

*City of Arts & Innovation*

## CITY COUNCIL MINUTES

TUESDAY, MAY 14, 2013, 2 P.M.  
ART PICK COUNCIL CHAMBER  
CITY HALL  
3900 MAIN STREET

California Energy Commission

**DOCKETED**  
**13-EPS-01**

TN 70873

MAY 17 2013

## COUNCIL/AGENCY MEMBERS

G A R D N E R	M E L E N D R E Z	G U T I E R R E Z	D A V I S	M A C A R T H U R	H A R T	A D A M S
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### WARDS

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### Roll Call:

Present

X	X	X	X	X	X	X
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Mayor Bailey called the meeting to order at 2 p.m. in the Art Pick Council Chamber with all Councilmembers present.

### ORAL COMMUNICATIONS FROM THE AUDIENCE

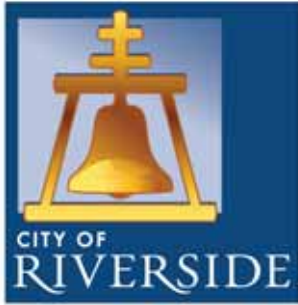
There were no oral comments at this time.

### CLOSED SESSIONS

The City Council recessed to the City Council Board Room for closed sessions pursuant to Government Code (1) §54956.9(d)(1) to confer with and/or receive advice from legal counsel concerning City of Riverside v. Inland Empire Patient's Health and Wellness Center, Inc., et al.; Riverside Superior Court Case No. RIC 10009872; 4th Appellate District Case No. E052400; Supreme Court Case No. S198638; (2) §54956.9(d)(1) to confer with and/or receive advice from legal counsel concerning Victoria Club v. City of Riverside, et al., RCSC Case No. RIC 1120100; (3) §54956.9(d)(1) to confer with and/or receive advice from legal counsel concerning City of Riverside v. Rubidoux Community Services District, et al.; RCSC Case No. RIC 1211953; (4) §54956.9(a) to confer with and/or receive advice from legal counsel concerning Scott Semer v. City of Riverside, WCAB Claim No(s): ADJ 7650672; 7650684; 7650669; 6543170; (5) §54956.9(d)(2) to confer with and/or receive advice from legal counsel concerning one case of anticipated litigation; (6) §54956.9(d)(4) to confer with and/or receive advice from legal counsel concerning one case of anticipated litigation; and (7) §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, 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.

The Mayor and City Council returned to the Art Pick Council Chamber.

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**WARDS**

**PUBLIC HEARING**

CASES P12-0442, P12-0443, P12-0444, AND P12-0761 - REDEVELOPMENT OF EXISTING COMMERCIAL SHOPPING CENTER AND WASHINGTON PARK - 2769 MARY AND 6893 VICTORIA - ORDINANCE INTRODUCED - RESOLUTIONS

Hearing was called to consider a proposal by Scott Limbacher, on behalf of Stater Bros. Markets, and Dan Schultz, MileStone Management, on behalf of CVS, to consider (1) a General Plan Amendment to amend the land use designation of approximately 37,230 square feet from P - Public Parks to C - Commercial, rezone the same approximately 37,200-square-foot area from R-1-13,000 - Single Family Residential to CR-NC - Commercial Retail and Neighborhood Commercial Overlay Zones, design review of plot plan and building elevations for redevelopment of an approximately 6.3-acre commercial center, including a new 44,636-square-foot grocery store, an approximately 11,465-square-foot CVS drug store with drive-thru pharmacy, and a conditional use permit for a drive-thru pharmacy and off-sale alcohol sales (Type 21 - General Alcohol) in conjunction with the proposed CVS drug store and pharmacy situated on the southeast corner of Mary Street and Lincoln Avenue, in the CR - NC - Commercial Retail and Neighborhood Commercial Overlay and the R-1-13,000 - Single Family Residential Zones; (2) adoption of a resolution to exchange and discontinue the use as a park a portion of Washington Park located at 2769 Mary Street, with property owned or to be acquired by Stater Bros. Markets located at and adjacent to 6893 Victoria Avenue, and approval of an exchange agreement; and (3) approval of the Washington Park Expansion Plan. Six people spoke on the matter. The public hearing was officially closed. Following discussion, the City Council (1) determined the proposed project will not have a significant effect on the environment based upon the findings and mitigation measures set forth in the case record and adopted a Mitigated Negative Declaration; (2) adopted the Mitigation Monitoring and Reporting Program (MMRP) pursuant to Section 21081.6 of California Public Resources Code; (3) approved Cases P12-0442, P12-0443, P12-0444, and P12-0761 based on and subject to the Planning Commission findings and recommended conditions as outlined in the staff report; (4) adopted the appropriate rezoning ordinance; (5) adopted the resolution to amend the General Plan; (6) adopted the resolution to exchange and discontinue the use as a park of a portion of Washington Park located at 2769 Mary Street, with property owned or to be acquired by Stater Bros. Markets located at and adjacent to 6893 Victoria Avenue; (7) approved the Washington Park Expansion Plan; and (8) authorize the City Manager, or his designee, to execute the Real Estate Exchange and Park Development Agreement and Joint Escrow



