



**RIVERBANK CITY COUNCIL AND  
LOCAL REDEVELOPMENT AUTHORITY  
BOARD MEETINGS  
SPECIAL NOTICING OF MEETING PROCEDURES FOR  
Tuesday, April 28, 2020 AT 6:00 P.M.**

***NOTICE: THIS MEETING WILL BE HELD BY THE FOLLOWING PROCEDURES 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.***

**CITY COUNCIL PARTICIPATION STATEMENT**

The Governor's Executive Order temporarily waives Brown Act "teleconferencing" provisions, and authorizes City Council to hold public meetings via teleconferencing. The requirement of physical presence of Council Members, the City Clerk, other Personnel, or the public as a condition of participation in or a quorum to conduct a public meeting is waived.

**The Mayor has the right to stop any uncivil behavior during the meeting.**

**PUBLIC PARTICIPATION STATEMENT**

This meeting will not be physically open to the public. All members of the public will be given the opportunity to provide comments by participating in the meeting telephonically, via email, or by other platforms. Every possible effort will be made to have these technological systems available and in working order.

**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 [aaguilar@riverbank.org](mailto:aaguilar@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.

**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.

## **REPLAY OF THE MEETING RECORDING**

The video recording of this meeting is usually posted on YouTube within 24-48 hours of the adjournment of the meeting, and as long as there are no technical difficulties.

Please visit the City's website at <http://www.riverbank.org/agendacenter>

## **FOR QUESTIONS**

Contact Annabelle Aguilar, City Clerk at [aaguilar@riverbank.org](mailto:aaguilar@riverbank.org) or (209) 863-7198, **before 4:00 p.m.** on Tuesday, April 28, 2020.

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## **PUBLIC "LIVE" VIEWING**

- Charter Government Channel – 2
- AT&T U-VERSE Government Channel – 99
- YouTube Live Streaming at <https://www.youtube.com/watch?v=7UN98ekdzdk>

## **PUBLIC COMMENTS**

*Every effort is made to receive your comments for the record. Please be aware that technology has its potential to fail. If you believe your written comments were not received, please contact the City Clerk at [aaguilar@riverbank.org](mailto:aaguilar@riverbank.org) or (209) 863-7198.*

**Via U.S. Postal Service:** Mail comments to City of Riverbank, Attn. City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367. (Must be received prior to the meeting.)

### **Via Email to [cityclerk@riverbank.org](mailto:cityclerk@riverbank.org):**

- Emails before the meeting: (Will be distributed to the City Council)
  - **No later than 5:00 p.m.** on the day of the meeting; and
  - The **subject line** must contain the Agenda Item # and brief title. (e.g., Item 5.1 – Urgency Ordinance)
- Emails during the meeting:
  - The **subject line** must contain the Agenda Item # and brief title. (e.g., Item 5.1 – Urgency Ordinance)

Every effort will be made to read all comments up to (5) minutes, however, this allotted time and reading comments is at the discretion of the Mayor. Comments received during this time will be made part of the record.

### **Via Telephone:**

- Call **(209) 863-7172**; only one call at a time may be received.

The normal allotment of (5) minutes to comment will be allowed; however, this remains at the discretion of the Mayor due to the new process of commenting.

### **Via Other Platforms:**

At the preparation of this agenda the use of the other platforms are being tested for public participation. Information will be posted when other means of participation are established.



**(BY TELECONFERENCE ONLY)**

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

(The City Council also serves as the LRA Board)

**(Location closed to the public)**

City Hall North • Council Chambers  
6707 Third Street • Suite B • Riverbank • CA • 95367

# AGENDA

**TUESDAY, APRIL 28, 2020 – 6:00 P.M.**

(THE AGENDA PACKET IS POSTED AT THE CITY CLERK’S OFFICE AND AT [WWW.RIVERBANK.ORG](http://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 Luis Uribe (CM-D1)  
Council/Authority Member District 2 Cindy Fosi  
Council/Authority Member District 3 Cal Campbell  
Council/Authority Member District 4 Darlene Barber-Martinez

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

<b>CONFLICT OF INTEREST</b>
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**

**Item 1.1:** ABC Grant Presentation.

## **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/LRA 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/LRA Board.

*Send comments via email to [cityclerk@riverbank.org](mailto:cityclerk@riverbank.org) and indicate in the subject line “#2 Public Comment” or call (209) 863-7172.*

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

**Item 3.B:** Approval of the March 24, 2020 City Council and Local Redevelopment Authority Board Minutes.

**Item 3.C:** A **Resolution** Designating the City Manager and Assistant City Manager as Authorized Agents to Execute and Application with the California Governor's Office of Emergency Services (CalOES) to Obtain Federal Financial Assistance for All Open and Future Disasters for up to Three (3) Years.

