



City of Arts & Innovation

**CITY COUNCIL
HOUSING AUTHORITY
SUCCESSOR AGENCY
MINUTES**

TUESDAY, OCTOBER 27, 2020, 1 P.M.
VIRTUAL MEETING
PUBLIC COMMENT IN PERSON/TELEPHONE
ART PICK COUNCIL CHAMBER
3900 MAIN STREET

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

ABSENT: None

Mayor Bailey called the meeting to order at 1 p.m.

ORAL COMMUNICATIONS FROM THE AUDIENCE

There was no one wishing to address the City Council.

COMMUNICATIONS

CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHALLENGE/FINANCIAL SOLVENCY UPDATE

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

INTERGOVERNMENTAL RELATIONS AND LEGISLATIVE UPDATE

The Intergovernmental relations and legislative update 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 update on rules and regulations created or suspended was not held.

PRESENTATION

PRIORITY BASED BUDGETING OVERVIEW

Following discussion and without formal motion, the City Council received and ordered filed the overview on Priority Based Budgeting.



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DISCUSSION CALENDAR

ASIAN CITRUS PSYLLID AND HUANGLONGBING CITRUS GREENING DISEASE UPDATE

Following discussion and without formal motion, the City Council received and ordered filed the Asian citrus psyllid and huanglongbing citrus greening disease update.

NEIGHBORHOODS USA - 2020 BEST NEIGHBORHOOD PROGRAM

Following discussion and without formal motion, the City Council received and ordered filed a report on the Neighborhoods USA (NUSA) Best Neighborhood Program of the Year Awards.

FISCAL YEAR 2019-20 FINANCIAL UPDATE - FISCAL YEAR 2020-21 EMERGENCY BUDGET ADJUSTMENTS - SUPPLEMENTAL APPROPRIATIONS

Following discussion, it was moved by Councilmember Perry and seconded by Councilmember Conder to (1) receive and order filed the Fiscal Year 2019/20 financial update; (2) approve recommended adjustments to the adopted FY 2020/21 Emergency Budget as outlined in the written staff report; and (3) approve supplemental appropriations totaling \$13,820,444 citywide: in the Special Districts Fund \$175,262, Debt Service Fund \$13,120,182, Storm Drain Fund \$50,000, and Measure A Fund \$475,000. 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 from legal counsel concerning Bobby D. Harris, III v. City of Riverside, et al., RCSC Case No. RIC 1610330; (2) §54956.9(d)(4) to confer with and/or receive advice from legal counsel concerning two cases of anticipated litigation; (3) §54956.9(d)(2) to confer with and/or receive advice from legal counsel concerning one case of anticipated litigation; (4) §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



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Workers #47, and Riverside Police Administrators Association; (5) §54956.9(b)(3)(c) to confer with and/or receive from legal counsel concerning Gary G. Geuss v City of Riverside, Claim No.: 20-09-06; and (6) §54957(b) for public employee discipline/dismissal/release/termination of City Attorney.

RECESS

The Mayor and City Council recessed at 3:05 p.m. and reconvened at 6:15 p.m. with Mayor Bailey presiding and all Councilmembers present.

The Invocation was given by Councilmember Conder.

Mayor Bailey led the Pledge of Allegiance to the Flag.

ORAL COMMUNICATIONS FROM THE AUDIENCE

Ben Clymer, Jr. spoke regarding the Board of Ethics complaint panel. Keith Nelson spoke regarding the Code of Ethics complaint procedures. Aurora Chavez spoke regarding COVID-19 and mask wearing, trash collection drivers, and Mayor Bailey. Tony Mize spoke regarding the affordable housing project at 11253 Pierce Street. David spoke regarding Mayor Bailey, streetcars, safety, appointments to boards and commissions, and Councilmember Fierro. One person spoke regarding the Code of Ethics complaint against Councilwoman Plascencia. Jason Hunter spoke regarding conflicts of interest, the Southern California Public Power Authority audit, the former City Manager employment agreement, and a police traffic investigation. Anna Moore spoke regarding Riverside Neighborhood Partnership awards. Errol Kashowitz spoke regarding homelessness, City and State finances, and the United States Supreme Court.

MAYOR/COUNCILMEMBER COMMUNICATIONS

Councilwoman Plascencia reported on the ground breaking for new Civil Rights Institute, University of California, Riverside panel participation, and St. Michael's food deliveries. Councilmember Edwards reported on the ground breaking for new Civil Rights Institute.

