

CITY COUNCIL / LRA BOARD

Mayor/Chair

Richard D. O'Brien

Vice Mayor/Chair (CM-D1) Luis Uribe

Council/Authority Members

District 2 Rachel Hernandez

District 3 Cal Campbell

District 4 Darlene Barber-Martinez



**City of Riverbank
Regular City Council and
Local Redevelopment Authority
Board Meetings**

(via Virtual Platform Only)

Council Chambers is located at
6707 Third St., Suite B
Riverbank, CA 95367



AGENDA

TUESDAY, APRIL 27, 2021– 6:00 P.M.

(THE AGENDA PACKET IS ONLINE AT [HTTP://WWW.RIVERBANK.ORG/AGENDACENTER](http://www.riverbank.org/agendacenter))

NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH THE GOVERNOR'S NEW EXECUTIVE ORDER N-29-20, ISSUED ON MARCH 17, 2020, REGARDING THE OPEN MEETING REQUIREMENTS OF THE RALPH M. BROWN ACT (CALIFORNIA GOVERNMENT CODE SECTION 54950, ET SEQ.), AND THE FEDERAL AMERICANS WITH DISABILITIES ACT IN AN EFFORT TO HELP AVOID THE SPREAD OF COVID-19, TO MAXIMIZE TRANSPARENCY, AND PROVIDE PUBLIC ACCESS TO CITY COUNCIL MEETINGS.

1. CALL TO ORDER

2. FLAG SALUTE

3. ROLL CALL

4. AGENDA CHANGES

5. 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.*

6. 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**. Under State Law, matters presented during the public comment period cannot be discussed or acted upon.

Refer to the last page of this agenda for the Public Comment Procedures via ZOOM.

7. PRESENTATIONS (Informational only)

Item 7.1. Introduction of New Recreation Supervisor, Tony Lemonds.

Item 7.2. Economic Impact Report on Circulus Inc. created by Opportunity Stanislaus.

8. 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 8.1. Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

- Item 8.2.** Approval of the March 23, 2021 City Council and Local Redevelopment Authority Board Minutes.
- Item 8.3.** Approval of the April 13, 2021 City Council and Local Redevelopment Authority Board Minutes.
- Item 8.4.** A **Resolution** Authorizing the Examination of Sales and Use Tax Records.
- Item 8.5.** A **Resolution** Authorizing the Execution of a Performance Agreement between the City of Riverbank and Simply Devine Events, LLC for the Coordination of the 2021 Cheese & Wine Festival.
- Item 8.6.** A **Resolution** Authorizing the Mayor to Execute an Agreement with Simply Devine Events, LLC for the Lease of the City's Public Property Associated with the Riverbank Cheese and Wine Festival.
- Item 8.7.** A **Resolution** Authorizing the Extension of the Abandoned Vehicle Abatement (AVA) Program

9. UNFINISHED BUSINESS

- Item 9.1.** **Second Reading by Title Only and Adoption of Proposed Ordinance No. 2021-001 of the City Council of the City of Riverbank, California, Approving a Development Agreement Amendment By And Between The City Of Riverbank and E & J Distributors LLC. (Currently Doing Business As Canna+Rise To Add A Second Cannabis Business A California Limited Liability Corporation Doing Business As Terminal Infusion** – It is recommended that Council adopt an Ordinance approving a development agreement amendment by and between the City of Riverbank and E&J Distributors LLC, a California limited liability company doing business as Canna+Rise and Terminal Infusion.

10. PUBLIC HEARINGS

The Public Hearing Notice was published in the Riverbank News on 04/14/2021.

- Item 10.1.** A **Resolution Authorizing Use of the Bond Opportunities for Land Development (“BOLD”) Program and Authorizing the California Municipal Finance Authority to Accept Applications from Property Owners, Conduct Proceedings, and Levy Special Taxes Within the Territory of the City of Riverbank Pursuant to the Mello-Roos Community Facilities Act of 1982, as Amended; and Authorizing Related Actions** – It is recommended that the City Council receive information regarding the California Municipal Finance Authority (“CMFA”) Bond Opportunities for Land Development (“BOLD”) and consider adopting a Resolution Authorizing the City of Riverbank's participation in the BOLD Program.

11. NEW BUSINESS

Item 11.1. **A Resolution Authorizing Fee Waivers and Certain Insurance Requirements for the Downtown Farmers Market Events as Proposed by the Riverbank Downtown Bizco Group** – It is recommended that the City Council consider the adoption of the proposed resolution with authorized fee waivers related to the permitting and insurance costs for a potential farmers market beginning in Mid-May and ending in September of 2021.

