



City of Arts & Innovation

CITY COUNCIL

MINUTES

TUESDAY, SEPTEMBER 1, 2020, 11 A.M.

VIRTUAL MEETING

TELEPHONE PUBLIC COMMENT

PRESENT: Mayor Bailey and Councilmembers Edwards, Melendrez, Fierro, Conder, Perry, and Hemenway, and Councilwoman Plascencia

ABSENT: None

Mayor Bailey called the meeting to order at 11a.m.

BOARD OF ETHICS - WARD 6 SEAT

Following interview, motion was made by Councilmember Perry and seconded by Councilmember Edwards to unanimously appoint Tiffani N. Graham to the Ward 6 seat on the Board of Ethics for a term ending March 1, 2022. The motion carried unanimously.

RECESS

The Mayor and City Council recessed at approximately 11:20 a.m. and reconvened at 1 p.m. with Mayor Bailey presiding and all Councilmembers present.

The Invocation was given by Councilmember Perry.

Mayor Bailey led the Pledge of Allegiance to the Flag.

ORAL COMMUNICATIONS FROM THE AUDIENCE

Aurora Chavez spoke regarding illegal fireworks.

CONSENT CALENDAR

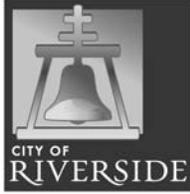
It was moved by Councilmember Hemenway and seconded by Councilmember Perry to approve the Consent Calendar as presented below affirming the actions appropriate to each item. The motion carried unanimously.

OUTSIDE COUNSEL EXPENDITURE REPORT

The City Council received and ordered filed the Outside Counsel Expenditure Report for April 1, 2020, through June 30, 2020, as provided in the outside counsel policy approved by City Council on June 16, 2015.

CITY COUNCIL MEETING FREQUENCY - ORDINANCE INTRODUCED - RESOLUTION

The City Council (1) introduced an ordinance amending Section 2.04.010 of the Riverside Municipal Code to provide for City Council meetings on the first four Tuesdays of the month, no City Council meeting on the fifth Tuesday of the month, City Council meetings



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on the first and third Tuesdays of July, August, and September, and afternoon sessions to commence at 1 p.m. and evening sessions at 6:15 p.m.; and (2) adopted a resolution amending Resolution No. 23559 amending the City Council Rules of Procedure and Order of Business to provide for City Council meetings on the first four Tuesdays of the month, no City Council meeting on the fifth Tuesday of the month, City Council meetings on the first and third Tuesdays of July, August, and September, afternoon sessions to commence at 1 p.m. and evening sessions at 6:15 p.m. which may be adjusted as needed, City Council meetings may be cancelled for lack of agenda items, and one City Council meeting each month reserved for workshops; whereupon, an Ordinance entitled, "An Ordinance of the City Council of the City of Riverside, California, Amending Section 2.04.010 of the Riverside Municipal Code Changing the Regular Meetings from Twice a Month to Four Times a Month," was presented and introduced; and whereupon, the title having been read and further reading waived, Resolution No. 23618 of the City Council of the City of Riverside, California, Establishing Rules of Procedure and Order of Business for the City Council of the City of Riverside and Related Functions and Activities and Rescinding all Prior Actions Taken Thereto, and Repealing Resolution No. 23559, was presented and adopted.

MINUTES

The minutes of the meetings of August 11 and 18, 2020, were approved as presented.

ANNOUNCEMENT OF COMMITTEE MEETING

The City Council Inclusiveness, Community Engagement, and Governmental Processes Committee will conduct a virtual meeting at 3:30 p.m. on Wednesday, September 2, 2020.

AGREEMENT - FIELD UNITS, SERVERS, LICENSE FEES, AND DATA PLAN FOR LIVE TELEVISION AND SOCIAL MEDIA COVERAGE

The City Council (1) approved the Purchase Agreement with LiveU, Inc., for purchase of field units and servers for a one-time cost of \$31,120 and license fees and data plan in the annual amount of \$12,160 for the use of live television and social media coverage for the City Manager's Office of Communications and RiversideTV coverage for a three-year term from July 1, 2020, through June 30, 2023, for a total contract amount of \$67,600; and (2) authorized the City Manager, or designee, to execute the Purchase Agreement with LiveU, Inc., including making minor and non-substantive changes.