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



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each item with (1) Councilmember Hemenway disqualifying himself from the agreement for permanent local housing allocation loan for 80-unit affordable housing project at 11253 Pierce Street as he is employed by La Sierra University; and (2) Councilmember Melendrez disqualifying himself from the third amendment to the standard commercial multi-tenant lease at 3720 and 3740 Mission Inn Avenue, as he owns property within 500 feet. The motion carried unanimously.

SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY - PURCHASE, SALE, AND DEVELOPMENT AGREEMENT - SOUTHEAST CORNER OF HOLE AND BUSHNELL - RESOLUTION

The Successor Agency to the Redevelopment Agency (1) adopted a resolution authorizing execution of the Purchase, Sale, and Development Agreement with R.C. Hobbs Company, Inc., for approximately .95 acre of Successor Agency-owned vacant land located at the southeast corner of Hole and Bushnell Avenues, known as Five Points-Site C, bearing Assessor's Parcel Numbers 146-231-016, 146-231-017, 146-231-027, 146-231-031, 146-231-032, 146-231-033, 146-231-034, and 146-231-036 for the sale amount of \$560,000 to facilitate development of a multi-family residential project; (2) recommended that the Countywide Oversight Board adopt a separate resolution authorizing execution of the Agreement with R.C. Hobbs Company, Inc., for approximately .95 acre of Successor Agency-owned vacant land located at the southeast corner of Hole and Bushnell Avenues, known as Five Points-Site C, bearing Assessor's Parcel Numbers 146-231-016, 146-231-017, 146-231-027, 146-231-031, 146-231-032, 146-231-033, 146-231-034, and 146-231-036 for the sale amount of \$560,000 in accordance with the Successor Agency's Long Range Property Management Plan; and (3) authorized the Executive Director, or his designee, to execute the Agreement with R.C. Hobbs, Inc., including making minor, non-substantive changes, and to sign all documents and instruments necessary to complete the transaction and to expend up to \$15,000 for title, escrow, and miscellaneous related closing costs; whereupon, the title having been read and further reading waived, Resolution No. 41 of the City Council of the City of Riverside California, as Successor Agency to the Redevelopment Agency of the City of Riverside Approving a Purchase, Sale and Development Agreement with R.C. Hobbs Company, Inc. for the Sale of Approximately 0.95 Acres of Successor Agency-Owned Vacant Land, Identified as Assessor Parcel Numbers 146-231-016, 146-231-017, 146-231-027, 146-231-031, 146-231-032, 146-231-033, 146-231-034, and 146-231-036, Known



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as Five Points, Located at the Southeast Corner of Hole and Bushnell Avenues, Riverside, California, was presented and adopted.

JOINT ITEM WITH HOUSING AUTHORITY - PERMANENT LOCAL HOUSING ALLOCATION LOAN AGREEMENT - 80-UNIT AFFORDABLE HOUSING PROJECT - 11253 PIERCE - SUPPLEMENTAL APPROPRIATION

The City Council (1) approved a Permanent Local Housing Allocation Loan Agreement with Golden Pierce Housing Partners L.P., in the amount of \$1,000,000 to facilitate development of a proposed 80-unit affordable housing project being proposed at 11253 Pierce Street; and (2) authorized the City Manager, or his designee, to execute the Permanent Local Housing Allocation Loan Agreement with Golden Pierce Housing Partners L.P., after the Permanent Local Housing Allocation Standard Agreement has been executed with the State of California, including making minor and non-substantive changes as necessary to the Loan Agreement.

The Housing Authority (1) approved a Housing Authority Loan Agreement with Golden Pierce Housing Partners L.P., in the amount of \$1,000,000 to facilitate development of a proposed 80-unit affordable housing project at 11253 Pierce Street; (2) authorized the Executive Director, or his designee, to execute the Housing Authority Loan Agreement with Golden Pierce Housing Partners L.P., including making minor and non-substantive changes as necessary; and (3) authorized a supplemental appropriation of \$1,000,000 from Housing Authority Fund Balance Account Number No. 0000280-298000 to a project account to be established by the Finance Department under the Housing Authority 280 Fund.

DECLARE CITY-OWNED VACANT LAND AS EXEMPT SURPLUS - PURCHASE AND SALE AGREEMENT - RESIDENTIAL DEVELOPMENT PROJECT - SOUTHWEST INTERSECTION OF VIA VISTA AND WEST VIEW DRIVES

The City Council (1) declared vacant City-owned land located at the intersection of Via Vista and West View Drives, bearing APN 252-052-010, also known as Lot F, as exempt surplus land based on the written findings contained in the staff report; (2) approved the Purchase and Sale Agreement with KVM Partners, LLC for the sale of approximately 4,255 square feet of vacant City-owned land for the sale price of \$28,500; and (3) authorized the City Manager, or his designee, to execute the Agreement, including



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making minor and non-substantive changes, and to sign all documents and instruments necessary to complete this transaction.

