

**MINUTES**  
**CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY**  
**April 3, 2018**

**CALL TO ORDER - 5:30 PM**

**SPECIAL PRESENTATIONS**

1. Presentation of the CalED Award to Council
2. Business Spotlight Presentation
  - a). Aleea Flowers
  - b). Papa Joe's
3. Proclamation Recognizing April 8-14, 2018 as National Animal Care & Control Week

**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  
April 3, 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**

Senior Pastor John Milhouse, Calvary Chapel Moreno Valley

**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
	Mike Lee	Economic Development Director

Rick Sandzimier  
David Kurylowicz  
Abdul Ahmad  
Patti Solano

Michael Wolfe

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

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

### Daryl Terrell

1. Remembered Dr. Martin Luther King on the eve of the 50<sup>th</sup> anniversary of his death.

### Martin Cabrera Jr.

1. Proposed raising taxes on sugar sweetened beverages, namely soda.

### Carolyn Brodeur

1. Pleased with the Zone meetings held by the Police Department and the accessibility of Chief Kurylowicz.

### Rafael Brugueras

1. Reminded residents of the upcoming Air Show.
2. Grateful for the new Veteran housing.

### Roy Bleckert

1. In an effort to increase safety, the City should join the suit against the State of California and opt out of SB 54.

## **JOINT CONSENT CALENDARS (SECTIONS A-D)**

Item No. A.3 was withdrawn by staff. Item No. A.10 was pulled for separate vote by Council Member Giba and moved to Item No. F.1. Mayor Gutierrez opened the Consent Agenda items for public comments; which were received from Rafael Brugueras (Supports Item Nos. A.4, A.5, and A.8).

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeffrey J. Giba, Council Member
<b>SECONDER:</b>	Victoria Baca, Mayor Pro Tem
<b>AYES:</b>	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 20, 2018 4:30 PM

**Recommendation:** Approve as submitted.

A.3. ITEM No. A.3 WAS WITHDRAWN BY STAFF Approval of Amended Employment Agreement for the City Clerk (Report of: City Attorney)

**Recommendation:**

1. That the City Council approves Amended Employment Agreement for the City Clerk.

A.4. LIST OF PERSONNEL CHANGES (Report of: Human Resources)

**Recommendation:**

1. Ratify the list of personnel changes as described.

A.5. PAYMENT REGISTER - JANUARY 2018 (Report of: Financial & Management Services)

**Recommendation:**

1. Receive and file the Payment Register.

A.6. 2018-60: AUTHORIZE CONTRACT AMENDMENT - TYLER TECH FOR THE PURCHASE & IMPLEMENTATION OF TRANSPARENCY MODULE (AGMT. No. 2017-142) (Report of: Financial & Management Services)

**Recommendations:**

1. Authorize an amendment to the contract with Tyler Technologies for the purchase and implementation of Tyler Transparency tools in a form to be approved by the City Attorney.
2. Authorize the City Manager to sign the Amendment.
3. Authorize the expenditure and issuance of a purchase order to Tyler Technologies in the amount of \$39,025 (\$26,875 Software and \$12,150 for implementation) for the purchase and implementation of the software.

A.7. AUTHORIZATION TO CLOSE PUBLIC STREETS FOR THE MARCH FIELD AIRFEST 2018 ON SATURDAY, APRIL 7, 2018 AND SUNDAY, APRIL 8, 2018 (Report of: Police Department)

**Recommendation:**

1. Authorize the closure of the following streets between the hours of 6:00 a.m. and 8:00 p.m. for the purpose of controlling the traffic for the March Field Airfest taking place on April 7 - 8, 2018.
  - a. Elsworth Street between Alessandro Boulevard and Cactus Avenue
  - b. Veterans Way between Alessandro Boulevard and Cactus Avenue
  - c. Frederick Street between Alessandro Boulevard and Cactus Avenue

**A.8. REQUEST TO FUND MAILBOX CAMERA PILOT PROGRAM USING ASSET FORFEITURE FUNDING (Report of: Police Department)**

Council Member Cabrera requested that Item No. A.8 be discussed further.

Chief Kurylowicz provided the report.

City Manager DeSantis remarked on the City Council's leadership as well as the resident's willingness to assist in order to combat mailbox theft.

**Recommendations: That the City Council:**

1. Authorize staff to proceed with a Mailbox Camera Pilot Program.
2. Approve a budget adjustment of up to \$50,000 to the General Fund (1010) Asset Forfeiture revenue account and the Technology Services expenditure account within the City Manager's Office to fund program expenses.

