

MINUTES
CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY
March 20, 2018

CALL TO ORDER - 5:30 PM

SPECIAL PRESENTATIONS

1. Cesar Chavez Day Proclamation
2. Moreno Valley Senior Veterans' Month Proclamation

**MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF THE
CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY
BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING – 6:00 PM
March 20, 2018**

CALL TO ORDER

The Joint Meeting of the City Council, of the City of Moreno Valley Community Services District, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, Moreno Valley Housing Authority and the Board of Library Trustees was called to order at 6:06 p.m. by Mayor Gutierrez in the Council Chamber located at 14177 Frederick Street, Moreno Valley, California.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Frank Wright.

INVOCATION

The invocation was provided by Dr. Yxstian A. Gutierrez, Mayor

ROLL CALL

Council:	Dr. Yxstian A. Gutierrez	Mayor
	Victoria Baca	Mayor Pro Tem
	David Marquez	Council Member
	Ulises Cabrera	Council Member
	Jeffrey J. Giba	Council Member

INTRODUCTIONS

Staff:	Pat Jacquez-Nares	City Clerk
	Marshall Eyerman	Chief Financial Officer/City Treasurer
	Martin Koczanowicz	City Attorney
	Tom DeSantis	City Manager
	Allen Brock	Assistant City Manager
	Michele Patterson	Economic Development Manager

Rick Sandzimier
Chief Kurylowicz
Abdul Ahmad
Kathleen Sanchez
Mel Alonzo
Michael Wolfe

Acting Community Development Director
Chief of Police
Fire Chief
Human Resources Director
Parks and Community Services Director
Public Works Director/City Engineer

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WERE MOVED UNTIL AFTER ITEM G.

JOINT CONSENT CALENDARS (SECTIONS A-D)

Mayor Gutierrez opened the Consent Agenda items for public comments, which were received from Rafael Brugueras (supports item numbers A.4 and A.7.

RESULT: APPROVED [UNANIMOUS]
MOVER: Victoria Baca, Mayor Pro Tem
SECONDER: Ulises Cabrera, Council Member
AYES: Dr. Yxstian A. Gutierrez, Victoria Baca, David Marquez, Ulises Cabrera, Jeffrey J.Giba

A. CONSENT CALENDAR-CITY COUNCIL

- A.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- A.2. City Council - Closed Session - Mar 6, 2018 4:30 PM

Recommendation: Approve as submitted.

- A.3. City Council - Regular Meeting - Mar 6, 2018 6:00 PM

Recommendation: Approve as submitted.

- A.4. MAYORAL APPOINTMENT TO THE PARKS, COMMUNITY SERVICES AND TRAILS COMMITTEE (Report of: City Clerk)

Recommendation:

1. Receive and confirm the Mayoral appointment as follows:

Parks, Community Services and Trails Committee

<u>Name</u>	<u>Position</u>	<u>Term</u>
Barbara McCarthy	Member	Ending 06/30/2019

- A.5. 2018-53: REQUEST FOR CITY SPONSORSHIP OF 2018 CINEMA CULTURAS FILM FEST (REMOVED FROM THE AGENDA) (Report of: City Clerk)

Recommendations: That the City Council:

1. Consider a request for City Sponsorship of the 2018 Cinema Culturas Film Fest.
2. Approve the City sponsorship of \$9,179 as set forth in the Fiscal Impact section of this report.

- A.6. LIST OF PERSONNEL CHANGES (Report of: Human Resources)

Recommendation:

1. Ratify the list of personnel changes as described.

- A.7. 2018-55: AUTHORIZATION TO AWARD CONTRACT TO HDL COMPANIES FOR CANNABIS CONSULTING SERVICES (AGMT. # 2018-30) (Report of: Financial & Management Services)

Mayor Gutierrez called for separate discussion of Item A.7

Chief Financial Officer/City Treasurer Marshall Eyerman provided the staff report.

Council Member Cabrera asked the terms of revenue with all the uses, which use provides the most revenue in terms of taxes, and the least revenue?

Chief Financial Officer Eyerman stated there is no revenue at this point only cost recovery and no proposed revenues within fees currently.

Council Member Marquez inquired if a Council Member at any time lessen the 600 foot buffer that is required by State guidelines currently?

Senior Planner Gross concurred that the 600 foot buffer is part of the State guidelines and is being established as the City's buffer.