DECLARE CITY-OWNED VACANT LAND AS EXEMPT SURPLUS - WHITEGATES I RESERVOIR - 7270 BODEWIN

The City Council (1) declared as surplus approximately .61 acre of City-owned vacant land in its as-is condition located at 7270 Bodewin Court, bearing Assessor Parcel Number 243-460-018, formerly known as the Whitegates I Reservoir; and (2) authorized the marketing and sale of the property located at 7270 Bodewin Court pursuant to Assembly Bill 1486 and in accordance with the City's Administrative Manual Policy 08.003.00 for Disposition and Sale of City-Owned Real Property.

PERMANENT AND TEMPORARY EASEMENT CONSTRUCTION AGREEMENTS - CITY-OWNED PROPERTIES - 5950 ACORN

The City Council (1) approved the Grant of Easement and Agreement granting a Permanent Easement to Jurupa Community Services District over Assessor's Parcel Numbers 155-070-031, 163-300-013, and 163-300-014, or more particularly known as the Riverside Regional Water Quality Control Plant located at 5950 Acorn Street, Riverside, CA 92504; (2) approved the Grant of Temporary Construction Easement and Agreement granting a Temporary Construction Easement to Jurupa Community Services District over Assessor's Parcel Numbers 155-070-031, 163-300-013, and 163-300-014 for a twelve-month term; (3) authorized the City Manager, or his designee, to execute the Grant of Permanent Easement Agreement, including making minor non-substantive changes, and to sign all documents necessary to complete the transaction; and (4) authorized the City Manager, or his designee, to execute the Temporary Construction Easement Agreement, including making minor non-substantive changes, and to sign all documents necessary to complete the transactions.

LICENSE AGREEMENT - LANDSCAPING, IRRIGATION, AND ELECTRICAL FACILITIES MAINTENANCE - CITY-OWNED PROPERTY - 599 CENTRAL

The City Council (1) approved the License Agreement with Quail Run Owner, LLC., for use of 17,655 square feet of a portion of City-owned property located at 599 Central Avenue identified by Assessor's Parcel Numbers 253-240-009 and 253-240-029 for a ten-year term with optional five-year extensions in perpetuity; and (2) authorized the City Manager, or



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his designee, to execute the License Agreement, including making minor, non-substantive changes, and to execute the optional five-year extensions in perpetuity and sign all documents and instruments necessary to complete the transaction.

COMMUNITY FACILITIES DISTRICT NO. 2015-2 (POMELO) - INTENTION TO INCUR BONDED INDEBTEDNESS – RESOLUTIONS - PUBLIC HEARING SCHEDULED

The City Council (1) adopted a Resolution declaring the City's intention to establish the Proposed Community Facilities District 2015-2 (Pomelo) to authorize a levy of special taxes to pay the costs of acquiring or constructing certain facilities and providing certain services and to pay debt service on bonded indebtedness; (2) adopted a Resolution of Intention for the City to incur bonded indebtedness in an amount not-to-exceed \$7,000,000 within the proposed Community Facilities District No. 2015-2 (Pomelo); and (3) set a public hearing for December 1, 2020, at 1 p.m. to vote on establishment of the proposed Community Facilities District, and if established, to hold a special election to authorize the proposed rate and method of apportionment of the special taxes (A and B) and the proposed issuance of bonds to finance the improvements and incidental expenses, whereupon, the titles having been read and further readings waived, Resolution No. 23635 of the City Council of the City of Riverside, Declaring Its Intention to Establish Proposed Community Facilities District No. 2015-2 (Pomelo) of the City of Riverside, to Authorize the Levy of Special Taxes to Pay the Costs of Acquiring or Constructing Certain Facilities and Providing Certain Services and to Pay Debt Service on Bonded Indebtedness; and Resolution No. 23636 of Intention of the City Council of the City of Riverside to Incur Bonded Indebtedness in an Amount Not To Exceed \$7,000,000 Within Proposed Community Facilities District No. 2015-2 (Pomelo) of the City of Riverside, were presented and adopted.

THIRD AMENDMENT TO STANDARD COMMERCIAL MULTI-TENANT LEASE-MODIFIED NET - CALIFORNIA TOWER - 3720 AND 3740 MISSION INN

The City Council (1) approved the Third Amendment to the Standard Commercial Multi-Tenant Lease-Modified Net for California Tower with Route 30 Brewing Company, LLC for approximately 3,336 square feet of rentable space located at 3720 and 3740 Mission Inn Avenue; and (2) authorized the City Manager, or his designee, to execute the Third Amendment to the Standard Commercial Multi-Tenant Lease-Modified Net for California Tower with Route 30 Brewing Company, LLC, including making minor, non-substantive



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changes, and to sign all documents and instruments necessary to complete the transaction.