**A.9. 2018-63: PA15-0024 (PM 35150) – APPROVE DEVELOPMENT IMPACT FEE (AGMT. No. 2018-55) (Report of: Public Works)**

**Recommendations:**

1. Approve the Development Impact Fee Improvement Credit Agreement #D17-006 (DIF Agreement) for PA15-0024 (PM 35150) improvements.
2. Authorize the City Manager to execute the DIF Agreement.

**A.10. ITEM NO. A.10 WAS REMOVED FOR SEPARATE VOTE BY COUNCIL MEMBER GIBA AND MOVED TO ITEM NO. F.1**

**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 of Mar 20, 2018 4:30 PM (See A.2)

**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 of Mar 20, 2018 4:30 PM (See A.2)

**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 of Mar 20, 2018 4:30 PM (See A.2)

**Recommendation:** Approve as submitted.

**E. PUBLIC HEARINGS - NONE**

**F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION**

- F.1. Commercial Cannabis Title 9 Land Use Ordinance (Second Reading) (Report of: Community Development)

Acting Community Development Director Sandzimier presented the report on the proposed commercial cannabis land use ordinance.

Council Member Giba questioned City Attorney Koczanowicz on his familiarity with Ethics Rules 3-210 and 5-220. He further requested he explain the Supremacy Clause and Doctrine of Preemption.

City Attorney Koczanowicz clarified their meanings and acknowledged that there is a conflict between Federal and State Law.

Roy Bleckert

1. Questioned why industrial property was not included in the Land Use Ordinance.
2. Suggested that the upcoming General Plan Amendment include an update to properly address commercial cannabis businesses.

Rafael Brugueras

1. Confirmed City Attorney Koczanowicz's statement regarding the incongruity between Federal and State Law regarding cannabis, but pointed out that the State of California allowed the voters to determine its legality and they overwhelmingly approved it.

Hansel Urbina

1. Called for transparency in the City's operator selection process.

Council Member Giba remarked on the supremacy of Federal Law. As he felt City Attorney Koczanowicz failed to address these issues to the Council and to the public, it would be prudent for the City to postpone and delay the vote, allowing them time to review the information. He stated that upon his election he took an oath to uphold the Constitution and because it preempts California Law, this proposed ordinance puts the Council in a liable position.

City Attorney Koczanowicz commented that not only does the proposed ordinance clearly reference the discrepancy between Federal and State Law; he has also informed the Council of both laws.

**Recommendation: That the City Council:**

1. **CONDUCT** second reading by title only and Adopt 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."

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

## G. GENERAL BUSINESS

### G.1. 3050: Introduction of Ordinance No. 933 Amending Chapter 5.05 Commercial Cannabis Regulations (Report of: City Attorney)

City Attorney Koczanowicz provided a report on commercial cannabis regulations.

Council Member Giba expressed that the preamble of the ordinance read by City Attorney Koczanowicz and his discussions with Council didn't address his question regarding the Supremacy Clause and the implications for City Council Members who violate it.

City Attorney Koczanowicz noted that he is unaware of any consequences befalling the City Council.

#### Rafael Bruqueras

1. Remarked that the Federal Government's inaction on Colorado's passage of cannabis bodes well for the city.

#### Roy Bleckert

1. Proposed that the Free Market be allowed to determine the types of cannabis businesses in operation.

#### Alfie Hernandez

1. Expounded on the medical benefits of cannabis.
2. Explained the detrimental effects of high startup costs.

Council Member Giba listed various neighboring cities either limiting cannabis licenses or outright prohibiting them. He mentioned that the unexpected consequences haven't been thoroughly considered and requested again to postpone and delay the vote.

Mayor Gutierrez clarified that the item before the Council is not whether or not they want to allow cannabis, as that has already been approved. He also remarked, in response to a public comment, that it is the Council's intent that all of the approved cannabis businesses be of the utmost sophistication. Finally, in reference to another public comment, he mentioned that light industrial was considered as an appropriate zone but lack of interest from manufacturing business owners led to its exclusion.

**Recommendation: That the City Council:**

1. Introduce and conduct the first reading of Ordinance No. 933, amending Chapter 5.05 Commercial Cannabis Activity to add micro-businesses and clarify appeal processes and schedule the second reading and adoption for the next regular Council meeting.

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

**Recommendations: That the City Council:**

2. Adopt Resolution 2018-12, authorizing the City to receive Live Scan Background reports for Commercial Cannabis business owners, employees and operators.
3. Adopt Resolution 2018-13, amending Initial Application Processes for Commercial Cannabis Business Permits.

