



**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](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

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| <b>CONFLICT OF INTEREST</b> |
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| 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. |
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### **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:**

|                                                    |                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Coming soon in October</b>                      | <ul style="list-style-type: none"><li>• <b><u>Announcement and Recruitment to fill Planning Commission Vacancies</u></b> – (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.</li></ul> |
| <b>2019 Canceled Regular City Council Meetings</b> | <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>o July 9, 2019, August 13, 2019, November 26, 2019, and December 24, 2019.</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 19<sup>th</sup> 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.

|                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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 <a href="mailto:aaguilar@riverbank.org">aaguilar@riverbank.org</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

# **RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.1**

## **SECTION 1: PRESENTATION**

|                      |                                       |
|----------------------|---------------------------------------|
| <b>Meeting Date:</b> | August 27, 2019                       |
| <b>Subject:</b>      | Update on the McHenry Bridge Project  |
| <b>From:</b>         | Sean Scully, City Manager             |
| <b>Submitted by:</b> | Annabelle H. Aguilar, CMC, City Clerk |

### **RECOMMENDATION**

It is recommended that the City Council receive the presentation from Alex Chetley, P.E., Interim Deputy Director-Engineering, of San Joaquin County Department of Public Works.

### **SUMMARY**

Mr. Chetley will provide a presentation on the McHenry Corridor Improvement Project which includes the McHenry Ave Bridge, the intersection, and a bridge over the Stanislaus San Joaquin Irrigation District canal. This presentation is to inform the City Council and community about the project, its completion, and final traffic impacts as the project comes to a conclusion.

### **FINANCIAL IMPACT**

There is no financial impact.

### **ATTACHMENT**

There are no attachments to this item.

## **RIVERBANK CITY COUNCIL / LRA AGENDA ITEM NO. 3.A**

### **SECTION 3: CONSENT CALENDAR**

|                      |                                                   |
|----------------------|---------------------------------------------------|
| <b>Meeting Date:</b> | September 24, 2019                                |
| <b>Subject:</b>      | Waiver of Readings                                |
| <b>From:</b>         | Sean Scully, City Manager                         |
| <b>Submitted by:</b> | Annabelle Aguilar, CMC, City Clerk / LRA Recorder |

#### **RECOMMENDATION**

It is recommended that the City Council / LRA Board approve the waiver of readings of any proposed ordinances and resolutions for consideration, except by title.

#### **SUMMARY**

In lieu of reading the entire text of a proposed ordinance or resolution that is introduced for consideration for adoption and approval, by majority vote, the City Council/LRA Board may waive the reading of the text and introduce the ordinance or resolution by title only for the record.

The full text of the proposed ordinances and resolutions, and any related documents that are part of the agenda packet, are available for review by the public on the City's website and in the City Clerk's office at City Hall (North) upon distribution to a majority of the City Council/LRA Board; typically 72 hours prior to the scheduled date and time of the meeting.

#### **FINANCIAL IMPACT**

There is no financial impact to this item.

#### **ATTACHMENTS**

There are no attachments to this report.

## **RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.B**

### **SECTION 3: CONSENT CALENDAR**

|                      |                                                                 |
|----------------------|-----------------------------------------------------------------|
| <b>Meeting Date:</b> | September 24, 2019                                              |
| <b>Subject:</b>      | Approval of the September 5, 2019, Special City Council Minutes |
| <b>From:</b>         | Sean Scully, City Manager                                       |
| <b>Submitted by:</b> | Annabelle Aguilar, CMC, City Clerk                              |

#### **RECOMMENDATION**

It is recommended that the City Council approve the Special City Council Minutes as presented.

#### **SUMMARY**

The Draft Minutes of the September 5, 2019, Special City Council Closed Session meeting have been prepared for review and approval.

#### **FINANCIAL IMPACT**

There is no financial impact to this item.

#### **ATTACHMENT**

1. September 5, 2019, Special City Council Minutes



**CITY OF RIVERBANK  
SPECIAL CITY COUNCIL MEETING  
(CLOSED SESSION)  
MINUTES OF  
THURSDAY, SEPTEMBER 05, 2019**

This meeting was not televised or video/audio recorded.

**CALL TO ORDER**

The City Council of the City of Riverbank met at 5:30 p.m. on this date at the Riverbank City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Mayor O'Brien presiding.

**FLAG SALUTE**

Mayor Richard D. O'Brien

**ROLL CALL**

Present:

Mayor Richard D. O'Brien  
Vice Mayor Darlene Barber-Martinez (CM-D4)  
Councilmember District 1 Luis Uribe  
Councilmember District 2 Cindy Fosi  
Councilmember District 3 Cal Campbell

**CONFLICT OF INTEREST**

Any Council 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.

*No one declared a conflict.*

**1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken)**

Pursuant to Government Code in reference to a special meeting, the public has the opportunity to address the City Council only on items appearing on this special meeting notice. Individual comments are 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.

