



**NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH THE GOVERNOR'S NEW EXECUTIVE ORDER N-29-20, ISSUED ON MARCH 17, 2020, REGARDING THE OPEN MEETING REQUIREMENTS OF THE RALPH M. BROWN ACT (CALIFORNIA GOVERNMENT CODE SECTION 54950, ET SEQ.), AND THE FEDERAL AMERICANS WITH DISABILITIES ACT IN AN EFFORT TO HELP AVOID THE SPREAD OF COVID-19, TO MAXIMIZE TRANSPARENCY, AND PROVIDE PUBLIC ACCESS TO CITY COUNCIL MEETINGS.**

**THE CITY OF RIVERBANK REGULAR CITY COUNCIL AND  
LOCAL REDEVELOPMENT AUTHORITY BOARD MEETINGS**

(City Council also serves as the LRA Board)

**TUESDAY, DECEMBER 8, 2020 – 6:00 P.M.**

**VIA TELECONFERENCE OR VIRTUAL PLATFORM ONLY – NO OPEN PUBLIC LOCATION**

(CITY HALL IS LOCATED AT 6707 THIRD STREET, RIVERBANK. CA 95367)

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## **A G E N D A**

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

- 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 Luis Uribe (CM-D1)  
Council/Authority Member District 2 Cindy Fosi  
Council/Authority Member District 3 Cal Campbell  
Council/Authority Member District 4 Darlene Barber-Martinez
- CHANGES TO THE AGENDA:** Mayor/Chair Richard D. O'Brien

| <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** There are no presentations.

**2. PUBLIC COMMENTS (No Action Can Be Taken)**

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 3 minutes or as stated by the presiding Officer**. 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.**

**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 8, 2020 City Council and Local Redevelopment Authority Board Minutes.

**Item 3.B-1:** Approval of the September 22, 2020 City Council and Local Redevelopment Authority Board Minutes.

**Item 3.B-2:** Approval of the October 13, 2020 City Council and Local Redevelopment Authority Board Minutes.

**Item 3.B-3:** Approval of the October 27, 2020 City Council and Local Redevelopment Authority Board Minutes.

**Item 3.B-4:** Approval of the November 10, 2020 City Council and Local Redevelopment Authority Board Minutes.

**4. UNFINISHED BUSINESS** There are no Items to consider.

**5. PUBLIC HEARINGS** There are no public hearings.

**6. NEW BUSINESS**

**Item 6.1:** Consider a Resolution to Approve a Waiver, Reduction, and/or Deferral of System Development Fees for the Monschein Industries Inc. Showroom Addition Project Located at 6344 Roselle Avenue – It is recommended that the City Council listen to the presentation and consider the petition from Monschein Industries to waive, reduce, and/or defer payment of their System Development Fees which will be assessed on the installation of a single-story 12,000 square foot steel showroom addition.

**Item 6.2:** Consideration of a Resolution Authorizing Up To \$600,000 In Budgetary Authority from the Waste Water System Development Fee Fund to Provide Gap Funding for the Sewer Collection Capacity Upgrade Project (Crossroads West) on Roselle and Crawford – It is recommended that the City Council consider approving the proposed resolution authorizing budgetary authority in an amount not to exceed \$600,000 in Waste Water System Development Fees for the anticipated construction gap funding to complete the Roselle/Crawford sewer collection upgrade project.

**Item 6.3**      **Consideration of a Resolution Authorizing Up To \$231,000 in Funding for the Completion of the Riverbank Community Center Kitchen Renovation Project** – It is recommended that Council consider the proposed resolution authorizing use of the Public Benefit Fund to finance the Community Center Kitchen Remodel project. Alternatively, Council may direct staff on using General Fund Reserves to fund the project.

**Item 6.4:**      **Award Bid for the Community Center Kitchen Remodel Project to Menghetti Construction, Inc. and Authorize Execution of Future Change Orders** – If the City Council approved the prior business item for funding of the Community Center Kitchen Remodel Project, it is recommended that City Council approve two (2) actions by a roll call vote:

1. Award bid to the lowest responsible bidder, Menghetti Construction, Inc.; and
2. Authorize the City Manager to execute Change Orders within total project budget.

If funding was not approved, the matter may be considered at a future meeting.

**LRA Item 6.5:**      **Consideration of Resolution No. 2020-002 of the Local Redevelopment Authority Board of the City of Riverbank Declaring Certain Parcels at the Riverbank Industrial Complex as Surplus Land Under the Surplus Land Act (APN's – 062-031-005, 062-031-007, 062-031-011, 062-031-010)** – It is recommended that the Local Redevelopment Authority Board consider approving the proposed resolution declaring certain parcels at the Riverbank Industrial Complex (formerly known as the Army Ammunition Plant) as surplus land under the Surplus Land Act.

## **7. SPECIAL BUSINESS**

**Item 7.1:**      **Adoption of Resolution No. 2020-083 Reciting the Fact of the Consolidated Riverbank General Municipal Election Held on November 3, 2020, and Declaring the Results and Such Other Matters as Provided by Law** – It is recommended that the City Council adopt the resolution for the purpose of:

- 1) Declaring the appointment of Incumbent Richard D. O'Brien to the Office of Mayor, as if elected and
- 2) Declaring the appointment of Incumbent Darlene Barber-Martinez to the Office of Councilmember District 4, as if elected; and
- 3) Declaring elected Rachel Hernandez as the person for whom the highest number of votes were cast for the office of Councilmember District 2

**Item 7.2:**      **Recognition of Councilmember Cindy Fosi** – It is recommended that the Riverbank City Council recognize Councilmember Fosi for her dedication and public service to the City of Riverbank.

