

MINUTES
CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY
November 16, 2021

CALL TO ORDER - 5:30 PM

SPECIAL PRESENTATIONS

1. Proclamation Recognizing November As National Veteran and Military Families Month
2. Proclamation Recognizing Val Verde Unified School District Police Department

**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
MORENO VALLEY PUBLIC FINANCING AUTHORITY
BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING – 6:00 PM
November 16, 2021**

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.

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Gutierrez.

ROLL CALL

Mayor Gutierrez noted that Pastor Munoz was unable to provide the Invocation due to illness.

Council:	David Marquez	Council Member
	Ulises Cabrera	Council Member
	D. LaDonna Jempson	Council Member
	Dr. Yxstian A. Gutierrez	Mayor

INTRODUCTIONS

Staff:	Pat Jacquez-Nares	City Clerk
	Steven Quintanilla	Interim City Attorney
	Mike Lee	City Manager
	Brian Mohan	Assistant City Manager/Chief Financial

Ben Kim
Manuel Mancha
Jeremy Bubnick
John Salisbury
Jesse Park

Officer/City Treasurer
Assistant City Manager
Community Development Director
Parks & Community Services Director
Chief of Police
Fire Chief

City Manager Lee introduced Assistant City Manager Kim, and Parks & Community Services Director Bubnick.

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

Alicia Espinoza

1. Criticized Mayor Gutierrez.
2. Expressed support for the appointment of Council Member Jempson.

Radine Hiers

1. Expressed support for the appointment of Council Member Jempson.

Donovan Saadig

1. Informed Parks & Community Services Director Bubnick that he would be in contact with him to request a bathroom at Adrienne Mitchell Memorial Park.
2. Congratulated Council Member Delgado.
3. Disagreed with the comments made by Alicia Espinoza.
4. Criticized Council Member Jempson.

Martin Cabrera

1. Praised Council Members Cabrera and Marquez.
2. Criticized Mayor Gutierrez.

Bob Palomarez

1. Thanked the Chiefs of Police and the Fire Department.
2. Expressed joy for the passing of Measure G, suggested additional Police and Fire personnel.
3. Congratulated Council Member Delgado.
4. Praised Mayor Gutierrez.
5. Suggested the adoption of an ordinance preventing individuals with a criminal past from serving on the City Council.

Brian Beck

1. Asked that the City focus street repairs on the Towngate area.

Fred Banuelos

1. Indicated his disappointment regarding the passage of Measure G.
2. Discouraged that none of the City Council members took him up on his offer to request additional funding from the State Legislators.

3. Announced that he would closely monitor the City's expenditures after the passage of Measure G, to ensure road improvements were a priority.
4. Expressed his desire for warehouse development to be halted.
5. Opposed the appointment of Council Member Jempson.
6. Congratulated Council Member Delgado.

Daryl Terrell

1. Indicated his opposition to Council Member Jempson's appointment.
2. Expressed hope for the City.

Tom Thornsley

1. Suggested the City adopt a policy wherein interested parties are notified when a development project is submitted.
2. Called for a moratorium on warehouses.
3. Admonished Interim City Attorney Quintanilla for not advising the City Council to adjourn the October 19, 2021 City Council meeting.
4. Opposed the appointment of Council Member Jempson.

Robert Then

1. Thanked the staff involved in the Veteran's Day ceremony, especially the students from Canyon Springs High School.
2. Recounted his time in the military.

Elena Santa Cruz

1. Opposed to the appointment of Council Member Jempson.
2. Criticized Council Member's Marquez and Cabrera.
3. Implored the City to not use public funds for the legal defense of Council Member's Marquez and Cabrera.
4. Criticized Council Member Jempson.

Tom Jerele Sr.

1. Complimented the Veteran's Day celebration and thanked those involved.
2. Congratulated Council Member Delgado.
3. Recounted the appointment of Mayor Gutierrez in 2013.
4. Claimed Council Member Jempson was heavily influenced by former Council Member Price.

Russell Shafer

1. Opposed the appointment of Council Member Jempson.
2. Criticized Council Member's Cabrera and Marquez.

JoAnn Stephan

1. Opposed the appointment of Council Member Jempson.
2. Criticized Council Member's Cabrera, Jempson, and Marquez.
3. Expressed her disappointment in Council Member Marquez.

