

City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: JULY 6, 2021**
FROM: COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT **WARDS: ALL**
SUBJECT: WAIVE THE SUNSHINE ORDINANCE TO ALLOW CLOSED SESSION ITEM REGARDING REAL PROPERTY NEGOTIATIONS.

ISSUE:

Waive the Sunshine Ordinance to allow a closed session item regarding real property negotiations.

RECOMMENDATIONS:

That the City Council waive the Sunshine Ordinance by four affirmative votes pursuant to Riverside Municipal Code Section 4.05.050(D)(2)(a).

DISCUSSION:

The Riverside Municipal Code requires twelve day advance notice for regular meetings of the City Council, City Council Standing Committees, and all City Boards and Commissions. Riverside Municipal Code Section 4.05.050(D)(2)(a) provides for the following exception:

“Excuse of Sunshine Notice Requirements. If an item appears on an agenda but the local body fails to meet any of the additional notice requirements under this section, the local body may take action only if the minimum notice requirements of the Riverside City Charter and the Brown Act have been met and one of the following applies:

If the Mayor or a Council Member, with the concurrence of two other Council Members, believes an item is urgent, which urgency is detailed, in writing, in the Council Report, and affirmed prior to its consideration by four affirmative votes of the City Council, 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.”

Councilmember Jim Perry, with the concurrence of Councilmembers Erin Edwards and Steve Hemenway, believe a real property negotiation closed session item is urgent. The urgency is described as follows:

The County and City previously worked with Curative, Inc. to locate a COVID-19 vaccination facility at the former's Sears building on Arlington Avenue. However, the property owner (Seritage)

is terminating the lease agreement with Curative, effective July 31, 2021, as they have leased the space to a private tenant. The City has identified a viable alternative site to assist with housing the Curative vaccination facility until the end of the year. The identification of a new proposed site occurred after the agenda was posted.

The City desires to provide continuous service for residents seeking vaccinations against COVID-19 as many Riverside residents have yet to receive their first or second dose.

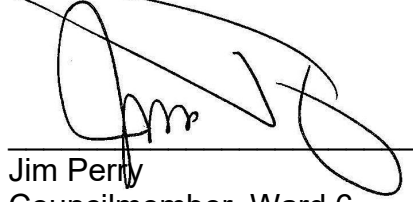
The Brown Act permits a governing body to meet in closed session with its real estate negotiator "to grant authority to its negotiator regarding the price and terms of payment" for a proposed purchase, sale, exchange, or lease of identified real property.

FISCAL IMPACT:

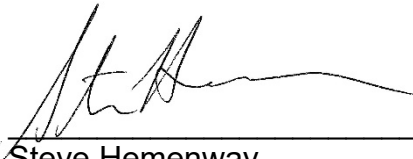
There is no fiscal impact from the waiver of the Sunshine Ordinance.

Prepared by: David Welch, Community and Economic Development Director
Approved by: Al Zelinka, City Manager
Approved as to form: Kristi J. Smith, Interim City Attorney

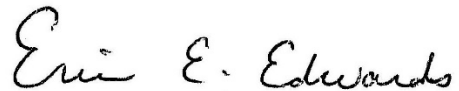
Concurs with:



Jim Perry
Councilmember, Ward 6



Steve Hemenway
Councilmember, Ward 7



Erin Edwards
Councilmember, Ward 1