*No one spoke.*

**2. CLOSED SESSION**

*Mayor O'Brien announced the Closed Session Item and opened the Item for public comment; no one spoke. The meeting was recessed and City Council went into Closed Session at 5:34 p.m.*

*Present along with the City Council were City Manager Sean Scully, Assistant City Manager/Finance Director Marisela Garcia, and City Attorney Tom Hallinan.*

**Item 2.1: 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

**3. REPORT FROM CLOSED SESSION**

*Mayor O'Brien reconvened the meetings at 5:58 p.m.*

**Item 3.1:** Report from Closed Session on Item 2.1: **CONFERENCE WITH REAL PROPERTY NEGOTIATIONS** – Aemetis, Inc.

*Mayor O'Brien reported that direction was provided to staff.*

**ADJOURNMENT**

There being no further business, Mayor O'Brien adjourned the special meeting at 5:59 p.m.

**ATTEST:** (*Adopted 9/24/2019*)

**APPROVED:**

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Marisela H. Garcia  
Asst. City Manager / Recorder

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Richard D. O'Brien  
Mayor

## RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.C

### SECTION 3: CONSENT CALENDAR

|                      |                                                                                                                                                                      |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b> | May 28, 2019                                                                                                                                                         |
| <b>Subject:</b>      | Consideration of <b>Resolution</b> Authorizing the City Manager to execute a lease agreement for an electronic sign located at 2809 Patterson Road – APN 075-009-047 |
| <b>Submitted by:</b> | Sean Scully, City Manager                                                                                                                                            |

#### **RECOMMENDATION**

It is recommended that the City Council approve a resolution authorizing the City Manager to execute the attached lease agreement setting forth the terms, location and details of a two sided electronic sign to be installed, owned and managed by Rogers Media Company, Inc.

#### **SUMMARY**

Over the past number of months City staff have worked on a number of different projects all tied to a common objective being the acquisition of an electronic billboard sign within the general downtown area. The sign would be used to advertise civic/city related information to the public as well as promote the downtown area. The process included amending the Riverbank Zoning Ordinance to allow for electronic signage, looking into purchase, lease, and partnership opportunities for acquiring this type of signage, and finally determining a location for the sign. Council similarly has been involved in each and every step of the process. Since electronic signage can be very expensive from an initial and ongoing cost perspective, staff researched partnership opportunities with private firms that operate advertising signs which would lessen the financial exposure to the City while at the same time potentially creating a revenue source for the City. Based on Council feedback and direction, a final lease (contract) has been negotiated with Rogers Media Company for the placement of a sign near the waterfall at 2809 Patterson Rd (108).

#### **BACKGROUND**

Over the summer the City Council had a number of discussions on the framework of a lease arrangement (with Rogers Media) and potential site locations for an electronic sign. The electronic sign would be owned and operated by Rogers Media on a City of Riverbank site. Initially the Council directed staff to move forward with a location near the Del Rio Theater on Atchison Ave (108), however after further discussions and a number of concerns raised over the effectiveness and placement of the sign the Council decided that a more appropriate location would be adjacent to the fountain site at Callander Ave and Patterson Rd (108).

Once a location was determined, Council directed the City Manager to negotiate a contract with Rogers Media for the lease of City property at 2809 Patterson Road (adjacent to the City of Riverbank waterfall feature). The specifics of the negotiated agreement were generally discussed at Council and have been structured into the lease (attached). The key components of the lease are as follows:

- Term – 25 Years (with mutual options for extensions thereafter is desired by both parties).
- Size Height/Size – The sign will be two sided with one side facing northbound and the other facing westbound. The faces of the sign will be 8' tall by 16' wide.
- Base Rent Payment of \$15,000 per year. In addition Lessor (the City) is to receive the greater amount or an "overage" based on the performance of the Sign by Lessee of twenty percent (20%) of the net advertising proceeds generated by the Sign. Rogers Media has estimated that based on anticipated advertising sales, the City will likely receive somewhere between \$20,000-\$30,000 in revenue in the initial years of the agreement and as sales increase there is a possibility this revenue number will increase.
- The City will receive the ability to use 1/8 of the advertising space of the sign. In other words, 1 out of every 8 slides that appear on the sign. The City may use this for municipal purposes or may choose to use this space for civic purposes, local events, or to promote areas of the community (i.e. the downtown). In addition, the City may in its discretion sell portions of its 1/8<sup>th</sup> advertising space to local businesses or non-profits.
- Maintenance is the responsibility of Rogers Media (lessee).
- All permitting provisions are the responsibility of the applicant, applicant shall have to comply with current permitting provisions and those that will be adopted in the near term.
- Lessee agrees not to advertise any content on the Sign which is unlawful or judged to be obscene or distasteful as determined by local community standards.
- Rogers Media is responsible for permitting (local and state).

