

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, MAY 25, 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. 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 7.1. Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 7.2. A **Resolution** of Approving Waste water and Park System Development Fee Credits for McRoy-Wilbur Communities for Countryside 1 and 2 Subdivision.

8. UNFINISHED BUSINESS

Item 8.1. **Second Reading by Title Only and Adoption of Proposed Ordinance No. 2021-002 approving a First Amendment to the Development Agreement By and Between the City of Riverbank and Pacafi Cooperative, Inc., a California Cooperative Corporation Doing Business as Flavors** – The Planning Commission of the City of Riverbank recommended that the City Council adopt an Ordinance to approve the first amendment to the development agreement by and between the City of Riverbank and Pacafi Cooperative, Inc., a California cooperative corporation doing business as Flavors.

9. WORKSHOPS

Information and educational presentation of a subject matter to receive direction and to prepare for its future consideration and decisions by the City Council.

Item 9.1. **Workshop - Fiscal Year 2021-22 Special Revenue & Enterprise Fund Budget** – It is recommended that the City Council receive a presentation on the Fiscal Year 2021-22 Special Revenue and Enterprise Fund Proposed Budgets and provide feedback in anticipation of the adoption of the Final Budget on June 22, 2020.

Item 9.2. **Workshop – American Rescue Plan Act** – It is recommended that the City Council consider the workshop information provided by staff on the American Rescue Act and provide direction to staff as appropriate regarding the preliminary allocation of American Rescue Act funding that will be received by the City of Riverbank in 2021 and 2022.

10. NEW BUSINESS

Item 10.1. **A Resolution of the City Council of The City of Riverbank, California, Approving a Subdivision Improvement Agreement for Bruin Heights with D.R. Horton Ca3 Inc. and Authorize the City Manager to Execute the Agreement** – It is recommended that the City Council consider the proposed resolution approving the Subdivision Improvement Agreement with D.R. Horton CA3 Inc. for Bruin Heights and directing the City Manager to execute the agreement.

Item 10.2. **A Resolution Approving Final Map 02-2021 for D.R. Horton CA3, Inc. for 6272 Central Avenue (APN: 062-021-008)** – Approve the Final Map (“FM”) for Bruin Heights based on the required finding that the map is in conformity with the provisions of subdivision law and city code. The project consists of a Final Map to subdivide approximately 9.1 acres into fifty-one (51) buildable residential lots (overall density of 5.6 du/acre), associated street, sewer, water, and storm drainage improvements at 6272 Central Avenue.

- Item 10.3.** **A Resolution Authorizing the City Manager to Execute a Contract with National Demographics Corporation for Municipal Redistricting Services** – As a preliminary step to Riverbank’s redistricting process of its Councilmember election district-based boundaries, it is recommended that the City Council approve the proposed resolution to secure demography and redistricting consultant services from National Demographics Corporation.

11. 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 11.1.** Staff
- Item 11.2.** Council/Authority Member
- Item 11.3.** Mayor/Chair

12. 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 12.1.** **LIABILITY CLAIMS**
Pursuant to Government Code § 54956.95
Claimant: Antonio Garcia
Agency claimed against: City of Riverbank
- Item 12.2.** **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code Section 54956.8
Property: APN: 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 12.3.** **Threat to Public Services or Facilities**
Pursuant to Government Code § 54957
Consultation with: City of Riverbank Director of Emergency Services
- Item 12.4.** **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code Section 54956.8
Property: 6435 8th Street; APN 132-015-038
Agency Negotiator: Sean Scully, City Manager
Property Negotiator: Evelyn A. Mitchell 2013 Rev. Trust, Jan Tlascala
Under Negotiation: Price, terms of payment, or both

Item 12.5. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: 2916/2910 Sierra Ave.; APN 132-022-025 & APN 132-022-026
Agency Negotiator: Sean Scully, City Manager
Property Negotiator: Evelyn A. Mitchell 2013 Rev. Trust, Jan Tlascala
Under Negotiation: Price, terms of payment, or both

Item 12.6. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: 2825 Santa Fe Ave.; APN 132-024-008
Agency Negotiator: Sean Scully, City Manager
Property Negotiator: Evelyn A. Mitchell 2013 Rev. Trust, Jan Tlascala
Under Negotiation: Price, terms of payment, or both

13. ADJOURNMENT OF THE PUBLIC PORTION OF THE MEETING

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

14. 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

**15. ADJOURNMENT OF THE REGULAR MEETING (Immediately after Closed Session)
(The next regular meeting is on Tuesday, June 8, 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 Thursday, May 20, 2021

/s/ *Annabelle H. Aguilar, C.M.C., 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 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.



**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/81781122246>
- Join by accessing website: <https://zoom.us/join>
 - **Webinar ID: 817 8112 2246**
- Join by telephone: **1 669 900 9128** **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>