Recommendations:

1. That the City Council award a contract to HDL Companies (HDL) to provide consulting services to conduct cannabis regulatory compliance inspections, financial audits compliance and investigations services related to cannabis related businesses.
2. Authorize the City Manager to execute the Agreement # 2018-30, subject to approval as to form by the City Attorney, and subsequent amendments to the Agreement including the authority to approve

purchase orders in accordance with the terms of the Agreement not to exceed \$167,250 for the first-year and if the contract is extended each year thereafter for \$281,000 annually for years two through five for a maximum contract of \$1,291,250, provided sufficient funding appropriations have been approved by the City Council.

3. Approve the budget amendments as set forth in the fiscal impact section of this report.

- A.8. 2018-56: PA16-0002 – ACCEPT DEVELOPMENT IMPACT FEE (DIF) IMPROVEMENT CREDIT AGREEMENT #D18-001 (AGMT. # 2018-31) (Report of: Public Works)

Recommendations:

1. Accept and approve the Development Impact Fee Improvement Credit Agreement #D18-001 (DIF Agreement) (AGMT. # 2018-31) for PA16-0002 improvements.
2. Authorize the City Manager to execute the DIF Agreement.

- A.9. SECOND READING OF MUNICIPAL CODE AMENDMENTS TO MODIFY PROVISIONS IN TITLE 9 REGARDING TEMPORARY USE PERMITS, AND MOBILE VENDING AND TITLE 12 REGARDING MOBILE VENDING (Report of: Community Development)

Recommendation: That the City Council:

1. Conduct second reading by title only and Adopt Ordinance No. 931. An Ordinance of the City Council of the City of Moreno Valley, California, approving a Municipal Code Amendment to Title 9, Section 9.02.150, regarding Temporary Use Permit Regulations; and further approving adding new subsection 12.02.01.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

- B.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- B.2. MINUTES - STUDY SESSION OF MAR 6, 2018 4:30 PM (See A.2)

Recommendation: Approve as submitted.

- B.3. MINUTES - REGULAR MEETING OF MAR 6, 2018 6:00 PM (See A.3)

Recommendation: Approve as submitted.

C. CONSENT CALENDAR - HOUSING AUTHORITY

- C.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- C.2. MINUTES - STUDY SESSION OF MAR 6, 2018 4:30 PM (See A.2)

Recommendation: Approve as submitted.

- C.3. MINUTES - REGULAR MEETING OF MAR 6, 2018 6:00 PM (See A.3)

Recommendation: Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- D.2. MINUTES - STUDY SESSION OF MAR 6, 2018 4:30 PM (See A.2)

Recommendation: Approve as submitted.

- D.3. MINUTES - REGULAR MEETING OF MAR 6, 2018 6:00 PM (See A.3)

Recommendation: Approve as submitted.

E. PUBLIC HEARINGS

- E.1. 3006: Commercial Cannabis Land Use Ordinance No. 932,, Business Permitting and Fee Resolution Nos. 2018-10 & 2018-11 (Report of: Community Development)

Chief Financial Officer/City Treasure Eyerman and Senior Planner, Gross provided staff reports for both Cannabis ordinances for consideration.

Mayor Gutierrez opened up the Public Hearing at 6:38 p.m.

The following speakers spoke in support of this item:

Wayne Maniglia, Andy Minor, Kendrick Iglesias, Hansel Urbina, Ryan Gilbert, Martin Cabrera, Sr., Anthony Hicks, Rafael Bruguera, Kyle Turley, Christopher Henry, Roy Bleckert, Alfie Hernandez, Bridgette Alonso, Shade Awad, Louise Palomarez.

There being no further comments in support or opposition, Mayor Gutierrez closed the Public Hearing at 7:16 p.m. and allowed for Council deliberation.

Mayor Gutierrez

1. Allow for Cannabis sale in light industrial areas in the south end of town.
2. Requesting micro permits to be allowed in commercial areas.

Council Member Cabrera

1. Requested the City Attorney's Office to research tax on medicinal and recreational Cannabis and taxes.
2. Requested Acting Community Development Director Sandzimier provide an update on signage, graphics and site security requirements.

Council Member Marquez

1. Residents need to get educated and educate their children.
2. Council Member Marquez expressed concerns regarding delivery of products during the hours of operation for security purposes.

Mayor Pro Tem Baca

1. Mayor Pro Tem Baca questioned whether outdoor cultivation would be allowed and is in agreement that the micro businesses be allowed in the community industrial areas. And she requested to keep buffers consistent with the State Law.

Acting Community Development Director Sandzimier replied no.

