

**CITY COUNCIL,
SUCCESSOR AGENCY
AND
HOUSING AUTHORITY
MINUTES**

TUESDAY, SEPTEMBER 22, 2015, 1:00 P.M.
ART PICK COUNCIL CHAMBER
CITY HALL
3900 MAIN STREET

City of Arts & Innovation

WARDS

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PUBLIC HEARINGS/PLANNING REFERRALS AND APPEALS

CASE P15-0222 - REZONING MACKEY HOUSE - CITY LANDMARK - 6140 TIBURON - ORDINANCE INTRODUCED - RESOLUTION

Hearing was called on the proposal by Karin Jeske to designate the Mackey House located at 6140 Tiburon Drive as a City landmark and to rezone the subject 1.68-acre property to apply the CR - Cultural Resources Overlay Zone to the existing RC - Residential Conservation Zone. One person spoke on the matter. The public hearing was officially closed. Following discussion, the City Council (1) determined that Planning Case P15-0222 (City Landmark Designation) is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15061 (b)(3) and 15308 of the CEQA guidelines, as it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment, said action is intended to preserve the historic character of the building and site, and to provide notice of the historic status; (2) approved Planning Case P15-0222 based on and subject to the Cultural Heritage Board facts or findings outlined in the written staff report; (3) adopted the resolution designating 6140 Tiburon Drive as a City Landmark; (4) approved the findings as contained in the staff report for the Zoning Code Map Amendment (Rezoning) to apply the CR - Cultural Resources Overlay Zone to the property; and (5) introduced and subsequently adopt an ordinance to rezone 6140 Tiburon Drive from the RC - Residential Conservation Zone to the RC-CR – Residential Conservation and Cultural Resources Overlay Zones; whereupon, the title having been read and further reading waived, Resolution No. 22905 of the City Council of the City of Riverside, California, Approving the Application Under Planning Case Number P15-0222 Designating the Structure and Site at 6140 Tiburon Drive, as a City Historic Landmark, Assessor's Parcel Number 241-080-012, was presented and adopted; whereupon, 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. 127, the Mackey House," was presented and introduced.

Motion
Second
All Ayes

X

X

MOBILE HOME PARKS RENT STABILIZATION

Hearing was called on mobile home parks rent stabilization pursuant to Section 5.75.080 of the Riverside Municipal Code relative to activities associated with the Mobile Home Parks Rent Stabilization Ordinance over the preceding 12-month period from September 1, 2014 through August 31, 2015. Two people spoke on the matter. The public hearing was officially closed. Following discussion, the City Council (1) directed staff to



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notify mobile home park owners and tenant representatives on record of the maximum allowable rent increase that will be in effect in calendar year 2015 according to Section 5.75.040 of the Riverside Municipal Code upon receipt of the appropriate Consumer Price Index data for August 2015; and (2) received and ordered filed the report on all activities that have taken place relative to the Mobile Home Parks Rent Stabilization Ordinance for the 2014 reporting period from September 1, 2014 through August 31, 2015.

Motion
Second
All Ayes

CASES P15-0137, P15-0138 AND P15-0139 - APPEAL - CONDITIONAL USE PERMIT AND VARIANCES - TJ MART - 3815 LA SIERRA

Hearing was called on the appeal of All Star Realty on behalf of TJ Mart of the Planning Commission's denial of a conditional use permit and variances to upgrade a current California Department of Alcoholic Beverage Control (ABC) Type 20 License (off-sale beer and wine) to Type 21 License (off sale general) and consider a reduced buffer from sensitive land uses as required by the City's Zoning Code, in an approximately 2,300-square foot building. Two people spoke on the matter. The public hearing was officially closed. Following discussion, the City Council denied the applicant's appeal, thereby upholding the Planning Commission's denial of Planning Cases P15-0137, P15-0138 and P15-0139.

