerial Association
- ROLL CALL:** Mayor/Chair Richard D. O’Brien
Vice Mayor/Chair Darlene Barber-Martinez (CM-D4)
Council/Authority Member District 1 Luis Uribe
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member District 3 Cal Campbell

CHANGES TO THE AGENDA: Mayor/Chair Richard D. O’Brien

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.

1. PRESENTATIONS There are no presentations.

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 City Council/LIRA 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 City Council/LIRA Board.

3. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council/LIRA 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/LIRA Board.

Item 3.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 3.B: A **Resolution** Authorizing the City Manager to Execute a Grade Crossing Construction and Maintenance Agreement between the City of Riverbank and BNSF Railway Company.

Item 3.C: Acceptance of the Claus Road Overlay Project Completed by DDS Company Doing Business As Knife River Construction and Authorization to File a Notice of Completion.

Recommendation: It is recommended that City Council approve the Consent Calendar items by roll call vote.

4. UNFINISHED BUSINESS There are no items to consider.

5. PUBLIC HEARINGS

Item 5.1: **First Reading and Introduction of a Proposed Ordinance Amending Title XV: Land Usage, Chapter 153: Zoning of the Riverbank Municipal Code by Repealing Section 153.280: Intent and Purpose Through Section 153.285: Specific Requirements for Certain Zones in Their Entirety and Substituting Them with New Sections 153.280 Through 153.285** – It is recommended that the City Council conduct the public hearing for the first reading and introduction of the proposed ordinance and consider its approval, which will initiate the second reading by title only at the January 28, 2020, regular City Council meeting to consider its adoption.

6. NEW BUSINESS

Item 6.1: **A Resolution Approving the Appointments of Joan Stewart, Mallorie Fenrich, Natasha Basso, and Alternate Ben Reuben to the Planning Commission Effective January 2020; and Administer the Oath of Office to Said Appointees Including Recent Appointee Steve Link Fulfilling the Unexpired Term of Former Commissioner Robert Ball** - It is recommended that the City Council consider Mayor O'Brien's applicant recommendations to fill the three (3) expired Planning Commissioner seats, and the expired Alternate Planning Commissioner seat, and thereafter have the Oath of Office administered and Certificate of Appointments presented.

Item 6.2: **Workshop: Urban Growth Boundaries – Riverbank – Modesto** – It is recommended that the City Council consider the information provided in the workshop regarding the recent updates on Modesto’s Urban Limit line and consider direction for Riverbank moving forward.

Item 6.3: **Annual Consideration of City Council Appointments to Intergovernmental Boards and Committees and Appointments to Internal City Committees for the Year 2020** – It is recommended that the City Council:

- 1) Review the appointment lists; and
- 2) Volunteer or nominate a member of the Council to serve as the representative; and
- 3) By roll call vote, ratify the appointments for the year 2020.

Item 6.4: **Nomination and Appointment of the Vice Mayor to Serve for the Year 2020** – It is recommended that the Mayor nominate a Councilmember to serve as Vice Mayor for the year 2020, and by roll call vote, City Council approve the appointment for a one-year term.

7. 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 during this time.

Item 7.1: Staff

Item 7.2: Council/Authority Member

Item 7.3: Mayor/Chair

8. CLOSED SESSION

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LIRA Board recessing to Closed Session.

Item 8.1: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8
Property: 062-031-005, 062-031-006, 062-031-007
Agency Negotiator: Sean Scully, City Manager
Property Negotiator: ~~Emetic, Inc.~~ Aemetis, Inc.
Under Negotiation: Price, terms of payment, or both

Item 8.2: **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Government Code Section 54957
Title: City Manager

9. REPORT FROM CLOSED SESSION

Item 9.1: Report from Closed Session on Item 8.1: **CONFERENCE WITH REAL PROPERTY NEGOTIATIONS** – Emetie, Inc. Aemetis, Inc.

Item 9.2: Report from Closed Session on Item 8.2: **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – City Manager

ADJOURNMENT (The next regular City Council meeting – Tues., January 28 @ 6:00pm)

UPCOMING EVENTS:

January 20 (Monday)	○ <u>City Offices are Closed</u> – in observance of Martin Luther King Jr. Day.
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AFFIDAVIT OF POSTING

I 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 California Ralph M. Brown Act.

Posted this 9th day of January, 2020

/s/ Annabelle H. Aguilar CMC, City Clerk /LRA Recorder

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 of (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 City Council/LIRA 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.

Meeting Schedule	<p><u>Regular City Council Meetings:</u> 6:00 p.m. on the 2nd and 4th Tuesday of every month, unless otherwise noticed.</p> <p><u>Local Redevelopment Authority Board:</u> (The City Council also serves as the LIRA Board.) Meets on an "as needed" basis. The City Council also serves as the LIRA Board.</p>
City Council / LIRA Agenda & Reports	<p>The City Council/LIRA Board agenda is posted pursuant to the California Brown Act, which only requires these agenda title pages to be posted near the entrance of the location where the meeting is to be held and, when available, 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 City Council/LIRA Board. A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk's Office.</p>
Public Hearings	<p>In general, a public hearing is an open consideration within a regular meeting of the City Council/LIRA Board, for which special notice has been given. During a specified portion of the hearing, any interested party is invited to present written or oral protests or support for the subject matter under consideration. Written testimony sent or delivered to the City Clerk must be received no later than <u>5:00 p.m. on the day of the meeting</u> to allow for distribution to the City Council/LIRA Board. Preparations for the meeting are conducted between 5:00 p.m. and 6:00 p.m. and therefore the City Clerk is not available during this time.</p>
Written Public Comments	<p>Anyone wishing to provide written public comments may do so <u>prior to 5:00 p.m. of the day of the meeting</u> to allow for distribution to the City Council. Comments must specify what agenda item they are referring to. Comments will become part of the record, however, they will not be read aloud at the meeting.</p>
Televised / Video of Meetings	<ul style="list-style-type: none"> • Charter – Channel 2 • AT&T Uverse – Channel 99 • www.riverbank.org – video icon – under Agendas and Minutes link
City Hall Hours	<p>City Hall is open Monday – Thursday; 7:30 am – 5:30 pm and Fridays: 8:00 am – 5:00 pm; CLOSED alternating Fridays</p>
Questions	<p>Contact the City Clerk at (209) 863-7122 or aguilar@riverbank.org</p>