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

### **4. UNFINISHED BUSINESS**

**Item 4.1:** **Second Reading by Title Only of Proposed Ordinance No. 2020-007 Approving a Development Agreement By and Between the City of Riverbank and McRoy Wilbur Communities, Inc. for the Extension of the Diamond Bar East Subdivision Tentative Map 02-2014 (APNs 062-020-010 and 062-020-025)** – It is recommended that the City Council approve Ordinance No. 2020-007 for a Development Agreement which extends the life of approved Diamond Bar East Tentative Maps 02-2014 relating to real property located at 4424 Santa Fe Street (APNs 062-020-010 and 062-020-025).

**5. PUBLIC HEARING** There are no public hearings.

### **6. NEW BUSINESS**

**Item 6.1:** **Consider a Resolution Deferring System Development Fees for McRoy-Wilbur Communities for Countryside 1 And 2** – It is recommended that the City Council consider the petition from McRoy-Wilbur Communities to defer payments for the System Development Fees assessed on the construction of dwelling units in the Countryside 1 and 2 subdivision and approve the Resolution.

**Item 6.2:** **A Resolution of Concurrence and Support for the Approval of the Fiscal Year 2020-2025 Regional Consolidated Plan (Con Plan); the Fiscal Year 2020-2021 Annual Action Plan (AAP); and the Fiscal Year**

**2020-2025 Regional Analysis of Impediments (AI) to Fair Housing Choice Prepared by the Stanislaus County Community Development Block Grant (CDBG) Consortium** – It is recommended that the City Council open the Community Meeting, accept Public Comment, and consider adopting a Resolution of Concurrence and support for the approval of the Fiscal Year 2020-2025 Regional Consolidated Plan (Con Plan); the Fiscal Year 2020-2021 Annual Action Plan (AAP); and the Fiscal Year 2020-2025 Regional Analysis of Impediments (AI to Fair Housing). The public notice for this meeting was published in the Riverbank News on April 15, 2020.

**Item 6.3:** **General Local Public Health COVID-19 Update** – It is recommended that the City Council receive an update, discuss the matter, and provide any direction to staff as deemed necessary.

**Item 6.4:** **Resolution Strongly Recommending That All Residents or Visitors Within the City of Riverbank Wear a Face Mask or Covering That Covers the Nose and Mouth When Leaving Their Place of Residence** – Consider a resolution of the City Council of the City of Riverbank, California (the “City Council”) strongly recommending that all residents or visitors within the City of Riverbank (the “City”) wear a face mask or covering that covers the nose and mouth when leaving their place or residence (the “Resolution”).

## **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/LRA Board recessing to Closed Session.

**Item 8.1:** **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
Pursuant to subdivision (b) of Government Code § 54956.9  
Number of cases: (2) potential cases

**Item 8.2:** **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: Aemetis, Inc.  
Under Negotiation: Price, terms of payment, or both

**Item 8.3: Threat to Public Services or Facilities**

Pursuant to Government Code § 54957

Consultation with: City of Riverbank Director of Emergency Services

**ADJOURNMENT – THE PUBLIC PORTION OF THE MEETINGS** (The next regular City Council meeting – Tuesday, May 12<sup>th</sup> @ 6:pm)

**9. REPORT FROM CLOSED SESSION**

*The Mayor's report on the following 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 receiving what was reported on the Items may contact the City Clerk at [aaguilar@riverbank.org](mailto:aaguilar@riverbank.org) or call (209) 863-7198.*

**Item 9.1:** Report from Closed Session Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – (2) potential cases

**Item 9.2:** Report from Closed Session on Item 8.2: **CONFERENCE WITH REAL PROPERTY NEGOTIATIONS** – Aemetis, Inc.

**Item 9.3:** Report from Closed Session on Item 8.3 – **Threat to Public Services or Facilities**

**ADJOURNMENT**

COVID-19 Information	<ul style="list-style-type: none"> <li>Please refer to the City of Riverbank website at <a href="http://www.riverbank.org">www.riverbank.org</a> for information.</li> </ul>
City Office Building Doors Closed	<ul style="list-style-type: none"> <li><b>By direction of the City Council</b> – Office building doors will be closed to the public through April 30, 2020, to help eliminate the spread of COVID-19. You may call (209) 869-7101 to reach City Departments or you may email staff.</li> </ul>
2020 Canceled Regular City Council Meetings	<ul style="list-style-type: none"> <li><b>City Council voted to cancel the following regular meetings:</b> <ul style="list-style-type: none"> <li>July 14<sup>th</sup>, August 11<sup>th</sup>, November 24<sup>th</sup>, and December 22<sup>nd</sup></li> </ul> </li> </ul>

**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 Ralph M. Brown Act.  
Posted this 24<sup>th</sup> day of April, 2020

/s/ *Annabelle Aguilar, CMC, City of Riverbank*