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CASE P19-0948 - REZONING - 2625 DURAHART- ORDINANCE ADOPTED

The City Council adopted an Ordinance amending the Zoning Map pursuant to Chapter 19.090 of the Municipal Code by rezoning a portion of the property consisting of .34 acre on the west side of Durahart Street and north of Massachusetts Avenue, from the I-WC- General Industrial and Water Course Overlay Zone to I-General Industrial Zone located at 2625 Durahart Street; whereupon, the title having been read and further reading waived, Ordinance No. 7532 of the City of Riverside, California, Amending the Zoning Map of the City of Riverside Pursuant to Chapter 19.090 of the Riverside Municipal Code by Rezoning a Portion of the Property Consisting of 0.34 Acres and Located at 2625 Durahart Street, on the West Side of Durahart Street and North of Massachusetts Avenue, from the I-WC - General Industrial and Water Course Overlay Zone to I - General Industrial Zone, was presented and adopted.

LEASE AGREEMENT AMENDMENT - INLAND EMPIRE SMALL BUSINESS DEVELOPMENT CENTER - 3780 MARKET

The City Council (1) approved the Fourth Amendment to Commercial Lease with University Enterprises Corporation at California State University San Bernardino for itself and on behalf of the Inland Empire Small Business Development Center to extend the lease from July 1, 2020, through June 30, 2022; and (2) authorized the City Manager, or his designee, to execute the Fourth Amendment to Commercial Lease Agreement including making minor, non-substantive changes, and to sign all documents and instruments necessary to complete the transaction, including the two one-year options to extend the lease term if exercised.

BID 7750 - PORT-A-PORT AIRCRAFT PARKING PAVEMENT - RIVERSIDE MUNICIPAL AIRPORT - SUPPLEMENTAL APPROPRIATION - 6951 FLIGHT

The City Council (1) awarded Bid 7750 for a Construction Agreement with All American Asphalt of Corona, California, for maintenance of Port-A-Port pavement at Riverside Municipal Airport in the amount of \$360,921.20; (2) authorized a ten percent change order authority in an amount up to \$36,092.12 for project changes including, but not limited to, unforeseen conditions and design improvements; (3) approved a supplemental appropriation in the amount of \$297,013 from Airport Fund 530 to Account No. 9903800-440301; and (4) authorized the City Manager, or his designee, to execute a Construction Agreement with All American Asphalt, including making minor and non-substantive changes.



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AGREEMENT - ARCHITECTURAL AND CONSTRUCTION ADMINISTRATION SERVICES - 2881 HULEN

The City Council (1) waived bidding requirements pursuant to Resolution No. 23530, adopted December 17, 2019, in accordance with Purchasing Resolution No. 23256, Section 301(d); (2) approved a Professional Consultant Services Agreement with Arclogica for a one-year term in the amount of \$115,307 for architectural and construction administration services to modify the interior of an existing City-owned building located at 2881 Hulen Place for the Homeless Services Bridge Housing Project, plus contingency in the amount \$15,000 to cover unforeseen costs for a total amount of \$130,307; and (3) authorized the City Manager, or his designee, to execute the Professional Consultant Services Agreement with Arclogica, including making minor and non-substantive changes and contract extensions.

BID 7762 - RUNWAY 16/34 WINDSOCK RELOCATION AND EMERGENCY GENERATOR INSTALLATION - RIVERSIDE MUNICIPAL AIRPORT - 6951 FLIGHT

The City Council (1) awarded Bid 7762 for a Construction Agreement with Pacific International Electric Company of Brea, California, for Runway 16/34 windsock relocation and emergency generator installation projects at Riverside Municipal Airport in the amount of \$142,952 with a ten percent contingency in the amount of \$14,295.20 for a total project cost not-to-exceed \$157,247.20; and (2) authorized the City Manager, or his designee, to execute a Construction Agreement with Pacific International Electric Company including making minor and non-substantive changes.

MEMORANDUM OF UNDERSTANDING - SCHOOL RESOURCE OFFICER PROGRAM - RIVERSIDE UNIFIED SCHOOL DISTRICT

The City Council (1) approved the Memorandum of Understanding between the Riverside Unified School District and the City of Riverside in the amount of \$1,063,310 for the term of July 1, 2020, to June 30, 2022, for the School Resource Officer Program; and (2) authorized the City Manager, or designee, to execute the Memorandum of Understanding with the Riverside Unified School District, including making minor and non-substantive changes.

AGREEMENT - ON-CALL REPAIR, MAINTENANCE, AND SERVICE - VARIOUS SEWER LIFT STATION PUMPS

The City Council (1) approved a Service Agreement with Flo Services, Inc., for on-call repair, maintenance, and service for various sewer lift station pumps for the period through June 30, 2022, in an amount not-to-exceed \$250,000; and (2) authorized the City



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Manager, or his designee, to execute the Professional Service Agreement including making minor and non-substantive changes.

