

**CITY COUNCIL / LRA BOARD**

Mayor/Chair  
Richard D. O'Brien  
Vice Mayor/Chair (CM-D3) Cal Campbell  
Council/Authority Members:  
District 1 Luis Uribe  
District 2 Rachel Hernandez  
District 4 Darlene Barber-Martinez



City of Riverbank  
Regular City Council and  
Local Redevelopment Authority  
Board Hybrid Meetings  
(Virtual via ZOOM)  
Council Chambers, 6707 Third St., Suite B  
Riverbank, CA 95367



**AGENDA**

**TUESDAY, MARCH 22, 2022 – 6:00 P.M.**

(THE AGENDA PACKET IS ONLINE AT [HTTP://WWW.RIVERBANK.ORG/AGENDACENTER](http://www.riverbank.org/agendacenter))

**NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 59453, SUBDIVISION (e) OF THE RALPH M. BROWN ACT (CALIFORNIA GC § 54950, ET SEQ.), THE FEDERAL AMERICANS WITH DISABILITIES ACT). WHILE THIS MEETING WILL BE PHYSICALLY OPEN TO THE PUBLIC, GIVEN THE STATE OF EMERGENCY REGARDING THE THREAT OF COVID-19, MEMBERS OF THE PUBLIC MAY ALSO PARTICIPATE AND COMMENT VIA THE ZOOM VIRTUAL PLATFORM. REFER TO THE LAST PAGE OF THE AGENDA FOR PARTICIPATION INFORMATION.**

**1. CALL TO ORDER**

**2. FLAG SALUTE**

**3. INVOCATION**

**4. ROLL CALL**

**5. AGENDA CHANGES**

**6. 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.*

**7. 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 3 minutes (or as stated by the presiding Officer)** and time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon.

Refer to the last page of this agenda for the Public Comment Procedures via ZOOM.

**8. PRESENTATIONS (Informational only)**

**Item 8.1** **Government Code Claim Submitted by Schneider Electric Buildings, Inc. – Verbal Presentation by Deputy City Attorney Doug White**

**9. 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 9.1** Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

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**Item 9.2**      Approval of the March 8, 2022 City Council and Local Redevelopment Authority Board Minutes.

**Item 9.3**      A Resolution Authorizing the City to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 361 Allowing the City to Continue a Hybrid Virtual Meeting Environment.

**Item 9.4**      A Resolution Providing the Interim City Manager, or their designee, Signature Authority for the Submittal of an Application for Funding to the State Water Board Water and Wastewater Arrearage COVID Relief Program.

**Item 9.5**      A Resolution Authorizing the Interim City Manager to Submit an Emergency Solutions Grant (ESG) and a California Emergency Solutions Grant (CA-ESG) Applications for Funding for Homeless Outreach and Shelter Services and, if Awarded, Execute an Agreement and Any Amendments thereto with Stanislaus County.

## **10. PUBLIC HEARINGS**

*The Public Hearing Notices were published in the Riverbank News on March 9, 2022 and in, the case of Item 10.1 the public hearing notice was posted on the City website.*

**Item 10.1**      **4<sup>th</sup> Public Hearing – Redistricting Process for Riverbank’s Four (4) Councilmember District Boundaries** - It is recommended that the City Council 1) conduct a public hearing to receive public input on the City Council district boundaries in response to data received in the 2020 census; and 2) adopt a resolution of the City Council of the City of Riverbank, California, adjusting City Council district boundaries in accordance with California Elections Code section 21600 et seq. and Riverbank Municipal Code section 30.03, subdivision (B)(3).

**Item 10.2**      **First Reading by Title Only and Introduction of a Proposed Ordinance Adding New Chapter 54: Mandatory Organic Waste Disposal Reduction Ordinance to Title V: Public Works of the Riverbank Municipal Code of Ordinances** – It is recommended that the City Council conduct the public hearing for the first reading of the proposed ordinance to consider its approval; if approved, the second reading of the ordinance by title only will be scheduled for the next regular City Council meeting on April 12, 2022, for consideration of its adoption.

## **11. NEW BUSINESS**

**Item 11.1**      **Presentation and Introduction to Harm Reduction** – It is recommended that the City Council receive the presentation by Donna Kenney, Planning

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& Building Manager with Diego Capistrano, Community Health Worker III, Stanislaus County Health Services Agency and provide direction to staff.

**Item 11.2**     **A Resolution Adopting the 2021 General Plan and Housing Element Annual Progress Reports (APRs)** - It is recommended that the City Council adopt a resolution approving the 2021 General Plan and Housing Element Annual Progress Reports (APRs) and authorize staff to submit said Reports to the California Office of Planning and Research and California Department of Housing and Community Development.

**Item 11.3**     **A Resolution to (1) Rescind Resolution 2021-104; (2) Declare APN 132-012-024 Located at the Northeast Corner of 3rd Street & Stanislaus Street as Exempt Surplus Land under the Surplus Land Act; and, (3) Approve the Sale of Said Property to the Stanislaus Regional Housing Authority Pursuant to a Purchase and Sale Agreement** - It is recommended that the City Council adopt a resolution to (1) Rescind Resolution 2021-104; (2) Declare APN 132-012-024 Located at the Northeast Corner of 3rd Street & Stanislaus Street as Exempt Surplus Land under the Surplus Land Act; and, (3) Approve the Sale of Said Property to the Stanislaus Regional Housing Authority Pursuant to a Purchase and Sale Agreement.

