



City of Arts & Innovation

CITY COUNCIL

MINUTES

TUESDAY, DECEMBER 1, 2020, 1 P.M.

VIRTUAL MEETING

PUBLIC COMMENT IN PERSON/TELEPHONE

ART PICK COUNCIL CHAMBER

3900 MAIN STREET

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 1:02 p.m.

ORAL COMMUNICATIONS FROM THE AUDIENCE

Rick Bishop thanked Mayor Bailey for service to Western Riverside Council of Governments. Tom Evans, Vince Moses, Sue Mitchell, Meghan Russo, Johnny Miller, Velma Beard, Tom Donahue, Aurora Chavez, David Crohn, and four other persons spoke regarding the Santa Ana River Outreach Expenditure Plan. Ham Nesser spoke regarding the Santa Ana River Outreach Expenditure Plan, CARES Act funds, and housing. Maribou Nunez spoke regarding the Santa Ana River Outreach Expenditure Plan and the Mayor's Housing Task Force. Jerald Rosso spoke regarding speeding on Brockton Avenue. Jason Hunter spoke regarding the Riverside Transmission Reliability Project, the former City Attorney, and the former City Manager's employment contract. Errol Kashowitz spoke regarding homelessness and embezzlement. One person spoke regarding suicide, the economy, and racism.

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.



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RULES AND REGULATIONS CREATED OR SUSPENDED

The City Council received an update on the rules and regulations created or suspended.

PUBLIC HEARINGS/PLANNING REFERRALS AND APPEALS

COMMUNITY FACILITIES DISTRICT NO. 2015-2 (POMELO) - RESOLUTIONS - ORDINANCE ADOPTED

Hearing was called to consider (1) formation proceedings for proposed Community Facilities District No. 2015-2 (Pomelo); (2) a Resolution establishing Community Facilities District 2015-2 (Pomelo), authorizing the levy of special taxes, and calling an election therein; (3) a Resolution of Necessity to incur bonded indebtedness in an amount not-to-exceed \$7,000,000 within the proposed Community Facilities District No. 2015-2 (Pomelo) and calling an election therein; (4) a Resolution certifying the results of the December 1, 2020, special tax and bond election; and (5) an Ordinance authorizing the levy of Special Taxes within CFD 2015-2 (Pomelo). One person spoke on the matter. The public hearing was officially closed.

Following discussion, it was moved by Councilmember Hemenway and seconded by Councilmember Conder to adopt (1) a Resolution establishing Community Facilities District 2015-2 (Pomelo), authorizing the levy of special taxes, and calling an election therein; and (2) a Resolution of Necessity to incur bonded indebtedness in an amount not-to-exceed \$7,000,000 within the proposed Community Facilities District No. 2015-2 (Pomelo) and calling an election therein. The motion carried unanimously.

Whereupon, the titles having been read and further readings waived, Resolution No. 23650 of the City Council of the City of Riverside, California Establishing Community Facilities District No. 2015-2 (Pomelo) of the City of Riverside, Authorizing the Levy of Special Taxes and Calling an Election Therein; and Resolution No. 23651 of the City Council of the City of Riverside, Acting as the Legislative Body of Community Facilities District No. 2015-2 (Pomelo) of the City of Riverside, Determining the Necessity to Incur Bonded Indebtedness Within Said Community Facilities District and Calling an Election Therein, were presented and adopted.



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The City Clerk conducted the Election as outlined in the written staff report, tabulated the results, and presented the report to the City Council declaring that the ballot propositions had carried unanimously.

Following discussion, it was moved by Councilmember Hemenway and seconded by Councilmember Conder to adopt the resolution certifying the results of the Special Tax and Bond Elections within the Community Facilities District. The motion carried unanimously.

Whereupon, the title having been read and further reading waived, Resolution No. 23652 of the City Council of the City of Riverside, Acting in its Capacity as the Legislative Body of Community Facilities District No. 2015-2 (Pomelo) of the City of Riverside Certifying the Results of the December 1, 2020, Special Tax and Bond Elections, was presented and adopted.