- Item 7.3:**     **Administration of the Oath of Office to each Elected Officer** – It is recommended that the City's Elections Official administer the Oath of Office to Mayor Richard D. O'Brien, who will thereafter do the honors of administering the Oath of Office to Councilmember District 2 Rachel Hernandez, and Councilmember District 4 Darlene Barber-Martinez.

## **ROLL CALL OF NEW RIVERBANK CITY COUNCIL**

Mayor/Chair Richard D. O'Brien  
Vice Mayor/Chair (CM-D1) Luis Uribe  
Council/Authority Member District 2 Rachel Hernandez  
Council/Authority Member District 3 Cal Campbell  
Council/Authority Member District 4 Darlene Barber-Martinez

## **8. BUSINESS**

- Item 8.1:**     **Nomination and Appointment of the Vice Mayor to Serve for the Year 2021** – It is recommended that the Mayor nominate a Councilmember to serve as Vice Mayor for the year 2021, and City Council approve the appointment for a one-year term by roll call vote.

## **9. 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 9.1:**     Staff

- Item 9.2:**     Council/Authority Member

- Item 9.3:**     Mayor/Chair

## **10. 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 adjourning to Closed Session.

- Item 10.1:**     **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code § 54956.9(a)

Name of Case: Nevada Policy Institute dba Transparent California v.

Annabelle Aguilar in her official capacity as City Clerk, City of Riverbank;

City of Riverbank; and DOES 1-5

Stanislaus County Superior Court Case No. CV-20-005182

**Item 10.2: Threat to Public Services or Facilities**

Pursuant to Government Code § 54957

Consultation with: City of Riverbank Director of Emergency Services

**Item 10.3: CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Property: APN: 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

**ADJOURNMENT OF THE PUBLIC PORTION OF THE MEETING**

- The next regular meeting on December 22nd is canceled; *Happy Holidays!*
- The next open meeting will be on Tuesday, January 12, 2021 @ 6:00 p.m.

**11. REPORT FROM CLOSED SESSION**

*The Mayor's report on the Closed Session Items will be made to the City Clerk, and the report will be reflected in the Minutes of this meeting. Anyone interested in obtaining the report from Closed Session may contact the City Clerk at [cityclerk@riverbank.org](mailto:cityclerk@riverbank.org) or call (209) 863-7198.*

**ADJOURNMENT OF THE DECEMBER 8, 2020, REGULAR MEETING****AFFIDAVIT OF POSTING**

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted on an accessible public location, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act.

Posted this 4<sup>th</sup> day of December, 2020

*/s/ Annabelle H. Aguilar, CMC, City Clerk, City of Riverbank*

**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 [aaguilar@riverbank.org](mailto:aaguilar@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.



**PUBLIC PARTICIPATION PROCEDURES  
FOR THE CITY COUNCIL/LRA MEETINGS HELD IN A  
TELECONFERENCE OR VIRTUAL PLATFORM IN CONFORMANCE WITH  
THE GOVERNOR'S EXECUTIVE ORDER N-29-20**

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**CHANGES TO THIS NOTICE OF PROCEDURES**

In accordance with the Governor's Executive Order, should the meeting procedures change, the City may use the most rapid means of communication available at the time including, but not limited to, posting the notice of changes on the City's website.

**PUBLIC "LIVE" VIEWING**

- Charter Government Channel - 2
- AT&T U-VERSE Government Channel - 99
- YouTube Live <https://www.youtube.com/channel/UCq2x8QChEcknBq7uuJLcZow>
- Via ZOOM Platform (See instructions below)

**SUBMITTING PUBLIC COMMENTS**

- **Via Mail Service:** Mail comments to City of Riverbank, Attn. City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367. (Must be received by 4:00 p.m. on the day of the meeting.)

**Via Email to [cityclerk@riverbank.org](mailto:cityclerk@riverbank.org):**

- Written comments via Email received before the meeting: (Will be distributed to the City Council)
  - o Submit No later than 4:00 p.m. on the day of the meeting; and
  - o Indicate Agenda Item # in the ***subject line***.

**Join via ZOOM Platform:**

- Visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.
- Join by this link: <https://us02web.zoom.us/j/85303319064>
- Join by accessing website: <https://zoom.us/join>
  - o Webinar ID: **853 0331 9064**
- Join by telephone: **+1 669 900 9128 or +1 253 215 8782 plus Webinar ID**
- ***HOW DO I COMMENT?*** The Mayor will announce when public comment may be made for the agenda item, at which time you will:
  - o Using a computer - click on the "raise hand" feature in the webinar controls. This will let us know you wish to speak.
    - Once you confirm that you want to be unmuted, your 3 minutes will begin for you to make your comments.
  - o Using a Phone - Dial **\*9**, which will notify us that you have a "raised hand"
    - Once you are told "you may make your comments" you will have 3 minutes to make your comments.

Learn about using ZOOM - Visit <https://support.zoom.us/hc/en-us/categories/201146643>