The remainder of the contract contains standard legal provisions and the City Attorney's office has reviewed and approved the document. In addition, per City Attorney advice, the City will be moving forward with additional specific zoning and permitting guidelines so the process for approving electronic signs (that may have privatized advertising) are clear for both public (municipal) signs and projects on private property.

In general, the lease agreement provides a unique opportunity for the City to acquire use of an electronic billboard sign with no direct upfront cost or maintenance responsibilities while at the same time generating revenue for the City's general fund, Council has discussed that these funds would be allocated to the City of Riverbank Recreation Department.

### **STRATEGIC PLAN**

The item was specifically listed in the strategic plan under section 4.1 "develop and use electronic billboard to share information". In addition, this item is relevant to the Strategic Plan to help expand economic development opportunities for Businesses.

**FINANCIAL IMPACT**

This project would generate funds in the amount of a minimum of \$15,000 per year. Estimates of ad revenues provided by Rogers Media company estimate that the City's share of ad revenues after the sign is established would likely be much higher than the \$15,000 minimum.

**ATTACHMENT**

1. Resolution
2. Proposed Lease Agreement
3. Site Picture

**CITY OF RIVERBANK**

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL THE CITY OF THE CITY OF RIVERBANK  
AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH ROGERS MEDIA  
COMPANY FOR AN ELECTRONIC SIGN LOCATED AT 2809 PATTERSON ROAD**

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**WHEREAS**, over many months the City Council has reviewed various options for electronic signage; and

**WHEREAS**, partnering with Rogers Media company and allowing advertisement provides a unique opportunity to have use of an electronic billboard for municipal purposes as well as potential revenue generation; and

**WHEREAS**, the attached lease provides the financial and operational provisions under which the sign would operate; and

**WHEREAS**, there is a significant public benefit to having the ability to provide public information on electronic signage; and

**WHEREAS**, the City of Riverbank will be proposing further regulatory amendments to its zoning ordinance and downtown specific plan and this project will have to comply with those new regulations.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Riverbank does hereby authorize the City Manager, subject to the concurrence of the City Attorney, authority to execute the lease agreement attached hereto as **Exhibit A** with Rogers Media Company for an electronic sign located at 2809 Patterson Road.

**PASSED AND ADOPTED** by the City Council of the City of Riverbank at a regular meeting held on the 10<sup>th</sup> day of September, 2019; motioned by \_\_\_\_\_, seconded by \_\_\_\_\_, and upon roll call was carried by the following City Council vote of \_\_\_\_:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAINED:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Marisela H. Garcia  
Asst. City Manager /Recorder

\_\_\_\_\_  
Richard D. O'Brien  
Mayor

Attachments: Exhibit A – Draft Lease Agreement

## BILLBOARD LEASE AGREEMENT

This agreement is made and entered into this 24<sup>th</sup> day of September 2019 ("Effective Date"), between **Rogers Media Company Inc., a California Corporation** as Lessee, and **the City of Riverbank**, California as Lessor. The parties hereby agree as follows.

- 1) **Parties.** Lessee, Rogers Media Company Inc. P.O. Box 19681, Sacramento, California, 95819, 530-304-5770. Lessor, City of Riverbank, 6707 3<sup>rd</sup> Street Riverbank, California, 95367. Lessee and Lessor may be collectively referred to herein as "Parties."
- 2) **Property.** That certain space situated on a portion of the real property known as APN 075-009-047, with a physical address of 2809 Patterson Road, Riverbank, California.
- 3) **Purpose.** Lessor represents that they own the property and agree to the lease to Lessee, all general off-site advertising signage rights, but specifically excludes onsite signage undertaken for the benefit of businesses that operate at the property. More specifically, Lessor grants to Lessee and or its agents and or successors the use of the property for the purpose of erecting, constructing, installing, maintaining, operating, and removal of one free standing advertising structure (the "Sign") to be used for general advertising purposes ("Lease"). This Lease includes the ground and air space necessary to build, maintain, service, install, and removal of the Sign and subsequent advertising messages. Lessee shall at all times be responsible for obtaining and maintaining all required government entitlements, building and operating permits including those required by the City of Riverbank and the California Department of Transportation., and the United States of America Federal Government. Lessor agrees to assist Lessee in obtaining necessary entitlements to the extent that Lessor can do so.
- 4) **Sign.** The Sign will be a two (2) display faces one pole structure. The highest point of said Sign will measure no more than thirty feet above grade level. More specifically this will be an open "V" type structure with two faces measuring 8' tall by 16' long with a one pole support structure that has a HAGL (height above grade level) to bottom portion of sign of approximately fifteen feet (15') and no more than nineteen feet (19'). Sign will have two faces that are approximately eight feet (8') high by sixteen feet (16') long and one sign face shall face west and one sign shall face northeast. A drawing to scale of the Sign location on the Property is attached hereto and incorporated herein by reference as Exhibit A. Sign will be an electrified digital electronic sign that will be a minimum of sixteen millimeters in light emitting diode design. All designs and installations shall be in compliance with all existing federal, state, and local building and electrical codes. Lessee at all times shall incur all electrical expenses relative to the Sign. Electricity will be provided through a separate electrical meter permitted and paid for by Lessee.