Motion
Second
All Ayes

CASES P13-0956, P13-0959, P13-0963, P13-0964, P13-0965 AND P13-0966 - GENERAL AND SPECIFIC PLAN AMENDMENTS - TENTATIVE PARCEL MAP - DESIGN REVIEW - MINOR CONDITIONAL USE PERMIT AND VARIANCES - INDUSTRIAL BUILDING DEVELOPMENT - PALMYRITA AND MICHIGAN - CONTINUED

Hearing was called to consider a proposal by MIG|Hogle-Ireland to consider (1) General and Specific Plan amendments of a phased development consisting of three industrial buildings totaling approximately 1,461,449 square feet of industrial Warehouse Distribution space on a vacant site approximately 72.5 acres, with nine parcels; (2) vacation of an approximately 2,250-foot-long portion of Columbia Avenue, a planned and dedicated but not yet constructed 110-foot-wide arterial roadway; (3) Tentative Parcel Map 36683 subdividing a 72.5-acre site into three parcels; (4) design review of plot and building elevations; (5) minor conditional use permit for building which exceeds 400,000 square feet; and (6) a variance to allow building height of up to 56 feet where 45 feet is maximum allowed located at the southeast corner of Palmyrita Avenue and Michigan Avenue, and north of Sugarloaf Mountain in the Hunter Industrial Park area. No one spoke on the matter. Following discussion, the City Council continued the hearing to October 27, 2015, at 3 p.m.

Motion
Second
All Ayes



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CLOSED SESSION

The City Council recessed to the City Council Board Room for closed sessions pursuant to Government Code (1) §54956.9(b)(3)(c) to confer with and/or receive advice from legal counsel concerning Paul Davis v. City of Riverside, Tort Claim No. 15-08-04; (2) §54956.9(d)(1) to confer with and/or receive advice from legal counsel concerning Fair Housing Council of Riverside County, Inc. v. City of Riverside, et al., USDC Case No. 5:14-cv-1391-JGB-SP; (3) §54956.9(d)(1) to confer with and/or receive advice from legal counsel concerning City of Riverside v. Tyler Center, Inc., et al.; RCSC Case No. RIC 1403491; (4) §54956.9(d)(1) to confer with and/or receive advice from legal counsel concerning James Ferraro v. City of Riverside, et al., RCSC Case No. RIC 1410220; (5) §54956.9(d)(1) to confer with and/or receive advice from legal counsel concerning Dennis Brokaw, et al. v. City of Riverside, et al., RCSC Case No. RIC 1300052; (6) §54956.9(d)(1) to confer with and/or receive advice from legal counsel concerning Mary Shelton v. City of Riverside, et al., RCSC Case No. RIC 1314012; (7) §54956.9(d)(2) to confer with and/or receive advice from legal counsel concerning two cases of anticipated litigation; (8) §54956.9(d)(4) to confer with and/or receive advice from legal counsel concerning three cases of anticipated litigation; and (9) §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, 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.

RECESS

The City Council recessed at 5:22 p.m. and reconvened at 6 p.m. in the Art Pick Council Chamber with Mayor Bailey presiding and all Councilmembers present.

PRESENTATIONS

Mayor Bailey and Councilmember Soubirous presented a Special Olympics Torch to Larry Martinez for his participation in the 2015 Special Olympics World Games.

Mayor Bailey called upon Public Utilities General Manager Girish Balachandran who introduced Western Municipal Water District Board



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members who presented a \$4 million check for Turf Removal Programs.

MAYOR/COUNCILMEMBER COMMUNICATIONS

BRIEF STATUS REPORTS FOR REGIONAL ORGANIZATIONS, CONFERENCES, SEMINARS, AND MEETINGS ATTENDED BY MAYOR AND CITY COUNCIL - WARD UPDATES - ANNOUNCEMENTS

Councilmember Gardner reported on the proposed war memorial for Native Americans and Alaskan Natives at Riverside National Cemetery. Councilmember Perry reported on the Network of Ethnic Physicians organization, the 911 Day of Service, and Feeding America. Councilmember Soubirous reported on the Walk in Our Shoes event and on the proposed memorial for Native Americans and Alaskan Natives. Councilmember Burnard reported on a public utility conference and strategic meeting for the Fire Department. Councilmember Davis reported on National POW/MIA Recognition Day, the United Way Fundraiser, Grove Counseling and Banquet Center, and an upcoming community meeting. Councilmember Melendrez reported on the 125th year anniversary of Second Baptist Missionary Church and the HEAL Zone. Mayor Bailey reported on the College and Career Fair at the Galleria at Tyler.

The Invocation was given by Councilmember MacArthur.

The Pledge of Allegiance was given to the Flag.