Roy Bleckert

1. Commended former Mayor Owings.

2. Urged the City Council to seat Council Member Delgado as soon as possible.
3. Asked Council Member Jempson to step down.

Louise Palomarez

1. Criticized Council Member's Cabrera and Marquez.
2. Accused Council Member's Cabrera and Marquez of bullying Interim City Attorney Quintanilla.
3. Praised Mayor Gutierrez.

Mary White

1. Commended Council Member Marquez.
2. Supported the appointment of Council Member Jempson.

JOINT CONSENT CALENDARS (SECTIONS A-E)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Marquez, Council Member
SECONDER:	Ulises Cabrera, Council Member
AYES:	D. LaDonna Jempson, Dr. Yxstian A. Gutierrez, David Marquez, Ulises Cabrera

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. ITEM NO. A.2 WAS REMOVED FOR SEPARATE ACTION BY COUNCIL MEMBER CABRERA

- A.3. COUNCIL DISCRETIONARY EXPENDITURE REPORTS FOR FISCAL YEAR 2021/2022 FROM JULY 1, 2021 THROUGH SEPTEMBER 30, 2021 (Report of: City Clerk)

Recommendation:

1. Receive and file the Fiscal Year 2021/2022 Council Discretionary Expenditure Report for July 1, 2021 through September 30, 2021.

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

Council Member Marquez congratulated Alejandra Herrera on her appointment.

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>
Alejandra Herrera	Member	Ending 06/30/23

- A.5. PAYMENT REGISTER- AUGUST 2021 (Report of: Financial & Management Services)

Recommendation:

1. Receive and file the Payment Register.

- A.6. PAYMENT REGISTER- SEPTEMBER 2021 (Report of: Financial & Management Services)

Recommendation:

1. Receive and file the Payment Register.

- A.7. LIST OF PERSONNEL CHANGES (Report of: Financial & Management Services)

Recommendation:

1. Ratify the list of personnel changes as described.

- A.8. AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT TO ALL AMERICAN ASPHALT FOR THE HEACOCK STREET PEDESTRIAN AND BICYCLE FACILITY ENHANCEMENTS NEAR GREGORY LANE, PROJECT NO. 801 0076 (AGMT. NO. 2021-232) (Report of: Public Works)

Recommendations:

1. Award a construction contract to All American Asphalt for the Heacock Street Pedestrian and Bicycle Facility Enhancements Near Gregory Lane project and authorize the City Manager to execute a contract with All American Asphalt in the amount of \$395,254.00 for the construction of the project, funded by the SCAG Article 3 Fund (2800) and DIF Arterial Streets (3301);
2. Authorize the issuance of a Purchase Order to All American Asphalt, in the amount of \$434,779 (\$395,254.00 bid amount plus a 10% contingency) when the contract has been signed by all parties; and

3. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to All American Asphalt contract, but not exceeding the total contingency of \$39,525, subject to the approval of the City Attorney.

A.9. ACCEPTANCE OF LOCAL ROADWAY SAFETY PLAN (LRSP) GRANT FUNDING (AGMT. NOS. 2021-233 AND 2021-233-01) (Report of: Public Works)

Recommendations:

1. Accept the Local Road Safety Plan (LRSP) grant funding of up to \$138,600 for development of a LRSP, which is a citywide systematic evaluation of roadway safety;
2. Authorize the Public Works Director to execute the Master Agreement and Program Supplement Agreement (Agreement No 08-5441S21) with Caltrans;
3. Amend the Fiscal Year 2021/22 & 2022/23 Adopted Capital Improvement Plan to include the Local Roadway Safety Plan for Moreno Valley (Project No. 810 0020); and
4. Authorize a budget adjustment as set forth in the Fiscal Impact section of this report.

A.10. AUTHORIZATION TO AWARD AN AGREEMENT TO FEHR & PEERS FOR THE LOCAL ROADWAY SAFETY PLAN FOR MORENO VALLEY (PROJECT NO. 810 0020) (AGMT. NO. 2021-234) (Report of: Public Works)

Recommendations:

1. Award an Agreement for Professional Consultant Services to Fehr & Peers to provide a Local Road Safety Plan for Moreno Valley and authorize the City Manager to execute the agreement with Fehr & Peers in the amount of \$153,382;
2. Authorize the issuance of a Purchase Order to Fehr & Peers, in the amount of \$153,382 when the agreement has been signed by all parties using LRSP grant funding and the General Fund (Funds 2301 and 1010); and
3. Authorize the Public Works Director to execute any subsequent related amendments to the Agreement with Fehr & Peers, not to exceed the agreement amount, subject to the approval by the City Attorney.