Following discussion, it was moved by Councilmember Hemenway and seconded by Councilmember Conder to adopt an Ordinance authorizing the levy of special taxes within Community Facilities District No. 2015-2 (Pomelo). The motion carried unanimously.

Whereupon, the title having been read and further reading waived Ordinance No. 7539 of the City Council of the City of Riverside, Acting in its Capacity as the Legislative Body of Community Facilities District No. 2015-2 (Pomelo) of the City of Riverside Authorizing the Levy of Special Taxes Within The District, was presented and adopted.

DISCUSSION CALENDAR

REDESIGNING CULTURAL CAPACITY PILOT WORKSHOP - MANDATORY TRAUMA INFORMED SENSITIVITY TRAINING FOR CITY COUNCIL MEMBERS, EXECUTIVE LEVEL STAFF, AND SELECTED BOARDS AND COMMISSIONS

This item was removed from the agenda.

MAYOR'S HOUSING TASK FORCE

Following discussion, it was moved by Councilmember Edwards and seconded by Councilmember Conder to (1) receive and order filed the written report on the Mayor's Housing Task Force; and (2) direct staff to implement the Preliminary Outcomes identified



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by the Mayor's Housing Task Force including, but not limited to: (a) identifying how Regional Housing Needs Allocation obligations are impacted by any future City Council land use decisions; (b) completing a fee structure update that includes an assessment of potentials and impacts of delaying fees until occupancy; and (c) including an assessment in the Housing Element update that considers the potential and impacts of minimum density requirements. The motion carried unanimously.

NICHOLS PARK JOYCE JACKSON COMMUNITY CENTER MASTER PLAN PROJECT

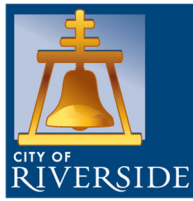
Following discussion, it was moved by Councilmember Fierro and seconded by Councilwoman Plascencia to approve the City Council Safety, Wellness, and Youth Committee recommendation to approve the Nichols Park Joyce Jackson Community Center Master Plan. The motion carried unanimously.

CITYWIDE DIVERSITY, EQUITY, AND INCLUSIVITY EMPLOYEE TRAINING PROGRAMS - ESTABLISH DIVERSITY OFFICER POSITION - SUPPLEMENTAL APPROPRIATION

Following discussion, it was moved by Councilwoman Plascencia and seconded by Councilmember Melendrez to authorize (1) a supplemental appropriation in the amount of \$115,000 in the General Fund, funded by a portion of an unanticipated refund from The Standard Insurance Company, for Citywide employee training programs as outlined by the Human Resources' Learning and Development Division's Strategic Plan; and (2) consolidation of existing, vacant positions to establish a new Diversity Officer position with the intent of recruiting the position no later than the first half of Fiscal Year 2021/2022. The motion carried with Councilmembers Edwards, Melendrez, Fierro, Perry, and Hemenway, and Councilwoman Plascencia voting aye and Councilmember Conder voting no.

MEASURE Z - SANTA ANA RIVER OUTREACH PLAN TO PREVENT FIRES IN THE RIVER BOTTOM

Following discussion, it was moved by Councilmember Edwards and seconded by Councilwoman Plascencia to (1) approve the expenditure plan for the Santa Ana River Outreach Plan; (2) authorize a supplemental appropriation of \$175,571.63 from the unallocated Measure Z fund balance for the outreach plan; (3) direct the City Attorney's Office to prepare a CARES Act Coronavirus Relief Fund, Homeless Housing, Assistance and Prevention, and Measure Z Subrecipient Agreement with Kingdom Causes (DBA City Net) to carry out the Santa Ana River Outreach Plan; and (4) authorize the City Manager, or his designee, to execute a CARES Act Coronavirus Relief Fund, Homeless Housing,



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Assistance and Prevention, and Measure Z Subrecipient Agreement with Kingdom Causes (DBA City Net) for the Santa Ana River Outreach Plan. The motion failed with Councilmember Edwards and Councilwoman Plascencia voting aye and Councilmembers Melendrez, Fierro, Conder, Perry, and Hemenway voting no.

