

*City of Arts & Innovation*

## CITY COUNCIL

### MINUTES

TUESDAY, OCTOBER 3, 2023, 1 P.M.  
PUBLIC COMMENT IN PERSON/TELEPHONE  
ART PICK COUNCIL CHAMBER  
3900 MAIN STREET

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PRESENT: Mayor Pro Tem Edwards and Councilmembers Cervantes, Fierro, Conder, Perry, and Hemenway and Councilwoman Plascencia

ABSENT: Mayor Lock Dawson

Mayor Pro Tem Edwards called the meeting to order at 1:00 p.m.

Councilmember Fierro gave the Invocation and led the Pledge of Allegiance.

#### MAYOR/COUNCILMEMBER COMMUNICATIONS

Councilmember Hemenway reported on the community meeting regarding the future of Hole Lake. Councilmember Perry reported on Customer Service Week, College Career Fair, community meeting regarding Eldorado Park and announced that Sandy Garcia Vazquez will be on leave and Diana Medina will be filling in for her on a temporary basis. Councilwoman Plascencia reported on League of California Cities conference, Helen Putnam Award, Author Sonia Mazano at The Cheech, Planned Parenthood anniversary gala, Ramona High School Hispanic Heritage Month celebration, free community health fair, Love Riverside Serve Day, and office hours. Councilmember Conder reported on Champions of Flight Dinner in honor of retired NASA astronaut and United States Air Force Colonel Eileen Collins. Councilmember Cervantes reported on University of California, Riverside School of Medicine unveiling, National Night Out, LULAC of Riverside and Flying Doctors health fair, and Planned Parenthood anniversary gala. Mayor Pro Tem Edwards reported on five National Night Out events in Ward 1, Pumpkin patch at Evergreen Cemetery, Arts and Music Festival, Oktoberfest, Old Riverside Foundation annual meeting at the Webber House, and concert for the homeless by Riverside City College students at the Henry W. Coil Sr. and Alice Edna Coil School for the Arts.

#### ANNOUNCEMENT OF COMMITTEE MEETING

The City Council Inclusiveness, Community Engagement, and Governmental Processes Committee will conduct a meeting on Wednesday, October 4, 2023, at 3:30 p.m., in the Art Pick Council Chamber.

#### ORAL COMMUNICATIONS FROM THE AUDIENCE

Patrick Maloney spoke on National Night Out, Tiffany Brooks mural dedication, Housing and Homelessness Committee meeting Open Mic at Back to the Grind, Karaoke at



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Packing House, and Manhattan Beach Hometown Fair. Faizah Deen spoke on Section 8 Housing Voucher program transfer and maximum income status and homelessness. Tom Evans spoke on Water rate increase and general fund transfer. One caller spoke regarding councilmembers not returning calls. Malissa McKeith spoke regarding the passing of Senator Feinstein and water rights. Duffy Atkinson spoke regarding the agreement for the community of life survey. Roy Lockhart spoke regarding lack of trust in Riverside Public Utilities.

#### COMMUNICATIONS

##### INTERGOVERNMENTAL RELATIONS AND LEGISLATIVE UPDATE

The City Council received an update on intergovernmental relations and legislation.

##### HOMELESS SOLUTIONS UPDATE

The City Council received an update on homeless solutions.

##### SUSTAINABILITY UPDATE

There was no update on sustainability.

##### LEGAL UPDATE

There was no legal update.

##### COUNCILMEMBERS DECLARATION OF CONFLICTS OF INTEREST

There were no conflicts of interest declared at this time.

#### PRESENTATIONS

##### INNOVATION AND TECHNOLOGY DEPARTMENT OVERVIEW AND EMPLOYEE RECOGNITION

The City Council received and ordered filed an overview of the Innovation and Technology Department including recognition of the Department's employees.

##### RECOGNITION OF CALIFORNIA TASK FORCE 6 RESPONDERS

Mayor Lock Dawson called upon Fire Chief Michael Moore to recognize the Urban Search and Rescue California Task Force 6 Responders for their rescue efforts related to the Hawaii wildfire.



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#### CONSENT CALENDAR

It was moved by Councilmember Hemenway and seconded by Councilmember Perry to approve the Consent Calendar as presented affirming the actions appropriate to each item except (1) the agreement for the community of life survey continued to a future City Council meeting; and (2) the agreement amendment with Denali Water Solutions, LLC, for biosolids hauling removed from the Consent Calendar for separate discussion.

