

**MINUTES
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
October 24, 2017**

CALL TO ORDER

The Special 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 and the Board of Library Trustees was called to order at 6:05 p.m. by Mayor Gutierrez in the Council Chamber located at 14177 Frederick Street, Moreno Valley, California.

Mayor Gutierrez announced that the City Council receives a separate stipend for CSD meetings.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Frank Wright.

INVOCATION

Paul Lovato

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
	Brooke McKinney	Treasury Operations Division Manager
	Martin Koczanowicz	City Attorney
	Michelle Dawson	City Manager
	Thomas M. DeSantis	Assistant City Manager
	Allen Brock	Community Development Director
	Joel Ontiveros	Police Chief
	Abdul Ahmad	Fire Chief

PUBLIC COMMENTS ON MATTERS ON THE AGENDA ONLY

Mayor Gutierrez opened the public comments portion of the meeting for items listed on the agenda only. Comments were received from Steven A. Figueroa (supports Item No. A.1), Paul Lovato (opposes Item No. A.1), Jerry Hernandez (opposes Item No. A.1), Sebastian Vilchis (opposes Item No. A.1), Bob Palomarez (supports Item No A.1), Azley Rivera (supports Item No. A.1), Frank Wright (opposes Item No. A.1), Tom Jerele (opposes Item No. A.1), Brenda Jones (supports Item No. A.1), Robert Harris (supports Item No. A1), Rafael Brugueras (supports Item No. A.2), Louise Palomarez (supports Item No. A2), Roy Bleckert (supports Item No. A1), Tyrone Rodgers (supports Item No. A.1), Dr. Patsy D. Brown (opposes Item No. A.1), Laura Santos (supports Item No. A.1), Abel Chapa (supports Item No. A.1), Professor Eddie Funxta (supports Item No. A.1)

A. BUSINESS

A.1. ORDINANCE ADDING CHAPTER 5.05 COMMERCIAL CANNABIS ACTIVITY PERMITTING PROCESS (Report of: City Attorney)

City Attorney Koczanowicz presented a staff report outlining the previously requested Ordinance to regulate commercial cannabis activity.

Recommendations: That the City Council:

1. Introduce and conduct the first reading by title only, of an Ordinance, which when adopted would amend Moreno Valley Municipal Code Title 5 to add Chapter 5.05 Commercial Cannabis Activity, and
 - 1a. Schedule the second reading and adoption for the next regularly scheduled meeting, or
2. Provide revisions to the draft Ordinance and direct staff to return with an amended draft for introduction and first reading at a future Council meeting, and
3. Direct staff to prepare a proposed ballot measure that would levy a cannabis commercial activity tax in Moreno Valley for the Council's consideration. If approved by the Council, such a measure could be placed on the November 2018 ballot.

Motion to Approve Recommendations 1, 1a and 3.

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

A.2. RESOLUTION EXTENDING ORDINANCE 916 BANNING ALL COMMERCIAL CANNABIS ACTIVITY IN THE CITY (Report of: City Attorney)

City Attorney Koczanowicz presented a staff report regarding the extension of the existing ban on commercial and medical cannabis activity. He stated that extension of the ban requires a super majority to approve.

Recommendation: That the City Council:

1. Staff recommends that the City Council adopt a Resolution, extending the existing ban on commercial cannabis activity, till permanent regulations can be adopted.

Mayor Gutierrez posed questions regarding the proposed tax rate, an estimated cost of a cannabis ballot measure, the Planning Commission's role, the proposed Ordinance, and the consultant.

Mayor Pro Tem Baca asked about the restrictions included within the Ordinance, cannabis purity testing, and the Planning department's timeline to prepare a zoning ordinance.

Allen Brock, Community Development Director, presented a PowerPoint outlining the Planning departments' timeline.

Mayor Pro Tem Baca questioned the effect of the proposed Ordinance on illegal dispensaries.

Council Member Cabrera wanted clarification on reimbursement options for costs incurred and measures to shut down illegal dispensaries.

Council Member Giba inquired as to the accuracy of a previous statement by a previous speaker, crime increases, attainability of cannabis to minors, Fire Department concerns, the current ban, rejection of the proposed Ordinance, and the consequences of approving the Ordinance.

Council Member Marquez requested information regarding the collection and deposition of taxes, the approval margin of Proposition 64, current sales tax regulation, City drug policy, and unemployment in relation to cannabis regulation.

Mayor Gutierrez recessed the meeting at 7:47 p.m.

Mayor Gutierrez reconvened the meeting at 8:02 p.m.

Mayor Pro Tem Baca relayed her concerns with the Public's safety and asked for a purity testing center in Moreno Valley. She wanted the ban extended to December.

Council Member Marquez wanted additional time to gain more input so he felt the ban should be extended for 6 to 9 months.

Council Member Cabrera sees the regulation as an opportunity to impede cartels/the black market. He also noted that regulation is a viable revenue source and that he was satisfied with the thoroughness of the proposed Ordinance.

Council Member Giba explained that revenue isn't cause to rush into regulation and asked that the City wait and see what other jurisdictions do.

Mayor Gutierrez reasoned that the citizens of Moreno Valley have spoken out in favor of regulation and that it will provide revenue and jobs. He also stated that he prefers the zoning ordinance be expedited.

RESULT:	FAILED [3 TO 1]
MOVER:	Jeffrey J. Giba, Council Member
SECONDER:	David Marquez, Council Member
AYES:	David Marquez, Ulises Cabrera, Jeffrey J. Giba
NAYS:	Victoria Baca
ABSTAIN:	Dr. Yxstian A. Gutierrez

A.3. Motion to Extend Ordinance 916 to April 1 2018.

Failed due to lack of a super majority.

RESULT:	FAILED [3 TO 2]
MOVER:	Dr. Yxstian A. Gutierrez, Jeffrey J. Giba
SECONDER:	Ulises Cabrera, Council Member
AYES:	Dr. Yxstian A. Gutierrez, Victoria Baca, Ulises Cabrera
NAYS:	David Marquez, Jeffrey J. Giba

A.4. Motion to Extend Ordinance 916 for 11 Months.

Failed due to lack of a super majority.

RESULT:	FAILED [3 TO 2]
MOVER:	Jeffrey J. Giba, Council Member
SECONDER:	Ulises Cabrera, Council Member
AYES:	David Marquez, Ulises Cabrera, Jeffrey J. Giba
NAYS:	Dr. Yxstian A. Gutierrez, Victoria Baca

A.5. Motion to Extend Ordinance 916 for 7 Months.

Failed due to lack of a super majority.

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

A.6. Motion to Extend Ordinance 916 for 10 Months.

RESULT:	FAILED [2 TO 3]
MOVER:	Jeffrey J. Giba, Council Member
SECONDER:	David Marquez, Council Member
AYES:	David Marquez, Jeffrey J. Giba
NAYS:	Dr. Yxstian A. Gutierrez, Victoria Baca, Ulises Cabrera

A.7. CITY COUNCIL REQUESTS AND COMMUNICATIONS

Council Member Giba asked for confirmation that there is now no longer a ban on Marijuana.

Council Member Cabrera expressed his disappointment that the ban was not extended. He questioned City Attorney Koczanowicz regarding the repercussions.

City Attorney Koczanowicz stated that an abstention could be regarded as a yes vote which would approve Item No. A.2. Mayor Gutierrez, upon learning this, changed his vote for Item No. A.2. to a No vote. City Attorney Koczanowicz responded that he would review the Law regarding abstention votes to determine the outcome of A.2.

ADJOURNMENT

There being no further business to come before the City Council, the Special Meeting was adjourned at 8:43 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

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