



CITY OF RIVERBANK  
**REGULAR CITY COUNCIL AND  
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 28, 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 (CM-D1) Luis Uribe  
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

**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**            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 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.

**Item 3.B:** Approval of the December 10, 2019, City Council and Local Redevelopment Authority Minutes.

**Item 3.B-1:** Approval of the January 14, 2020, City Council and Local Redevelopment Authority Minutes.

**Item 3.C:** Out of State Travel Request for Michael Riddell, Public Works Director, to attend the California Water Environment Association Annual Conference on March 31 – April 1, 2020, in Reno, Nevada.

**Item 3.D:** Award Bid for the Parking and Trail Improvements at Jacob Myers Park Project to Ross F. Carroll, Inc. and Authorize Execution of Future Change Orders.

**Item 3.E:** **Resolution** Authorizing the Submittal of an Application to the California State Department of Housing and Community Development for Funding under the CalHome Program; the Execution of a Standard Agreement, and if Selected for such Funding, Execution of any Amendments Thereto; and any Related Documents Necessary to Participate in the CalHome Program.

**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. 2020-001 Amending Title XV: Land Usage, Chapter 153: Zoning of the Riverbank Municipal Code by Repealing in Their Entirety Section 153.280: Intent and Purpose Through Section 153.285: Specific Requirements for Certain Zones Under Subsection: Signs and Substituting Them with New Sections 153.280 Through 153.285** – It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2020-001, and consider its adoption by roll call vote.

## **5. PUBLIC HEARINGS**

The public notice for Item 5.1 was published in the Riverbank News on 1/15/2020.

**Item 5.1:**     **First Reading and Introduction by Title Only of a Proposed Ordinance Approving a Development Agreement by and Between the City of Riverbank and Elevations Plus, LLC, a California Corporation Doing Business as Elevations** – 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 28, 2020~~, February 11, 2020, regular City Council meeting to consider its adoption. At their regular meeting on December 17, 2019, the Planning Commission unanimously voted 5-0 and adopted PC Resolution 2019-022 recommending that the City Council approve Development Agreement 03-2017, and by a vote of 5-0 adopted PC Resolution 2019-023 approving Conditional Use Permit 06-2017.

**Item 5.2:**     **First Reading and Introduction by Title Only of a Proposed Ordinance Amending Title XI: Business Regulations by Adding a Chapter 126: Hemp Cultivation to the Riverbank Municipal Code to Prohibit the Outdoor Cultivation of Hemp** – 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 by making a finding that the City-wide prohibition of outdoor hemp cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment and malodorous smells that may result from such activities. Said approval will also initiate the second reading by title only at the February 11, 2020, regular City Council meeting to consider its adoption.

**Item 5.3:**     **First Reading and Introduction by Title Only of a Proposed Ordinance Amending Title XV: Land Usage; Chapter 150: Building Regulations; Section 150.01 through 150.16: Adoption of Standard Codes; and Adopting by Reference the 2019 California Administrative, Building, Residential, Electrical, Mechanical, Plumbing Energy, Existing Building, Historical Building, Fire, and Green Building Standards** – It is recommended that the City Council Introduce and pass to a second reading an Ordinance entitled “An Ordinance of the City Council of the City of Riverbank Amending Title XV: Land Usage; Chapter 150: Building Regulations; Section 150.01 through 150.16: Adoption of Standard Codes; and Adopting by Reference the 2019 Edition of the California: Administrative Code, Building Code; Residential Code; Green Building Standards Code; Plumbing Code; Electrical Code; Fire Code; Mechanical Code; Energy Code; Existing Building Code; Historical Code and Referenced Standards Code; and Amendments.”