The motion carried with (1) Councilmember Fierro recusing himself from the Lease Agreement Amendment for rentable space at 3750 University Avenue citing interest in real property within 500 feet of the address; and (2) Councilmember Conder voting no on the outside counsel budget in the case of Shawn Casteel v. City of Riverside and adopting an ordinance relating to license requirements of contractors and subcontractors.

#### OUTSIDE COUNSEL BUDGET

The City Council (1) approved the budget in an amount not-to-exceed \$474,750 which includes \$327,250 in projected attorneys' fees and \$147,500 in anticipated legal costs to retain Atkinson, Andelson, Loya, Ruud & Romo, APC, who is already on the City's panel of approved outside counsel to represent individually named City employee Wes Wisniewski through trial; and (2) authorized the City Attorney to execute the Outside Counsel Engagement Letter.

#### OUTSIDE COUNSEL BUDGET

The City Council (1) approved the \$225,000 budget to retain Alana Rotter GMSR Appellate Lawyers, who is already on the City's panel of approved outside counsel to serve as associated counsel in the case of Shawn Casteel v. City of Riverside, Riverside County Superior Court Case No. RIC1906046; and (2) authorized the City Attorney to execute the Outside Counsel Engagement Letter.

#### MINUTES

The minutes of the meetings on September 12 and 19, 2023, were approved as presented.



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#### BOARD AND COMMISSION APPOINTMENT

The Mayor and City Council appointed Diane C. Kwasman to the Commission on Aging Citywide seat for a term through March 1, 2025.

#### AGREEMENT - COMMUNITY QUALITY OF LIFE SURVEY - SUPPLEMENTAL APPROPRIATION

This item was continued to a future City Council meeting.

#### EQUITABLE COMMUNITY REVITALIZATION GRANT PROGRAM ROUND 2 - REMEDIATION PLANNING AND STUDIES - 6186 MAGNOLIA - SUPPLEMENTAL APPROPRIATION - RESOLUTION

The City Council (1) adopted a Resolution supporting City's funding application of the State of California Department of Toxic Substances Control - Equitable Community Revitalization Grant Round 2 (ECRG 2) for "Site Specific Investigation" funds to determine the remediation needs of the City-owned brownfield at 6186 Magnolia Avenue for its future use as the location of an affordable housing development; (2) authorized the Chief Financial Officer or designee, to record an increase in revenue and an equal amount in appropriations of expenditures in an amount not-to-exceed \$7,000,000, or the actual grant award amount, in the Grants & Restricted Programs Fund, 6186 Magnolia Avenue Cleanup Project accounts; and (3) authorized the City Manager, or designee, to sign any documents that may be required for submittal of funding applications and award acceptance for environmental investigations and remediations of the City owned site at 6186 Magnolia Avenue, including making minor and non-substantive changes; whereupon, the title having been read and further reading waived, Resolution No. 24043 of the City Council of the City of Riverside, California, Authorizing the Submission of an Application to the Equitable Community Revitalization Grant Program Administered through the State of California Department of Toxic Substances Control for Remediation Planning and Studies at a Property located at 6186 Magnolia Avenue and Authorizing the Execution of Necessary Grant Documents by the City Manager, or Designee, was presented and adopted.

#### PURCHASE, SALE, AND DEVELOPMENT AGREEMENT - VACANT CITY-OWNED LAND

The City Council (1) approved the Purchase, Sale, and Development Agreement with James E. Thornell for vacant City-owned land, bearing Assessor's Parcel Numbers 190-031-002 and 190-031-028, for the sales price of \$125,000; and (2) authorized the City



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Manager, or his designee, to execute the agreement, including making minor non-substantive changes, and to sign all documents necessary to complete the transaction.

#### PURCHASE, SALE, AND DEVELOPMENT AGREEMENT AMENDMENT - VACANT CITY-OWNED LAND

The City Council (1) approved the First Amendment to the Purchase, Sale, and Development Agreement with James E. Thornell for vacant City-owned land bearing Assessor's Parcel Number 190-033-029; and (2) authorized the City Manager, or designee, to execute the First Amendment to the Purchase, Sale, and Development Agreement, including making minor and non-substantive changes, and to sign all documents necessary to complete the transaction.

#### PURCHASE AND SALE AGREEMENT - VACANT CITY-OWNED LAND

The City Council (1) approved the Purchase and Sale Agreement with Hi-Rel Realty, LLC, for vacant City-owned land, bearing Assessor's Parcel Number 163-300-018, a portion of the Water Quality Control Plant for the sales price of \$218,000; and (2) authorized the City Manager, or designee, to execute the Agreement, including making minor and non-substantive changes, and to sign all documents necessary to complete the transaction.

