

**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**

**SPECIAL MEETING – 6:00 PM
December 11, 2018**

CALL TO ORDER

The Joint Meeting of the City Council, 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 6:07 p.m. by Mayor Gutierrez in the Council Chamber located at 14177 Frederick Street.

INVOCATION

Senior Pastor Donald Wilson, Lighthouse Baptist Church

PRESENTATION OF COLORS

Blue Eagles Total Force Honor Guard

NATIONAL ANTHEM

Canyon Springs High School Choir

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Frank Wright.

AMERICA THE BEAUTIFUL

Emily Adkins, Soloist, Canyon Springs High School

ROLL CALL

Council:	Dr. Yxstian A. Gutierrez	Mayor
	Victoria Baca	Mayor Pro Tem
	David Marquez	Council Member

Ulises Cabrera
Jeffrey J. Giba

Council Member
Council Member

INTRODUCTIONS

Staff:	Pat Jacquez-Nares	City Clerk
	Angel Migao	Executive Assistant to the Mayor and City Council
	Marshall Eyerman	Chief Financial Officer/City Treasurer
	Martin Koczanowicz	City Attorney
	Tom DeSantis	City Manager
	Allen Brock	Assistant City Manager
	Mike Lee	Economic Development Director
	Rick Sandzimier	Community Development Director
	David Kurylowicz	Chief of Police
	Abdul Ahmad	Fire Chief
	Kathleen Sanchez	Human Resources Director
	Patti Solano	Parks and Community Services Director
	Michael Wolfe	Public Works Director/City Engineer

Mayor Gutierrez acknowledged the public officials and representatives in the audience.

PUBLIC COMMENTS ON MATTERS ON THE AGENDA ONLY

Robert Harris

1. Congratulated the incoming and reelected Council members.

Cesar McGuire

1. Opposes Item No. G.1.

Julie Duborg

1. Supports Item No. G.1.

Martin Cabrera Sr.

1. Congratulated Council Member Cabrera on his reelection.

Tom Jerele

1. Thanked Council Member Giba for his service to the City.
2. Congratulated incoming and reelected Council Members.

Rafael Brugueras

1. Professed his gratitude to Council Member Giba.

George Tektonopolis

1. Opposes Item No. G.1.

Chris Francy

1. Opposes Item No. G.1.

Christina Francy

1. Opposes Item No. G.1.

Roy Bleckert

1. Supports the free market.

Evan Morgan

1. Supports Item No. G.1.

Louise Palomarez

1. Supports Item No. G.1.

SPECIAL ORDER OF BUSINESS

1. RESOLUTION RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2018, DECLARING THE OFFICIAL RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW (RESO NO. 2018-83) (Report of: City Clerk)

City Clerk Jacquez-Nares provided the report.

Recommendation: That the City Council:

1. Adopt A Resolution of the City Council of the City of Moreno Valley, California, reciting the fact of the General Municipal Election held on November 6, 2018, declaring the results and such other matters as provided by law.

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

RECOGNITION OF OUTGOING CITY OFFICIALS

Mayor Gutierrez recognized Council Member Giba for his service.

Council Member Giba expressed his honor in representing the City.

PRESENTATION OF THE CERTIFICATES OF ELECTION AND ADMINISTRATION OF THE OATHS OF OFFICE TO NEWLY ELECTED OFFICIALS

After taking her oath of office, Council Member Thornton expressed her gratitude for the opportunity to represent District two.

After taking his oath of office, Council Member Cabrera thanked all those who supported him in his reelection campaign.

After taking his oath of office, Mayor Gutierrez congratulated Council Member Thornton and Council Member Cabrera. He communicated his gratefulness to his parents and others.

RECOGNITION TO NEWLY ELECTED CITY OFFICIALS BY THE CITY COUNCIL AND/OR OTHER PUBLIC OFFICERS

Oscar Valdepena

1. Applauded the incoming and reelected Council Members.

Jaime Hurtado

1. Honored the incoming and reelected Council Members.

RECESS TO RECEPTION IN THE MAIN LOBBY

Mayor Gutierrez recessed the meeting at 7:27 pm.

RECONVENE CITY COUNCIL MEETING

Mayor Gutierrez reconvened the meeting at 8:32 pm.

