

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 Hybrid Meetings
(In-Person: [Face Covering Required](#))
(Virtual via ZOOM)**

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



AGENDA

TUESDAY, NOVEMBER 9, 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 CALIFORNIA GOVERNMENT CODE SECTION 59453, SUBDIVISION (e) OF THE RALPH M. BROWN ACT (CALIFORNIA GC § 54950, ET SEQ.), THE FEDERAL AMERICANS WITH DISABILITIES ACT AND THE RECENT STANISLAUS COUNTY HEALTH OFFICER'S MANDATORY FACE COVERING ORDER (Sept.2, 2021). WHILE THIS MEETING WILL BE PHYSICALLY OPEN TO THE PUBLIC, GIVEN THE STATE OF EMERGENCY REGARDING THE THREAT OF COVID-19, MEMBERS OF THE PUBLIC MAY ALSO PARTICIPATE AND COMMENT VIA THE ZOOM VIRTUAL PLATFORM. REFER TO THE LAST PAGE OF THE AGENDA FOR PARTICIPATION INFORMATION.

1. CALL TO ORDER

2. FLAG SALUTE

3. INVOCATION

4. ROLL CALL

5. AGENDA CHANGES

6. 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.*

7. 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.

8. 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 8.1. Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 8.2. A **Resolution** Approving the City Manager or (his/her) Designee as the Signature Authority for the 2021-22 California Budget Act Funding Allocation of \$2,000,000 from the State of California General Fund.

- Item 8.3.** A **Resolution** of the City Council of the City of Riverbank, California, Proclaiming a Local Emergency and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Riverbank Pursuant to Assembly Bill 361 and Brown Act Provisions.

9. PUBLIC HEARINGS

The Public Hearing Notice was published in the Riverbank News on 10/27/2021.

- Item 9.1.** **First Reading by Title Only and Introduction of a Proposed Ordinance Amending Title XV, Land Usage, by repealing in their entirety Section 153.003 DEFINITIONS and Section 153.325 ACCESSORY DWELLING UNITS, and substituting them with new Sections 153.003 and 153.325 and Adding New Sections 153.326 through 153.330** – 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 December 14, 2021, for consideration of its adoption.

10. 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 10.1.** **Workshop - Ag Mitigation Strategy** – It is recommended that the City Council participate in a workshop on Ag Mitigation Strategies and provide feedback and direction as necessary.
- Item 10.2.** **Workshop - Project Update and Implementation Steps of Riverbank Recycle Water and Wastewater Treatment Plant Upgrade** – It is recommended that Council participate in a workshop providing an update on the implementation steps associated with the Riverbank Recycled Water and Wastewater Treatment Plant Upgrade project and provide direction as needed.

11. NEW BUSINESS

- Item 11.1.** **A Resolution to Approve the Appropriation of An Amount Not to Exceed \$50,000 from the General Fund Reserve to Fund the City of Riverbank Centennial Events, Activities and Materials** – It is recommended that the City Council approve the proposed resolution appropriating an amount not to exceed \$50,000 to fund a variety of events in celebration of the City of Riverbank centennial.
- Item 11.2.** **A Resolution Approving the Suspension of the Recruitment Process to Fill the 2021 Expired Planning Commissioner Terms Due to a**

COVID-19 State of Emergency and to Appoint the Current Commissioner's to Serve a One-Year Interim Appointment Expiring December 31, 2022 – It is recommended that the City Council consider the adoption of the proposed resolution to allow current primary Planning Commissioners Steve Link and John Dinan, and alternate Planning Commissioner Ben Reuben, whose terms are scheduled to expire on December 31, 2021, to continue serving in their capacities and thereby alleviate the need to conduct a recruitment process under the current COVID-19 state of emergency.

12. 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 12.1. Staff

Item 12.2. Council/Authority Member

Item 12.3. Mayor/Chair

13. 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 13.1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

(Pursuant to Government Code § 54956.9(a))

Name of Case: Carlson Morgan, LLC v. City of Riverbank, Local
Redevelopment Authority

Stanislaus County Superior Court Case No. CV-21-001556

Item 13.2. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

(Government Code Section 54956.8)

Property: 6509 Claus Rd., Riverbank, [APN 132-048-016]

Agency Negotiator: City Manager Sean Scully

Property Negotiator: Esam Khacho

Under Negotiation: Price, terms of payment, or both

14. RECONVENE – REPORT FROM CLOSED SESSION

15. ADJOURNMENT

- The regular meeting on Tuesday, November 23rd is canceled; Happy Thanksgiving!
- The next regular City Council meeting will be on Tuesday December 14th at 6:pm
- The regular City Council meeting on December 28th is canceled.

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, the Riverbank Community Center, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act.

Posted this Friday, November 5, 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.



TELECONFERENCE/VIRTUAL PLATFORM PUBLIC PARTICIPATION COMMENT
PROCEDURES FOR THE HYBRID CITY COUNCIL MEETING HELD IN
CONFORMANCE WITH THE BROWN ACT AS AMENDED BY SB 361

PUBLIC "LIVE" VIEWING

- Government Channels: Charter– 2 and AT&T U-VERSE – 99
- YouTube Live – is no longer available due to technical difficulties, which is being worked on.
- Via ZOOM Platform (See instructions below)

SUBMITTING PUBLIC COMMENTS FOR THE RECORD

Written comments must be received before 4:00 p.m. on the date of the meeting in order for them to be distributed to the Council prior to consideration of the matter. Written comments will not be read aloud at the meeting, but will be reported as received for the record. If you do not receive an acknowledgement of receipt within an hour of submission or by 5:00 pm, please call the City Clerk's Office at (209) 863-7198 or the Administration Dept. at (209) 863-7122.

ACCEPTABLE METHODS OF SUBMITTING COMMENTS

- **Via Mail Service:** Mail comments to City of Riverbank, Attn. City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367.
- **Via Email:** Mail to cityclerk@riverbank.org
 - Indicate Agenda Item # in the **subject line**.
- **Oral Comments In-Person:** The Mayor will ask the audience if anyone wishes to comment, at that time you may approach the podium. (A Spanish language interpreter is available for assistance.)
- **Oral Comments Via Zoom:** The Mayor will announce when public comments may be made for a limit of 3 minutes on the agenda item being considered, at which time you will:
(please make sure the volume on your video device or any nearby device is turned down.)
 - Using a computer – click on the “raise hand” feature in the webinar controls. This will alert staff that you wish to speak, and you will be unmuted.
 - Using a Phone – press *9 to “raise the hand”. This will alert staff that you wish to speak, and you will be unmuted.

ZOOM ORAL COMMENTS - TECHNICAL DIFFICULTIES: Should technical difficulties occur while providing oral comments via ZOOM, please call the teleconference phone (209) 863-7151 immediately so that Council may receive your comments. Council will be waiting for your call. (Please do not use this line otherwise.) Thank you

JOIN THE MEETING VIA ZOOM PLATFORM

- Join by this link: <https://us02web.zoom.us/j/83835454259>
- Join by accessing website: <https://zoom.us/join>, enter Webinar ID: 838 3545 4259
- Join by telephone: 1 669 900 9128 or 1 346 248 7799, plus Webinar ID: 838 3545 4259

Learn about using ZOOM - Visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.