Council Member Giba

1. Council Member Giba expressed his thanks and appreciation to the staff for their very comprehensive planning.

Recommendations (Title 9 Land Use Ordinance): That the City Council:

1. **FIND** that PEN17-0157 (Municipal Code Amendment for Commercial Cannabis Land Uses Regulations) qualifies for an exemption under the California Environmental Quality Act (CEQA) per provisions put forth in Senate Bill 94 "Medicinal and Adult Use Cannabis Regulation and Safety Act" exempting adoption of an ordinance, rule or regulation by a local jurisdiction that will require subsequent discretionary permits, licenses or other authorization, and

2. **INTRODUCE** by title only and conduct the first reading of Ordinance No. 932 entitled “An Ordinance of the City Council of the City of Moreno Valley, California, amending sections 9.02.030 “Permitted Uses” and 9.15.030 “Definitions” and adding Section 9.09.290 “Commercial Cannabis Activities” to Title 9 of the Moreno Valley Municipal Code, establishing land use regulations for operation of commercial cannabis dispensaries, testing, cultivation, manufacturing, microbusinesses, distribution centers and related cannabis activities.”

RESULT:	APPROVED [4 TO 1]
MOVER:	David Marquez, Council Member
SECONDER:	Ulises Cabrera, Council Member
AYES:	Dr. Yxstian A. Gutierrez, Victoria Baca, David Marquez, Ulises Cabrera
NAYS:	Jeffrey J. Giba

E.2 Recommendation (Fee and Application Process Resolutions): That the City Council:

1. APPROVE Resolution No. 2018-10 entitled “A Resolution of the City Council of the City of Moreno Valley California, amending the fee schedule to include commercial cannabis permit application fees for Fiscal Year 2017-18.”
2. APPROVE Resolution No. 2018- 11 entitled “A Resolution of the City Council of the City of Moreno Valley California, approving the initial procedure for permit applications to operate a commercial cannabis business under Chapter 5.05 of Title 5 of the City Municipal Code.”

RESULT:	APPROVED [4 TO 1]
MOVER:	Victoria Baca, Mayor Pro Tem
SECONDER:	Ulises Cabrera, Council Member
AYES:	Dr. Yxstian A. Gutierrez, Victoria Baca, David Marquez, Ulises Cabrera
NAYS:	Jeffrey J. Giba

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION – NONE

Mayor Gutierrez recessed the City Council Meeting at 7:43 p.m.

Mayor Gutierrez reconvened the City Council Meeting at 7:58 p.m.

G. GENERAL BUSINESS - NONE

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL.

Brandon Carn

1. Spoke of growing homeless encampment concerns in the city and safety issues.

Radiance Jackson

1. Advocate for athletic training as healthcare professionals. Requesting support of AB3110 regulating of athletic trainers in the State of California.

Kendrick Iglesias

1. Requested Council to consider exempting the City of Moreno Valley from the California Values Act.

Rafael Bruqueras

1. Expressed concerns for the homeless in the City of Moreno Valley.
2. Supports development growth.

Martin Cabrera Sr.

1. Encouraged the community to keep the City clean.

Roy Bleckert

1. Supports the Homeless to Work Program which has been successful.
2. Supports allowing the free market to flourish.

Lucha Oden

1. April is Financial Literacy Month.

Charlotte Drake

1. Homeless speaker requesting city assistance with rent control and provide budget to help alleviate homeless problem.

Eshan Stanford

1. Expressed opinion that the City of Moreno Valley is not safe. Homelessness, drugs and killings are prevalent in Moreno Valley.

Louise Palomarez

1. Homeless to Work Program working but many residents and homeless do not know about available resources and program.

H. REPORTS

H.1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

(Informational Oral Presentation - not for Council action)

March Joint Powers Commission (JPC) – No report.

Riverside County Transportation Commission (RCTC) - (Baca)

At the Commission meeting, the Board approved an expansion of the Freeway Service Patrol (FSP) to include weekends. The FSP is a roving team of tow trucks traveling selected Riverside County freeways to assist motorists with car trouble. The operators can assist with flat tires, dead batteries, and vehicles that run out of fuel. As part of an overall plan to improve transportation throughout Riverside County, the FSP operates as a joint venture between Caltrans, CHP, and RCTC. Please visit the RCTC website for additional info on the FSP's services, operating locations, and hours. This concludes my report.

Riverside County Habitat Conservation Agency (RCHCA) – No report.

Riverside County Transportation Commission (RCTC) – No report.

