



**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, JULY 23, 2019– 6:00 P.M.

(THE AGENDA PACKET IS POSTED 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 Darlene Barber-Martinez (CM-D4)
Council/Authority Member District 1 Luis Uribe
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member District 3 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:** Proclamation – National Health Center Week.
- Item 1.2:** Update on Proposition 68 Grant: Community Center Renovation Project.

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 June 25, 2019, City Council and Local Redevelopment Authority Minutes.

Item 3.C: A **Resolution** to Rescind Resolution No. 2019-033 and to Approve in its Place a New Amended Table of System Development Fees Waived or Deferred by the City that Includes a 2% Waiver and 98% Deferral Storm Drain Fee for the St. Frances of Rome Church Office Building Project Located at 2818 Topeka Street.

Item 3.D: A **Resolution** Approving Final Map 01-2019 for Dennis Monterosso and California Estates Subdivision – It is recommended that City Council Approve the Final Map (“FM”) for California Estates based on the required finding that the map is in conformity with the provisions of law and city code. Final Map 01-2019 California Estates – APN: 132-046-078 and -079. The project consists of a Tentative Map to subdivide approximately 2.21 acres into ten (10) single-family detached residential lots (overall density of 4.5 du/acre), one (1) landscaped storm drainage basin, associated street, sewer, water, and storm drainage improvements.

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

4. UNFINISHED BUSINESS There are no items to consider.

5. PUBLIC HEARINGS There are no items to consider.

6. NEW BUSINESS

Item 6.1: **Informational item: Presentation of The Feral Cat Ordinance Adopted by the City of Oakdale** – It is recommended that the Riverbank City Council hear the presentation by the City of Oakdale regarding the adoption of the feral cat ordinance.

Item 6.2: **Consideration of a Resolution to Approve Creating a Permanent Moratorium on the Processing and Issuance of Additional Permits for a Cannabis Dispensary within the City of Riverbank and Directing Staff to Bring Forward an Amendment to Riverbank Municipal Code**

Chapter 120: Cannabis Regulations; or Allow the Moratorium to Expire on July 23, 2019 – It is recommended that the City Council review the provided information, take public comment, and chose one of the following options:

1. Approve the proposed Resolution 2019-XXX to make the moratorium on cannabis dispensaries permanent and direct staff to bring forward an amendment to Chapter 120 of the Riverbank Municipal Code; or
2. Allow the moratorium to expire on July 23, 2019.

Item 6.3: Consideration of a Request for Amendment to the Riverbank Cannabis Collective Development Agreement Amending Payment Schedule and Days of Operation by Adoption of a Resolution to Approve the Execution of a Side Letter to the Development Agreement (Ordinance No. 2018-003) Between the City of Riverbank and Family and Friends Association, Inc. doing business as Riverbank Cannabis Collective, A California Cooperative Corporation, for A Cannabis Dispensary – It is recommended that the City Council review the provided information, take public comment, and chose one of the following options:

1. Authorize City Manager and City Attorney to create and execute a side letter agreement to the Riverbank Cannabis Collective Development agreement that would postpone the second payment tier (of \$7,500) to December of 2019 and allowing operation of the Dispensary during the Wine and Cheese event and Christmas Festival.
2. Deny request by Riverbank Cannabis Collective, which would keep the current provisions of their Development Agreement in place.
3. A combination of the provisions of option 1 or option 2 listed above.

Item 6.4: Review of Electronic Signage Locations prior to the City Manager entering a Lease Agreement with Rogers Media Company for an Electronic Sign to Advertise City Events and Downtown Activity – It is recommended that the City Council review the options for the location of the Electronic Sign prior to the City Manager entering into a Lease agreement with Rogers Media Company for a sign to be placed at a location along Highway 108 to advertise City events and downtown activity.

Item 6.5: A Resolution Authorizing the Riverbank Dog Park Project and Appropriation of Funds from the General Fund and System Development Fee Program for Completion of the Project – It is recommended that the City Council consider approving the attached resolution which would authorize moving forward with the Riverbank Dog Park at Jacob Meyers Park and appropriate funds to complete the project.

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.

Item 8.2: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

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:** Three (3) potential cases

ADJOURNMENT

(The next regular City Council meeting on Tuesday, August 13th is canceled; the next regular meeting will be on August 27th at 6:00 p.m.)

UPCOMING EVENTS:

2019 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 9, 2019, August 13, 2019, November 26, 2019, and December 24, 2019.
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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 18th day of July, 2019

/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 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 5:00 p.m. on the day of the meeting 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.