COMMUNICATIONS

INTERGOVERNMENTAL RELATIONS AND LEGISLATIVE UPDATE

The Intergovernmental relations and legislative update was not held.

CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHALLENGE/FINANCIAL SOLVENCY UPDATE

The California Public Employees Retirement System challenge/financial solvency was not held.

HOMELESS SOLUTIONS UPDATE

The City Council received an update on homeless solutions.

HEALTH, SAFETY, AND SECURITY UPDATES

The City Council received an update on health, safety, and security.

RULES AND REGULATIONS CREATED OR SUSPENDED

The rules and regulations created or suspended update was not held.

MAYOR/COUNCILMEMBER COMMUNICATIONS

Councilmember Edwards reported on virtual office hours. Councilmember Melendrez and Mayor Bailey reported on food distributions by volunteer agencies. Councilmembers Hemenway and Perry reported on the La Sierra University backpack program. Councilwoman Plascencia reported on the Love Riverside food giveaway and Brandt family support. Mayor Bailey reported on the Mayor's Multicultural forum.

PUBLIC HEARINGS/PLANNING REFERRALS AND APPEALS

HOUSING AND URBAN DEVELOPMENT 2019-2020 ANNUAL ACTION PLAN AMENDMENT - BOBBY BONDS SYNTHETIC TURF REPLACEMENT - FUNDS TRANSFER - 2060 UNIVERSITY

Hearing was called to consider an amendment to the 2019-2020 Housing and Urban Development (HUD) Annual Action Plan to allocate an additional \$116,000 in Unprogrammed Community Development Block Grant funds to the current Bobby Bonds Synthetic Turf Replacement Project, bringing the total project budget to \$401,345.

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No one spoke on the matter. The public hearing was officially closed. Following discussion, it was moved by Councilmember Melendrez and seconded by Councilmember Perry to (1) authorize an amendment to the 2019-2020 HUD Annual Action Plan to allocate an additional \$116,000 to the current 2019-2020 Ward 2 Bobby Bonds Turf Replacement Project, increasing its budget from \$285,345 to \$401,345; and (2) authorize the City Manager, or his designee, to execute the Amendment to the Memorandum of Understanding with the Parks Recreation and Community Services Department for the 2019-2020 Bobby Bonds Turf Replacement Project, including making minor non-substantive changes, and to sign all documents and instruments necessary to implement this action. The motion carried unanimously.

CASE P20-0161 - E.T. WALL PACKING HOUSE #2 - CITY LANDMARK NO.142 - 3230 VINE RESOLUTION - ORDINANCE INTRODUCED

Hearing was called on a request by Marco McGuire of Riverside Packing House, LLC, to adopt a resolution approving the application under Planning Case Number P20-0161 designating the E.T. Wall Packing House #2 located at 3230 Vine Street, as City Historic Landmark #142 and to introduce an ordinance amending the Zoning Map pursuant to Chapter 19.090 of the Municipal Code by applying the Cultural Resources Overlay ("CR") Zone to City Landmark No. 142, the E.T. Wall Packing House #2, located at 3230 Vine Street. One person spoke on the matter. The public hearing was officially closed. Following discussion, it was moved by Councilmember Edwards and seconded by Councilmember Fierro to (1) determine that Planning Case P20-0161 (Historic Designation) for the designation of the E.T. Wall Packing House #2 building as a City Landmark, is categorically exempt from the California Environmental Quality Act pursuant to Sections 15061(b)(3) (Common Sense Exemption) and 15308 (Actions by Regulatory Agencies for Protection of the Environment) as the proposal will have no significant effect on the environment, identifies the structure as a cultural resource, and preserves the historic character of a cultural resource; (2) approve Planning Case P20-0161 (Historic Designation) based on, and subject to, the Cultural Heritage Board facts for findings outlined in the Cultural Heritage Board staff report; (3) adopt a Resolution designating the E.T. Wall Packing House #2 building as a City Landmark; (4) approve the findings for the Zoning Code Map Amendment to apply the CR-Cultural Resources Overlay Zone to the subject property; and (5) introduce an Ordinance to rezone 3230 Vine Street from the BMP-Business and Manufacturing Park Zone to the BMP-CR - Business and Manufacturing Park and Cultural Resources Overlay Zones. The motion carried unanimously.



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Whereupon, the title having been read and further reading waived, Resolution No. 23619 of the City Council of the City of Riverside, California, Approving the Application Under Planning Case Number P20-0161 Designating The E.T. Wall Packing House #2 Located at 3230 Vine Street, as City Historic Landmark #142, was presented and adopted; and an Ordinance entitled "An Ordinance of the City of Riverside, California, Amending the Zoning Map of the City of Riverside Pursuant to Chapter 19.090 of the Riverside Municipal Code by Applying the Cultural Resources Overlay ("CR") Zone to City Landmark No. 142, The E.T. Wall Packing House #2, Located at 3230 Vine Street," was presented and introduced.

