



**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, FEBRUARY 11, 2020– 6:00 P.M.

(THE AGENDA PACKET IS POSTED (72) HOURS PRIOR AT THE CITY CLERK’S OFFICE AND AT 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 Luis Uribe (CM-D1)
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 January 28, 2020, City Council and Local Redevelopment Authority Board Minutes.

Item 3.B-1: Approval of the January 30, 2020, Special City Council Minutes.

Item 3.C: A **Resolution** Authorizing the Execution of a Performance Agreement between the City of Riverbank and SS Consulting for the Coordination of the 2020 Cheese & Wine Festival.

Item 3.D: A **Resolution** Authorizing the Mayor to Execute a Lease Agreement with SS Consulting for the Area in the City of Riverbank Associated with the Riverbank Cheese and Wine Festival.

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. 2020-002 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 second reading by title only of proposed Ordinance No. 2020-002 and consider its adoption by roll call vote.

Item 4.2: **Second Reading by Title Only and Adoption of Proposed Ordinance No. 2020-003 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 to the City of Riverbank Code of Ordinances** – It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2020-003 and consider its adoption by roll call vote.

5. PUBLIC HEARINGS There are no items to consider.

6. NEW BUSINESS

LRA Item 6.1: **Local Redevelopment Authority (LRA) Budget Report Fiscal Year End 2018-2019** – It is recommended that the Local Redevelopment Authority Board of Directors receive and accept the fiscal year end 2018-19 LRA Budget Report.

Item 6.2: **Development Agreement (01-2017) Annual Review - Flavors. To Consider a City Manager’s Report on an Annual Review of the Development Agreement for Flavors for the Time Period of January 1, 2019 to December 31, 2019** – Find the applicant(s) in compliance with the Development Agreement for calendar year 2019.

Item 6.3: **Development Agreement (02-2017) Annual Review – Riverbank Cannabis Collective. To Consider a City Manager’s Report on an Annual Review of the Development Agreement for Riverbank Cannabis Collective for the Time Period of January 1, 2019 to December 31, 2019** – Find the applicant(s) in compliance with the Development Agreement for calendar year 2019.

Item 6.4: **Space Use and Needs Assessment Project Update** – It is recommended that City Council receive a presentation from Indigo Hammond + Playle Architects, LLP regarding the Space Use and Needs Assessment and provide feedback to staff regarding possible alternatives moving forward.

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. 25 @ 6:00 pm)

UPCOMING EVENTS:

State of the City Address March 5 th at 6:pm	<ul style="list-style-type: none"> • <u>Presented by Honorable Mayor Richard D. O'Brien:</u> <ul style="list-style-type: none"> ○ Riverbank Community Center at 6:00 p.m. ○ RSVP by February 27, 2020 ○ For more information contact Norma Torres-Manriquez at (209) 863-7153 or email: nmanriquez@riverbank.org
2020 Canceled Regular City Council Meetings	<ul style="list-style-type: none"> • <u>City Council voted to cancel the following regular meetings:</u> <ul style="list-style-type: none"> ○ July 14th, August 11th, November 24th, and December 22nd

*The Mission of the City of Riverbank
is to provide high quality, professional services and a safe family-oriented community
for our diverse residents to thrive.*

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 6th day of February, 2020

/s/ Annabelle H. Aguilar, C.M.C., 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 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.

Meeting Schedule	<p><u>Regular City Council Meetings:</u> 6:00 p.m. on the 2nd and 4th 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>
City Council / LRA Agenda & Reports	<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. 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 www.riverbank.org upon distribution to a majority of the City Council/LRA Board. A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk's Office.</p>
Public Hearings	<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>
Written Public Comments	<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>
Televised / Video of Meetings	<ul style="list-style-type: none"> • Charter – Channel 2 • AT&T Uverse – Channel 99 • www.riverbank.org – video icon – under Agendas and Minutes link
City Hall Hours	<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>
Questions	<p>Contact the City Clerk at (209) 863-7122 or aaguilar@riverbank.org</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.