RECESS

The City Council recessed at 5:50 p.m. and reconvened at 6:18 p.m. with Mayor Bailey presiding and all Councilmembers present.

The Invocation was given by Pastor Chris Oberg.

Mayor Bailey led the Pledge of Allegiance to the Flag.

ORAL COMMUNICATIONS FROM THE AUDIENCE

Ben Clymer, Jr. spoke regarding sensitivity training, racism as a public health crisis, and the ethics complaint appeal.

MAYOR/COUNCILMEMBER COMMUNICATIONS

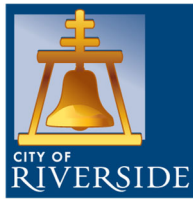
Councilmember Hemenway announced virtual community meetings regarding Community Development Block Grants and the Riverside Transmission Reliability Project and the Candlelight Concert at La Sierra University. Councilwoman Plascencia spoke regarding the In-N-Out Restaurant on Van Buren, a community meeting regarding the ADMG development proposal, and a gift card drive.

CONSENT CALENDAR

It was moved by Councilmember Hemenway and seconded by Councilmember Fierro to approve the Consent Calendar as presented 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 July 1 through September 30, 2020, as provided in the outside counsel policy approved by City Council on June 16, 2015.



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CAMPAIGN CONTRIBUTIONS LIMITS - MAYOR AND CITY COUNCIL CANDIDATES - ORDINANCE ADOPTED

The City Council adopted an Ordinance amending Chapter 1.15, Elections, by adding new Section 1.15.050 establishing no campaign contribution limits for Mayor and City Council candidates; whereupon, the title having been read and further reading waived, Ordinance No. 7540 of the City of Riverside, California, Amending Chapter 1.15, Elections, by Adding New Section 1.15.050 Establishing No Campaign Contribution Limits for Mayor and City Council Candidates, was presented and adopted.

BIENNIAL REVIEW OF CONFLICT OF INTEREST CODES - RESOLUTIONS

The City Council adopted resolutions amending the Conflict of Interest Code for designated City employees and officials thereby repealing Resolution No. 23389, Successor Agency to the Redevelopment Agency of the City of Riverside employees and officials thereby repealing Resolution No. 23124, and board and commission members thereby repealing Resolution No. 23125; whereupon, the titles having been read and further readings waived, Resolution No. 23653 of the City Council of the City of Riverside, California, Amending the Conflict of Interest Code of the City of Riverside for City Employees and Officials in its Entirety and by Repealing Resolution No. 23389 Which Amendment is to be Effective Upon Adoption; Resolution No. 23654 of the City Council of the City of Riverside, California, Amending the Conflict of Interest Code of the City of Riverside as Successor Agency to the Redevelopment Agency of the City of Riverside for Agency Officials and Employees in its Entirety by Repealing Resolution No. 23124 Which Amendment is to be Effective Upon Adoption; and Resolution No. 23655 of the City Council of the City of Riverside, California, Amending the Conflict of Interest Code of the City of Riverside for City Boards and Commissions Members in Its Entirety by Repealing Resolution No. 23125, Which Amendment is to be Effective Upon Adoption, were presented and adopted.

MINUTES

The minutes of the meetings of November 10 and 17, 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, December 2, 2020.



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CASE P20-0179 - GOOD NEIGHBOR GUIDELINES FOR SITING NEW AND MODIFIED INDUSTRIAL FACILITIES-2020 - ORDINANCE ADOPTED

The City Council adopted an Ordinance amending various sections in Title 19 of the Riverside Municipal Code amending Good Neighbor Guidelines for Siting New and Modified Industrial Facilities-2020; whereupon, the title having been read and further reading waived, Ordinance No. 7541 of the City Council of the City of Riverside, California, Amending Various Sections in Title 19 of the Riverside Municipal Code, was presented and adopted.