CASE P20-0074 - FREELAND TRACTOR COMPANY SHOWROOM - CITY HISTORIC LANDMARK NO. 141 - 3252 MISSION INN - RESOLUTION

Hearing was called on a request by Charles and Naomi Avila to adopt a resolution approving the application under Planning Case Number P20-0074 designating the former Freeland Tractor Company Showroom Building located at 3252 Mission Inn Avenue, as City Historic Landmark #141. Two people spoke on the matter. The public hearing was officially closed. Following discussion, it was moved by Councilmember Melendrez and seconded by Councilmember Perry to (1) determine that Planning Case P20-0074 (Historic Designation) for the designation of the former Freeland Tractor Company Showroom building as a City Landmark, is categorically exempt from the California Environmental Quality Act, pursuant to Sections 15061(b)(3) (Common Sense Exemption) and 15308 (Actions by Regulatory Agencies for Protection of the Environment), as the proposal will have no significant effect on the environment, identifies the structure as a cultural resource, and preserves the historic character of a cultural resource; (2) approve Planning Case P20-0074 (Historic Designation) based on, and subject to, the Cultural Heritage Board facts for findings outlined in the Cultural Heritage Board staff report; and (3) adopt a Resolution designating the Freeland Tractor Company Showroom building as a City Landmark. The motion carried unanimously.

Whereupon, the title having been read and further reading waived, Resolution No. 23620 of the City Council of the City of Riverside, California, Approving the Application Under Planning Case Number P20-0074 Designating the Former Freeland Tractor Company Showroom Building Located at 3252 Mission Inn Avenue, as City Historic Landmark #141, was presented and adopted.

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CASE P19-0487 - CERTIFICATE OF APPROPRIATENESS - 4674 BEACON

Hearing was called to consider the appeal of Randall Neal of the Cultural Heritage Board's denial of a Certificate of Appropriateness for replacement of the single-family residence main level, two-car garage, and basement expansion located at 4674 Beacon Way. Seven people spoke on the matter. The public hearing was officially closed. Following discussion, it was moved by Councilmember Edwards and seconded by Councilmember Conder to (1) determine that that the project is exempt from the California Environmental Quality Act pursuant to Sections 15302 (Replacement or Reconstruction), 15331 (Historic Resource Restoration/Rehabilitation), and 15303 (New Construction or Conversion of Small Structures), as this project is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and will not have a significant effect on the environment; (2) uphold the appeal by Randall Neal (Applicant) and approve Planning Case P19-0487 (Certificate of Appropriateness), based on the findings outlined in the Cultural Heritage Board staff report and subject to the recommended conditions of approval; (3) prior to issuance of grading permit, require the applicant, builder, and crew to attend cultural sensitivity training conducted by a qualified archeologist familiar with Secretary of Interior standards; (4) direct staff to review Title 20 to clarify what findings apply for compatibility for historic districts versus historic buildings and to ensure better definitions, principles, and standards; and (5) direct the Cultural Heritage Board to review City processes and communication for permits in Historic Districts as they relate to structures within the Districts to ensure clarity. The motion carried unanimously.

DISCUSSION CALENDAR

BIKE RIVERSIDE PROGRAM UPDATE - BICYCLE SHARE PROGRAM

Following discussion, it was moved by Councilmember Conder and seconded by Councilmember Perry to approve the City Council Mobility and Infrastructure Committee recommendations to (1) receive and order filed the Bike Riverside program update; and (2) direct staff to (a) allow the existing agreement with Bewegen to sunset in October of 2020, (b) sell back operator-specific equipment and replace bike share racks with standard bicycle racks as an interim improvement, and (c) seek public-private partnerships for a new micromobility program. The motion carried unanimously.