ROLL CALL

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

JOINT CONSENT CALENDARS (SECTIONS A-D)

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

A. CONSENT CALENDAR-CITY COUNCIL

Mayor Gutierrez opened the Consent Agenda items for public comments. There being no members of the public to come forward to speak, he closed the Consent Agenda. Mayor Gutierrez announced that Environmental and Historical Preservation Board nominee Gerald Michael Budlong passed away.

- A.1. City Council - Special Meeting (Closed Session) - Nov 13, 2018 4:30 PM

Recommendation: Approve as submitted.

A.2. City Council - Special Meeting - Nov 13, 2018 6:00 PM

Recommendation: Approve as submitted.

A.3. City Council - Special Meeting - Nov 19, 2018 5:00 PM

Recommendation: Approve as submitted.

A.4. RECEIVE THE ANNUAL AB1600 COMPLIANCE REPORT FOR FISCAL YEAR 2017-18 AND THE FIVE-YEAR REPORT (Report of: Financial & Management Services)

Recommendations:

1. Receive and file the Annual AB 1600 Compliance Report for FY 2017-18 and the Five-Year Report in compliance with California Government Code sections 66006 and 66001.
2. Approve the finding that staff has demonstrated a continuing need to hold unexpended Development Impact Fees.

A.5. APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY (RESO NO. 2018-84) (Report of: Financial & Management Services)

Recommendation:

1. Approve Resolution No. 2018-84. A Resolution of the City Council of the City of Moreno Valley, California, to Amend the Electric Rates for Moreno Valley Utility (MVU).

A.6. AUTHORIZE AN INCREASE TO THE CONTRACT AMOUNT WITH HIGH COUNTRY LINE CONSTRUCTION, INC. FOR THE CONSTRUCTION OF THE KITCHING STREET ELECTRICAL SUBSTATION AND SWITCHYARD PROJECT (Report of: Financial & Management Services)

Recommendations:

1. Approve a Change Order and an increase in existing Purchase Order for High Country Line Construction, Inc. in the amount of \$465,000 to cover unanticipated work including additional work required by Southern California Edison.
2. Authorize the City Manager to execute a Change Order to High Country Line Construction, Inc.

- A.7. AUTHORIZE THE AWARD OF THE CONSTRUCTION CONTRACT TO HOT LINE CONSTRUCTION, INC. FOR THE HEACOCK CROSSTOWN TIE IMPROVEMENTS, PROJECT NO. 805 0043 (AGMT NO. 2018-558) (Report of: Financial & Management Services)

Recommendations:

1. Award the construction contract to Hot Line Construction, Inc., 9020 Brentwood Boulevard, Suite H, Brentwood, CA 94513, the lowest responsible bidder, for the Heacock Crosstown Tie Project.
2. Authorize the City Manager to execute a contract with Hot Line Construction, Inc.
3. Authorize the issuance of a Purchase Order to Hot Line Construction, Inc. for the amount of \$1,816,798 (\$1,579,824 bid amount plus 15% contingency) when the contract has been signed by all parties.
4. Authorize the Chief Financial Officer/City Treasurer to execute any subsequent related minor change orders to the contract with Hot Line Construction, Inc. up to, but not exceeding, the 15% contingency amount of \$236,974, subject to the approval of the City Attorney.
5. Amend the FY 2017/2018 & 2018/2019 Adopted Capital Improvement Plan and appropriate \$357,300 from the Moreno Valley Utility Fund (Account No. 6011 30 80 80005 720199) to cover the construction and administrative costs.

- A.8. LIST OF PERSONNEL CHANGES (Report of: Human Resources)

Recommendation:

1. Ratify the list of personnel changes as described.

- A.9. CONSIDERATION OF PROPOSED VOLUNTARY EARLY RETIREMENT INCENTIVE PROGRAM (Report of: Human Resources)

Recommendation:

1. Staff recommends that the City Council approve the Proposed Voluntary Early Retirement Incentive (VERI) program.

- A.10. APPROVAL TO FUND A COMMUNITY SERVICES COORDINATOR POSITION (Report of: Human Resources)

Recommendations:

1. Authorize the Parks and Community Services Department to de-fund

one Administrative Assistant position and fund one Community Services Coordinator position.

