



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, OCTOBER 22, 2019– 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 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** 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 September 24, 2019, City Council and Local Redevelopment Authority Board Minutes.

**Item 3.B-1:** Approval of the October 8, 2019, City Council and Local Redevelopment Authority Board Minutes.

**Item 3.C:** Acceptance of the VSS International, Inc. Pavement Restoration Project 2019 and Authorization to File a Notice of Completion.

**Item 3.D:** **Resolution [No. 2019-091]** Authorizing the City Manager to Execute an Agreement for Legal Services with Sher Edling LLP.

**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. 2019-006] Adding a New Chapter 126: Sidewalk Vending, to Title XI: Business Regulations of the Riverbank Municipal Code of Ordinances** – It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2019-006 and consider its adoption by roll call vote.

### **5. PUBLIC HEARINGS**

The public notices for Items 5.1, 5.2, and 5.3 were published in the Riverbank News on 10/9/2019.

**Item 5.1:** **Crossroads West Specific Plan – Residential Map Project.**

- 1) **First Reading by Title Only and Introduction of Ordinance [No. 2019-007] Approving a Development Agreement by and between the City of Riverbank and the Machado Parties and the Harrigfeld Parties (Crossroads West Specific Plan); and**
- 2) **A Resolution [No. 2019-092] Approving Preliminary Development Plan 2018-0002 and Tentative Map 2018-0005 (A Large Lot Map) by the Machado Parties et al. for the Crossroads West Specific Plan; and**

- 3) **A Resolution [No. 2019-093] Approving Preliminary Development Plan 2018-0003 and Tentative Map 2018-0006 (A Small Lot Map) by the Machado Parties et al. for the Crossroads West Specific Plan; and**
- 4) **A Resolution [No. 2019-094] Approving Preliminary Development Plan 2018-0004 and Tentative Map 2018-0007 (A Large Lot Map) by the Harrigfeld Parties et al. for the Crossroads West Specific Plan**

Based on the findings in the Environmental Impact Report for the Crossroads West Specific Plan (EIR), the analysis presented in this report, and the record of evidence for these proceedings, Staff recommends that the City Council approve the first reading and introduction of the proposed ordinance to conduct its second reading at the regular City Council meeting on November 12<sup>th</sup> for consideration of its adoption, and adopt the proposed resolutions.

- Item 5.2:** **Conduct the Public Hearing Process and Table the Consideration to Adopt a Resolution Approving Revised Rates for Solid Waste Disposal Services Based on the Consumer Price Index Percentage Increase –** It is recommended that the City Council conduct the public hearing process, and table the matter by:
1. Questions or comments from Council;
  2. Open the public hearing;
  3. Receive comments;
  4. Close the public hearing; and
  5. By roll call vote, table the public hearing until further notice.

- Item 5.3:** **Conduct the Public Hearing Process and *Continue* the Public Hearing to Consider 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 process and continue the matter by:
1. Questions or comments from Council;
  2. Open the public hearing;
  3. Receive comments;
  4. Close the public hearing; and
  5. By roll call vote, *continue* the public hearing to be presented at the regular City Council meeting of November 12, 2019.

## **6. NEW BUSINESS**

- Item 6.1:** **A Resolution to Approve the Execution of a Side Letter No. 1 to Add Cannabis Delivery to the Development Agreement (Ordinance No. 2018-001) between the City of Riverbank and PACAFI Cooperative Doing Business as Flavors a Commercial Cannabis Dispensary –** It is recommended that the City Council review the provided information, take public comment, and chose one of the following options:

- Option-1. Authorize the City Manager and City Attorney to create and execute a side letter agreement to the Flavors Dispensary Development agreement that would allow for delivery on a trial basis of cannabis within City limits.
- Option-2. Deny the request by Flavors Dispensary, which would keep the current provisions of their Development Agreement in place.
- Option-3. A combination of the provisions of option 1 or option 2 listed above.

**Item 6.2:** **A Resolution to Approve the Employment Agreement between the City of Riverbank and Michael Riddell as Public Works Director and Interim Riverbank Local Redevelopment Authority Director and Authorize the City Manager to Execute the Agreement** – It is recommended that the Riverbank City Council approve a Resolution which approves and authorizes execution of the attached Employment Agreement between the City of Riverbank and Michael Riddell as Public Works Director / Interim Local Redevelopment Authority Director.

## **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 REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8  
 Property: 3012 High Street (APN 132-003-022)  
 Agency Negotiator: Sean Scully, City Manager  
 Property Negotiator: Virginia Jones Trust  
 Under Negotiation: Price, terms of payment, or both

**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 REAL PROPERTY NEGOTIATIONS** – Virginia Jones Trust

**ADJOURNMENT** (The next regular City Council meeting – Tuesday, Nov. 12<sup>th</sup> @ 6:pm)

**UPCOMING EVENTS:**

<p>Planning Commission Vacancies          Applications now being accepted          "Open until filled"</p>	<ul style="list-style-type: none"> <li>• <b><u>Recruitment to fill Planning Commission Vacancies</u></b> – (3) primary seats with 4-year beginning January 2020, and (1) alternate seat with a 2-year term beginning January 2020. Applications received after October 31, 2019, will be the 1<sup>st</sup> review; however, the City will continue to receive applications until the seats are filled. For information go to <a href="http://www.riverbank.org">www.riverbank.org</a> for the announcement and application, or email Annabelle Aguilar, City Clerk at <a href="mailto:aaquilar@riverbank.org">aaquilar@riverbank.org</a>, or call the Administration Dept. at (209) 863-7122.</li> </ul>
<p>2019 Canceled Regular City Council Meetings</p>	<ul style="list-style-type: none"> <li>• <b><u>City Council voted to cancel the following regular meetings:</u></b> <ul style="list-style-type: none"> <li>○ July 9, 2019, August 13, 2019, <b>November 26, 2019</b>, and <b>December 24, 2019</b>.</li> </ul> </li> </ul>

### 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 17<sup>th</sup> day of October, 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.

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