- 5) **Term.** The term of this Lease will be for a period of twenty-five (25) years, with a mutual option of ten (10) additional years that must be agreed to by both parties in writing ("Term"). The intent for the renewal option must be exercised by written notice at least ninety (90) days prior to the expiration of this Lease and will allow both parties a ninety (90) day period to come to a mutual agreement if such agreement can be consummated.
- 6) **Permitting.** If Lessee fails to obtain the proper permits for the erection of said Sign, this Lease will become null and void. This includes any permitting requirements that may be incorporated into the zoning code or downtown specific plan over the following one hundred and twenty (120) days. Lessee has one hundred eighty (180) days to obtain all proper Cal Trans permits once the City of Riverbank has issued the required building permits for the erection of the Sign. Additionally, Lessee has one hundred eighty (180) days from the date all required permits are obtained to erect the Sign or this Lease shall become null and void. If the Sign is not erected within the 180-day period after all necessary permits are issued, the Lessor may at its option, with no penalty to Lessor, cancel this Lease.
- 7) **Rent Payment.** Lessee agrees to pay Lessor a base rental payment of \$15,000.00 per year payable on a monthly basis of \$1,250.00 per month. Monthly rental payments shall begin the first (1st) business day of the month following the date the Sign is deemed final by Riverbank City Building Department and on the first (1st) business day of each month thereafter. Base rent shall increase three (3) years from the Effective Date of this Lease by five (5%) and every three (3) years thereafter for the life of the Term. In addition Lessor is to receive the greater amount or an "overage" based on the performance of the Sign by Lessee of twenty percent (20%) of the net advertising proceeds generated by the Sign. Net advertising proceeds are defined as net advertising sales generated and collected by Lessee for the Sign minus any advertising agency commissions. At any time during the Term of this Lease, Lessor may request and timely receive any and all sales documents relating to the Sign including but not limited to, sales brochures, website passwords, invoices, contracts, billing and invoicing records, correspondence to customers related to the Sign, etc. In addition to the monetary rent, Lessor for the entirety of the Term is entitled to the use of one-eighth (1/8) of the advertising space on both faces of the Sign. Furthermore, Lessee shall maintain and manage the art and graphics displayed on the Sign for Lessor for the entirety of the Term. Lessor is entitled to eight (8) changes per month, every change thereafter shall be billed at \$100.00 net per change. Lessor agrees that it may not "sell" advertising on said 1/8 time slot as to compete with Lessee's sales efforts however the City may in its discretion sell advertising space to local businesses or non-profits.
- 8) **Rent Payment Penalty.** There will be a ten percent (10%) penalty, based on the total rent amount, for any late payment. If a check is returned by Lessee's banking institution, a ten percent (10%) penalty will be assessed, as well as a \$20.00 service charge. If a second check is returned by Lessee's banking institution within one (1) year of the first

returned check, all future rental payments will require payment in cash or by cashier's check, certified check, or by money order until such policy is rescinded by the City Manager.

- 9) **Liability.** Lessee shall hold Lessor harmless and agrees to indemnify and defend Lessor from any and all loss, damage, or injury related to or arising from the erection, construction, installation, maintenance and operation of the Sign; provided however, the foregoing indemnification obligation shall not apply to any loss, damage or injury caused by negligence or willful misconduct of Lessor. Lessee shall maintain a general commercial liability policy, with a minimum of \$2,000,000 of liability coverage. Lessor shall be named as an additional named insured pursuant to the general commercial liability insurance policy. Lessee shall provide Lessor a certificate of such general liability insurance policy and shall provide a copy of any and all endorsements required to name Lessor as an additional insured thereunder prior to any permits being issued by Lessor.
- 10) **Advertising Restrictions.** Lessee agrees not to advertise any content on the Sign which is unlawful or judged to be obscene or distasteful as determined by local community standards. This includes but is not limited to any adult themed night clubs where nudity is present.
- 11) **Ownership of Sign.** The Structure, related facilities, permits, and electrical fixtures constructed by Lessee, shall at all times remain the sole property of the Lessee. Lessee shall be responsible for any taxes generated by the erection of the Sign on the Property, whether local, state, or federal.
- 12) **Removal.** Lessee shall be responsible for the removal of the improvements upon termination of the Lease agreement regardless of the fact that the structures may constitute real estate fixtures. The Property shall be returned to the state it was prior to installation of the improvements.
- 13) **Condemnation.** In the event that all or part of the Property is acquired by or for the benefit of any entity having the designated power of eminent domain, Lessee shall be entitled to either contest the acquisition and defend against the taking of Lessee's interest in the Property, reconstruct the Sign on any portion of the Property not be acquired, as is reasonably approved by Lessor, and recover damages and compensation for the fair market value of its leasehold interest and Sign structure taken or impacted by the acquisition.
- 14) **Maintenance of Sign.** Lessee shall maintain the structural integrity and esthetics of the Sign. If either the structural integrity and or stability or the esthetics or appearance of the Sign becomes compromised Lessor shall give written notice to Lessee. Lessee shall have thirty (30) days to cure and repair such deficiency. Lessor grants a license to Lessee to judicially cut or trim any vegetation necessary to maintain the sign view corridor of the Sign.
- 15) **Assignment of Lessee.** This Lease may not be assigned by Lessee without the express prior written consent of the Lessor, which consent will and shall not be unreasonably withheld or delayed. Upon written notice of intention to either sell or sublease, Lessor