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OUTDOOR FLEX-SPACE PERMIT PROGRAM - LOCAL GYM AND FITNESS-ORIENTED BUSINESS OPERATIONS WITHIN PUBLIC PARKS

Following discussion, it was moved by Councilmember Fierro and seconded by Councilmember Edwards to approve Councilmembers Fierro and Edwards recommendations to (1) direct staff to streamline the permit process by implementing a new category within the Outdoor Flex-Space Permit (Category 5) to specifically allow for brick and mortar gyms, fitness-oriented businesses, and places of worship to conduct operations within public parks while indoor operations are shuttered, with the following details: (a) the Parks and Recreation Department and other applicable City Departments will directly review applications and ensure that the proposed operations do not substantially impact other park users or operations such as youth sports, (b) staff will review and ensure that COVID-19 safety protocols, orders, and guidelines are planned for and implemented along with commercial and/or liability insurance, and (c) applicants are eligible only if they have a brick and mortar fitness-oriented business or places of worship that are unable to resume indoor activities due to COVID-19 orders; (2) direct staff to waive permit and use fees for brick and mortar gyms, fitness-oriented businesses, and places of worship who have been forced to close their physical locations due to the pandemic so that they may operate within public parks; (3) direct staff to report back to the City Council within 90 days the fiscal impact associated with the fee waivers through this action and any additional recommendations necessary; and (4) directed staff to provide periodic reports to the City Council on the usage of flex space. The motion carried unanimously.

CLOSED SESSIONS

The Mayor and City Council adjourned to closed sessions pursuant to Government Code (1) §54956.9(d)(1) to confer with and/or receive advice from legal counsel concerning Jeffrey R. Burtis v. City of Riverside, RCSC Case No. RIC 1708830, Court of Appeal, 4th Appellate District No. E073298; (2) §54956.9(d)(1) to confer with and/or receive advice from legal counsel concerning City Best Insurance Services, Inc. v. City of Riverside, RCSC Case No. RIC 2000906; (3) §54956.9(d)(1) to confer with and/or receive advice from legal counsel concerning City of Riverside v. Mitchell Robert Allen, SBCSC Case No. CIVDS2014301; (4) §54956.9(d)(1) to confer with and/or receive advice from legal counsel concerning Susan McKiernan v. City of Riverside, et. al., RCSC Case No. RIC 1904677; (5) §54956.9(d)(1) to confer with and/or receive from legal counsel concerning (a) Tony Platt v City of Riverside, RCSC Case No. RIC 1822011; and (b) City of Riverside v. Tony Platt, et al., RCSC Case No. COC 1900185; (6) §54956.9(d)(1) to confer with and/or receive from legal counsel concerning Jose Rosario Aranda v. City of Riverside, RCSC



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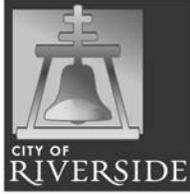
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Case No. RIC 2000345; (7) §54956.9(d)(1) to confer with and/or receive advice from legal counsel concerning Michael Easley v. City of Riverside, et al., RCSC Case No. RIC 1314084; (8) §54956.9(d)(1) to confer with and/or receive advice from legal counsel concerning William R. ("Rusty") Bailey III v City of Riverside, RCSC Case No. RIC 1804755; R. Ben Clymer, Jr. v City of Riverside, et al., RCSC Case No. RIC 1806669; (9) §54956.9(d)(2) to confer with and/or receive advice from legal counsel concerning one case of anticipated litigation; (10) §54956.9(d)(4) to confer with and/or receive advice from legal counsel concerning two cases of anticipated litigation; (11) §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 including the 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; and (12) §54957(b) for public employee discipline/dismissal/release/termination of City Attorney.

COMMUNICATIONS

CITY ATTORNEY REPORT ON CLOSED SESSIONS

Chief Assistant City Attorney announced that (1) on May 12, 2020, the City Council unanimously approved settlement of R. Ben Clymer Jr. v City of Riverside for \$111,510 in Clymer attorney fees and costs, that the City will dismiss its appeal, no other party will file an appeal, and Clymer will not pursue any other action against John Russo regarding his contract; (2) regarding Bailey v City of Riverside on (a) August 18, 2020, with a vote of 5-2 with Councilmembers Edwards and Melendrez voting no, the City Council agreed to pay Bailey attorneys fees and costs in the amount of \$300,000, and (b) on June 2, 2020, by a vote of 5-2 with Councilmembers Conder and Melendrez voting no, the City Council approved payment of the fees in exchange for waiver of appeal rights, acknowledgement of the Trial Court decision in the Clymer and Bailey matters that the Mayor under the Charter had the authority to veto City Manager Russo's contract and he followed the Charter in doing so, that the City Council did not vote to override the veto, and, as such, the Russo contract was neither approved nor adopted by the City, and at a separate meeting the City Council will vote on a conflict issue resolution regarding Charter Officer contracts.



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ITEMS FOR FUTURE CITY COUNCIL CONSIDERATION

Councilmember Conder requested a report on Public Works Department funding of \$3.5 million for paving previously approved by the Budget Engagement Commission and the City Council.

The City Council adjourned at 8:51 p.m. in honor of Police Detective Aaron Brandt.

Respectfully submitted,

COLLEEN J. NICOL
City Clerk