

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, AUGUST 24, 2021– 6:00 P.M.

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

NOTICE: 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, THE FEDERAL AMERICANS WITH DISABILITIES ACT, AND ALSO WITH THE JUNE 15, 2021, "REOPENING" ORDERS AND THE RECENT CALIFORNIA DEPARTMENT OF PUBLIC HEALTH'S COVID GUIDANCE TO ENSURE THE PUBLIC HAS CONTINUED ACCESS TO MEETINGS. REFER TO THE LAST PAGE OF THE AGENDA FOR PARTICIPATION INFORMATION.

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)** and time cannot be yielded to another person. 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. Approval of the June 8, 2021 City Council and Local Redevelopment Authority Board Minutes.

Item 7.3. Approval of the June 22, 2021 City Council and Local Redevelopment Authority Board Minutes.

Item 7.4. **Resolution** Authorizing the City Manager to Execute a Cooperative Funding Agreement for the Pavement Management Program between the Stanislaus Council of Governments, Stanislaus County, City of Ceres, City of Hughson, City of Modesto, City of Newman, City of Oakdale, City of Patterson, City of Turlock, City of Waterford and the City of Riverbank.

Item 7.5. Award Bid for the Pavement Restoration and Valley Gutter Project to Sinclair General Engineering Construction Inc. and Authorize Execution of Future Change Orders.

Item 7.6. Reject Bid for the Riverbank Police Fence and Gate Project from Golden Bay Fence Plus Iron Works, Inc. and Authorize staff to re-bid the project.

8. UNFINISHED BUSINESS

Item 8.1. **Second Reading by Title Only of Proposed Ordinance No. 2021-003 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** – It is recommended that the City Council conduct the second reading and consider adoption of proposed Ordinance No. 2021-003 as introduced and presented.

Item 8.2. **Second Reading by Title Only of Proposed Ordinance No. 2021-004 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 second reading and consider adoption of proposed Ordinance No. 2021-003 as introduced and presented.

9. PUBLIC HEARINGS

The Public Hearing Notice was published in the Riverbank News on 08/11/2021.

LRA Item 9.1. **A Resolution of the Local Redevelopment Authority Board of the City of Riverbank Approving the Annual Budget for Fiscal Year 2021-22** – It is recommended that the Local Redevelopment Authority (LRA) Board of Directors (Board) review and approve the attached resolution for the Fiscal Year 2021-2022 LRA Budget.

10. NEW BUSINESS

City Council/LRA

Item 10.1. **A Resolution of the Riverbank City Council and Local Redevelopment Authority Approving a Lease Disposition and Development Agreement with Aemetis Inc. for Certain Parcels of Real Property Located in the Riverbank Industrial Complex.**

Riverbank Industrial Complex, Lease Disposition and Development Agreement, Parcel A and Stormwater Parcel (APN 062-031-005 – Portions, and APN 062-031-010) – It is recommended that the City Council and Local Redevelopment Authority adopt the attached Resolution approving a Lease Disposition and Development Agreement (“Agreement”) with Aemetis Properties Riverbank, Inc. (“Aemetis”) for Parcel A and the Stormwater Parcel at the Riverbank Industrial Complex.

City Council/LRA
Item 10.2.

A Resolution of the Riverbank City Council and Local Redevelopment Authority Approving a Purchase and Sale Agreement with Aemetis Inc. for Certain Parcels of Real Property Located in the Riverbank Industrial Complex.

Riverbank Industrial Complex Purchase and Sale Agreement for Parcel B (APNs: 062-031-007, 062-031-011) – It is recommended that the City Council and Local Redevelopment Authority adopt the Resolution approving a Real Estate Purchase and Sale Agreement (“Purchase Agreement”) with Aemetis Properties Riverbank, Inc. for Parcel B of the Riverbank Industrial Complex.

City Council/LRA
Item 10.3.

Riverbank Industrial Complex, Report on the Status of the Acquisition of Parcels 2 and 2A from the Army and their Simultaneous Resale to Aemetis Properties Riverbank Inc. – It is recommended that the City Council and LRA Board accept this Report concerning the Status of the acquisition of Parcels 2 and 2A from the Army and the simultaneous resale to Aemetis Properties Riverbank Inc. (See attached site map for illustration of Parcels 2 and 2A). There is no City Council/LRA action required for this item.

Item 10.4.

Presentation by Gilton Solid Waste on SB 1383 and Discussion and Direction – It is recommended that the City Council receive an updated presentation from Gilton Solid Waste and provide direction on three key issues:

1. Whether or not to support the High Diversion MRF strategy to comply with AB1383.
2. Authorization to initiate the proposition 218 process to analyze and consider future rate increases for solid waste services.
3. Direction to negotiate an extension to Gilton’s contract to provide garbage services to Riverbank. The extension would only apply depending on the outcome of the proposition 218 process. This contract would return at a meeting in September.

Item 10.5. Riverbank Energy Efficiency Project – It is recommended that the City Council receive a presentation by SitelogIQ regarding a proposed energy efficiency project at City of Riverbank municipal facilities and provide direction regarding moving forward or further action on the proposed project.

Item 10.6. Update on Homeless Services and Shelter Projects – It is recommended that the City Council receive an update, discuss the matter, and provide any direction to staff as deemed necessary.

Item 10.7. Re-Appointment of Cary Pope to the Measure L Citizen Oversight Committee – It is recommended that the City Council consider the re-appointment of Cary Pope to the Measure L Citizen Oversight Committee.

Item 10.8. Designation of a Voting Delegate and Alternate(s) to Attend the 2021 League of California Cities Annual Conference – It is recommended that City Council designate Members of the Council as the Voting Delegate, plus one or two alternates. They will attend the 2021 League of California Cities Annual Conference and Expo, to be held in Sacramento on September 22-24, 2021, and to participate in the Annual Business Meeting for the consideration of resolutions that establish Cal Cities policy. The City Council is to ratify the designations by roll call vote.

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. LIABILITY CLAIMS
Pursuant to Government Code § 54961
Claimant: Preston & Traci Berge
Agency claimed against: City of Riverbank

Item 12.2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to subdivision (b) of Government Code § 54956.9
Number of cases: (2) potential cases

Item 12.3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

City of Riverbank Property: 3300 Stanislaus Street; APN 132-012-024

Agency Negotiator: Sean Scully, City Manager

Property Negotiator: Stanislaus Housing Authority

Under Negotiation: Price, terms of payment, or both

Item 12.4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 3718 Sierra Street, Riverbank; APN 132-015-009

Agency Negotiator: Sean Scully, City Manager

Property Negotiator: Linda Tucker

Under Negotiation: Price, terms of payment, or both

13. RECONVENE – REPORT FROM CLOSED SESSION**14. ADJOURNMENT**

- The next regular City Council meeting will be on Tuesday September 14th 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 at the meeting location, on the North City Hall public exterior bulletin board, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act.

Posted this Thursday, August 19, 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 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/87239527969>
- Join by accessing website: <https://zoom.us/join>
 - **Webinar ID: 872 3952 7969**
- Join by telephone: **1 669 900 9128 or +1 346 248 7799; 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>