2. Authorize the City Position Summary, as amended, to reflect the de-funding of one Administrative Assistant position and the funding of one Community Services Coordinator position.

A.11. TELECOMMUNICATIONS LICENSE AGREEMENT WITH LOS ANGELES SMSA LIMITED PARTNERSHIP, d/b/a VERIZON WIRELESS, FOR A CELL TOWER AT EL POTRERO PARK (AGMT NO. 2018-513) (Report of: Parks & Community Services)

Recommendations:

1. Authorize the Mayor to execute a Telecommunications License Agreement with Los Angeles SMSA Limited Partnership, d/b/a Verizon Wireless, on the property known as El Potrero Park.
2. Authorize the City Manager to execute any subsequent related Extensions or Amendments to the Agreement, subject to the approval of the City Attorney.
3. Approve the amended budget as set forth in the Fiscal Impact Section of this report.

A.12. COUNCIL DISCRETIONARY EXPENDITURE REPORTS FOR FISCAL YEAR 2018/2019 AS OF JULY 1, 2018 THROUGH OCTOBER 31, 2018 (Report of: City Clerk)

Recommendation:

1. Receive and file the Fiscal Year 2018/2019 Council Discretionary Expenditure Report for July 1, 2018 through October 31, 2018.

A.13. MAYORAL APPOINTMENTS TO THE EMERGING LEADERS COUNCIL, SENIOR CITIZEN'S BOARD AND THE ENVIRONMENTAL AND HISTORICAL PRESERVATION BOARD (Report of: City Clerk)

Recommendation:

1. Receive and confirm the Mayoral appointments as follows:

Emerging Leaders Council

<u>Name</u>	<u>Position</u>	<u>Term</u>
Patrick Samones	Member	Ending 05/31/2020

Senior Citizen's Board

<u>Name</u>	<u>Position</u>	<u>Term</u>
Cleveland Johnson	Member	Ending 06/30/2021

Environmental and Historical Preservation Board

<u>Name</u>	<u>Position</u>	<u>Term</u>
Gerald Michael Budlong	Member	Ending 06/30/2021

- A.14. ADOPTION OF ORDINANCE LOCAL MORENO VALLEY COMMERCIAL CANNABIS ACTIVITY TAX. (ORD NO. 946) (Report of: City Clerk)

Recommendation: That the City Council:

1. By motion, adopt an Ordinance of the People of the City of Moreno Valley, California, Amending Moreno Valley Municipal Code to add Chapter 3.28 "Commercial Cannabis Activity Tax" Setting the Maximum Amount of Tax Rate at Eight Percent (8%) And \$15.00 Per Square Foot for Cultivation Businesses for the Purpose of Funding Local General Municipal Services

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

- B.1. MINUTES - SPECIAL CLOSED SESSION OF NOV. 13, 2018 (See A.1)

Recommendation: Approve as submitted.

- B.2. MINUTES - SPECIAL MEETING OF NOV. 13, 2018 (See A.2)

Recommendation: Approve as submitted.

- B.3. MINUTES - SPECIAL MEETING OF NOV. 19, 2018 (See A.3)

Recommendation: Approve as submitted.

C. CONSENT CALENDAR - HOUSING AUTHORITY

- C.1. MINUTES - SPECIAL CLOSED SESSION OF NOV. 13, 2018 (See A.1)

Recommendation: Approve as submitted.

- C.2. MINUTES - SPECIAL MEETING OF NOV. 13, 2018 (See A.2)

Recommendation: Approve as submitted.

C.3. MINUTES - SPECIAL MEETING OF NOV. 19, 2018 (See A.3)

Recommendation: Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1. MINUTES - SPECIAL CLOSED SESSION OF NOV. 13, 2018 (See A.1)

Recommendation: Approve as submitted.

D.2. MINUTES - SPECIAL MEETING OF NOV. 13, 2018 (See A.2)

Recommendation: Approve as submitted.

D.3. MINUTES - SPECIAL MEETING OF NOV. 19, 2018 (See A.3)

Recommendation: Approve as submitted.