CASES P19-0063 AND P20-0443 - ZONING CODE AMENDMENT - REZONING - ORDINANCES ADOPTED

The City Council adopted Ordinances adding Chapter 19.146 and amending Chapter 19.220 in Title 19 of the Riverside Municipal Code and amending the Zoning Map of the City of Riverside pursuant to Chapter 19.090 of the Riverside Municipal Code by rezoning approximately 2,000 acres of property generally bounded by Pellissier Ranch to the North, State Route 60 (SR-60) and portions of Main Street in Downtown Riverside to the South, Interstate 215 (I-215) and residences to the East, and the Santa Ana River to the West within the City of Riverside, to the zones and districts within the Northside Specific Plan; whereupon, the titles having been read and further readings waived, Ordinance No. 7542 of the City Council of the City of Riverside, California, Adding Chapter 19.146 and Amending Chapter 19.220 in Title 19 of the Riverside Municipal Code; and Ordinance No. 7543 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 Approximately 2,000 Acres of Property Generally Bounded by Pellissier Ranch to the North, State Route 60 (SR-60) and Portions of Main Street in Downtown Riverside to the South, Interstate 215 (I-215) and Residences to the East, and The Santa Ana River to the West Within the City of Riverside, to the Zones and Districts Within the Northside Specific Plan, were presented and adopted.

PROPERTY MAINTENANCE AND USE OF ALTERNATE MATERIALS IN LIEU OF GLASS FOR WINDOWS - ORDINANCE ADOPTED

The City Council adopted an Ordinance amending Section 6.14.030 of the Riverside Municipal Code regarding property maintenance and use of alternate materials in lieu of glass for windows; whereupon, the title having been read and further reading waived,



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Ordinance No. 7544 of the City Council of the City of Riverside, California, Amending Section 6.14.030 of the Riverside Municipal Code, was presented and adopted.

AGREEMENTS - FIRE STATIONS AND FIRE MAINTENANCE FACILITY - SUPPLEMENTAL APPROPRIATION

The City Council (1) approved a Design-Build Agreement with Air Exchange, Inc., for Fire Vehicle Exhaust Extraction System at Fire Stations 1, 2, 3, 4, 5, 7, 8, 9, and 12 for a term through February 12, 2021, in the amount of \$637,049 plus a 10 percent contingency; (2) approved a Design-Build Agreement with Air Exchange, Inc., for Fire Vehicle Exhaust Extraction System at the Fire Maintenance Facility for a term through April 30, 2021, in the amount of \$92,483 plus a 10 percent contingency; (3) authorized a supplemental appropriation in the amount of \$92,483 from Fund 650 Central Garage Fund Reserves to Fire Maintenance Facility Project Account No. 9917100203-46220000; (4) authorized the City Manager, or his designee, to execute the Design-Build Agreement with Air Exchange, Inc., for Fire Vehicle Exhaust Extraction System at Fire Stations 1, 2, 3, 4, 5, 7, 8, 9, and 12, including making minor and non-substantive changes; and (5) authorized the City Manager, or his designee, to execute the Design-Build Agreement with Air Exchange, Inc., for Fire Vehicle Exhaust Extraction System at Fire Maintenance Facility, including making minor and non-substantive changes.

RENEW PURCHASE ORDER - LUBRICANTS PRODUCTS FOR CITY VEHICLES AND EQUIPMENT

The City Council approved renewal of the annual Purchase Order with SC Commercial LLC of Orange, CA, (formerly known as The SoCo Group, Inc.) in the amount of \$70,416 for the period of June 1, 2021, through June 30, 2022, to purchase lubrication products for City vehicles and equipment at the current pricing by mutual consent of the City and SC Commercial LLC.