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

Mayor Gutierrez recessed the City Council meeting at 7:08 p.m.

Mayor Gutierrez reconvened the City Council meeting at 7:18 p.m.

**H. REPORTS**

**H.1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES**

(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 recent March Joint Powers Commission meeting held on March 28th.

In that meeting, the Commission:

- Learned that earthwork in the Heacock Channel has started.
- Authorized a Request for Proposals for the construction of the Taxiway Realignment Project that will widen the taxiway at the south end of the runway to allow 747s to taxi behind parked 747s.
- Finally, approved an amendment to the March LifeCare DDA to assign responsibility for the Schedule of Performance to the Joint Power's Authority.

Riverside County Habitat Conservation Agency (RCHCA) - None

Riverside County Transportation Commission (RCTC) - Mayor Pro Tem Baca

Mayor Pro Tem Baca reported the following:

At the Programs and Projects Committee meeting, the Board recommended awarding numerous grants under the Specialized Transit Call for Projects. This is great news for the Friends of Moreno Valley, as they will receive roughly \$313,000 to continue to operate the popular MoVan. The MoVan provides transportation to the Senior Center and other destinations for non-emergency medical appointments for Moreno Valley's senior citizens and disabled adults. Please call (833) 745-8454 for fares, eligibility, and additional details.

Riverside Transit Agency (RTA) - Council Member Marquez

Council Member Marquez reported the following:

The Riverside Transit Agency will conduct free travel training on April 24 for customers who use a wheelchair or scooter. The training will take place at the Galleria at Tyler, in Bay B, from 10:30 a.m. until 12:30 p.m. The training is designed to build confidence for customers with disabilities who want to learn to ride the bus. Please contact RTA for additional details.

Western Riverside Council of Governments (WRCOG) - Mayor Gutierrez

Mayor Gutierrez reported the following:

Items covered at the WRCOG Executive Committee meeting on April 2, 2018 include:

- A Legislative Activities Update for support of Assembly Bill (AB) 3027 (Chavez) and directing the Executive Director to send a letter indicating WRCOG's support for AB 3027. An ongoing concern is that it is easy for any party to file a California Environmental Quality Act (CEQA) lawsuit to delay both public and private projects. WRCOG analysis has determined that one-third of CEQA cases in 2016/2017 were filed by parties that did not appear to be directly impacted by the proposed project.

- The 9th Annual Statewide Energy Efficiency Forum will be held in Sacramento on June 20 and 21, 2018, at the Sheraton Grand Hotel in Sacramento. This year's event is offered at no cost for local government officials, and will provide learning, sharing, and networking opportunities to help local governments save energy reduce greenhouse gas emissions and learn new sustainable technology strategies.
- Regional Streetlight Program Activities Update regarding acquisition of local member jurisdiction streetlights from SCE. Eleven (11) jurisdictions have approved the Agreement to acquire SCE-owned streetlights in their jurisdiction. An amendment to purchase streetlights was executed with Moreno Valley on 9/19/17. Next step in the streetlight acquisition process for Moreno Valley is the California Public Utilities Commission approval of the streetlight transfer.

Western Riverside County Regional Conservation Authority (RCA) - Council Member Giba

Council Member Giba reported the following:

The RCA acquired two properties in Murrieta for habitat conservation. The additional acreage will contribute to the Agency's habitat reserve assembly goals. As of January 2018 the amount remitted totals \$1,349,004. Moreno Valley has contributed disproportionately to the conservation plan, amounting to \$1,075,082. More information may be obtained by accessing the link from his biography on the City's website.

School District/City Joint Task Force - None

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

Council Member Giba reported the following:

On Thursday, April 5th the Regional SCAG meeting will take place in Los Angeles. The Annual Conference will occur in May.

On Monday, April 4th the Bylaw Subcommittee met to review the bylaws in preparation of the special meeting and updated the Regional Council policy manual.

## **H.2. CITY MANAGER'S REPORT**

(Informational Oral Presentation - not for Council action)

City Manager DeSantis thanked the Planning Division for their work on the ordinances regulating commercial cannabis activities. He also expressed his gratitude to City Attorney Koczanowicz, Assistant City Manager Brock, Chief Financial Officer/City Treasurer Eyerman, and Acting Community Development Director Sandzimier for their assistance.

He emphasized the City Council's commitment to public safety by noting their increases to the budget for police and fire services and personnel, and the public safety camera system.

In light of the Council's recognition of National Animal Care and Control Week, he mentioned that in 2017 Animal Services placed more than 4,000 pets in lifelong loving homes.

