



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

(The City Council also serves as the LRA Board)  
City Hall North • Council Chambers

6707 Third Street • Suite B • Riverbank • CA • 95367

## AGENDA

**TUESDAY, MAY 14, 2019– 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 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

<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:** Proclamation – National Bike Month May 2019.

### **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.

### **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 19, 2019, Special City Council Minutes.

**Item 3.B-1:** Approval of the March 26, 2019, City Council and Local Redevelopment Authority Minutes.

**Item 3.B-2:** Approval of the April 9, 2019, Special City Council Minutes.

**Item 3.C:** Out of State Travel Request for Mayor Richard D. O'Brien to Attend the U.S. Conference of Mayors 2019 Annual Meeting in Honolulu, HI.

**Item 3.D:** Acceptance of the Wastewater Treatment Plant Pond 9 Levee Project and Authorization to File a Notice of Completion.

**Item 3.E:** A **Resolution** to **Conditionally** Award Bid for Riverbank Industrial Complex Dock Leveler Project to Riverbank Construction, Inc. and Authorize the City Manager to Execute Future Change.

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

### **4. UNFINISHED BUSINESS**

**Item 4.1:** A **Resolution Authorizing the City of Riverbank to Join the Stanislaus Urban County for the Purpose of Receiving Entitlement Funding from the Department of Housing and Urban Development (HUD) and to Authorize the City Manager to Execute the Agreement and Any Related Documents** – It is recommended Council consider the attached proposed resolution which approves the City of Riverbank's participation in the Stanislaus County Urban County, from July 1, 2020 to June 30, 2023 for purpose of receiving entitlement funding from the Department of Housing and Urban Development, and to authorize the City Manager to execute necessary documents associated with this approval.

### **5. PUBLIC HEARINGS**

The public notice for Item 5.1 was published in the Riverbank News on 4/24/2019. The notice to property owners within 300 ft. of the project was sent on 04/24/2019.

**Item 5.1:** **First Reading and Introduction by Title Only of a Proposed Ordinance Approving a Development Agreement By and Between the City of Riverbank and E & J Distributors LLC, a California Limited Liability Corporation Doing Business as Canna+Rise** – It is recommended that Council approve the first reading and introduction by title only of the proposed Ordinance, which will initiate its second reading for consideration of its adoption at the May 28<sup>th</sup> regular City Council meeting.

## **6. NEW BUSINESS**

**Item 6.1:** **Consideration of a Resolution Approving the Waiver of System Development Fees for the St. Francis of Rome Office Building Project Located At 2818 Topeka Street** – It is recommended that the City Council listen to the presentation and consider the petition from St. Frances of Rome Church to waive payment of their System Development Fees which will be assessed on the construction of a single-story office building.

**Item 6.2:** **2018 General Plan and Housing Element Annual Progress Reports. A Resolution Adopting the 2018 General Plan and Housing Element Annual Progress Reports (APRs) as well as authorizing Staff to submit said Reports to the California Office of Planning and Research and California Department of Housing and Community Development** – Staff recommends approval of the City's 2018 General Plan and Housing Element Annual Progress Reports and to authorize Staff to submit said reports to the California Office of Planning and Research and California Department of Housing and Community Development.

## **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 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.

**Item 8.2: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: (2) potential cases

**9. REPORT FROM CLOSED SESSION**

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

**Item 9.2:** Report from Closed Session on Item 8.2: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** (2) potential cases

**ADJOURNMENT** (The next regular City Council meeting – Tuesday, May28th @ 6:pm)

**UPCOMING EVENTS:**

May 27 (Monday)	<ul style="list-style-type: none"> <li>• <b><u>Memorial Day – Salute to Our Heroes:</u></b> 11:30 a.m. at the Veterans Memorial Wall, 3600 Santa Fe Street, Riverbank. For information contact the Administration Dept. at (209) 863-7122.</li> </ul>
May 27 (Monday)	<ul style="list-style-type: none"> <li>• <b><u>Memorial Day Holiday</u></b> – In honor of this day, City Offices are closed.</li> </ul>
2019 Canceled Regular City Council Meetings	<ul style="list-style-type: none"> <li>• <b><u>City Council voted to cancel the following regular meetings:</u></b> <ul style="list-style-type: none"> <li>○ July 9, 2019, August 13, 2019, November 26, 2019, and December 24, 2019.</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 California Ralph M. Brown Act.

Posted this 10<sup>th</sup> day of May, 2019

**/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/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.

<b>Meeting Schedule</b>	<p><u>Regular City Council Meetings:</u> 6:00 p.m. on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of every month, unless otherwise noticed.</p> <p><u>Local Redevelopment Authority Board:</u> (The City Council also serves as the LRA Board.) Meets on an "as needed" basis. The City Council also serves as the LRA Board.</p>
<b>City Council / LRA Agenda &amp; Reports</b>	<p>The City Council/LRA 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. <b>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 <a href="http://www.riverbank.org">www.riverbank.org</a> upon distribution to a majority of the City Council/LRA Board.</b> A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk's Office.</p>
<b>Public Hearings</b>	<p>In general, a public hearing is an open consideration within a regular meeting of the City Council/LRA 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 <b>5:00 p.m. on the day of the meeting</b> to allow for distribution to the City Council/LRA 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>
<b>Written Public Comments</b>	<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>
<b>Televised / Video of Meetings</b>	<ul style="list-style-type: none"> <li>• Charter – Channel 2</li> <li>• AT&amp;T Uverse – Channel 99</li> <li>• <a href="http://www.riverbank.org">www.riverbank.org</a> – video icon – under Agendas and Minutes link</li> </ul>
<b>City Hall Hours</b>	<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>
<b>Questions</b>	<p>Contact the City Clerk at (209) 863-7122 or <a href="mailto:aaguilar@riverbank.org">aaguilar@riverbank.org</a></p>

Any documents that are not privileged or part of a Closed Session provided to a majority of the City Council/LRA Board after distribution of the agenda packet, regarding any item on this agenda, will be made available for public inspection at the City Clerk's Office, 6707 Third Street, Suite A, Riverbank, CA, during normal business hours.