## **6. NEW BUSINESS**

- Item 6.1:**     **PROS Consulting Update on the Parks and Recreation Needs Assessment Survey Results** – It is recommended that the City Council review the Riverbank Parks and Recreation Needs Assessment Survey Results presented by PROS Consulting as part of the Citywide Park Master Plan.
- Item 6.2:**     **Five-Year Financial Forecast** – It is recommended that the City Council receive a presentation regarding the General Fund Five-Year Financial Forecast.
- Item 6.3:**     **Request to Accept the Proposal Submitted by SS Consulting for Coordination of the Riverbank 2020 Cheese & Wine Festival and Authorize Staff to Enter into Contract Negotiations** – It is recommended that the City Council accept the proposal submitted by SS Consulting and approve City Staff to begin contract negotiations. The negotiated contract for Council's approval will be agendized at a later date.
- Item 6.4:**     **A Resolution Authorizing the Purchase of a Property Located at 3021 High Street (APN: 132-003-022), Authorizing the City Manager to Execute Necessary Documents to Complete the Sale, and Authorizing Appropriation of \$76,000 from the Sewer and Water Operational Funds for Purchase of the Property** – It is recommended that the City Council approve the resolution which authorizes the property purchase of 3021 High Street, Riverbank, and the City Manager to execute any final documents necessary to complete the purchase and appropriation of funds for said purchase.
- Item 6.5:**     **Adjustments to the 2020 Regular City Council Meetings Schedule** - It is recommended that the City Council cancel the regular City Council meetings of July 14<sup>th</sup>, August 11<sup>th</sup>, November 24<sup>th</sup>, and December 22<sup>nd</sup>, for a modified summer schedule and to minimize conflicts with Holiday activities.

## **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 5 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: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: One (1) potential case

**Item 8.3: 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

**9. REPORT FROM CLOSED SESSION**

**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 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** One (1) potential case

**Item 9.3:** Report from Closed Session on Item 8.3: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** Stanislaus Consolidated Fire Protection District v. City of Riverbank and DOES 1-20

**ADJOURNMENT** (The next regular City Council meeting – Tuesday, Feb. 11 @ 6:00 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 California Ralph M. Brown Act.

Posted this 23<sup>rd</sup> day of January, 2020

*/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](mailto:cityclerk@riverbank.org). Notification of (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.

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| <b>Meeting Schedule</b>                        | <p><u>Regular City Council Meetings:</u> 6:00 p.m. on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of every month, unless otherwise noticed.</p> <p><u>Local Redevelopment Authority Board:</u> (The City Council also serves as the LRA Board.) Meets on an "as needed" basis. The City Council also serves as the LRA Board.</p>  |
| <b>City Council / LRA Agenda &amp; Reports</b> | <p>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.</p> |
| <b>Public Hearings</b>                         | <p>In general, a public hearing is an open consideration within a regular meeting of the City Council/LRA Board, for which special notice has been given. During a specified portion of the hearing, any interested party is invited to present written or oral protests or support for the subject matter under consideration. Written testimony sent or delivered to the City Clerk must be received no later than <u>5:00 p.m. on the day of the meeting</u> to allow for distribution to the City Council/LRA Board. Preparations for the meeting are conducted between 5:00 p.m. and 6:00 p.m. and therefore the City Clerk is not available during this time.</p>  |
| <b>Written Public Comments</b>                 | <p>Anyone wishing to provide written public comments may do so <u>prior to 5:00 p.m. of the day of the meeting</u> to allow for distribution to the City Council. Comments must specify what agenda item they are referring to. Comments will become part of the record, however, they will not be read aloud at the meeting.</p>  |
| <b>Televised / Video of Meetings</b>           | <ul style="list-style-type: none"> <li>• Charter – Channel 2</li> <li>• AT&amp;T Uverse – Channel 99</li> <li>• <a href="http://www.riverbank.org">www.riverbank.org</a> – video icon – under Agendas and Minutes link</li> </ul>  |
| <b>City Hall Hours</b>                         | <p>City Hall is open Monday – Thursday; 7:30 am – 5:30 pm and Fridays: 8:00 am – 5:00 pm; CLOSED alternating Fridays</p>   |
| <b>Questions</b>                               | <p>Contact the City Clerk at (209) 863-7122 or <a href="mailto:aaguilar@riverbank.org">aaguilar@riverbank.org</a></p>  |

Any documents that are not privileged or part of a Closed Session provided to a majority of the City Council/LRA Board after distribution of the agenda packet, regarding any item on this agenda, will be made available for public inspection at the City Clerk's Office, 6707 Third Street, Suite A, Riverbank, CA, during normal business hours.