A.11. APPROVE THE SECOND AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH WSP USA INC FOR THE SUNNYMEAD MASTER DRAIN PLAN STORM DRAIN LINE F STAGE 5 AND LINE F-7 STAGE 1, PROJECT NO. 804 0008 (AGMT. NO. 2020-223-01) (Report of: Public Works)

Recommendations:

1. Approve the Second Amendment to the Agreement for Professional Consultant Services with WSP USA Inc (WSP USA), to perform Final Design, Environmental Clearance, for the Sunnymead Master Drainage Plan Line F Stage 5 and Line F-7 Stage 1 project, funded with FEMA HMGP Funds and RCFC&WCD Master Drainage Plan Fees;
2. Authorize the City Manager to execute the Second Amendment to Agreement for Professional Consultant Services with WSP USA, subject to the approval by the City Attorney;
3. Authorize an amendment to the existing Purchase Order with WSP USA in the amount of up to but not to exceed \$479,715.00 once the Agreement has been signed by all parties;
4. Authorize an amendment to the Agreement termination date, extending the termination date from December 31, 2022 to December 31, 2023;
5. Authorize a budget adjustment as set forth in the Fiscal Impact section of this report; and
6. Authorize the Public Works Director to execute any subsequent related amendments to the Agreement for Professional Consultant Services with WSP USA, not to exceed the total Purchase Order amount, subject to approval by the City Attorney.

A.12. AUTHORIZE THE AWARD OF PROFESSIONAL SERVICES AGREEMENTS TO M. BREY ELECTRIC, INC. AND RS CONSTRUCTION & DEVELOPMENT, INC. FOR GENERAL CONTRACTOR SERVICES FOR MAINTENANCE AND REPAIRS AT CITY FACILITIES AND SITES (AGMT. NOS. 2021-235 AND 236) (Report of: Public Works)

Recommendations:

1. Award a five-year contract to M. BREY ELECTRIC, INC. for a total not-to-exceed amount of \$1,760,000 for general contractor services to include all labor, equipment, materials, and performance of operation in connection with construction, repair and maintenance services for City Facilities on an on-call basis; and authorize the City Manager to

execute contracts in conformance with the attached Agreement using fund 7310, Facilities Maintenance;

2. Award a five-year contract to RS CONSTRUCTION & DEVELOPMENT, INC. for a total not-to-exceed amount of \$440,000 for general contractor services to include all labor, equipment, materials, and performance of operation in connection with construction, repair and maintenance services for City Facilities on an on-call basis; and authorize the City Manager to execute contracts in conformance with the attached Agreements using fund 7310, Facilities Maintenance;
 3. Authorize the issuance of annual purchase orders for M. BREY ELECTIRIC, INC. and RS CONSTRUCTION & DEVELOPMENT, INC. on an as needed basis each year of the Agreement term subject to funds available in the City Council approved Operating Budget; and
 4. Authorize the Director of Public Works/City Engineer to execute any amendments, purchase orders and/ or change orders not-to-exceed the authorized amounts, contingent upon approved budget and approval of the City Attorney.
- A.13. ACCEPT AND RECEIVE A GRANT AWARD FROM THE CALIFORNIA STATE LIBRARY, CALIFORNIA LIBRARY LITERACY SERVICES PROGRAM (Report of: Parks & Community Services)

Recommendations:

1. Accept and receive a grant award from the California State Library in the amount of \$30,000 from the California Library Literacy Services program;
2. Authorize the City Manager to process a budget amendment and appropriation in the amount of \$30,000 in FY21/22 and FY22/23; and
3. Authorize the City Manager to accept, receive, and appropriate California Library Literacy Services program grant funds in subsequent fiscal years, as this is an on-going grant program;
4. Authorize the Library Director to submit yearly reporting and application documents for the California Library Literacy Services program, to secure on-going funding; and
5. Authorize and designate the Library Director to accept California Library Literacy Services program on-going funds.