RENEW PURCHASE ORDER - FUEL PRODUCTS FOR CITY VEHICLES AND EQUIPMENT

The City Council authorized renewal of a Purchase Order with SC Commercial LLC of Orange, CA, (formerly known as The SoCo Group, Inc.) in the amount of \$2,216,115 for the period of June 1, 2021, through June 30, 2022, for the purchase and delivery of fuel products for City vehicles and equipment at the current pricing by mutual consent of the City and SC Commercial LLC.



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MASTER FRINGE BENEFITS AND SALARY PLAN - 2021 STATE MANDATED INCREASE TO MINIMUM WAGE - RESOLUTION

The City Council adopted a Resolution amending the Master Fringe Benefits and Salary Plan to reflect the 2021 State mandated increase to the minimum wage; whereupon, the title having been read and further reading waived, Resolution No. 23656 of the City Council of the City of Riverside, California, Amending Resolution No. 21052 and the Master Fringe Benefits and Salary Plan to Reflect the 2021 State Mandated Increase to the Minimum Wage, was presented and adopted.

RULES OF LIBRARY CONDUCT - ORDINANCE INTRODUCED

The City Council (1) approved establishment of the Rules of Library Conduct; and (2) introduced an Ordinance amending Chapter 9 of the Riverside Municipal Code to add the Rules of Library Conduct to Chapter 9.75; whereupon, an Ordinance entitled, "An Ordinance of the City of Riverside, California, Adding Chapter 9.75 Establishing the Rules of Library Conduct," was presented and introduced.

AGREEMENT - GAGE CANAL MULTI-PURPOSE RECREATIONAL TRAIL DESIGN

The City Council (1) approved a Professional Consultant Services Agreement with Alta Planning + Design, Inc., of Portland, Oregon, for Gage Canal Multi-Purpose Recreational Trail Design Consultant through March 31, 2022, in the amount not-to-exceed \$532,431.65; and (2) authorized the City Manager, or his designee, to execute the Professional Consultant Services Agreement with Alta Planning and Design, Inc., including making minor and non-substantive changes.

AGREEMENT - JANITORIAL SERVICES - COMMUNITY CENTERS

The City Council (1) approved a Services Agreement with Allied Universal Janitorial Services for janitorial services at City community centers for a period of eight months in the amount of \$313,308.48; (2) approved 15 percent change order authority in the amount of \$46,996.27, for a total contract amount not-to-exceed \$360,304.75; and (3) authorized the City Manager, or his designee, to execute the Agreement with Allied Universal Janitorial Services, including making minor and non-substantive changes.



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JOINT USE AGREEMENT AMENDMENT - RIVERSIDE UNIFIED SCHOOL DISTRICT - 1077 NORTH ORANGE

The City Council (1) approved the Second Amendment to Joint Use Agreement with Riverside Unified School District to extend the use of City-owned property located at 1077 N. Orange Street through November 30, 2021; and (2) authorized the City Manager, or his designee, to execute the Second Amendment to Joint Use Agreement with Riverside Unified School District, including making minor and non-substantive changes.

CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY GRANT- FISCAL YEAR 2020-21 BEVERAGE CONTAINER RECYCLING AND LITTER REDUCTION PROGRAM - SUPPLEMENTAL APPROPRIATION

The City Council (1) authorized submission of a grant application in the amount of \$80,515 to the California Department of Resources Recycling and Recovery for the Fiscal Year 2020/2021 Beverage Container Recycling and Litter Reduction Program; (2) upon grant award, authorized an increase in revenues in the amount of \$80,515 and appropriated expenditures in the same amount to the Grants and Restricted Programs Fund, City/County Payment Program-Beverage Container and Litter Reduction-2020/2021; and (3) authorized the City Manager, or his designee, to submit and execute all necessary grant documents in furtherance of the City/County Payment Funding Request to the California Department of Resources Recycling and Recovery, including making minor and non-substantive changes.

