



**CITY OF RIVERBANK  
REGULAR CITY COUNCIL AND THE  
LOCAL REDEVELOPMENT AUTHORITY BOARD  
MEETINGS**

(The City Council also serves as the LRA Board)  
City Hall North • Council Chambers

6707 Third Street • Suite B • Riverbank • CA • 95367

## AGENDA

**TUESDAY, JANUARY 9, 2018 – 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 Leanne Jones Cruz  
Council/Authority Member District 2 Cindy Fosi  
Council/Authority Member District 4 Darlene Barber-Martinez  
Council/Authority Member Cal Campbell

**CHANGES TO THE AGENDA:** Mayor/Chair Richard D. O’Brien

**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.

**1. PRESENTATIONS**

**Item 1.1:** Administer the Oath of Office to Newly Appointed Planning Commissioners John Dinan and Robert Ball and Alternate Planning Commissioner Melissa Hughes.

**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 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the City Council/LRA Board.

### **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.

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

### **4. UNFINISHED BUSINESS**

**Item 4.1:** **Second Reading by Title Only and Adoption of Proposed Ordinance No. 2018-001 Approving Development Agreement No. 01-2017 By and Between the City of Riverbank and Pacafi Cooperative, Inc., a California Cooperative Corporation Doing Business as Flavors, for a Commercial Cannabis Dispensary** - It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2018-001 and consider its adoption by roll call vote. At a Planning Commission Public Hearing held on November 21, 2017, the Commission voted 3-1 to recommend adoption of the proposed ordinance.

**Item 4.2:** **Second Reading by Title Only and Adoption of Proposed Ordinance No. 2018-002 for Zoning Ordinance Amendment No. 01-2016 Approving Rezoning Of 9.1± Acres to Planned Development, Located at 6272 Central Avenue (APN 062-021-008) – A Project Known As River Run** - It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2018-002 and consider its adoption by roll call vote. The project consists of a General Plan Amendment, a Rezone, and Tentative Map Application to subdivide approximately 9.1± acres into 51 single-family detached residential lots (overall residential density of 5.6 du/acre), one (1) drainage basin in the project, associated street, sewer, water, and storm drainage improvements. At a Planning Commission public hearing on November 21, 2017, the Commission voted 3-1 recommending approval of the related resolutions and adoption of the ordinance.

### **5. PUBLIC HEARINGS**

The public notice for Item 5.1 and 5.2 was published in the Riverbank News on 12/27/2017, and sent to all property owners per the current Assessors Office Records, that are within 300 feet of the location.

**Item 5.1:** **Public Hearing to Appeal the Planning Commission's Denial of Conditional Use Permit 05-2017, Requested by Friends and Family Association, Inc., doing business as Riverbank Cannabis Collective; and**

- 1) **Adopt a Resolution Approving an Appeal Request and A Conditional Use Permit No. 05-2017 for Friends And Family Association Inc., A California Corporation Doing Business As Riverbank Cannabis Collective, to Allow for a Commercial Cannabis Dispensary to be Located at 6609 Third Street (APN: 132-011-019); or**
- 2) **Adopt a Resolution Denying an Appeal Request and a Conditional Use Permit No. 05-2017 for Friends And Family Association Inc., a California Corporation Doing Business As Riverbank Cannabis Collective, to Allow for a Commercial Cannabis Dispensary to be Located at 6609 Third Street (APN: 132-011-019)**

It is recommended that the City Council consider the appeal of a denied Conditional Use Permit, which is part of a requested Development Agreement by and between the City of Riverbank and Friends and Family Association, Inc., a California corporation doing business as Riverbank Cannabis Collective to allow for a commercial cannabis dispensary to be located at 6609 Third Street, Riverbank.