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GARDNER	1					
MELNDRER	2					
GUTIERREZ	3		X			
DAVIS	4			X		
MACARTHUR	5					
HART	6				X	
ADAMS	7					

Instructions including making minor non-substantive changes and to sign all documents and instruments necessary to complete the action; whereupon, an ordinance entitled, "An Ordinance 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 Land From Zone R-1-13,000 to Zone CR-NC, was presented and introduced; and whereupon, the titles having been read and further reading waived, Resolution No. 22527 of the City Council of Riverside, California, Amending the Land Use Element of the Riverside General Plan as to Approximately 0.85 Acres Located at 2769 Mary Street, Riverside, California and Resolution No. 22528 of the City Council of Riverside, California, Declaring its Official Intent to Reimburse Certain Capital Expenditures Relating to the City's 2013 Capital Equipment Purchase Project From Proceeds of its Debt to be Issued, Pursuant to Section 1.150-2 of Title 26 of the U.S. Code of Federal Regulations, were presented and adopted.

**FOREIGN TRADE AND INVESTMENT AND SISTER CITIES PROGRAM**  
Following discussion, the City Council received and ordered filed the update on the City's foreign trade program, including our partnerships with the Riverside County Office of Foreign Trade, March Joint Powers Authority, and Sister Cities.

The City Council recessed at 4:25 p.m. and reconvened at 6:30 p.m. in the Art Pick Council Chamber with Mayor Bailey presiding and all Councilmembers present.

The Invocation was given by Councilmember Gardner.

The Pledge of Allegiance was given to the Flag.

Mayor Bailey called upon Riverside Arts Council Executive Director Patrick Brien who recognized Patricia Sablak Korzec as Arts honoree of the Month for May.

Mayor Bailey called upon Wastewater Systems Manager Gary Valladao who introduced the Environmental Excellence Award honorees: Simple Simons (Ward 1), JLG Industries (Ward 7), and Bill's Motorcycle Shop (Ward 4).