shall have seven (7) days to either approve or disapprove. Approval will be deemed granted if written notice of Lessor's disapproval is not received by Lessee within ten (10) days of written notice<sup>[CP1]</sup>.

- 16) **Exclusivity.** Lessor shall not cause nor permit any outdoor advertising sign other than the one contemplated in the Lease to be permitted on the Property or within 1000 feet of any other property controlled by Lessor.
- 17) **Cure Period.** Lessee or Lessor shall have a period of thirty (30) days following the date of written notice from the other party within which to cure any default under the Lease, provided, however, that if the nature of the defaulting party's failure is such that more than thirty (30) days is reasonably required to cure the same, the defaulting party shall not be in default so long as the defaulting party commences performance within such thirty (30) day period and thereafter continues to diligently prosecute the same to completion.
- 18) **Successors.** This Lease shall be binding on and inure to the benefit of the Parties, and their respective heirs, property owners, successors, and assigns.
- 19) **Severability.** Should any provision of the Lease agreement be held by a court of competent jurisdiction to be either invalid, void, or unenforceable, the remaining provisions of this Lease agreement shall remain in full force and effect as though the invalid, void, or unenforceable provision was never included in this agreement.
- 20) **Venue.** Unless otherwise mutually agreed to by the Parties, venue for all legal proceedings shall be in the Superior Court of the State of California, in and for the County of Stanislaus.
- 21) **Attorneys Fees.** If any legal action is necessary to enforce the terms of this Lease, both Parties agree to bear their own legal fees and costs in any legal action with no provision for attorney's fees to be gained in any ultimate action or decision for the prevailing party.
- 22) **Entire Agreement.** This Lease, together with its specific references, attachments, and exhibits, constitutes the entire agreement of the Parties with respect to the subject matters hereof and supersedes any and all prior negotiations, understandings, and agreement with respect hereto, whether oral or written.

*[Signatures on Following Page]*

**Signed And Agreed to:**

**Lessor: City Of Riverbank, California**

Signature: \_\_\_\_\_

Print: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Address: City Of Riverbank, 6707 3<sup>rd</sup> St. Riverbank, CA 95367

**Lessee: Rogers Media Company Inc.**

Signature: \_\_\_\_\_

Print: Matthew Rogers

Title: President

Date: \_\_\_\_\_

Address: RMC, P.O. Box 19681, Sacramento, CA 95819

**Exhibit "A"**  
**Drawing to Scale of Sign located on Property**

PROPOSED



Merge nice.

hellohumankindness.org

Dignity Health.  
Northridge Hospital  
Medical Center

Patterson Rd

April 13

LoveRiverbank.com

5 POINT SMOG

STAR Certified

CHECK ENGINE  
DIAGNOSTICS

WELDING, BONE AND FABRICATION  
800-402-3917

BREMBO

SALE

## **RIVERBANK CITY COUNCIL AGENDA ITEM NO. 4.1**

### **SECTION 4: UNFINISHED BUSINESS**

|                      |                                                                                                                                                                                                                   |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b> | September 24, 2019                                                                                                                                                                                                |
| <b>Subject:</b>      | Consideration to Table the Second Reading and Adoption of a Proposed <b>Ordinance</b> to Add a New Chapter 126: Sidewalk Vending, to Title XI: Business Regulations of the Riverbank Municipal Code of Ordinances |
| <b>From:</b>         | Sean Scully, City Manager                                                                                                                                                                                         |
| <b>Submitted by:</b> | Donna M. Kenney, Planning and Building Manager .                                                                                                                                                                  |

#### **RECOMMENDATION**

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.

#### **INTRODUCTION**

A Public Hearing was conducted at the regular City Council meeting of September 10, 2019 to receive public comment and evidence for or against the proposed sidewalk vending ordinance. During the presentation of the ordinance, Staff stated that it needed to include language to restrict noise uses such as broadcasted music which could be considered intrusive or a public nuisance. After consideration, the City Council approved the first reading and introduction, which initiated its second reading and consideration for adoption at the September 24, 2019 regular City Council meeting.

After Staff made their final review of the proposed ordinance, it was discovered that in addition to a provision to address noise, a provision to prohibit smoking by vendors and a modification to the appeals section was needed. Due to these alterations, the ordinance will be reintroduced for a first reading during a public hearing on October 8, 2019.