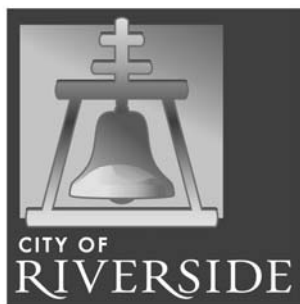
PRESENTATIONS

Mayor Bailey called upon Fox Riverside Theater Foundation Executive Director, Cynthia Wright to give an update on programs, activities, and vision for the future.

Mayor Bailey called upon Cub Scout Pack 97 Cubmaster, John Skiff who recognized the City of Riverside for making Boy Scouts of America 2015 Raingutter Regatta a reality.

Mayor Bailey called upon Chief Innovation Officer and SmartRiverside Executive Director Lea Deesing to give an update on initiatives and introduced Ken McNeely and Julio Figueroa from AT&T and Roger Murphy from XEROX who presented checks to SmartRiverside.

Mayor Bailey called upon Councilmember Melendrez who presented a Proclamation to Latino community action groups recognizing September 15 through October 15, 2015, as Latino Heritage Month.



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INTRODUCTIONS

Mayor Bailey called upon City Manager John Russo who introduced Community Economic Development Director Rafael Guzman, Interim Public Works Director Kris Martinez, and Intergovernmental Affairs Officer Moises Lopez.

ORAL COMMUNICATIONS FROM THE AUDIENCE

Shirley Ferrante spoke regarding the disabled, seniors, and sidewalk repairs. Marilyn Whitney spoke regarding the Agricultural Park. Mike Endeman spoke regarding the turf removal program and processing and collection of parking citation fines. Aurora Chavez spoke regarding regional organizations and seniority.

PUBLIC HEARING

CODE OF ETHICS AND CONDUCT ANNUAL REVIEW

Hearing was called for the annual review of the Code of Ethics and Conduct to review and assess the effectiveness of the Code of Ethics and Conduct as well as its application over the past year as required by Resolution No. 22461 and to receive an interim report from the Code of Ethics and Conduct Ad Hoc Committee. Five people spoke on the matter. The public hearing was officially closed. Following discussion, the City Council (1) assessed the effectiveness of the Code of Ethics and Conduct as well as its application over the past year; (2) received and ordered filed the interim report of the Code of Ethics and Review Ad Hoc Committee; (3) took no action at this time pending conclusion of the Code of Ethics Ad Hoc Committee's work; and (4) extended the timeline for the Ad Hoc Committee to complete their work to December 31, 2015.

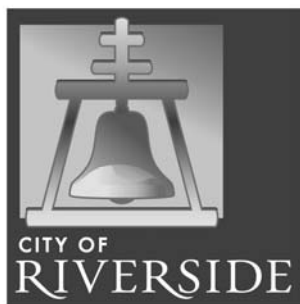
Motion
Second
All Ayes

X

X

ORAL COMMUNICATIONS FROM THE AUDIENCE

Vivian Moreno spoke regarding open negotiations with unions. Bob Gano spoke regarding the Agricultural Park. Rich Gardner spoke regarding the Merrill Street redevelopment. Theresa Newham spoke regarding Wes Studi and the 1st Annual Blues Festival, and Tahlequah and Tulsa, Oklahoma. Errol Koschewitz spoke regarding City debt, public pension, food stamps and welfare program, bonds, and public comment. Scott Andrews spoke economic development. Jason Hunter spoke regarding the Riverside Police Memorandums of Understanding.



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CONSENT CALENDAR

The following items were approved by one motion affirming the actions appropriate to each item, with Item No. 41 regarding the Fiscal Year 2015-16 Federal Aviation Administration grant removed from the agenda.

Motion
Second
All Ayes

MINUTES

The Minutes of the City Council meetings of August 25 and 28 and September 1 and 8, 2015, were approved as presented.

**UTILITY SERVICES/LAND USE/ENERGY DEVELOPMENT COMMITTEE -
SUBSTITUTION OF MEMBER**

The City Council approved the request of Councilmember Davis to serve in place of Councilmember Soubrious on the Utility Services/Land Use/Energy Development Committee for discussion of window signs.

HOUSING AUTHORITY LOGO

The Housing Authority approved a new City of Riverside Housing Authority logo as contained in the written staff report.