Councilwoman Plascencia disqualified herself from participation in the following matter and left the meeting.

DISCUSSION CALENDAR

APPEAL - BOARD OF ETHICS HEARING PANEL FINDINGS AND DECISIONS FOR COMPLAINT FILED BY JASON HUNTER AGAINST COUNCILWOMAN PLASCENCIA

Hearing was called on the appeal of the decision of the Board of Ethics Hearing Panel on the complaint filed by Jason Hunter against Councilwoman Plascencia filed on June 16, 2020.

Following discussion, Mayor Bailey polled the Councilmembers with Councilmembers Edwards, Melendrez, Fierro, Perry, and Hemenway voting aye and Councilmember Conder voting no finding a clear error in judgement by the Hearing Panel for the findings and decision that Councilwoman Plascencia violated RMC Section 2.78.060(M) violations of federal, State, or local law prohibited.

Following discussion, Mayor Bailey polled the Councilmembers with Councilmembers Edwards, Melendrez, Fierro, Perry, and Hemenway voting aye and Councilmember Conder voting no finding a clear error in judgement by the Hearing Panel for the findings and decision that Councilwoman Plascencia violated RMC Section 2.78.060(D) Advocacy of private interests of third parties in certain circumstances prohibited.

Following discussion, it was moved by Councilmember Edwards and seconded by Councilmember Fierro finding clear errors in judgement by the Hearing Panel for the following findings:

Riverside Municipal Code Section 2.78.060(M) Violations of federal, State, or local law prohibited

1. The Sunshine Ordinance was violated by circumventing the twelve-day posting requirement.



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- The Sunshine Ordinance was not violated pursuant to RMC Sections 4.05.050(D) and 4.05.050(D)(1)(A) which allows the Sunshine Ordinance to be waived if certain conditions are met.
 2. There was discussion at the prior City Council meeting to consider the request at a later date.
 - “Urgency” is determined by either the Mayor and a Councilmember or two Councilmembers. Urgency was established in this case and procedure was followed.
 3. The Sunshine Ordinance was reviewed to determine how to circumvent the twelve-day publication requirement.
 - There is a clear process established in the Municipal Code to waive or circumvent the Sunshine Ordinance. It was followed.
 4. The agenda and written report failed to fully and clearly disclose the action to be taken.
 - The December 17, 2019, agenda and associated report for Item 7A did not violate the Sunshine Ordinance or the Brown Act as the report defines “collateral” and as a union bug is an insignia.

Riverside Municipal Code Section 2.78.060(D) Advocacy of private interests of third parties in certain circumstances prohibited

5. The union bug on the business card constitutes advocacy for the private interest of a third party.
 - The union bug on a business card does not promote the interest of a third party as its use is legal, there is a precedent for such an insignia to be used on a city stationary, and the insignia certifies labor performed not an allegiance to any one entity.

The motion carried with Councilmember Edwards, Melendrez, Fierro, Perry, and Hemenway voting aye, Councilmember Conder voting no, and Councilwoman Plascencia absent.

Following further discussion, it was moved by Councilmember Edwards and seconded by Councilmember Fierro finding an abuse of discretion in the judgement by the Hearing Panel in that (1) the question of “urgency” is not within the purview of the Board of Ethics



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discretion per RMC Section 4.05.050(D)(2); and it was an abuse of discretion for the Hearing Panel to substitute their own opinion of urgency over the opinion of the City Council; and (2) the use of the union bug on City business cards is a policy decision made by the City Council in a vote of five ayes and two noes on December 17, 2019; and the Board of Ethics does not make policy decisions and it was an abuse of discretion for the Hearing Panel to disregard and override the policy decision of the City Council. The motion carried with Councilmember Edwards, Melendrez, Fierro, Perry, and Hemenway voting aye, Councilmember Conder voting no, and Councilwoman Plascencia absent.

COMMUNICATIONS

CITY ATTORNEY REPORT ON CLOSED SESSIONS

Senior Deputy City Attorney Mercer announced there were no reportable actions on closed sessions.

ITEMS FOR FUTURE CITY COUNCIL CONSIDERATION

Councilmember Conder requested Riverside Alive and Convention Center updates to the City Council.

The City Council adjourned at 8:15 p.m.

Respectfully submitted,

COLLEEN J. NICOL
City Clerk