### **PUBLIC NOTICE**

The public hearing notice will be published in the Riverbank News on September 25, 2019, and posted at City Hall North, and Riverbank Community Center, by September 25, 2019.

### **FINANCIAL IMPACT**

Unknown at this time.

### **ATTACHMENTS**

There are no attachments to this report.

## RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.1

### SECTION 5: PUBLIC HEARING

|                      |                                                                                                                                                                               |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b> | September 24, 2019                                                                                                                                                            |
| <b>Subject:</b>      | Consideration to Table the Public Hearing to a Future Date for the Adoption of a <b>Resolution</b> to Place a Utility Lien on Real Property for Delinquent Wastewater Charges |
| <b>Submitted by:</b> | Sean Scully, City Manager                                                                                                                                                     |

#### **RECOMMENDATION**

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.

#### **SUMMARY**

The City Attorney's office has requested that the City Council table this item until it can be presented at a regular Council meeting on October 22, 2019. Materials related to this item are still in the process of being formulated and will be fully complete by the October 22, 2019, date.

**DESCRIPTION:** The City Council will consider the proposed resolution to place a utility lien on a real property located at 6625 2nd Street, Riverbank, CA 95367 in the amount of Four Hundred Sixty-Seven Thousand Nine Hundred Fifty-Eight and 14/100 Dollars (\$467,958.14) for unpaid wastewater service charges.

#### **ATTACHMENTS**

None

## **RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1**

### **SECTION 6: NEW BUSINESS**

|                      |                                                                                                                                                                                                      |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b> | September 24, 2019                                                                                                                                                                                   |
| <b>Subject:</b>      | 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 <u>(To be Determined)</u> Months |
| <b>From:</b>         | Sean Scully, City Manager                                                                                                                                                                            |
| <b>Submitted by:</b> | Donna M. Kenney, Planning and Building Manager                                                                                                                                                       |

#### **RECOMMENDATION**

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.

#### **SUMMARY**

The City Council, at their regular meeting of January 22, 2019, approved a six (6) month pilot program for mobile food vending. The six (6) months began upon issuance of the first permit, which occurred on April 1, 2019 with the issuance of a Temporary Use Permit to Pina Coco shaved ice (Attachment 2). Two Administrative Use Permits were issued in May 2019 to Fire Ball Pizza and August 2019 to Don Fili's Grill (Attachment 3).

#### **BACKGROUND**

The Planning Commission and public had requested a review of the Riverbank Municipal Code Regulations pertaining to mobile food vendors to discuss various options and to provide staff with direction in 2018.

Paraphrased, Riverbank Municipal Code §71.12 currently states that:

- (A) No vehicle selling goods at parks or upon city streets may stop longer than 10 minutes to make a sale.

- (B) No vehicle selling goods at parks or upon city streets may do so without a permit that designates specific locations.
- (C) Does not apply to food trucks.
- (D) Does not apply to food trucks.
- (E) If a vendor violates their permit by operating outside of their specified locations, they could be convicted by a court, their permit revoked by the Council, and no permit reissued for six months after the conviction.

On June 19, 2018, City Staff presented a mobile food vendor workshop to the Planning Commission in order to provide staff with direction. Pursuant to this workshop, staff recommended to the City Council a six (6) month pilot program, or trial period that would apply to temporary parking locations along the perimeter of parks and permanent parking spaces on commercial and industrial zoned properties throughout the City. The program was to be applicable to all the commercial areas of the Downtown Specific Plan Area as well.

There are two parts to the program: Temporary Use Permits (“TUP”) for city park perimeter parking locations and Administrative Use Permits (“AUP”) for private property parking locations.

Temporary Use Permit (“TUP”): For park perimeter locations, and public or private events per the Director of Parks and Recreation. Only food can be sold. Can be issued as a one (1) day permit or up to one hundred eighty (180) days for the trial period. Days do not have to be sequential. For example, a vendor can apply to attend four weekly farmers markets in one month.

The City received and approved one (1) TUP application for Pina Coco at Silva Park. Several people had inquired about obtaining one as well but did not want to invest the time and effort because staff could not guarantee they could operate past September 2019. Pina Coco was able to move forward in the process fairly quickly because they already had their County Health Department clearances.

Administrative Use Permit (“AUP”): On private property in commercial and industrial zoning designations only throughout the City, including the Downtown Specific Plan Area (DTSP) commercial properties. Only food can be sold. Only permitted in locations where the mobile food vendor would supplement an existing non-restaurant business. Stand-alone vendors on a property that did not have a primary business were not considered or allowed. Having an AUP does not exclude the vendor from also applying for a TUP. For example, a vendor with an AUP in an industrial zone can applied for a TUP to also participate in an evening farmer’s market downtown.