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

Item 12.2. Council/Authority Member

Item 12.3. Mayor/Chair

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 adjourning to Closed Session.

Item 13.1. **LIABILITY CLAIMS**

Pursuant to Government Code § 54956.95

Claimant: Antonio Garcia

Agency claimed against: City of Riverbank

Item 13.2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code § 54956.9(a)

Name of Case: Martin Family Holdings, LLC vs. State of California Dept. of Transportation; Toks Omishaken, Director of Caltrans; Dan McElhinney, Director of Caltrans, District 10; and DOES 1-10, inclusive. Real Parties of Interest: County of Stanislaus; City of Oakdale; City of Riverbank; City of Modesto; and DOES 11-20, inclusive.

Stanislaus County Superior Court Case No. CV-20-003776

Item 13.3. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Government Code Section 54956.8

Property: 3300 Stanislaus Street, [APN 132-012-024]

Agency Negotiator: Sean Scully, City Manager

Property Negotiator: Stanislaus Housing Authority

Under Negotiation: Price, terms of payment, or both

14. ADJOURNMENT OF THE PUBLIC PORTION OF THE MEETING

The City Council and the LRA Board will be going into Closed Session.

15. REPORT FROM CLOSED SESSION

The Mayor's report on the Closed Session Items will be made to the City Clerk, and the report will be reflected in the Minutes of this meeting. Anyone interested in obtaining the report may contact the City Clerk at cityclerk@riverbank.org or call (209) 863-7198.

16. ADJOURNMENT OF THE REGULAR MEETING (Immediately after Closed Session)

(The next regular meeting is on Tuesday, May 11, 2021 at 6:00 p.m.)

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted on an accessible public location, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act.

Posted this Friday, January 22, 2021

/s/ Annabelle H. Aguilar, CMC, City Clerk of Riverbank

ADA COMPLIANCE STATEMENT

In compliance with the Americans with Disabilities Act, and the Governor's Executive Order N-29-20, the City will make every effort to make reasonable modifications or accommodations from individuals with disabilities. Contact the Administration Dept. at (209) 863-7122 or the City Clerk at aaquilar@riverbank.org at least (48) hours prior to the meeting to enable the City to make reasonable arrangements for accessibility.

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/LRA 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.



**PUBLIC PARTICIPATION PROCEDURES
FOR THE CITY COUNCIL/LRA MEETINGS HELD IN A
TELECONFERENCE OR VIRUAL PLATFORM IN CONFORMANCE
WITH THE GOVERNOR'S EXECUTIVE ORDER N-29-20**

CHANGES TO THIS NOTICE OF PROCEDURES

In accordance with the Governor's Executive Order, should the meeting procedures change, the City may use the most rapid means of communication available at the time including, but not limited to, posting the notice of changes on the City's website.

PUBLIC "LIVE" VIEWING

- Charter Government Channel - 2
- AT&T U-VERSE Government Channel - 99
- YouTube Live <https://www.youtube.com/channel/UCq2x8QChEcknBq7uuJLcZow>
- Via ZOOM Platform (See instructions below)

SUBMITTING PUBLIC COMMENTS

Via Mail Service: Mail comments to City of Riverbank, Attn. City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367. (Must be received by 4:00 p.m. on the day of the meeting.)

Via Email to cityclerk@riverbank.org:

- Written comments must be received by 4:00 p.m. on the day of the meeting; and
- Indicate Agenda Item # in the *subject line*.

Join via ZOOM Platform:

- Visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.
- Join by this link: <https://us02web.zoom.us/j/89041628882>
- Join by accessing website: <https://zoom.us/join>
 - **webinar ID: 890 4162 8882**
- Join by telephone: **1 669 900 9128 or 1 253 215 8782 plus webinar ID**

HOW DO I COMMENT? The Mayor will announce when public comment may be made for the agenda item being considered, at which time you will:

- Using a computer - click on the "raise hand" feature in the webinar controls. This will let us know you wish to speak.
 - Once you confirm that you want to be unmuted, your 3 minutes will begin for you to make your comments.
- Using a Phone - press ***9** to "raise the hand".
 - Once you confirm that you want to be unmuted, your 3 minutes will begin for you to make your comments.

Learn about using ZOOM - Visit <https://support.zoom.us/hc/en-us/categories/201146643>