A.14. REQUEST FOR CITY SPONSORSHIP OF SOUTHWEST VETERANS' BUSINESS RESOURCE CENTER ANNUAL SUMMIT (Report of: Parks & Community Services)

Recommendations:

1. Approve a request for sponsorship for Southwest Veterans' Business Resource Center based on prior Council approvals.
2. Approve a sponsorship greater than the limit of \$2,500 as set forth in the General Management Policy No. 2.13, City Sponsorship Policy, Section V Sponsorship Amounts.

A.15. AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION FOR 21ST CENTURY COMMUNITY LEARNING CENTERS ELEMENTARY AND MIDDLE SCHOOL FUNDING (RESO. NO. CSD 2021-37) (Report of: Parks & Community Services)

Recommendations:

1. Authorize the City Manager to submit a grant application in the amount of \$50,000 to the California Department of Education for the 21st Century Community Learning Centers Program to provide funding for summer program at Edgemont Elementary School;
2. Adopt Resolution No. CSD 2021-37. A resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, approving application for 21st Century Community Learning Centers grant funds and to authorize designated personnel to sign grant-related document;
3. Upon award, accept and receive a grant award from the California Department of Education in the awarded amount from 21st Century Community Learning Centers program; and
4. Authorize the City Manager to process a budget amendment and appropriation in the awarded amount in FY 22/23 and four subsequent fiscal years.

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 - CITY COUNCIL - REGULAR MEETING - OCT 19, 2021 6:00 PM
(See A.2)

Recommendation: Approve as submitted.

- B.3. AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT TO MUSCO SPORTS LIGHTING, LLC FOR SPORTS LIGHTING AT EL POTRERO PARK, (PROJECT NO. 807 0059) (AGMT. NO. CSD 2021-77)
(Report of: City Manager)

Council Member Cabrera welcomed Parks & Community Services Director Bubnick and thanked staff for securing the lighting contract, illuminating much needed playing fields for the City's residents.

Recommendations:

1. Award a construction contract to Musco Sports Lighting, LLC for sports lighting at El Potrero Park in substantial conformance with the attached contract, in the amount of \$749,782, funded by Park Improvement funds (Fund 3015);
2. Authorize the issuance of a Purchase Order for Musco Sports Lighting, LLC in the amount of \$824,761 (bid amount plus a 10% contingency) when the contract has been signed by all parties;
3. Authorize the Executive Director to execute any subsequent change orders to the contract, but not exceeding the total contingency of \$74,979, subject to the approval of the City Attorney;
4. Approve Musco Sports Lighting, LLC as the sole source for procurement and installation of the proposed lights and associated equipment;
5. Amend the Fiscal Year 2021/22 & 2022/23 Adopted Capital Improvement Plan to transfer the "Sports Field Lighting Upgrade at Various Park Sites" project from Parks - Unfunded to Parks - Partially Funded; and
6. Authorize a budget adjustment as set forth in the Fiscal Impact section of this report.

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 - CITY COUNCIL - REGULAR MEETING - OCT 19, 2021 6:00 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 - CITY COUNCIL - REGULAR MEETING - OCT 19, 2021 6:00 PM
(See A.2)

Recommendation: Approve as submitted.

E. CONSENT CALENDAR - PUBLIC FINANCING AUTHORITY

- E.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.

- E.2. MINUTES - CITY COUNCIL - REGULAR MEETING - OCT 19, 2021 6:00 PM
(See A.2)

Recommendation: Approve as submitted.

F. PUBLIC HEARINGS - NONE

G. GENERAL BUSINESS - NONE

H. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

- A.2. City Council - Regular Meeting - Oct 19, 2021 6:00 PM

Recommendation: Approve as submitted.

City Clerk Jacquez-Nares reported that in reference to the motion to appoint Council Member Jempson, MinuteTraq automatically defaults to yes when a mover and seconder is selected. She stated that the minutes need to be corrected to remove the vote count, leaving only the first and second motions.

Council Member Cabrera asked if City Clerk Jacquez-Nares was clarifying the minutes from the October 19th City Council meeting, when Council Member Jempson was appointed.