Although the City issued an AUP to Fireball Pizza to operate on-site at the Riverbank Cannabis Collective (RCC), the business owner later determined it was not a prime location behind the building and he never began operations. RCC referred another food truck (tacos) to the City but their application was never completed – the City did not receive copies of the County Health Department approvals. Don Fili’s Grill at Patterson and Palmer applied for an AUP in July 2019 and received their permit shortly thereafter.

**Transferability:** Multiple AUPs can be issued on a single property to allow multiple mobile food vendors; however, AUPs cannot be transferred to a new location and an AUP issued to a vendor cannot be transferred to another vendor.

**Aesthetics:** Mobile food vendors with TUPs are permitted to operate; however, are not allowed to have tables, chairs, and shade structures for people to congregate or consume purchased food. Vendors with AUPs have to have all proposed structures reviewed and approved by the Planning and Building Manager. Structures must be well maintained, remain in their approved locations, and not impact pedestrian and traffic flows.

**Hours of Operation:** Park perimeter mobile food vendors with TUPs can operate from 11am - dusk. The Director of Parks and Recreation can extend these hours for events. Vendors with AUPs – the same as the business which they supplement; however, no vendor can operate between the hours of 11pm – 7am.

**Restroom Facilities:** TUP vendors are to locate as near to park restroom facilities as possible and limit their hours of operation to three hours if there are no restrooms available. If park restrooms close due to inclement weather, the TUP vendor has to limit operations for that day to three hours. AUP vendors need to have the written approval of the primary business owner to utilize restroom facilities for employees and customers. Restroom facilities have to be within 200-feet of a vendor. The vendor cannot operate during the hours and days on which the primary business is closed.

**Permission to Apply:** A TUP application requires written approval by the Director of Parks and Recreation or designee. An AUP application requires the property owner's written approval by letter.

**Waste Collection:** The TUP mobile food vendor are to provide a trash can and leave the bagged refuse in a predetermined location daily for park staff. The AUP vendor has to provide trash cans and have written approval from the property owner that the vendor can dispose of refuse daily in bins/dumpsters on the property from which they vend. If littering is allowed to occur on a regular basis during the term of this pilot program, the AUP may be revoked by the property owner or Planning and Building Manager.

**Licensing:** Mobile food vendor vehicles shall be inspected and currently licensed by Stanislaus County Department of Environmental Health. Proof of commissary is required. The vehicle shall also be a licensed vehicle in the State of California and hold necessary insurance certificates.

**Business License:** All mobile food vendors shall have a City of Riverbank Business License.

**Permit Display:** All mobile food vendors shall have their permits and licenses prominently displayed in their vehicle while operating at their approved location within the City of Riverbank.

## **Additional Information**

Mobile food vendors with TUPs are not allowed to locate along the perimeter of the Sports Complex, Castleburg Park, Rotary Park, or Jacob Meyers Park. They are not allowed to operate within parks unless approved by the Director of Parks and Recreation for public or private events. Vendors are limited to one at a time per park for the duration of the pilot program. The vendor proposes a location near a park and, once approved for a permit by the Community Development Director and Director of Parks and Recreation, is limited to that park location only. Locations are first come, first served. If there are no public restrooms within the park, the vendor is restricted to a three hour block of operation. A second approved vendor may follow in that location with the same restrictions. One trash can is required in a location that does not obstruct vehicle or pedestrian traffic flows. No tables, benches, flags, outdoor music/speakers are allowed under a TUP.

The trial regulations allow AUP vendors to be located on private property in commercial and industrial areas to supplement an existing business that is not a restaurant, café or similar food use. They are prohibited from residentially zoned parcels. They cannot locate on vacant property because they must have access to restroom and trash/ recycling facilities. They cannot vend anything that is not a food.

## **General Plan**

Goals of the General Plan that are relevant to this workshop are as follows:

- *Policy LAND – 4.3: The City will encourage and assist small, locally-owned businesses that wish to locate, expand, or simply continue to do business in Riverbank through flexible development standards, public investment, property assemblage, incentives, streamlined entitlement processes, public-private partnerships, and other means. The Mobile Food Vendors Pilot Program is a streamlined process with flexible standards that encourages small businesses to locate in Riverbank in hopes they will thrive and expand into cafes and restaurants in permanent structures. Some prospective applicants had concern about the short length (6 months) and temporary nature of the pilot program.*
- *Policy ED-2.5: The City of Riverbank will take a targeted approach to business attraction that focuses on industry sectors that help the City address the following priorities:*
  - o Attract businesses that tie into regional growth opportunities
  - o Attract businesses that address local-serving and regional retail market opportunities.
  - o Attract uses that contribute towards a vibrant and revitalized downtown district. *The City would like AUP vendors to locate on DTSP commercial properties to bring people downtown and encourage revitalization efforts. Again, some prospective applicants had concern about the short length (6 months) and temporary nature of the pilot program.*