#### CONTRACTORS AND SUBCONTRACTORS LICENSE REQUIREMENTS - ORDINANCE ADOPTED

The City Council adopted an Ordinance amending Chapters 5.04 and 16.04 of the Riverside Municipal Code relating to license requirements of contractors and subcontractors; whereupon, the title having been read and further reading waived, Ordinance No. 7650 of the City of Riverside, California, Amending Chapters 5.04 and 16.04 of the Riverside Municipal Code Relating to License Requirements of Contractors and Subcontractors, was presented and adopted.

#### SUPPLEMENTAL AGREEMENT TO MASTER PROFESSIONAL CONSULTANT SERVICES AGREEMENT - ARBITRAGE REBATE AND SWAP REPORTING SERVICES - SUPPLEMENTAL APPROPRIATION

The City Council (1) approved a Supplemental Agreement to the Master Professional Consultant Services Agreement with Omnicap Group, LLC, Delaware, for an amount of \$280,950 with a 15 percent change order authority and an expiration date of June 30, 2028; (2) authorized the Chief Financial Officer, or designee, to record an increase in revenues and a supplemental appropriation in the General Fund, Debt and



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Treasury Administration, in the amount of \$14,070 for ad-hoc services; and (3) authorized the City Manager, or designee, to execute the Supplemental Agreement with Omnicap Group, LLC, including making minor and non-substantive changes.

#### 2023 NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM READINESS COOPERATIVE AGREEMENT - SUPPLEMENTAL APPROPRIATION

The City Council (1) accepted a grant awarded from the Department of Homeland Security (DHS) under an existing 2023 National Urban Search and Rescue (USAR) Response System Readiness Cooperative Agreement in the amount of \$1,438,456; (2) authorized the Chief Financial Officer, or designee, to record an increase in revenue in the amount of \$1,438,456, or the actual award amount, and appropriate expenditures in the same amount in the Grants & Restricted Programs Fund, 2023 Urban Search and Rescue (USAR) revenue and expenditure accounts; and (3) authorized the City Manager, or designee, to sign all related Urban Search and Rescue Response System funding documents from FEMA, USAR 2023, including making minor and non-substantive changes.

#### AGREEMENT - 2023-24 ALCOHOL POLICING PARTNERSHIP GRANT - SUPPLEMENTAL APPROPRIATION - RESOLUTION

The City Council (1) approved an Agreement with the State of California Department of Alcoholic Beverage Control for a 2023/2024 Alcohol Policing Partnership (APP) grant award in the amount of \$98,343 to increase enforcement activity and combat alcohol-related crimes in relation to alcoholic beverage violations for the period of July 1, 2023, through June 30, 2024; (2) adopted a Resolution to accept the State of California Department of Alcoholic Beverage Control's 2023/2024 Alcohol Policing Partnership (APP) grant award in the amount of \$98,343 to increase enforcement activity and combat alcohol-related crimes in relation to alcoholic beverage violations for the period of July 1, 2023, through June 30, 2024; (3) authorized the Chief Financial Officer, or designee, to record an increase in revenues and an appropriation of expenditures in an amount up to \$98,343, or the actual award amount, in the Grants and Restricted Programs Fund, Alcoholic Beverage Control 2023/2024 Alcohol Policing Partnership Grant Program accounts; and (4) authorized the City Manager, or designee, to execute any and all grant documents with the State of California Department of Alcoholic Beverage Control's 2023/2024 Alcohol Policing Partnership (APP) Grant Program, including making minor and non-substantive changes; whereupon, the title having been read and further



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reading waived, Resolution No. 24044 of the City Council of the City of Riverside, California, Authorizing the City Manager to Execute a Standard Agreement Contract with the California Department of Alcoholic Beverage Control for the Alcohol Policing Partnership Program (APP) and Accept a Grant Award in the Amount of \$98,343,00 to Increase Enforcement Activity and Combat Alcohol-Related Crimes in Relation to Alcoholic Beverage Control Violations for the Period of July 1, 2023, Through June 30, 2024, was presented and adopted.

#### PURCHASE - NARCOTICS ANALYZERS

The City Council approved the purchase of two TruNarc handheld narcotics analyzers with a six-year warranty from Fisher Scientific Company, LLC., Pittsburgh, PA, in a total amount not-to-exceed \$74,150.95.

#### COMMERCIAL LEASE AGREEMENT AMENDMENT - FIRE UP GRILL - MISSION SQUARE OFFICE BUILDING - 3750 UNIVERSITY, SUITE 190

The City Council (1) approved a Second Amendment to the Commercial Lease Agreement with Ruben Barragan and Luis Hernandez doing business as Fire Up Grill, Riverside, to extend the lease for a 60-month term from September 1, 2023, through August 31, 2028; and (2) authorized the City Manager, or designee, to execute the Second Amendment to the Commercial Lease Agreement, including making minor, non-substantive changes, and to sign all documents and instruments necessary to complete the transaction.