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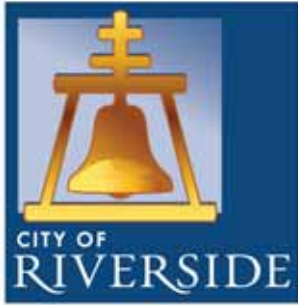
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<p><b>ECONOMIC SUCCESS REPORT</b> Councilmember Gardner reported on the Breezewood Apartments.</p> <p><u><b>DISCUSSION CALENDAR</b></u></p> <p>Councilmember Melendrez disqualified himself from voting on this matter as he owns property within 500 feet.</p> <p><b>SEIZING OUR DESTINY - FACILITY RENTAL RATE, FEE STRUCTURE, AND OPERATING BUDGET FOR THE BOX - SUPPLEMENTAL APPROPRIATION</b> Following discussion, the City Council (1) approved the Facility Rental Rates and Fee Structure for The Box; (2) authorized staff to offer special promotional rates through December 31, 2013; and (3) authorized a supplemental appropriation from General Fund reserves in the amount of \$200,000 to an account number assigned by the Finance Department for costs associated with opening, managing, marketing, and programming The Box for the remaining months of Fiscal Year 2012-13 and Fiscal Year 2013-14 to be offset by anticipated revenue in the amount of \$150,000.</p> <p><b>ORAL COMMUNICATIONS FROM THE AUDIENCE</b> Scott Simpson spoke regarding Measure A. Karen Wright spoke regarding Measure A and elections. Vivian Moreno spoke regarding the water utility General Fund Transfer and Measure A. Leticia Pepper spoke regarding Measure A. Irma Flores spoke regarding liability for costs for driving under the influence. Kevin Dawson, Tom Hunt, and Joel Udayke spoke regarding Measure A.</p> <p><u><b>CONSENT CALENDAR</b></u> The following items were approved by one motion affirming the actions appropriate to each item.</p> <p><b>REIMBURSEMENT - CODE ENFORCEMENT - 4190 SEQUOIA - SUPPLEMENTAL APPROPRIATION</b> The City Council (1) accepted \$2,400 in reimbursement for costs and attorney's fees associated with code enforcement action and rehabilitation of 4190 Sequoia Street; and (2) increased revenues and appropriated expenditures in the amount of \$2,400 to Special Program Account 1300000-450242.</p> <p><b>MINUTES</b> The Minutes of the City Council Meeting of May 7, 2013, were approved as presented.</p>	<p>Motion Second Ayes Disqualified</p> <p>Motion Second All Ayes</p>	X	X	X	X	X	X	X

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**CASE P12-0557 - REZONING - 360 ALESSANDRO - ORDINANCE ADOPTED**

The City Council adopted an ordinance rezoning land located at 360 Alessandro Boulevard from Zone RE to Zone O; whereupon, the title having been read and further reading waived, Ordinance No. 7210 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 Land From Zone RE to Zone O, was presented and adopted.

**CASE P13-0036 - ZONING CODE TEXT AMENDMENT - TEMPORARY USES - ORDINANCE ADOPTED**

Following discussion, the City Council adopted an ordinance to amend the Zoning Code to modify the Temporary Use Permit (TUP) section including, but not limited to, simplifying procedural measures for commonly low impact temporary uses through the creation of a "Minor" Temporary Use Permit process, modifying annual duration and number of events for some temporary uses, creating provisions for entertainment on a specified limited trial basis under a TUP, and providing the Zoning Administrator with more interpretive authority for temporary uses not specifically defined; whereupon, the title having been read and further reading waived, Ordinance No. 7211 of the City of Riverside, California, to Amend Chapter 19.740, Temporary Use Permit, and Chapter 19.150, Table 19.150.020 (C), Temporary Uses Table, of the Riverside Municipal Code, was presented and adopted.

**FIRE CANINE RETIREMENT AND DONATION**

The City Council (1) declared Fire Service Dog "Holly" as retired and surplus property to the needs of the Fire Department; and (2) approved donation of Fire Service Dog "Holly" to retired Fire Captain Terry Miller, at no cost to the City.

**DONATION - WHITESIDE MANOR**

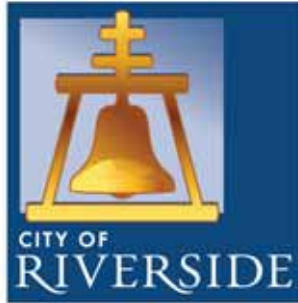
The City Council (1) authorized the acceptance of 100 cases of bottled drinking water valued at \$300 from Whiteside Manor; and (2) directed the Fire Chief to send a letter of appreciation to the Board of Directors of Whiteside Manor.

**BID 7143 - EMERGENCY STANDBY GENERATOR - LA SIERRA SOUTH FIRE STATION - 10692 INDIANA**

The City Council awarded Bid 7143 to Tamang Electric, Inc., Chino, for \$83,885 for replacement of the emergency standby generator at the La Sierra South Fire Station located at 10692 Indiana Avenue.