E. PUBLIC HEARINGS

E.1. PROPOSED GENERAL PLAN AMENDMENT FOR PROJECTS 1 AND 2; PROJECT 1, CENTERPOINTE COMMERCE CENTER, INCLUDING A CHANGE OF ZONE AND PLOT PLAN FOR THE DEVELOPMENT OF A 204,022 SQUARE FOOT WAREHOUSE PROJECT ON 8.8 ACRES; AND PROJECT 2, BRODIAEA RESIDENTIAL PROJECT, INCLUDING A CHANGE OF ZONE, AND TENTATIVE TRACT MAP FOR 45 SINGLE-FAMILY RESIDENTIAL LOTS ON APPROXIMATELY 8.85 ACRES (RESO NOS. 2018-85 - 89 AND ORD NOS. 947-948 (Report of: Community Development)

Senior Planner Ormsby provided the report for Project 1.

Council Member Cabrera questioned whether the developer had secured a tenant for the project.

Jackson Smith, with Newcastle Partners, replied that currently no building occupant has been obtained.

Council Member Marquez queried if the developer has any other projects in the City.

Mr. Smith remarked that the current project, if approved, would be his first venture in Moreno Valley.

Mayor Gutierrez opened the Public Hearing at 8:41 pm.

Mr. Smith provided details of the project.

The following people spoke in support of the project: Rafael Brugueras and Louise Palomares.

There being no further comments in support or opposition, Mayor Gutierrez closed the Public Hearing at 8:49 pm.

Senior Planner Ormsby provided the report for Project 2.

Council Member Thornton asked if support or opposition for the project was received at the Planning Commission meeting and whether or not a traffic impact study was conducted.

Senior Planner Ormsby responded that one speaker spoke in favor of the project and confirmed that a traffic analysis was performed.

Mayor Gutierrez opened the Public Hearing at 8:54 pm.

There being no comments in support or opposition, Mayor Gutierrez closed the Public Hearing at 8:54 pm.

Council Member Marquez requested information regarding the developer's campaign contributions.

Melissa with Frontier stated she was unaware if any contributions were made.

Recommendations: That the City Council:

1. **CONDUCT** a public hearing for review of Project 1 and defer taking action on Project 1 until after the public hearing for Project 2; and
2. **CONDUCT** a public hearing for review of Project 2, then take action on Project 1 and Project 2; and
3. **ADOPT** Resolution No. 2018-85; A Resolution of the City Council of the City Moreno Valley for Project 1 **CERTIFYING** the Final Mitigated Negative Declaration (MND, PEN18-0026) prepared for the Centerpointe Commerce Center Project, inclusive of all related applications on file with the Community Development Department, incorporated herein by this reference, whereby the Final MND has been completed in compliance with the California Environmental Quality Act and reflects the City's independent judgement and analysis; and **ADOPTING** the Mitigation Monitoring and Reporting Program prepared for the Centerpointe Commerce Center project; and

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, Dr. Carla J. Thornton

4. **ADOPT** Resolution No. 2018-86; A Resolution of the City Council of the City Moreno Valley for Project 2 **CERTIFYING** the Final Mitigated Negative Declaration (MND, PEN18-0055) prepared for the Brodiaea Residential Project inclusive of all related applications on file with the Community Development Department, incorporated herein by this reference, whereby the Final MND has been completed in compliance with the California Environmental Quality Act and reflects the City's independent judgement and analysis; and **ADOPTING** the Mitigation Monitoring and Reporting Program prepared for the Brodiaea Residential Project; and

RESULT: APPROVED [3 TO 1]
MOVER: Victoria Baca, Mayor Pro Tem
SECONDER: Dr. Yxstian A. Gutierrez, Mayor
AYES: Dr. Yxstian A. Gutierrez, Victoria Baca, Ulises Cabrera
NAYS: David Marquez
ABSTAIN: Dr. Carla J. Thornton

5. **APPROVE** Resolution No. 2018-87, A Resolution of the City of Moreno Valley approving a General Plan Amendment thereby establishing General Plan designations for Project 1 and Project 2, as described in the Resolution and included on the revised General Plan Land Use Maps; and,

RESULT: APPROVED [4 TO 0]
MOVER: Victoria Baca, Mayor Pro Tem
SECONDER: David Marquez, Council Member
AYES: Dr. Yxstian A. Gutierrez, Victoria Baca, David Marquez, Ulises Cabrera
ABSTAIN: Dr. Carla J. Thornton

6. **INTRODUCE** and conduct the first reading by title only of Ordinance No. 947 approving a Zone Change (PEN18-0025) for Project 1 from Office (O) to Light Industrial (LI), based on the findings in the Ordinance, and the revised Zoning Atlas; and
8. **SCHEDULE** the introduced Ordinance for the second reading and final action for the next regular City Council meeting.