### **H.3. CITY ATTORNEY'S REPORT**

(Informational Oral Presentation - not for Council action)

City Attorney Koczanowicz announced that he will be out on a brief vacation. He encouraged Council Member Giba to meet with him to discuss the agenda and to resolve any outstanding issues or questions.

### **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 Marquez

1. Thanked staff for their hard work.
2. Pleased with the responsiveness of staff in addressing homelessness issues.
3. Remarked that his recent Business Roundtable was well attended and thanked Economic Development Director Lee and his staff for coordinating it.
4. Impressed with the informative Zone one and two meeting held by Chief Kurylowicz and Officer Brooks.
5. Attended the hospital ground breaking which, once constructed, will benefit the entire region.
6. Stated that he was initially opposed to legalizing cannabis, but after speaking with residents who were in favor of it, he researched it and realized its medicinal attributes.
7. Took part in the Homeless Veteran facility grand opening.
8. Encouraged everyone to attend the Air Show and invited golf enthusiasts to participate in the upcoming fundraiser at the Old General golf course.
9. Communicated his displeasure with speakers that degrade or belittle the Council Members who are merely doing their best to improve the city.
10. Announced that baseball season is open and urged everyone to support the Angels as well as another local sports team, the Anaheim Ducks.

#### Council Member Giba

1. Discussed the importance of the expansion of the University Health System and his honor in having been to each groundbreaking.
2. Mentioned that he attended the Air, Marine, Operational Control Center ribbon cutting.
3. Also attended the retirement of AMOC Director Crowder.
4. As in previous years, he was at the Welcome Home Vietnam Veterans Memorial on March 24, 2018.

5. Expressed his desire that everyone had a peace filled Easter.
6. Noted that SCAG held their Open House in Los Angeles.
7. Community members have communicated their appreciation for the Police Department's zone meeting.
8. Honored and proud to have been a part of the JPA Board that leased the land for a nominal amount to U.S. Vets to facilitate construction of the March Veterans Village.
9. Promoted Whisker Wednesdays as an opportunity for residents to adopt a cat at a deeply discounted rate.
10. Praised Chief Financial Officer/City Treasurer Eyerman on the Bonded Debt program pamphlet made available for residents.
11. Requested that the Sanctuary Law be agendized for an upcoming Study Session.

#### Council Member Cabrera

1. Made everyone aware of the Air Show taking place on April 7, 2018.
2. Thanked staff for their work on the monument sign welcoming motorists to the City.
3. Reminded everyone of the food pantry open the first and third of every month.
4. Attended the U.S. Vets ribbon cutting.
5. Took part in the Riverside University Health System ground breaking.
6. Addressed the growing Mental Health issue.
7. Expressed his gratitude to Fire Chief Ahmad.
8. Grateful to Chief Kurylowicz for the Zone meeting.
9. Noted that Latinos and the Youth are the two demographics with the lowest voter turnout, but optimistic that those numbers will increase.
10. Called for leadership to promote non-violence and peaceful protest.
11. Supports the legalization of cannabis country wide as it has medicinal benefits. Emphasis should be placed on educating the public regarding addiction.
12. Shared a quote from Martin Luther King.

#### Mayor Pro Tem Baca

1. Extended thanks to staff and the residents of District One for a successful Coffee and Conversation event.
2. Asked everyone to be patient with the street closures required for the Air Show.
3. Made everyone aware of the Public Safety Expo occurring on April 14, 2018 and encouraged them to attend and bring their children.
4. Noted that the concerns with legalizing cannabis were thoroughly discussed with both City Manager DeSantis and City Attorney Koczanowicz.
5. Expressed her appreciation for the Animal Services department, namely Animal Services Division Manager Fries and his staff.
6. Wished everyone a nice weekend and hoped they enjoy the Air Show.

#### Mayor Gutierrez

1. Grateful for the Animal Services department and the work they've accomplished.
2. Thanked staff for their assistance in recognizing Autism Awareness Day.
3. Praised Chief Kurylowicz for his Zone One & Two meeting.
4. Reminded the public that the City Council has increased the Public Safety budget from \$37 million to \$44 million.

5. Expressed his gratitude to staff for allocating funds for the mailbox initiative.
6. Attended the Springtastic Festival and Egg Hunt on March 31, 2018.
7. Extended thanks to the public for participating in the Telephone Town Hall on March 29, 2018. Thanked staff for their assistance in facilitating the event.
8. Encouraged everyone to attend the Public Safety Expo on April 14, 2018.

## **ADJOURNMENT**

There being no further business, to come before the City Council, Mayor Gutierrez adjourned the meeting at 8:10 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  
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