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**CORPORATION YARD FUEL ISLAND MOTOR FUELS - 8095 LINCOLN**  
The City Council approved the amendment to the purchase order for gasoline and diesel fuel at a cost of \$0.005 above the Oil Price Information Services (OPIS) wholesale price through June 30, 2014, from IPC USA, Inc., in accordance with Purchasing Resolution 21182, Section 201(g).

**BOARD OF LIBRARY TRUSTEES AND HUMAN RESOURCES BOARD RESIGNATIONS**

The City Council approved the recommendations of Mayor Bailey to (1) accept the resignations of Kevin Ferguson (Ward 4) from the Board of Public Utilities and Jerry Hurst (Ward 7) from the Human Resources Board effective immediately; (2) request the City Clerk to process the vacancies; and (3) request the Mayor send letters thanking Mr. Ferguson and Mr. Hurst for the time invested serving on the Board of Public Utilities and the Human Resources Board, respectively.

**BID 7122 - AMEAL MOORE NATURE CENTER AT SYCAMORE CANYON PARK IMPROVEMENTS - 400 CENTRAL**

The City Council (1) authorized expenditure of \$454,240 to purchase a pre-engineered building from the Public Restroom Company for the Ameal Moore Nature Center at Sycamore Canyon Park located at 400 Central Avenue in accordance with Purchasing Resolution 21182 Section 201(f); (2) awarded Bid No. 7122 to Micon Construction, Inc., Placentia, in the amount of \$198,479, for the Ameal Moore Nature Center site improvements including: Base Bid Item I-A, Site Improvements; Base Bid Item I-B, Pre-Engineered Building (foundation preparation and coordination of delivery with manufacturer only); Additive Bid Item II-A, Second Shade Shelter; and Additive Bid Item II-C, Retractable Awning; and (3) authorized the City Manager, or his designee, to execute necessary documents.

**RENEWABLE PORTFOLIO STANDARD PROCUREMENT PLAN**

The City Council (1) adopted the Riverside Public Utilities Renewable Portfolio Standard Procurement Plan for Riverside Public Utilities as required by the California Renewable Energy Resources Act; and (2) delegated implementation of the Renewable Portfolio Standard Procurement Plan to the City Manager, or his designee.

**AGREEMENTS - RENEWABLE GEOTHERMAL ENERGY**

The City Council (1) approved Amendment No. 2 to Power Sales Agreement with Salton Sea Power, LLC, to modify pricing terms commencing July 1, 2013, through the remaining term of the existing agreement; (2) approved the new Power Purchase Agreement with CalEnergy, LLC, to

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provide energy from CalEnergy's geothermal power projects commencing Calendar Year 2016; (3) authorized the City Manager, or his designee, to execute agreements under the terms and conditions as set forth within the agreements; (4) authorized the Public Utilities General Manager, or his designee, to execute any documents necessary to administer the agreements that are consistent with the established policies by the City Council; and (5) authorized the City Manager, or his designee, to terminate the agreements for circumstances as outlined in the agreements.

**MAYOR/COUNCILMEMBER COMMUNICATIONS**

**LEGISLATIVE REPORTS**

There was nothing to report on the CA Cities Advocate dated May 2, 2013. Mayor Bailey reported on the State Budget and City Attorney Priamos reported on Redevelopment.

**BRIEF STATUS REPORTS FOR REGIONAL ORGANIZATIONS, CONFERENCES, SEMINARS, AND MEETINGS ATTENDED BY MAYOR AND CITY COUNCIL - ANNOUNCEMENTS**

Councilmember Gardner reported on the Seismic Safety Commission and Riverside Transit Agency. Councilmember Melendrez reported on Riverside Transit Agency. Councilmember Adams reported on Riverside County Transportation Commission. Councilmember Hart reported on the Riverside County Division of the League of California Cities.

**CITY ATTORNEY REPORT ON CLOSED SESSIONS**

City Attorney Priamos announced there were no reportable actions taken on the closed sessions held earlier in the day.

**ITEMS FOR FUTURE CITY COUNCIL CONSIDERATION**

There was nothing requested for future consideration at this time.

The City Council adjourned at 7:59 p.m.

Respectfully submitted,

COLLEEN J. NICOL  
City Clerk