

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 Meetings**
Council Chambers, 6707 Third St., Suite B
Riverbank, CA 95367



AGENDA

TUESDAY, SEPTEMBER 13, 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. 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. **PRESENTATIONS (Informational only)**

No Presentations Scheduled.

8. **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.

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.

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- Item 9.1** Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.
- Item 9.2** Approval of the August 23, 2022 City Council and Local Redevelopment Authority Board Minutes.
- Item 9.3** Acceptance of the Castleberg Park Basketball Court Project and Authorization to File a Notice of Completion.
- Item 9.4** Award the sole source bid for the pool plastering project to Burkett's Pool Plastering Inc.
- Item 9.5** Reject Bids for the Oakdale Road Improvements Project and Authorize staff to re-bid the project Minus the Joint Trench Work.
- Item 9.6** **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.

10. PUBLIC HEARINGS

- Item 10.1** **Introduction and first reading of the Ordinance Amending Section 50.10, Method of Collection of Rates by City; Section 50.11, Payment; Section 51.02, Sanitary Sewer Permit; Billing Procedures; Section 51.03, Rates and Charges; Section 52.64, Payment of Bills; Section 52.65, Deposits; and Section 52.66, Disconnection for Late Payment, of the Riverbank Municipal Code ("RMC"). Resolution Adopting a Residential Water Shut-Off Policy under SB 998.-** It is recommended that the City Council receive a presentation, take public comment, and consider adopting a Resolution establishing a Residential Shut-Off Policy for Water Service to comply with the requirements under Senate Bill 998 ("SB 998") and Introduction and First Reading of an Ordinance Amending Sections of the Riverbank Municipal Code.

11. NEW BUSINESS

- Item 11.1** **Resolution Authorizing the Application and Adopting the PLHA Plan for the Permanent Local Housing Allocation Program-** It is recommended that the City Council consider adopting a Resolution that authorize staff City to submit an application for the 2020 and 2021 program year funding and adopt the PLHA Plan for the Permanent Local Housing Allocation Program.
- Item 11.2** **Resolution of Concurrence and Support of the Community Development Block Grant Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2021-2022-** It is recommended that the City Council hold a Community Meeting to gather input on the Fiscal Year 2021-2022 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) prepared by Stanislaus County.

Item 11.3 **Resolution Approving the American Rescue Plan Act Spending Plan-** It is recommended that the City Council consider adopting a Resolution approving the allocation of American Rescue Act funding that has been received by the City of Riverbank in 2022.

Item 11.4 **Authorize the City Manager to Submit an Application for Grant Funding under the CalOES Building Resilient Infrastructure and Communities (BRIC) program, Direct the City’s On-Call Utility Engineer to prepare a Grant Application and Preliminary Design Documents and to Repair and Reinstall the existing Well Pump, and Negotiate the Cost and Fee for such Services Not to Exceed \$290,000 for Well #10.-** It is recommended that the City Council authorize the City Manager to submit an application for grant funding to the California Department of Emergency Services (CalOES) for design and construction of a nitrate treatment system for the City’s Well No. 10 and direct the City’s on-call Utility Engineer Kjeldsen, Sinnock & Neudeck, Inc. (KSN) to prepare grant application documents and associated preliminary engineering at a cost not to exceed \$290,000.

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: Marisela H. Garcia, City Manager
Unrepresented Employee: Parks & Recreation Director

Item 13.3 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Pursuant to Government Code §54956.9)
Name of Case: Riverbank Land LLC v. City of Riverbank

14. RECONVENE – REPORT FROM CLOSED SESSION

Item 14.1 Report from Closed Session on **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 14.2 Report from Closed Session on **Item 13.2**
CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Government Code § 54957.6)
Agency Representative: Marisela H. Garcia, City Manager
Unrepresented Employee: Parks & Recreation Director

Item 14.3 Report from Closed Session on **Item 13.3**
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Government Code §54956.9)
Name of Case: Riverbank Land LLC v. City of Riverbank

15. ADJOURNMENT

The next regular City Council meeting will be on September 27, 2022 at 6:00 p.m.

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 and South City Hall and The Riverbank Community Center public exterior bulletin boards, and the City’s website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act. Posted this September 8th, 2022 <i>/s/ Gabriela Hernandez, City Clerk</i>



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.



VIRTUAL PLATFORM PUBLIC PARTICIPATION COMMENT PROCEDURES FOR THE CITY COUNCIL MEETING HELD IN CONFORMANCE WITH THE BROWN ACT

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/85618117562>

Join by accessing website: <https://zoom.us/join> , enter **Webinar ID: 856 1811 7562**

- Join by telephone: **1 669 900 9128 or 1 346 248 7799, plus Webinar ID: 856 1811 7562**

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