**Item 5.2: The First Reading by Title Only and Introduction of a Proposed Ordinance Approving Development Agreement 02-2017 By and Between the City of Riverbank and Family and Friends Association, Inc., Doing Business As Riverbank Cannabis Collective, a California Cooperative Corporation, for a Commercial Cannabis Dispensary** – It is recommended that the City Council conduct the public hearing for the first reading and introduction of the proposed ordinance and consider its approval, which will initiate the second reading by title only at the January 23, 2018, regular City Council meeting or soon thereafter to consider its adoption. At the Planning Commission public hearing on December 19, 2017, the Commission considered PC Resolution 2017-027 to recommend the City Council approve the Development Agreement, and by a vote of 1-4, adoption failed. The Commission also consider PC Resolution 2017-028 to approve the related Conditional Use Permit 05-2017; a motion to deny the request passed by a vote of 4-1.

## **6. NEW BUSINESS**

**Item 6.1: Facility Use Fee Review for Non-Profit Groups** – It is recommended that the City Council review the cost analysis information on facility rentals and, if necessary, give staff direction on future facility rental fees for non-profit groups.

**Item 6.2: Annual Nomination and Appointment of the Vice Mayor** – It is recommended that the Mayor nominate a Councilmember to serve as Vice Mayor and the City Council, by motion for approval, ratify the appointment for a one-year term.

**7. COMMENTS/REPORTS**

A brief report on notable attendance of a meeting or conference or other notable topics of business shall be made. The Brown Act does not allow for discussion or action by the City Council.

**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 5 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 8.1:** **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957

Title: City Manager

**Item 8.2:** **CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code § 54957.6

Agency representative: Sean Scully, City Manager

Employee organizations: Miscellaneous Employees

Mid-Management Bargaining Unit

**Item 8.3:** **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: (3) potential cases

**9. REPORT FROM CLOSED SESSION**

**Item 9.1:** Report from Closed Session Item 8.1: **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – City Manager

**Item 9.2:** Report from Closed Session Item 8.2: **CONFERENCE WITH LABOR NEGOTIATORS** – Miscellaneous and Mid-Management Bargaining units

**Item 9.3:** Report from Closed Session Item 8.3: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** (3) potential cases

**ADJOURNMENT** (The next regular City Council meeting – Tuesday, Jan-23 @ 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 72 hours prior to the meeting in accordance to the Brown Act.*

*Posted this 5<sup>th</sup> day of January, 2018*

*/s/Annabelle H. Aguilar, CMC, City Clerk /LRA Recorder*

**Notice Regarding Americans with Disabilities Act:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (209) 863-7122 or cityclerk@riverbank.org. Notification (72) hours before the meeting will enable the City to make reasonable arrangements to ensure any special needs are met. [28 CFR 35.102-35.104 ADA Title II].

**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.

### GENERAL INFORMATION

<b>Meeting Schedule</b>	The City Council Members also serve as the LRA Board Members. The Riverbank City Council/LRA Board meets in the City Hall North Council Chambers. Regular City Council meetings are held on the 2nd and 4th Tuesdays of each month at 6:00 p.m. The Local Redevelopment Authority Board meets on an "as needed" basis. Meetings are held as indicated, unless otherwise noticed.
<b>City Council / LRA Agenda &amp; Reports</b>	The City Council/LRA Board agenda is posted pursuant to the California Brown Act, which only requires these agenda title pages to be posted near the entrance of the location where the meeting is to be held and, when available, on the City's website. Additional documents may be provided by the City in its efforts of transparency to keep the public well informed. <b>The agenda packet (agenda plus supporting documents) are posted for public review at the City Clerk's Office, 6707 Third Street, Riverbank, CA and at <a href="http://www.riverbank.org">www.riverbank.org</a> upon distribution to a majority of the City Council/LRA Board.</b> A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk's Office.
<b>Public Hearings</b>	In general, a public hearing is an open consideration within a regular meeting of the City Council or a meeting of the LRA, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.
<b>Televised / Video of Meetings</b>	City Council/LRA meetings are televised on Charter Channel 2 and AT&T Uverse Channel 99. Video of the meeting and the schedule of replays may be seen on the City's website, under the "Action 2" Icon. (Note: Technical difficulty occurs on occasion preventing the televising or recording of the meeting.)
<b>Questions</b>	Contact the City Clerk at (209) 863-7122 or aaguilar@riverbank.org