#### PURCHASE - NC150S 6" PUMP AND TRAILER - WASTEWATER TREATMENT - WATER QUALITY CONTROL PLANT

The City Council approved the purchase of one Godwin NC150S 6" pump and trailer from Xylem Dewatering Solutions, Inc., Riverside, in the amount of \$62,906.05.

#### FISCAL YEAR 2023 RECONNECTING COMMUNITIES AND NEIGHBORHOODS GRANT PROGRAM

The City Council authorized the submittal of a Fiscal Year 2023 Reconnecting Communities and Neighborhoods (RCN) grant application to the United States Department of Transportation for a total estimated project cost of \$2,000,000 (including approximately \$400,000 in required local match funds), to conduct a community-centered transportation planning study for the proposed SR-91 pedestrian and bicycle



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bridge; (2) authorized the submittal of a Fiscal Year 2023 Reconnecting Communities and Neighborhoods (RCN) grant application to the United States Department of Transportation for a total estimated project cost of \$73,000,000 (including \$14,600,000 in required local match funds), for the Construction Phase of the Mission Boulevard Bridge Reconstruction Project; and (3) authorized the City Manager, or designee, to sign the grant application and related documents, including making minor and non-substantive changes as necessary.

#### RIVERSIDE COUNTY TRANSPORTATION COMMISSION - FISCAL YEAR 2023-24 TRANSPORTATION DEVELOPMENT ACT - SUPPLEMENTAL APPROPRIATION

The City Council (1) authorized acceptance of Riverside County Transportation Commission Fiscal Year 2023-24 TDA Article 3 (SB 821) Bicycle and Pedestrian Facilities Program Grant funding in the amount of \$594,500 with a 1:1 local match to construct new concrete sidewalks and pedestrian ramps; (2) authorized acceptance of Riverside County Transportation Commission Fiscal Year 2023-24 TDA Article 3 (SB 821) Bicycle and Pedestrian Facilities Program Grant funding in the amount of \$671,887.50 with a 1:1 local match to construct pedestrian and bicycle intersection improvements; (3) authorized the City Manager or designee to execute the Riverside County Transportation Commission Fiscal Year 2023-24 TDA Article 3 (SB 821) Bicycle and Pedestrian Facilities Program Grant Agreements, and any related grant documents, making minor and non-substantive changes; (4) authorized the Chief Financial Officer, or designee to record an increase in grant revenue and appropriate expenditures in the amount of \$594,500 in the Capital Outlay-Grants Fund, Stover Avenue Sidewalk Project accounts; and appropriate expenditures in the amount of \$594,500 in the Gas Tax Fund, Stover Avenue Sidewalk Project account; and (5) authorized the Chief Financial Officer, or designee to record an increase in grant revenue and appropriate expenditures in the amount of \$671,887.50 in the Capital Outlay-Grants Fund, Citywide Bicycle & Pedestrian Intersection Project accounts; and record a supplemental appropriation in the amount of \$671,887.50 in the Gas Tax Fund, Citywide Bicycle & Pedestrian Intersection Project account.

#### ESTABLISH AXLE RESTRICTIONS - TRAUTWEIN/ALESSANDRO/VAN BUREN - ORDINANCE ADOPTED

The City Council adopted an Ordinance amending Section 10.56.050 of the Riverside Municipal Code to establish axle restrictions on Trautwein Road; whereupon, the title





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having been read and further reading waived, Ordinance No. 7651 of the City Council of the City of Riverside, California, was presented and adopted.

#### DISCUSSION CALENDAR

##### AGREEMENT AMENDMENT - BIOSOLIDS HAULING AND DISPOSAL/REUSE SERVICES - REGIONAL WATER QUALITY CONTROL PLANT

Following discussion, it was moved by Councilmember Perry and seconded by Councilwoman Plascencia to (1) approve the Third Amendment to Biosolids Hauling and Disposal/Reuse Services Agreement with Denali Water Solutions, LLC, a Delaware limited liability company authorized to do business in California with a local Garden Grove location, increasing the compensation in the amount of \$1,499,803.80, for a revised total amount of \$17,686,014.80; and (2) authorize the City Manager, or designee, to execute the Third Amendment to the Services Agreement, including making minor and non-substantive changes. The motion carried unanimously.