## **12. 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/LRA Board during this time.

**Item 12.1**     Staff

**Item 12.2**     Council/Authority Member

**Item 12.3**     Mayor/Chair

## **13. CLOSED SESSION**

The public will have a limit of **3 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 13.1**     **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
(Pursuant to Government Code §54956.9)  
Name of Case: City of Riverbank v. Schneider Electric Buildings America, Inc.

**Item 13.2**     **CONFERENCE WITH LABOR NEGOTIATORS**  
(Pursuant to Government Code §54957.6)  
Agency representative: Interim City Manager Marisela Garcia  
Employee Organizations: Riverbank Miscellaneous Employees

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**Item 13.3**      **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
(Pursuant to Government Code § 54956.8)  
Property: Jackson Avenue, Riverbank (APN 075-005-025 & APN 075-005-013)  
Agency Negotiator: Interim City Manager Marisela H. Garcia  
Property Negotiator: Jon R. & Suki H. Gonzalez  
Under Negotiation: Price, terms of payment, or both.

**Item 13.4**      **PUBLIC EMPLOYEE APPOINTMENT**  
(Pursuant to Government Code § 54957 [b][1])  
Position Title: City Manager

**14. RECONVENE – REPORT FROM CLOSED SESSION**

**Item 14.1**      Report from Closed Session on **Item 13.1**  
**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
(Government Code §54956.9)  
Name of Case: City of Riverbank v. Schneider Electric Buildings  
America, Inc.

**Item 14.2**      Report from Closed Session on **Item 13.2**  
**CONFERENCE WITH LABOR NEGOTIATORS**  
(Pursuant to Government Code §54957.6)  
Agency representative: Interim City Manager Marisela Garcia  
Employee Organizations: Riverbank Miscellaneous Employees

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**PUBLIC EMPLOYEE APPOINTMENT**  
(Pursuant to Government Code § 54957 [b][1])  
Position Title: City Manager

**15. ADJOURNMENT**

- The next regular City Council meeting will be on April 12, 2022 at 6 pm.

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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 at the meeting location, on the North City Hall public exterior bulletin board, and the City’s website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act.

Posted this 17<sup>th</sup> day of March, 2022.

*/s/ Kathy L. Teixeira, Interim City Clerk*



**ADA COMPLIANCE STATEMENT**

In compliance with the Americans with Disabilities Act, and the Governor’s Executive Order N-29-20, the City will make every effort to make reasonable modifications or accommodations from individuals with disabilities. Contact the Administration Dept. at (209) 863-7122 or the City Clerk at [cityclerk@riverbank.org](mailto:cityclerk@riverbank.org) at least (48) hours prior to the meeting to enable the City to make reasonable arrangements for accessibility.

**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.



**TELECONFERENCE/VIRTUAL PLATFORM PUBLIC PARTICIPATION COMMENT PROCEDURES FOR THE HYBRID CITY COUNCIL MEETING HELD IN CONFORMANCE WITH THE BROWN ACT AS AMENDED BY SB 361**

**PUBLIC “LIVE” VIEWING**

- Government Channels: Charter– 2 and AT&T U-VERSE – 99
- YouTube Live – is no longer available due to technical difficulties, which is being worked on.
- Via ZOOM Platform (See instructions below)

**SUBMITTING PUBLIC COMMENTS FOR THE RECORD**

*Written comments must be received before 4:00 p.m. on the date of the meeting in order for them to be distributed to the Council prior to consideration of the matter. Written comments will not be read aloud at the meeting, but will be reported as received for the record. If you do not receive an acknowledgement of receipt within an hour of submission or by 5:00 pm, please call the City Clerk’s Office at (209) 863-7198 or the Administration Dept. at (209) 863-7122.*

**ACCEPTABLE METHODS OF SUBMITTING COMMENTS BEFORE THE 4:00 PM DEADLINE**

- **Via Mail Service:** Mail comments to City of Riverbank, Attn. City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367. (Call 209-863-7198 / 209-863-7122 to ensure they were received.)
- **Via Email: Mail to [cityclerk@riverbank.org](mailto:cityclerk@riverbank.org)** (Note: This technology is not a guaranteed method.)
  - Indicate Agenda Item # in the **subject line**. (Call 209-863-7198 /209-863-7122 to ensure receipt)
- **Oral Comments In-Person:** The Mayor will ask the audience if anyone wishes to comment, at that time you may approach the podium. (A Spanish language interpreter is available for assistance.)
- **Oral Comments Via Zoom:** The Mayor will announce when public comments may be made for a limit of 3 minutes on the agenda item being considered, at which time you will:  
**(please make sure the volume on your video device or any nearby device is turned down.)**
  - Using a computer – click on the “raise hand” feature in the webinar controls. This will alert staff that you wish to speak, and you will be unmuted.
  - Using a Phone – press **\*9** to “raise the hand”. This will alert staff that you wish to speak, and you will be unmuted.

**Teleconference Phone Number (This system is a backup for ZOOM technical difficulties only when providing oral comments.) If there are technical difficulties or disconnection with ZOOM while making oral comments, please immediately call the teleconference phone number (209) 863-7151 so that Council may receive your comments. Council will be waiting for your call. Thank you**

**JOIN THE MEETING VIA ZOOM PLATFORM**

- Join by this link: <https://us02web.zoom.us/j/85399022241>
- Join by accessing website: <https://zoom.us/join> , enter **Webinar ID: 853 9902 2241**
- Join by telephone: **1 669 900 9128 or 1 346 248 7799, plus Webinar ID**

**Learn about using ZOOM** - Visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.