RESULT: APPROVED [UNANIMOUS]
MOVER: David Marquez, Council Member
SECONDER: Ulises Cabrera, Council Member
AYES: Dr. Yxstian A. Gutierrez, Victoria Baca, David Marquez, Ulises Cabrera, Dr. Carla J. Thornton

7. **APPROVE** Resolution No. 2018-88: A Resolution of the City Council of the City of Moreno Valley approving Plot Plan PEN18-0023 for Project 1 based on the findings contained in this resolution, and subject to the conditions of approval included as Exhibit A; and

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

9. **INTRODUCE** and conduct the first reading by title only of Ordinance No. 948 approving a Change of Zone (PEN18-0054) for Project 2 from R3 (maximum 3 units/acre) to RS10 (single-family residential, maximum 10 units/acre) based on the findings in the Ordinance, and the revised Zoning Atlas; and
11. **SCHEDULE** the introduced Ordinance for the second reading and final action for the next regular City Council meeting.

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

10. **APPROVE** Resolution No. 2018-89: A Resolution of the City Council of the City of Moreno Valley approving a Tentative Tract Map (PEN18-0092) for Project 2 based on the findings contained in this resolution, and subject to the conditions of approval included as Exhibit A; and

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

E.2. A GENERAL PLAN AMENDMENT, CHANGE OF ZONE, AND CONDITIONAL USE PERMIT FOR DEVELOPMENT OF A DONUT STORE / CONVENIENCE STORE WITH GASOLINE SALES AND CAR WASH LOCATED AT THE NORTHEAST CORNER OF PERRIS BOULEVARD AND COTTONWOOD AVENUE (Report of: Community Development)

Associate Planner Bradshaw provided the report.

Mayor Gutierrez questioned how much potential sales tax revenue could be realized from the project.

Lincoln Watase, President of Yum Yum Donuts remarked that his projections indicate proceeds anywhere from \$160,000 to \$180,000.

Mayor Gutierrez opened the Public Hearing at 9:09 p.m.

Lincoln Watase

Mr. Watase of Yum Yum Donuts provided details of the project.

The following people spoke in opposition of the project: Theresa Archuleta, and Kathleen Dale.

The following people spoke in support of the project: Pete Bleckert, Roy Bleckert, Ruben Galvez, Jorge Herrera, Rafael Brugueras, and Louise Palomarez.

Lincoln Watase - rebuttal

Mr. Watase of Yum Yum Donuts provided additional details of the project.

There being no further comments in support or opposition, Mayor Gutierrez closed the Public Hearing at 9:38 p.m.

Mayor Pro Tem Baca expressed her support of the project.

Council Member Marquez communicated his opposition to the project.

Council Member Cabrera inquired as to the amount of wages Mr. Watase's employees earn.

Mr. Watase of Yum Yum Donuts responded that employees may earn \$14 an hour.

Council Member Cabrera queried whether Mr. Watase would formally guarantee the wage.

To which Mr. Watase agreed.

Council Member Cabrera questioned whether lighting would be fixed on the rear of the building.

Mayor Gutierrez noted that design requests should be made prior to the Council Meeting.

Ahmad Ghaderi, with A & S Engineering, stated that rear lighting is included in the building design.

Council Member Cabrera, after receiving confirmation from staff that a cannabis application was submitted for an adjacent lot, requested that the applicant consider prohibiting the sale of tobacco and alcohol products.

Mayor Gutierrez apologized to the applicant for the previous remarks and voiced his support of the project. He called into question whether the wage requirement was enforceable.

City Attorney Koczanowicz advised the City Council, should they wish to introduce a minimum wage, to consider an ordinance establishing a city wide base rather than setting individual rates.