- *Policy ED-8.1: The City will continue to promote downtown Riverbank as a vibrant and pedestrian-oriented center for local-serving business activity, and future office activity. The Pilot Program will bring people to underutilized business properties in the commercial areas and encourage employees to walk to a lunch site.*
- *Policy ED-8.5: Downtown revitalization will include exploring new options for entertainment and visitor-serving uses. The Pilot Program is one new option for the City to entice visitors as well as commercial employees into the downtown area for meals.*
- *Policy ED-8.7: The City will continue to support visitor attracting activities, such as the annual Cheese and Wine Exposition, and seek out similar activities that raise the visibility of downtown. The Pilot Program will allow mobile food vendors to operate in commercial areas and attract diners while raising its visibility.*

## **ENVIRONMENTAL REVIEW**

The pilot program is exempt from environmental review pursuant to Section 15311, Class 11(C) (Accessory Structures) of the CEQA Guidelines. Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.

## **FINANCIAL IMPACT**

The fees associated with this pilot program include a \$100 fee for Temporary Use Permits and a \$200 fee for Administrative Use Permits. Thus the City has collected \$500 in the six (6) months the pilot program has been in operation. Staff spent approximately two (2) hours processing each one of these applications.

## **STRATEGIC GOALS**

The City of Riverbank Strategic Planning Session is a plan and set of goals that Riverbank will work towards for the next three years. The presentation to the City Council of a Mobile Food Vendor Pilot Program is not a specific objective but is consistent with the City's Vision "To be recognized as a premier community where individuals, families and businesses thrive in a safe and beautiful environment."

## **ATTACHMENTS**

1. Resolution 2019-XXX
2. Mejia Letter and Pina Coco Photos
3. Don Fili's Grill Photos

**CITY OF RIVERBANK**

**RESOLUTION NO. 2019-XXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA,  
EXTENDING A MOBILE FOOD VENDOR PILOT PROGRAM WITHIN THE CITY OF  
RIVERBANK FOR A PERIOD OF \_\_\_\_ MONTHS**

---

**WHEREAS**, in 2018 the Planning Commission held a workshop to discuss the public's desire to allow Mobile Food Vendors to park and vend within Riverbank city limits; and

**WHEREAS**, as a result of the workshop, staff was directed to approach the City Council with a request to consider a Mobile Food Vendor program or ordinance; and

**WHEREAS**, staff drafted a Pilot Program and presented it to the City Council for their review and staff direction; and

**WHEREAS**, on January 22, 2019 the Riverbank City Council approved a six (6) month Pilot Program, by minute order, for mobile food vendors and staff implemented it utilizing a Temporary Use Permit process (for park perimeter parking) and an Administrative Use Permit process (for private property parking); and

**WHEREAS**, the Pilot Program began on April 1, 2019 with the issuance of a Temporary Use Permit at Silva Park and an end date at six (6) months; and

**WHEREAS**, on September 24, 2019 at their regular meeting and with only two (2) mobile food vendors in operation, the Council determined there had not been adequate time to assess the impacts of the Pilot Program; therefore Council desires to extend the pilot program for \_\_\_\_ (\_\_) months.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Riverbank hereby extends the Mobile Food Vendor Pilot Program for \_\_\_\_ (\_\_) months to \_\_\_\_\_, 2020.

**PASSED AND ADOPTED** by the City Council of the City of Riverbank at a regular meeting held on the 24th day of September 2019; motioned by \_\_\_\_\_, seconded by \_\_\_\_\_, and upon roll call was carried by the following vote of \_-\_:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAINED:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**Marisela H. Garcia**  
**Asst. City Manager / Recorder**

\_\_\_\_\_  
**Richard D. O'Brien**  
**Mayor**



## Stephanie Mejia

### PIÑA-COCO SHAVED ICE

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09/10/19

Donna Kenny  
Building and Planning Manager  
City of Riverbank

6707 Third Street  
Riverbank Ca. 95367

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**Dear Ms. Kenny,**

I would like to start by thanking the City of Riverbank for giving me the opportunity to participate in the mobile vendor pilot program. I have had a great summer being able to connect with the citizens of Riverbank through my small mobile shaved ice business. I have received positive feedback from the residents and visitors at Silva Park during the times I have been out there. In August, I had the opportunity to participate in National Night Out at Silva Park along with our local first responders and other local businesses. It was a tremendous success.

I encourage the City of Riverbank to continue with the mobile vendor program. During the upcoming year I hope to raise enough money through sales to open up a store front. I'm operating a small mobile shaved ice business and can use all the help I can get. The staff at City Hall have been wonderful and I hope to work with you in this upcoming year. I have attached pictures of various events to demonstrate the success and the need for a business like Piña-Coco in Riverbank.

Sincerely,  
Stephanie Mejia



5001 Horsetail Falls Ct.  
Riverbank Ca. 95367



209-222-8880



PINACOCO.ICE@GMAIL.COM













**AUGUST 6 FROM 5-8PM  
AT SILVA PARK ON ANTIQUE ROSE**