**BID 7329 - BORDWELL AND LINCOLN PARKS FITNESS STATION
IMPROVEMENTS AND FITNESS EQUIPMENT - 2008 MARTIN LUTHER
KING - 4261 PARK**

The City Council approved the recommendations of the Community Services and Youth Committee to (1) award Bid 7329 to EBS General Engineering, Inc., Corona, in the total amount of \$77,000 for Site Improvements Fitness Stations, including Base Bid Item I-A, Site Improvements for Bordwell Park Fitness Stations (Area 2, 3, and 4) (\$30,000), Item I-B, Site Improvements for Lincoln Park Fitness Station (Area 3) (\$14,000), and Additive Bid Item II-A, Site Improvements for Bordwell Park Fitness Station (Area 1) (\$13,000), Item II-B, Site Improvements for Lincoln Park Fitness Station (Area 1) (\$10,000), and Item II-C, Site Improvements for Lincoln Park Fitness Station (Area 2) (\$10,000); (2) authorized the City Manager, or his designee, to execute the necessary documents and change orders not-to-exceed 10 percent for the construction work (\$7,700); (3) authorized an expenditure of \$60,374.16 to purchase fitness equipment for all awarded bid items (\$35,782.56 for Bordwell Park and \$24,591.60 for Lincoln Park) from Kompan in accordance with Purchasing Resolution No. 22576, Section 201(f); and (4) approved using \$79,500 of the remaining funds from the Bordwell Park Cell Tower Funds 5200000-450065 for the Project.

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STATE OFFICE OF HISTORIC PRESERVATION -
UNDERREPRESENTED COMMUNITIES GRANT - COMMUNITY
SETTLEMENT HOUSE - 4366 BERMUDA - SUPPLEMENTAL APPROP.

The City Council (1) accepted the award of the Underrepresented Communities Grant from the State Office of Historic Preservation to prepare a National Register of Historic Places nomination for the Community Settlement House located at 4366 Bermuda Avenue; (2) authorized the Finance Department to increase estimated Fiscal Year 2015-16 revenues by \$5,000 to be offset by expenditures in the same amount into a project account as established by the Finance Department; and (3) authorized the Interim Community and Economic Development Director, or his designee, to execute all grant documents.

PURCHASE AND SALE AGREEMENT - 69KV RTRP TRANSMISSION
LINE PROJECT - INDIANA AND GIBSON

The City Council (1) approved the Purchase and Sale Agreement with Gerald H. Brandon and Carol L. Brandon 2004 Trust and the Traver Family Trust for the acquisition of the property located at the southeast corner of Indiana Avenue and Gibson Street, Assessor's Parcel Numbers 233-170-002 and 233-170-003, for the purchase price of \$392,040; and (2) authorized the City Manager, or his designee, to execute the agreement, including making minor non-substantive changes and to sign all documents and instruments necessary to complete the transactions and to expend up to \$10,000 for due diligence, title and escrow fees, and related miscellaneous closing costs for a total of \$402,040.

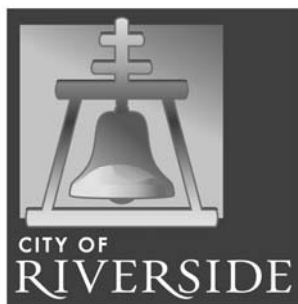
JOINT ITEM WITH SUCCESSOR AGENCY TO THE REDEVELOPMENT
AGENCY - TRANSFER OF CERTAIN FORMER REDEVELOPMENT
AGENCY PROPERTY ASSETS

The Successor Agency to the Redevelopment Agency recommended that the Oversight Board adopt a resolution reconfirming the transfer of certain former Redevelopment Agency property assets to the City to ensure their continued and future use as public facilities.

The City Council reconfirmed its acceptance of the transfer of certain former Redevelopment Agency property assets to ensure their continued and future use as public facilities.

BID 7347 - SELF-CONTAINED BREATHING APPARATUS EQUIPMENT

The City Council awarded Bid 7347 to AllStar Fire Equipment, Inc., Arcadia, in the amount of \$827,999.64 for the purchase of Self-Contained Breathing Apparatus equipment for the Fire Department.



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FEDERAL AVIATION GRANT - AGREEMENT AMENDMENT - AIRPORT APRON REHABILITATION - 6951 FLIGHT - SUPPLEMENTAL APPROPRIATION

This item was removed from the agenda.