DISCUSSION CALENDAR

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

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

Following discussion of the appeal of the Board of Ethics Hearing Panel findings and decisions for the complaint filed by Roberta Allotta against Councilwoman Plascencia for violations of Code of Ethics and Conduct Code Sections 2.78.060(A) Use of official title or position for personal gain prohibited and 2.78.060(M) Violations of federal, State and local law prohibited, it was moved by Councilmember Conder and seconded by Councilmember Perry to (1) adopt the findings and decision of the hearing panel with



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respect to a violation of Riverside Municipal Code (RMC) Section 2.78.060(A) Use of official title or position for personal gain prohibited regarding the request for a favor to have Sean Mill removed from the Arlington Business Partnership. The motion carried with Councilmembers Edwards, Fierro, Conder, Perry, and Hemenway voting aye and Councilmember Melendrez voting no.

Following further discussion, it was moved by Councilmember Melendrez and seconded by Councilmember Edwards finding that the Board of Ethics Hearing Panel made a clear error in the findings and decision of violation of RMC Section 2.78.060(M) regarding violation of the Sunshine Ordinance in that the City Council regulations only require a second signature to add an item to the agenda on an emergency matter. The motion carried with Councilmembers Edwards, Melendrez, Fierro, and Hemenway voting aye and Councilmembers Conder and Perry voting no.

Following further discussion, it was moved by Councilmember Conder and seconded by Councilmember Perry to adopt the findings and decision of the Board of Ethics hearing panel for violation of RMC Section 2.78.060(M) regarding discrimination. The motion carried unanimously.

Following further discussion, it was moved by Councilmember Perry and seconded by Councilmember Conder to defer consideration of sanctions until the findings and decision of violation of RMC Section 2.78.060(M) regarding violation of the Sunshine Ordinance returns to the City Council for consideration. The motion carried unanimously.

Councilwoman Plascencia rejoined the meeting at this time.

CLOSED SESSIONS

The closed sessions pursuant to Government Code (1) §54956.8 to instruct City's Negotiator, Al Zelinka, regarding price and terms of payment for the purchase, sale, exchange, or lease of 3900 Main Street, Ground Floor, APN: 215-372-013, by Brandon's Diner, Jr. Restaurants, Inc.; Orlando Rocha and Ana Benitez, Negotiators; (2) §54956.9(d)(1) to confer with and/or receive advice from legal counsel concerning Stubbie Barr v. City of Riverside, et al., USDC Case No. 5:18-cv-00079-FMO (SPx); (3) §54956.9(d)(2) to confer with and/or receive advice from legal counsel concerning one case of anticipated litigation; (4) §54956.9(d)(4) to confer with and/or receive



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advice from legal counsel concerning two cases of anticipated litigation; and (5) §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 were continued.

The Mayor and City Council adjourned to closed session pursuant to Government Code (1) §54957 for appointment of City Attorney by City Council; (2) §54957 for appointment of City Clerk by City Council; and (3) §54956.9(b)(3)(c) to confer with and/or receive advice from legal counsel concerning Gary G. Geuss v. City of Riverside, Claim No.(s): 20-09-06; 20-11-08.

The Mayor and City Council returned to open session.

COMMUNICATIONS

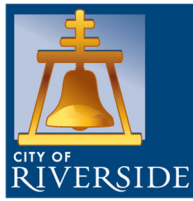
CITY ATTORNEY REPORT ON CLOSED SESSIONS

There were no reportable actions on closed sessions.

ITEMS FOR FUTURE CITY COUNCIL CONSIDERATION

The City Manager requested referral of processes and procedures for authoring agenda reports by staff and elected officials to the Mayor's Nominating and Screening Committee. Councilmember Edwards requested referral of Fire Department needs to address fires in the river bottom to the City Council Safety, Wellness, and Youth Committee. Councilmember Edwards requested to substitute on the Committee for this item.

The City Council adjourned at 8:10 p.m. in memory of Doug Shackelton, Mary Parks, and Mars Macias.



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Respectfully submitted,

COLLEEN J. NICOL
City Clerk