City Clerk Jacquez-Nares responded in the affirmative. She noted that when the first and second are selected the system automatically populates the vote.

Council Member Cabrera commented that Mayor Gutierrez didn't attend the meeting. He claimed he was made aware of the Mayor's absence by either City Clerk Jacquez-Nares or Interim City Attorney Quintanilla. This information was provided right before the start of the meeting. He stressed the importance of all three Council Members attending City Council meetings considering the two vacancies in Districts 1 and 2. He explained that upon being informed of Mayor Gutierrez's absence, his initial thought was the meeting could not take place, with only two Council Members. He stated Interim City Attorney Quintanilla advised that the meeting could resume with two Council Members, which constituted a majority in addition to a quorum. In agreement with previous speakers, he also expressed his concern whether two Council Members comprised a quorum and Council Member Cabrera questioned whether the advice provided by Interim City Attorney Quintanilla was accurate. Being unaware of the nature of Mayor Gutierrez's absence, he felt it necessary to take action that night. He remarked that in order to keep the City functioning, he and Council Member Marquez made a necessary decision. He affirmed making comments about District 2 residents after the passing of Council Member Thornton, affirming it was the City Council's duty to represent the entire City. He went on to explain that with the passing of Mayor Pro Tem Baca, there were two vacant districts. He commented that there were many reasons why he and Council Member Marquez made the action they did and his intent was to provide context and clarification to the community. He indicated that he believed they received questionable legal advice that night.

Mayor Gutierrez stated that attacks on Interim City Attorney Quintanilla were not necessary.

Council Member Cabrera explained that no one was attacking Interim City Attorney Quintanilla.

Mayor Gutierrez disagreed and explained if there was a problem the illegal meeting shouldn't have continued.

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Ulises Cabrera, Council Member
SECONDER: Dr. Yxstian A. Gutierrez, Mayor
AYES: D. LaDonna Jempson, Dr. Yxstian A. Gutierrez, David Marquez, Ulises Cabrera

I. REPORTS

I.1. CITY COUNCIL REPORTS

(Informational Oral Presentation - not for Council action)

March Joint Powers Commission (JPC) - None

Riverside County Habitat Conservation Agency (RCHCA) - None

Riverside County Transportation Commission (RCTC) - None

Riverside Transit Agency (RTA) - None

Western Riverside Council of Governments (WRCOG) - Mayor Gutierrez

Mayor Gutierrez reported the following:

Updates were provided on a number of continuing business items of the WRCOG Executive Committee, but there are no major items to report on.

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

Council Member Marquez reported the following:

- Moreno Valley's MSHCP fee collection totaled \$23,349.00 (7 residential permits) for the month of September 2021.

School District/City Joint Task Force - None

I.2. CITY MANAGER'S REPORT

(Informational Oral Presentation - not for Council action)

City Manager Lee reported the City's win of the Innovation Use of Technology award at the IEEP Annual Turning Red Tape to Red Carpet ceremony in addition to 1st runner up for four other awards. He announced that the Media team also received four National Association of Telecommunications Officers and Advisors (NATOA) awards for programming. He urged residents to visit City Hall to pick up free smoke detectors, carbon monoxide detectors, hand sanitizer, and masks.

Mayor Gutierrez thanked City Manager Lee for his service to the City.

Council Member Cabrera commended City Manager Lee for his Outstanding Leadership award.

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

Council Member Cabrera raised a point of order. He asked if time limits would be placed on the City Council members closing comments.

Mayor Gutierrez replied he was going to allow five minutes for comments.

Council Member Cabrera asked if it could be extended to ten or fifteen minutes.

Mayor Gutierrez remarked eight minutes would be reasonable. He noted that Council Member Cabrera had five minutes during his discussion of the October 19th minutes for clarification.

Council Member Cabrera stated pursuant to the City Council rules and procedures section 5.5.6, Limitation of Debate, the five minute limit set forth herein shall not apply to remarks by a Council Member under Council Member reports and closing comments. As such, he respectfully asked if the time limit for closing comments be extended to ten minutes.

Mayor Gutierrez explained that the limit was instituted to curtail verbose Council Members. He indicated he felt comfortable setting the time limit at eight minutes.

Council Member Cabrera requested ten minutes and explained that it is against the rules to set a time limit.