AGREEMENT AMENDMENTS - RETIREMENT SERVICES

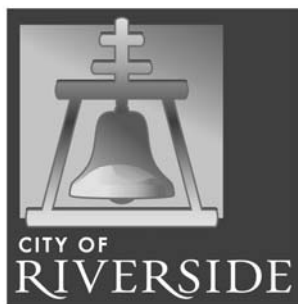
The City Council (1) approved Amendment No. 4 of the Administrative Services Agreement for the City's 457 program with Empower Retirement, formerly Great-West Retirement Services; and (2) approved implementation of a 457 Roth after-tax contribution as an additional option under the Deferred Compensation Plan administered by ICMA Retirement Corporation and Empower Retirement.

MASTER FRINGE BENEFITS AND SALARY PLAN AMENDMENTS - REVISION TO DRUG AND ALCOHOL PROGRAM POLICY - RESOLUTION

The City Council (1) approved the resolution amending the Master Fringe Benefits and Salary Plan to reflect provisions as outlined in the written staff report to include: (a) salary adjust to the Treasury Supervisor and Accounts Payable Supervisor classifications; (b) deletion of the Deputy City Attorney classification; (c) modification of the existing Community Development Director position title; (d) modification to the holiday section to reflect changes resulting from the hours worked; (e) modification to the salary differential section of obsolete salary adjustments; and (2) approved the revised Drug and Alcohol Program for Safety-Sensitive Employees; whereupon, the title having been read and further reading waived, Resolution No. 22906 of the City Council of the City of Riverside, California, Amending Resolution No. 21052 to Amend Parts I, II, III and IV of the Fringe Benefits and Salary Plan (and Addendums) to Reflect Various Updates and Changes, was presented and adopted.

MEMORANDUM OF UNDERSTANDING - RIVERSIDE POLICE OFFICERS' ASSOCIATION GENERAL/SUPERVISORY UNITS AND RIVERSIDE POLICE ADMINISTRATORS' ASSOCIATION - RESOLUTION

The City Council approved (1) the Memorandum of Understanding which incorporates the negotiated revisions as contained in the written staff report, and authorized the City Manager, or his designee, to execute the Memorandum of Understanding on behalf of the City of Riverside; (2) a related salary adjustment for the Chief of Police; (3) approved related changes to the salaries and benefit package for the Assistant Chief of Police and Deputy Police Chiefs; and (4) adoption of a resolution amending the Master Fringe Benefits and Salary Plan to reflect provisions outlined in the



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written staff report; whereupon, the title having been read and further reading waived, Resolution No. 22907 of the City Council of the City of Riverside, California, Amending Resolution No. 21052 to Amend Parts I, II, III and IV of the Fringe Benefits and Salary Plan to Reflect the Terms of the Memoranda of Understanding with Riverside Police Administrators' Association, Riverside Police Officers' Association and Riverside Police Officers' Association-Supervisory, was presented and adopted.

AGREEMENT - MISSION INN FOUNDATION

The City Council (1) approved the agreement with the Mission Inn Foundation in the amount of \$69,900 for arts-related programs and projects; and (2) authorized the City Manager, or his designee, to execute the agreement and make any non-substantive changes.

AGREEMENT - RIVERSIDE ARTS COUNCIL

The City Council (1) approved the agreement with the Riverside Arts Council for an amount not-to-exceed \$102,285 for arts-related programs and projects; and (2) authorized the City Manager, or his designee, to execute the agreement including making any minor non-substantive changes.

AGREEMENT AMENDMENT - LOGISTICAL AND TECHNICAL SUPPORT - THE BOX AT THE FOX ENTERTAINMENT PLAZA

The City Council (1) approved the Second Amendment to the Agreement with Plantation Productions, Inc., in an amount not-to-exceed \$185,500 to provide logistical and technical support for The Box at the Fox Entertainment Plaza through March 31, 2016; and (2) authorized the City Manager, or his designee, to execute the agreement including making any minor non-substantive changes.

AGREEMENT - CONSTRUCTION INSPECTION, TESTING AND GEOTECHNICAL SERVICES - PARKS, RECREATION AND COMMUNITY SERVICES CAPITAL PROJECTS

The City Council (1) approved the award of on-call construction inspection, testing, and geotechnical services to Hilltop Geotechnical, Inc., in the amount not-to-exceed \$750,000 over a five-year term, with an annual cap of \$200,000 for Parks, Recreation and Community Services Department capital projects; and (2) authorized the City Manager, or his designee, to execute the services agreement and necessary documents for on-call services scope of work.