Recommendations: That the City Council:

1. ADOPT Resolution No. 2018-90: A Resolution of the City Council of the City of Moreno Valley CERTIFYING the Mitigated Negative Declaration prepared for the Yum Yum Donuts Moreno Valley project, inclusive of all related applications on file with the Community Development Department, incorporated herein by this reference, whereby the Mitigated Negative Declaration has been completed in compliance with the California Environmental Quality Act, and the information and findings contained in the Mitigated Negative Declaration reflects the City's independent judgment and analysis; and ADOPTING the Mitigation Monitoring and Reporting Program prepared for the Yum Yum Donuts Moreno Valley project; and

RESULT:	APPROVED [3 TO 2]
MOVER:	Victoria Baca, Mayor Pro Tem
SECONDER:	Dr. Yxstian A. Gutierrez, Mayor
AYES:	Dr. Yxstian A. Gutierrez, Victoria Baca, Dr. Carla J. Thornton
NAYS:	David Marquez, Ulises Cabrera

3. INTRODUCE and conduct the first reading by title only of Ordinance No. 949 approving the request of Yum Yum Donuts for a Zone Change (PEN16-0087) from Office Commercial (OC) to Community Commercial (CC) for a 1.77-acre site located at the northeast corner of Perris Boulevard and Cottonwood Avenue, as described in the Ordinance, based on the findings in the Ordinance, and the revised Zoning Atlas; and

5. SCHEDULE the introduced Ordinance for second reading and final action for the next regular City Council meeting.

RESULT: APPROVED [3 TO 2]
MOVER: Victoria Baca, Mayor Pro Tem
SECONDER: Dr. Carla J. Thornton
AYES: Dr. Yxstian A. Gutierrez, Victoria Baca, Dr. Carla J. Thornton
NAYS: David Marquez, Ulises Cabrera

2. ADOPT Resolution No. 2018-91 approving the request by Yum Yum Donuts for a General Plan Amendment (PEN16-0086), from Residential/Office (R/O) to Commercial (C) for a 1.77-acre site located at the northeast corner of Perris Boulevard and Cottonwood Avenue, based on the findings in the Resolution, the Revised General Plan Land Use Map; and
4. ADOPT Resolution No. 2018-92: A Resolution of the City Council of the City of Moreno Valley approving the request of Yum Yum Donuts for a Conditional Use Permit PEN16-0088 for a convenience store with gasoline sales, carwash, and alcohol beer and wine sales for a 1.77-acre site located at the northeast corner of Perris Boulevard and Cottonwood Avenue, based on the findings contained in this Resolution, and subject to the conditions of approval included as Exhibit A; and

RESULT: APPROVED [3 TO 2]
MOVER: Victoria Baca, Mayor Pro Tem
SECONDER: Dr. Carla J. Thornton
AYES: Dr. Yxstian A. Gutierrez, Victoria Baca, Dr. Carla J. Thornton
NAYS: David Marquez, Ulises Cabrera

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

Mayor Gutierrez recessed the City Council meeting at 9:57 p.m.

Mayor Gutierrez reconvened the City Council meeting at 10:06 p.m.

G. GENERAL BUSINESS

- G.1. CONSIDERATION OF CHANGING THE NUMBER OF COMMERCIAL CANNABIS BUSINESS PERMITS ALLOWED IN THE CITY (Report of: Financial & Management Services) (RESO NO. 2018-94)

Chief Financial Officer/City Treasurer Eyerman provided the report.

Mayor Gutierrez requested clarification regarding the three permit options presented.

Chief Financial Officer/City Treasurer Eyerman explained the differences and the procedures an applicant would follow respective to each option.

City Manager DeSantis announced that changing the number of permits does not necessarily change the number of businesses operating in the City. At the request of Mayor Gutierrez, City Manager DeSantis responded that the City of Perris, which set no numeric limit on recreational cannabis permits, have two to three legal cannabis businesses in operation.

Council Member Cabrera wanted to ascertain what types of services the revenue could fund.

Chief Financial Officer/City Treasurer Eyerman responded with examples.

Council Member Marquez questioned why the City Council is deliberating the issuance of additional fees when it was already decided that they would be awarded through a lottery.

City Manager DeSantis remarked that the City Council is being presented with additional options to decide if the program requires refinement.

Council Member Marquez suggested an alternative for the Council to adopt.

City Manager DeSantis stated that the Council has the discretion to revise the policy as they see fit, but the options introduced were determined by staff to be the best options available.