##### BID 7999 – FISCAL YEAR 2022-2023 COMMUNITY DEVELOPMENT BLOCK GRANT STREET IMPROVEMENTS - CITYWIDE

Following discussion, it was moved by Councilmember Fierro and seconded by Councilmember Perry to (1) award a construction contract for Bid 7999 for Fiscal Year 2022-2023 Community Development Block Grant Street Improvements to Hardy & Harper, Inc., Lake Forest, California, in the amount of \$2,870,000; and (2) authorize the City Manager, or designee, to execute the construction contract with Contractor, including making minor and non-substantive changes. The motion carried unanimously.

#### CLOSED SESSIONS

The Mayor Pro Tem and City Council adjourned to closed sessions at 2:26 p.m. pursuant to Government Code (1) §54956.9(d)(1) to confer with and/or receive from legal counsel concerning Christopher M. Tonetti v. City of Riverside, WCAB Claim No.(s): 190200/ADJ13967633; (2) §54956.9(d)(1) to confer with and/or receive advice from legal counsel concerning Kathleen Mattson v. City of Riverside, Riverside Superior Court Case No. CVRI2304501; (3) §54957(a) for consultation with Chief of Police Larry Gonzalez, or his respective deputy, and Chief Information Officer George Khalil regarding threat to public services or facilities; (4) §54956.9(d)(2) to confer with and/or receive advice from legal counsel concerning anticipated litigation regarding one case; (5) §54956.9(d)(4) to confer with



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and/or receive advice from legal counsel concerning the City Council deciding whether to initiate litigation regarding one case; (6) §54957.6 to review the City Council's position and instruct designated representatives regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of all Executive Management employees except the City Manager, City Attorney, and City Clerk, all Management and Confidential employees as defined by PERS, Fire Management Unit, Riverside City Firefighters Association, Riverside Police Officers Association (Police and Police Supervisory Units), Service Employees International Union #721, International Brotherhood of Electrical Workers #47, and Riverside Police Administrators Association; (7) §54957 for performance evaluation of City Attorney; and (8) §54957.6 to review the City Council's position and instruct designated representatives regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of unrepresented employee for City Attorney.

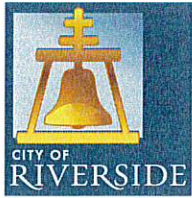
The City Council returned to open session at 3:11 p.m. with Mayor Pro Tem Edwards presiding and all Councilmembers present.

#### PUBLIC HEARINGS/PLANNING REFERRALS AND APPEALS

##### ARLINGTON BUSINESS IMPROVEMENT DISTRICT - FISCAL YEAR 2023-24 LEVY ASSESSMENT - RESOLUTION

Public Hearing was called to hear and rule on any protests to the annual assessment proposed for the Arlington Business Improvement District for Fiscal Year 2023-24 and adopt a Resolution confirming the annual report of the Arlington Business Partnership, acting as the advisory board to the Arlington Business Improvement District, and levying assessments for Fiscal Year 2023-24. Two people spoke on the matter. The public hearing was officially closed.

Following discussion, it was moved by Councilwoman Plascencia and seconded by Councilmember Perry to (1) adopt a Resolution confirming the annual report of the Arlington Business Partnership, acting as the advisory board to the Arlington Business Improvement District, and levying assessments for Fiscal Year 2023-24; and (2) direct staff to submit a report on the standardized procedures for the Business Improvement Districts to the Economic Development, Placemaking, and Branding/Marketing Committee for review in January 2024. The motion carried with unanimously.



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Whereupon, the title having been read and further reading waived, Resolution No. 24045 of the City Council of the City of Riverside, California, Confirming the Annual Report of the Arlington Business Partnership, Acting in its Capacity as the Advisory Board to the Arlington Business Improvement District, Levying Assessments for Fiscal Year 2023-2024, was presented and adopted.

#### COMMUNICATIONS

##### CITY ATTORNEY REPORT ON CLOSED SESSIONS

City Attorney Norton reported that regarding Closed Session item no. 34, the City Council unanimously authorized litigation and the action, defendants, and other particulars may be disclosed upon request after the action is formally commence. In the case of Shawn Casteel v. City of Riverside, the City Attorney reported that the City Council authorized appellate review at the September 19, 2023, meeting with Councilmembers Edwards, Fierro, Perry, Hemenway and Councilwoman Plascencia voting aye, and Councilmember Conder voting no, and Councilmember Cervantes abstaining.

##### ITEMS FOR FUTURE CITY COUNCIL CONSIDERATION

There were no items requested at this time.

The City Council adjourned at 3:35 p.m.

Respectfully submitted,

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DONESIA GAUSE  
City Clerk