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Utilities, and the Community Police Review Commission and extending notice requirement for special meetings from 24 hours to five days.	Motion Second		X			X		
Following further discussion, a substitute motion was made and seconded to introduce and subsequently adopt the Sunshine Ordinance with the following amendments to Section 4.05.050 (C)(3) to read, "Notwithstanding the provisions of this subsection, if the Mayor or a Council Member, believes an item is urgent, and the failure to meet any additional notice requirements was due to: (a) the need to take immediate action, which came to the attention of the local body after the agenda was posted, then the following criteria must be met: (1) a proposed agenda item can only be placed on the Discussion Calendar; and (2) a proposed agenda item shall not propose the appropriation of monies or propose contracts; and (3) a proposed agenda item shall generally be of a discussion nature and normally not require significant staff preparation time other than simple inquiry assistance needed to prepare the discussion item." The motion failed with lack of four affirmative votes.	Motion Second Ayes Noes	X X		X X				
Subsequently, the original motion carried and whereupon, an ordinance entitled, "An Ordinance of the City of Riverside, California, Adding Title 4 to the Riverside Municipal Code - Public Meetings and Public Records - To be Known as the Riverside Sunshine Ordinance," was presented and introduced.	Ayes Noes	X X	X		X	X	X	X
JOINT ITEM WITH SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY - AGREEMENT TO TRANSFER UNEXPENDED BOND FUNDS Following discussion, the Successor Agency to the Redevelopment Agency recommended that the Oversight Board adopt a resolution authorizing an agreement to transfer unexpended redevelopment bond proceeds to the City of Riverside for purposes consistent with the Bond Indentures, Redevelopment Plans and the former Community Redevelopment Law for the various projects areas in the estimated amount as of the June 30, 2015 balance of \$9,052,068.73 which is subject to change based on recent activity.	Motion Second All Ayes					X	X	
Following discussion, the City Council authorized the City Manager, or his designee, to execute the agreement to transfer unexpended redevelopment bond proceeds to the City of Riverside for purposes consistent with the Bond Indentures, Redevelopment Plans and the former Community Redevelopment Law for the various project areas in the estimated amount as of the June 30, 2015 balance of \$9,052,068.73 which is subject to change based on recent activity, including making minor non-substantive	Motion Second					X	X	



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changes.

All Ayes

MAYOR/COUNCILMEMBER COMMUNICATIONS

LEGISLATIVE REPORTS

Intergovernmental and Communication Officer Moises Lopez reported on Senate Bill 107 and Senate Bill 25.

CITY ATTORNEY REPORT ON CLOSED SESSIONS

City Attorney Geuss announced City Council unanimously approved settlement in the amount of \$35,000 on the closed session pursuant to (1) Government Code §54956.9(d)(1) to confer with and/or receive advice from legal counsel concerning Tyler Center v. City of Riverside, et al., RCSC Case No. RIC 1403491, and (2) Government Code §54956.9(d)(1) to confer with and/or receive advice from legal counsel concerning James Ferraro v. City of Riverside, et. al., RCSC Case No. RIC 1410220. City Attorney Geuss also announced that on September 15, the City Council directed the City Attorney not initiate litigation regarding a closed session pursuant to Government Code §54956.9(d)(4) related to the City of Moreno Valley with Councilmembers Gardner, Soubirous, Mac Arthur and Perry voting against litigation and Councilmembers Melendrez and Davis voting in favor of litigation. Councilmember Burnard was not present. There were no further actions taken on the remainder of closed sessions held earlier in the day.

ITEMS FOR FUTURE CITY COUNCIL CONSIDERATION

Councilmember Perry requested review of the summer meeting schedule by the Governmental Affairs Committee. Councilmember Davis requested (1) review of American Medical Response IFT fees to the Public Safety Committee; and (2) discussion of Assembly Bill 2 related to redevelopment at the Development Committee. Councilmember Gardner requested that Standing Committee meetings be included in the holiday schedule and September be removed from the summer schedule.

The City Council adjourned at 11:33 p.m.

Respectfully submitted,

SHERRY MORTON
Assistant City Clerk