

**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  
(In-Person & Virtual Hybrid Meeting)**

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



**AGENDA**

**TUESDAY, JULY 27, 2021– 6:00 P.M.**

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

**NOTICE: TO ENSURE THE PUBLIC HAS CONTINUED ACCESS TO PUBLIC MEETINGS, THIS IN-PERSON and VIRTUAL HYBRID MEETING WILL BE HELD IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER N-29-20, AS AMENDED BY ORDER N-08-21 REGARDING THE OPEN MEETING REQUIREMENTS OF THE RALPH M. BROWN ACT, AND THE FEDERAL AMERICANS WITH DISABILITIES ACT. THIS MEETING IS ALSO HELD IN CONSIDERATION OF THE JUNE 15, 2021, "REOPENING" ORDERS AND THE RECENT CALIFORNIA DEPARTMENT OF PUBLIC HEALTH'S COVID GUIDANCE. FOR MEETING PARTICIPATION INFORMATION, REFER TO THE LAST PAGE OF THE AGENDA.**

**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.)**

**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.** Acceptance of the Community Center Kitchen Remodel Project and Authorization to File a Notice of Completion of the Construction Project Completed by Menghetti Construction, Inc.

- Item 7.3.** Award Bid for the Topeka Street Improvements Project between 3<sup>rd</sup> and 5<sup>th</sup> Streets to George Reed, Inc. and Authorize Execution of Future Change Orders.
- Item 7.4.** A **Resolution** Authorizing the Expenditure of \$309,904 from the City Park System Development Fee Account Through a Reimbursement Agreement with the Developer for the Development of Countryside Park.
- Item 7.5.** A **Resolution** Authorizing the Approval of the Annual Funding Agreement between the City of Riverbank and the City of Turlock/ Stanislaus County HOME Consortium for the HOME Investment Partnership Program Funds for FY 2021-2022 and Authorizing the City Manager to Execute said Agreement.
- Item 7.6.** **Resolution** to Approve Water and Waste Water System Development Fee Credits to D.R. Horton CA3 Inc. for the Bruin Heights Subdivision.
- Item 7.7.** **Resolution** to Approve the DMG Development LP System Development Fee Credits for Parkwood (Crossroads West Unit 1 Subdivision) and Defer the Fees from Permit Issuance to Permit Final.

## **8. PUBLIC HEARINGS**

*The Public Hearing Notice for Item 8.1 was published in the Riverbank News on 06/09/2021. A continuance notice for this Item was posted on 06/23/2021. The Public Hearing Notice for Item 8.2 and 8.3 was published in the Riverbank News on 07/14/2021, a Notification Letter for Item 8.2 was mailed on 07/14/2021 to each property owner within 300 feet of the property project matter based on the latest equalized assessment rolls of record by the Stanislaus County Assessor.*

- LRA Item 8.1.** **A Resolution Continuing the Fiscal Year 2020-2021 Local Redevelopment Authority Annual Budget** - It is recommended that the Board consider adopting a Resolution which will allow the Fiscal 2020-2021 Budget to be continued for a period of no longer than 60 days.
- Item 8.2.** **First Reading by Title Only and Introduction of a proposed Ordinance Approving a First Amendment to the Development Agreement by and between the City of Riverbank and MWG Holdings Group, Inc. Doing Business as Perfect Union** – The Planning Commission of the City of Riverbank recommends that the City Council adopt an Ordinance to approve the first amendment to the development agreement by and between the City of Riverbank and MWG Holdings Group, Inc., a California corporation doing business as Perfect Union. Approval of the first reading will initiate the second reading by title only at the regular Council meeting on August 24, 2021, for consideration of its adoption.
- Item 8.3.** **First Reading by Title Only and Introduction of a Proposed Ordinance Amending Title XI: Business Regulations, by Adding New Chapter 127: Mobile Food Vending Program, to the Riverbank Municipal Code of**

**Ordinances** – It is recommended that the City Council conduct the public hearing for the first reading of the proposed ordinance to consider its approval; if approved, the second reading of the ordinance by title only will be scheduled for the next regular City Council meeting on August 24, 2021, for consideration of its adoption.

## **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.** **Progress Update on the Development of the City’s Bicycle and Pedestrian Master Plan Project Recommendations and Prioritization Maps** - It is recommended that the City Council hear the progress update from Alta Planning + Design on the City’s Bicycle and Pedestrian Master Plan Project Recommendations and Prioritization Maps.

**Item 9.2.** **Second Workshop – American Rescue Plan Act** – It is recommended that the City Council consider the workshop information provided by staff on the American Rescue Plan Act and provide direction to staff as appropriate regarding the preliminary allocation of American Rescue Plan 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 Declaring Its Intention to Annex Territory to a Community Facilities District and to Authorize the Levy of Special Taxes Therein, the City of Riverbank Community Facilities District No. 2016-1 (Public Services) Annexation No. 1** – It is recommended that the City Council adopt a Resolution declaring its intention to annex territory to a City of Riverbank Community Facilities District 2016-1 (Public Services) and to authorize the levy of a special tax therein to finance certain City services.

**Item 10.2.** **Utility Billing Penalty Discussion** – It is recommended that the City Council provide feedback on the resumption of the application of penalties to delinquent utility bills, and by roll call vote ratify the financial decision.

**Item 10.3.** **A Resolution Authorizing the City Manager to Execute an MOU with The California Health Collaborative to Secure the Services of a Civic Spark Fellow to Facilitate Citizen Outreach and Policy Discussions for an Environmental Justice Element for a Future General Plan Update** – The City Council consider approval of the proposed resolution and MOU with the California Health Collaborative to secure the services of a Civic Spark Fellow to facilitate citizen outreach and policy discussions for an Environmental Justice element for a future General Plan Update.

**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 recessing to Closed Session.

**Item 12.1.** **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 12.2.** **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Property: 3338 Sierra Street, Riverbank; APN 132-017-017

Agency Negotiator: Sean Scully, City Manager

Property Negotiator: Delbert Liles and Gracie Liles

Under Negotiation: Price, terms of payment, or both

**Item 12.3.** **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Property: 7<sup>th</sup> Street; APN 132-015-023

Agency Negotiator: Sean Scully, City Manager

Property Negotiator: Edward Touma

Under Negotiation: Price, terms of payment, or both

**13. CONVENE AND REPORT FROM CLOSED SESSION****14. ADJOURNMENT**

- The regular meeting on August 10<sup>th</sup> is canceled.
- A Special Meeting for a Strategic Planning Session is scheduled on Tuesday, August 10<sup>th</sup> at 9 am at the Riverbank Teen Center.
- The next regular City Council meeting will be on Tuesday August 24, 2021 at 6 pm.

**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, July 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](mailto: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 IN-PERSON & VIRTUAL HYBRID MEETING

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### CHANGES TO THIS NOTICE OF PROCEDURES

In accordance with the Governor's Executive Orders, 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.

**ATTEND IN-PERSON** at City Hall Council Chambers, 6707 Thirds St., Suite B, Riverbank.

### 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. Marisela Garcia, Acting 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 [mhgarcia@riverbank.org](mailto:mhgarcia@riverbank.org)***

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

***Join the Meeting via ZOOM Platform:***

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

- Visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.
- click this URL to join. <https://us02web.zoom.us/j/83789016790>
- Join by accessing website: <https://zoom.us/join>
  - **Webinar ID: 837 8901 6790**
- Join by telephone: **1 669 900 9128; 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.
- In-Person - Approach the podium when the Mayor calls upon members of the public in attendance to do so.