



**RIVERBANK CITY COUNCIL AND LOCAL  
REDEVELOPMENT AUTHORITY BOARD  
MEETINGS  
SPECIAL NOTICING OF MEETING PROCEDURES FOR  
Tuesday, May 26, 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.***

**ADA COMPLIANCE STATEMENT**

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 (72) 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 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 "LIVE" VIEWING:** Charter Government Channel – 2; AT&T U-VERSE Government Channel – 99; and YouTube Live Streaming at <https://www.youtube.com/watch?v=7UN98ekdzdk>.

**PUBLIC COMMENTS:** *If you believe your written comments were not received, please contact the City Clerk at [cityclerk@riverbank.org](mailto:cityclerk@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 4:00 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)

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

**Via Other Platforms:**

Interest in participating as an attendee on the ZOOM platform, you must email the City Clerk **no later than 1:00 p.m. on the day of the meeting** at [cityclerk@riverbank.org](mailto:cityclerk@riverbank.org) to receive information. (This technological method may or may not be available.)



**(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, MAY 26, 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**            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/LRA Board. Individual comments will be limited to a **maximum of minutes as stated**. Under State Law, matters presented during the public comment period cannot be discussed or acted upon.

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

### **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 April 28, 2020 City Council and Local Redevelopment Authority Board Minutes.

**Item 3.C:** Acceptance of the Parking and Trail Improvements at Jacob Myers Park Project and Authorization to File a Notice of Completion.

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

**4. UNFINISHED BUSINESS** There are no Items to consider.

**5. PUBLIC HEARINGS** There are no Items to consider.

### **6. NEW BUSINESS**

**Item 6.1:** **A Resolution Authorizing the Mayor to Execute and Enter into a New Employment Agreement with Sean Scully as City Manager** – It is recommended that the Riverbank City Council: (1) approve the new City Manager Employment Agreement between the City of Riverbank and Sean Scully in a form approved by the City Attorney; and (2) authorize and direct the Mayor to execute the New Agreement on behalf of the City.

**Item 6.2:** **A Resolution Authorizing the City Manager to Execute and Enter into a New Employment Agreement with Marisela H. Garcia as Assistant City Manager/Administrative Services Director** – It is recommended that the Riverbank City Council: (1) approve the new Assistant City Manager Employment Agreement between the City of Riverbank and Marisela Garcia in a form approved by the City Attorney; and (2) authorize and direct the City Manager to execute the New Agreement on behalf of the City.

**Item 6.3:** **A Resolution Authorizing the City Manager to Execute and Enter into a New Employment Agreement with Sue Fitzpatrick as Parks and Recreation Director** – It is recommended that the Riverbank City Council: (1) approve the new Employment Agreement between the City of Riverbank and Sue Fitzpatrick in a form approved by the City Attorney; and (2) authorize and direct the City Manager to execute the New Agreement on behalf of the City.

- Item 6.4:**     **Consider a Resolution to Participate in the Pavement Management Program (PMP) Update for Stanislaus County with Cost Sharing According to the Measure L Local Control Funds Distribution Methodology** – It is recommended that the City Council consider participating in the Pavement Management Program update.
- Item 6.5:**     **Workshop: Ward Ave Affordable Housing Project** – It is recommended that the City Council receive information relating the potential future Ward Ave Affordable Housing Project.
- Item 6.6:**     **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 6.7:**     **Utility Billing Discussion and Feedback** – It is recommended that the City Council provide feedback on the options presented regarding utility billing during the coronavirus (“COVID-19”) pandemic.
- Item 6.8:**     **CARES Act Funding Allocation Discussion** – It is recommended that the City Council provide feedback to staff regarding the use of the CARES Act Funding Allocation for the City of Riverbank.

## **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 3 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.  
Under Negotiation: Price, terms of payment, or both

### **Item 8.2:**     **Threat to Public Services or Facilities**

Pursuant to Government Code § 54957  
Consultation with: City of Riverbank Director of Emergency Services

**Item 8.3:**     **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
Pursuant to subdivision (b) of Government Code § 54956.9  
Number of cases: (1) potential case

**Item 8.4:**     **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Pursuant to Government Code § 54956.9(a)  
Name of Case: Stanislaus Consolidated Fire Protection District v. City of  
Riverbank and DOES 1-20  
Stanislaus County Superior Court Case No. CV-19-004402

**ADJOURNMENT – THE PUBLIC PORTION OF THE MEETING** (The next regular City  
Council meeting – Tuesday, June 9th @ 6:00 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 obtaining the report from Closed Session may contact the City Clerk at [cityclerk@riverbank.org](mailto:cityclerk@riverbank.org) or call (209) 863-7198.*

**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 – **Threat to Public Services or  
Facilities**

**Item 9.3:**     Report from Closed Session Item 8.3: **CONFERENCE WITH LEGAL  
COUNSEL – ANTICIPATED LITIGATION** – (1) potential case

**Item 9.4:**     Report from Closed Session on Item 8.4: **CONFERENCE WITH LEGAL  
COUNSEL – EXISTING LITIGATION:** Stanislaus Consolidated Fire  
Protection District v. City of Riverbank and DOES 1-20

## **ADJOURNMENT**

### 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 21st day of May, 2020

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