City Attorney Koczanowicz added that the lotto was instituted because an excess of vetted applicants arose.

Community Development Director Sandzimier interjected that officials in Denver reported amending their ordinance eleven times.

Mayor Pro Tem Baca questioned what procedural changes would occur if the number of permits were increased.

Chief Financial Officer/City Treasurer Eyerman provided the details.

City Attorney Koczanowicz provided additional information.

Mayor Gutierrez recommended option A, allowing the fifteen dispensary applicants not chosen in the lottery, to continue the process.

City Attorney Koczanowicz interjected that it also included the micro business permits.

Council Member Thornton recommended option A, with the caveat that a time limit be included to obtain a conditional use permit.

City Attorney Koczanowicz responded that if a majority of the City Council agrees, they could take action on the permits as they are and staff would return with a revised resolution amending the initial application rules.

Council Member Marquez proposed an alternative option.

Mayor Pro Tem Baca communicated her desire to make permits available to all qualified applicants.

Council Member Cabrera voiced his support for option A.

Recommendation: That the City Council:

1. Consider a change in the maximum number of Commercial Cannabis Business Permits that would be issued in the City.

Option A

RESULT:	APPROVED [3 TO 2]
MOVER:	Dr. Carla J. Thornton
SECONDER:	Dr. Yxstian A. Gutierrez, Mayor
AYES:	Dr. Yxstian A. Gutierrez, Ulises Cabrera, Dr. Carla J. Thornton
NAYS:	Victoria Baca, David Marquez

H. REPORTS

H.1. CITY COUNCIL REPORTS

(Informational Oral Presentation - not for Council action)

March Joint Powers Commission (JPC) - Mayor Pro Tem Baca

Mayor Pro Tem Baca reported the following:

Tonight, I'm providing an update from the March Joint Powers Commission meeting on November 14th.

At that meeting, the Commission authorized JPA staff to advertise a Request for Proposals for a comprehensive General Plan Update. We also approved a Foreign Trade Zone subzone to activate one million square feet in two facilities in Eastvale and Mira Loma.

Riverside County Habitat Conservation Agency (RCHCA) - None

Riverside County Transportation Commission (RCTC) - None

Riverside Transit Agency (RTA) - Council Member Marquez

Council Member Marquez reported the following:

Once again, RTA will be offering a Youth Fare promotion during the winter break. From December 21 through January 13, students in grades 1-12 can ride the bus for only 25 cents. This fare promotion is good for any fixed route bus including commuter links. Just show your student ID.

Western Riverside Council of Governments (WRCOG) - None

Western Riverside County Regional Conservation Authority (RCA) - Mayor Pro Tem Baca

Mayor Pro Tem Baca reported the following:

Items covered at the RCA Board of Directors meeting on December 3, 2018 include:

- The October 2018 MSHCP Fee Collection Report for Moreno Valley indicates that approximately \$61,000 was collected for 29 residential permits.

School District/City Joint Task Force - None

H.2. CITY MANAGER'S REPORT

(Informational Oral Presentation - not for Council action)

City Manager DeSantis congratulated the elected and reelected Council Members.

H.3. CITY ATTORNEY'S REPORT

(Informational Oral Presentation - not for Council action)

City Attorney Koczanowicz agreed with the sentiments of City Manager DeSantis

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 Thornton

1. Expressed her gratitude and humility for the opportunity to serve the City.

Council Member Marquez

1. Applauded the newly elected and reelected candidates.
2. Rooted for the Los Angeles Rams.

Council Member Cabrera

1. Welcomed Dr. Thornton.
2. Requested and received support for an item to investigate increasing the noticing requirement for Public Hearing items and an item identifying safe areas for semi-truck parking.

Mayor Pro Tem Baca

1. Pleased that the Registrar of Voters certified the election.
2. Commended the incoming and reelected Council members.
3. Noted that the applicant withdrew his application for a gas station on Moreno Beach Drive.
4. Requested and received support for an examination of zoning options for cannabis.

Mayor Gutierrez

1. Thanked all who attended the swearing in ceremony.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Gutierrez adjourned the meeting in memory of Gerald Michael Budlong at 10:52 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 A. Gutierrez
Mayor
City of Moreno Valley
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