

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



REVISED AGENDA

TUESDAY, APRIL 12, 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 **Proclamation – Golden Valley Health Centers’ 50th Year Anniversary**
– Vice Mayor Cal Campbell to present Golden Valley Health Center with a Proclamation Honoring their 50th Anniversary.

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.

Item 9.2 Approval of the March 22, 2022 City Council and Local Redevelopment Authority Board Minutes.

Item 9.3 Second Reading by Title Only and Adoption of Ordinance 2022-001 Adding New Chapter 54: Mandatory Organic Waste Disposal Reduction Ordinance to Title V: Public Works of the Riverbank Municipal Code of Ordinances.

Item 9.4 Adopt a Resolution to Approve and Adopt the Revised 2022 City of Riverbank Measure L Expenditure Plan Project List.

Item 9.5 A Resolution Authorizing the Purchase of the Jackson Ave. Property (APN 075-005-025) and 2531 Stanislaus St. (APN 075-005-013) for \$550,000 and Allocating Funds from the American Rescue Plan Act Fund 136 for said Purchase.

10. PUBLIC HEARINGS

Item 10.1 **Adopt Resolutions accepting and closing the Proposition 218 Public Notification and Protest process and approving the proposed rate increase for solid waste disposal services and authorizing the City Manager to execute an Agreement for the collection of solid waste in the City of Riverbank** - It is recommended that the City Council –

- 1) Open the Proposition 218 Public Hearing and Receive Written Protests to the Proposed Rate Increase for Solid Waste Disposal Services, and
- 2) Adopt a Resolution Accepting and Closing the Proposition 218 Public Notification and Protest Process as it Relates to the Proposed Rate Increase for Solid Waste Disposal Services, and
- 3) Consider Adopting a Resolution Approving the Proposed Solid Waste Rates (this item is contingent upon the Results of the Protest Process), and
- 4) Authorize Mayor Richard D. O'Brien to Execute a Franchise Agreement with Gilton Solid Waste for Solid Waste Disposal Services.

The Public Hearing Notice was published twice in the Riverbank News, once on February 23, 2022 and again on March 2, 2022. The Public Hearing Notice is also posted on the City of Riverbank's website <http://riverbank.org> and notices were mailed via USPS to all rate holders.

Item 10.2 **Adopt a Resolution Authorizing a 13.4% Inflationary Adjustment Increase to the City of Riverbank System Development Fees Based on the Construction Cost Index to be effective May 1, 2022** – It is recommended that the City Council open the public hearing, accept public testimony and adopt a Resolution Authorizing a 13.4% Inflationary

Adjustment Increase to the City of Riverbank System Development Fees Based on the Construction Cost Index to be effective May 1, 2022. ***The Public Hearing Notice was published twice in the Riverbank News, once on February 23, 2022 and again on March 2, 2022.***

Item 10.3 **First Reading by Title Only and Introduction of a Proposed Ordinance Amending Title XV, Land Usage, by repealing in their entirety Sections §153.215 ZONING PERMITS, §153.216 USE PERMITS, §153.217 VARIANCE, §153.218 APPEALS, and §153.219 MOBILE HOME PERMITS, and substituting them with new Sections and adding new Sections §153.210 through §153.214 –** It is recommended that the City Council open the public hearing, accept public testimony and Introduce and Waive the First Reading of Ordinance 2022-____. ***The Public Hearing Notice was published in the Riverbank News on March 23, 2022.***

11. NEW BUSINESS

Item 11.1 **Adopt a Resolution of Concurrence and Support for the Approval of the Fiscal Year 2022-2023 Annual Action Plan (AAP) –** It is recommended that the City Council open the Community Meeting, accept Public Comment, and consider adopting a Resolution of Concurrence and support for the approval of the Fiscal Year 2022-2023 Annual Action Plan (AAP).

Item 11.2 **Adopt a Resolution Approving the Appointment of Marisela H. Garcia as the City Manager and Approving the Related Employment Agreement –** It is recommended that the City Council approve the appointment of Marisela H. Garcia as the City Manager and approve the Employment Agreement between the City of Riverbank and Marisela H. Garcia.

Item 11.3 **Adopt a Resolution to Award and Authorize the City Manager to Enter into Professional Service Agreements for Retainer On-Call Services for Building Inspection and Plan Checking Services for the City of Riverbank to West Coast Code Consultants, Inc. (WC-3), CSG Consultants, Inc., 4Leaf, Inc., and Bureau Veritas –** It is recommended the City Council adopt a resolution to award and authorize the City Manager to enter into a contract with each of these firms to perform on-call building inspection and plan checking services for the City of Riverbank. In addition, the Resolution authorizes the City to negotiate separate contracts with these firms as needed for specific development projects.

Item 11.4 **Adopt a Resolution Authorizing the Execution of a Performance Agreement between the City of Riverbank and Simply Devine Events, LLC in conjunction with Simply Devine Foundation (501c3) for the**

Coordination of the 2022 Cheese & Wine Festival – It is recommended the City Council adopt a resolution authorizing the City Manager to execute a Performance Agreement between the City of Riverbank and Simply Devine Events, LLC in conjunction with Simply Devine Foundation (501c3) for the Coordination of the 2022 Cheese & Wine Festival.

Item 11.5 **Adopt a Resolution Authorizing the Mayor to Execute a Lease with Simply Devine Events, LLC for the Area Associated with the Riverbank Cheese and Wine Festival** - It is recommended the City Council adopt a resolution authorizing the Mayor to Execute a Lease with Simply Devine Events, LLC for the Area Associated with the Riverbank Cheese and Wine Festival.

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

14. RECONVENE – REPORT FROM CLOSED SESSION

Item 14.1 Report from Closed Session on **Item 13.1**
CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Government Code §54957.6)
Agency representative: Interim City Manager Marisela Garcia Employee
Organizations: Riverbank Miscellaneous Employees

15. ADJOURNMENT

- The next regular City Council meeting will be on April 26, 2022 at 6 pm.

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 7th day of April, 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 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/VIRUAL 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** (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/84845041536>
- Join by accessing website: <https://zoom.us/join>, enter **Webinar ID: 848 4504 1536**
- 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.