Riverside Transit Agency (RTA) - (Marquez)

The Riverside Transit Agency is having another Youth Summer Fare promotion from June 1, 2018 through September 3, 2018. For 25 cents, students in grades 1-12 can ride any fixed-route bus including Commuter Link express buses. Students must show a school-issued ID card from the most recent school year, an RTA Youth ID card, or a California driver's license or state ID showing their age as 18 years old or younger. In addition, members of the public are invited to join Transportation NOW (T-NOW) to promote public transportation. T-NOW includes elected officials, community advocates, and transit riders. This concludes my report.

Western Riverside Council of Governments (WRCOG) – No report.

Western Riverside County Regional Conservation Authority (RCA) – No report.

School District/City Joint Task Force – No report.

Southern California Association of Governments (SCAG) - (Giba)

Council Member Giba provided a report on his recent trip to the Yosemite Conference for Building Livable Communities. And he had attended SCAG's Legislative Day in Sacramento where he met with legislators to discuss Props. 68, 69 and AB2317.

H.2. CITY MANAGER'S REPORT

(Informational Oral Presentation - not for Council action)

City Manager DeSantis addressed a resident's concerns about a homeless encampment outside of the City.

4th Quarter sales tax is very strong and has increased the point of sales tax revenue for the last quarter of 2017 to 6.27%.

Deferred the time to Chief Kurylowicz to provide an update on Active Shooter Training. All city staff and Council Members will be attending Run, Hide and Fight Training.

H.3. CITY ATTORNEY'S REPORT

(Informational Oral Presentation - not for Council action)

City Attorney Koczanowicz reported twenty illegal dispensaries have been identified; fifteen dispensaries have been shut down and four remain in active court cases with one being resolved by a settlement.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY, HOUSING AUTHORITY AND THE BOARD OF LIBRARY TRUSTEES.

Council Member Giba

1. RUSH groundbreaking for new education building.
2. AMOC Ribbon Cutting/Chuck Crowder's Retirement from the AMOC
3. Meeting with Senator Roth and non-profits to discuss 60 Freeway issue
4. Rainbow Ridge Elementary School talent show fundraiser event
5. Rotary event hosting 1st Annual Hero Run on Saturday, April 28th at 9:00 a.m. for 1K and 5K

Council Member Marquez

1. Visited Washington D.C. for NLC Conference.
2. Request for upcoming proposal for a second fire medic squad for the City.
3. Worked with the Salvation Army and the Homeless to Work Program.
4. The US Veterans will have a Grand Opening and dedication at March ARB and extended an invitation to staff.
5. April 18th will be the LOCC Legislative Day in Sacramento

Council Member Cabrera

1. Filipino American Association had installation of members.
2. Participated in Homeless to Work Program.
3. Public Safety Expo will be on April 14th.
4. Reminder of the Food Bank which takes place at 13793 Redlands Boulevard every first and third Saturday of the month from 8:00 a.m. to 11:00 a.m.
5. Suggested staff considers incorporating the Tiny Home Concept into the current update of the General Plan.
6. Requested staff explores limiting the number of alcohol and smoke shop permits to be consistent with limits of permits for Cannabis uses.

Mayor Pro Tem Baca

1. Expressed thanks to Chief Kurylowicz for the active shooter training update
2. Attended the ribbon cutting ceremony for the new building at Moreno Valley High School.
3. Attended the LOCC Division Meeting in Canyon Lake.
4. Will host a coffee event at Berrybean Cafe on Saturday, March 23rd for residents to join her.

Mayor Gutierrez

1. Recognized Mountain View Middle School as a School to Watch.
2. Attended California Economic Development for Local Agencies (CALED) Conference.
3. On March 29th, Mayor Gutierrez will be hosting a Telephone Town Hall for residents.
4. On March 24th there is a food truck event being held at the Moreno Valley mall for the community. There will also be a food truck festival at Moreno Valley Rocks in July.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Gutierrez adjourned the meeting at 9:12 p.m.

Submitted by:

Pat Jacquez-Nares, CMC & CERA, City Clerk,
Secretary, Moreno Valley Community Services District
Secretary, City as Successor Agency for the Community
Redevelopment Agency of the City of Moreno Valley
Secretary, Moreno Valley Housing Authority
Secretary, Board of Library Trustees

Approved by:

Dr. Yxstian Gutierrez, Mayor
President, Moreno Valley Community Services District
Chairperson, City as Successor Agency for the Community
Redevelopment Agency of the City of Moreno Valley
Chairperson, Moreno Valley Housing Authority
Chairperson, Board of Library Trustees