



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, SEPTEMBER 24, 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: Update on the McHenry Bridge 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 September 5, 2019, Special City Council Minutes.

Item 3.C: Consideration of **Resolution** Authorizing the City Manager to execute a lease agreement for an electronic sign located at 2809 Patterson Road – APN 075-009-047.

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

4. UNFINISHED BUSINESS

Item 4.1: **Consideration to Table the Second Reading and Adoption of a Proposed Ordinance to Add a New Chapter 126: Sidewalk Vending, to Title XI: Business Regulations of the Riverbank Municipal Code of Ordinances** – After Staff’s final review of the proposed ordinance before adoption, it was determined that the ordinance requires additional provisions to address nuisance noise, smoking restrictions, and a modification to the appeals section in order to be consistent with the City’s existing process. It is therefore recommended that the City Council conduct the public hearing and table the matter by:

1. Providing Council comments or questions;
2. Opening the public hearing;
3. Receiving public comments;
4. Closing the public hearing; and
5. By roll call vote, motion to table the public hearing until it can be reintroduced at the regular City Council meeting of October 8, 2019 and to allow for the noticing requirements.

5. PUBLIC HEARINGS

The public notice for Item 5.1 was published in the Riverbank News on 8/28/2019.

Item 5.1: **Consideration to Table the Public Hearing to a Future Date for the Adoption of a Resolution to Place a Utility Lien on Real Property for Delinquent Wastewater Charges** – It is recommended that the City Council conduct the public hearing and table the matter by:

1. Providing Council comments or questions;
2. Opening the public hearing;
3. Receive comments;
4. Close the public hearing; and
5. By roll call vote, motion to table the public hearing item until it can be presented at the regular City Council meeting of October 22, 2019 and to allow for the noticing requirements.

6. NEW BUSINESS

Item 6.1: **Mobile Food Vendor Pilot Program Update and Consideration of a Resolution Extending a Mobile Food Vendor Pilot Program within the City of Riverbank for a Period of (To be Determined) Months** - It is recommended that the City Council review the provided information, take public comment, and chose one of the following options:

Option 1: Approve Resolution 2019-XXX (Attachment 1) to extend the pilot program on mobile food vendors for twelve (12) months;

Option 2: Direct staff to bring forward an amendment to the Riverbank Municipal Code to make the pilot program permanent, with or without changes; or

Option 3: End the pilot program.

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 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

Item 8.2: **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 8.3:** **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code Section 54957.6
Agency representative: Sean Scully, City Manager
Unrepresented Employees: Public Works Director and Assistant City
Manager/Director of Finance

9. REPORT FROM CLOSED SESSION

- Item 9.1:** Report from Closed Session on Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** Stanislaus Consolidated Fire Protection District v. City of Riverbank and DOES 1-20

- Item 9.2:** Report from Closed Session on Item 8.2: **CONFERENCE WITH REAL PROPERTY NEGOTIATIONS** – Aemetis, Inc.

- Item 9.3:** Report from Closed Session on Item 8.3: **CONFERENCE WITH LABOR NEGOTIATORS:** Unrepresented Employees: Public Works Director and Assistant City Manager/Director of Finance

ADJOURNMENT (The next regular City Council meeting – Tuesday, October 8 @ 6:pm)

UPCOMING EVENTS:

Coming soon in October	<ul style="list-style-type: none"> • <u>Announcement and Recruitment to fill Planning Commission Vacancies</u> – (3) primary seats with 4-year terms, from January 2020 to December 2023; and (1) alternate seat with a 2-year term from January 2020 to December 2021.
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.

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 19th day of September, 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.