Mayor Gutierrez asked Council Member Jempson for her closing comments.

Council Member Cabrera asked if he could appeal Mayor Gutierrez's decision.

Mayor Gutierrez stated that Council Member Cabrera was out of order.

Council Member Cabrera responded that it needed to go for a vote for the entire City Council and that by shutting off his microphone, Mayor Gutierrez was taking away his 1st amendment rights.

Mayor Gutierrez asked Council Member Jempson for her closing comments.

Council Member Jempson

1. Reported on the successful inaugural Apprenticeship Expo event. Expressed her appreciation of the City for offering resources to assist students.
2. Praised the residents that participated in the November 1st Beautify MoVal event.
3. Announced the names of the Moreno Valley Elks Hoop Shoot finalists and wished them luck as they advanced to Riverside.
4. Commended staff for the recent outstanding City events, despite being understaffed.
5. Participated in ride-a longs with the Salvation Army and Fire Captain. Expressed discouragement to hear that none of the 2012 Fire Strategic Plan has been completed. Indicated her hope that the Fire Department would have additional personnel to ensure the new strategic plan would not befall the same fate.
6. Invited residents to attend the nonprofit clergy roundtable on November 18th, and a Thanksgiving food bank on November 22nd.
7. She explained that the people she serves keep her grounded and remind her why she is and desires to be on the City Council. She remarked that she'd like to follow in Mayor Gutierrez's footsteps in that it took the court to remove him and it'll take the court to remove her. She declared her desire to serve the community. She disclosed that she requested Interim City Attorney Quintanilla to determine whether the cure and correct would be addressed if she promised to serve for the balance of the term with no pay and benefits. She asserted that the cure and correct should have been corrected previously and hasn't been because of Mayor Gutierrez.
8. She stated that several people in District 1 called her for assistance and thanked her for cleaning up the streets, and for doing what needed to be done.
9. Commented that she had referred to the Bible passage Luke 6:28 various times during the past week.

Council Member Marquez

1. Remarked that some of the previous speakers were misinformed and explained that the City Council does consult with staff. He stated decisions are made after consulting with staff.
2. He stated that none of the speakers reached out to him to express their interest in being appointed as a City Council member.
3. In response to a speaker, he asked City Manager Lee to explain how money is collected from measures, such as Measure G.

City Manager Lee explained that the collection for Measure G will not commence until April of 2022 and that it could be a complete year until the City could realize the potential revenue from the tax measure.

4. Council Member Marquez reiterated that the City won't receive the revenue immediately, and that it could potentially take one to two years.
5. He stated that the City is currently repairing its roads with the SB 1 funds.
6. Refuting remarks made by a previous speaker, he requested confirmation from Chief Salisbury that the Police Department was involved in the Cops and Clergy Walk.

Chief Salisbury reported there was large turnout comprised of the Community, the Sheriff's Station, and the City Council.

7. He stated that before the meeting on October 19th, he received a text from Mayor Gutierrez informing him that he was ill and was unable to attend. Mayor Gutierrez instructed him to hold the Special Presentations as well as the City Council meeting. Council Member Marquez indicated his skepticism that the meeting could continue with only two Council Members and remarked that he conferred with Interim City Attorney Quintanilla prior to the meeting's commencement.
8. Read the City Council rules and procedures regarding the appointment of the Mayor Pro Tem, which stated the office of the Mayor/Mayor Pro Tem shall be deemed vacant upon happening of the following; the death of the holder of such office. He went on to read section 4.2.2, Filling Vacancies; at it's first regular meeting after the occurrence of a vacancy created by the foregoing event, the Council shall select a successor to that office. He indicated his dismay that Mayor Pro Tem Baca passed away on October 6th and to date a successor has not been selected.

Council Member Marquez moved to agendize the nomination and vote of a new Mayor Pro Tem on December 7th.

The City Council came to consensus.

9. He decried the speakers who belittle the City Council members and made personal attacks. He refuted the claim that he and Council Member Cabrera colluded to appoint Council Member Jempson and announced that he has never violated the Brown Act.

Council Member Cabrera

1. Stated for the record that he unsuccessfully requested ten minutes for the City Council's closing comments, even though the rules stipulate no limit. He appealed the decision, as allowed by the rules and procedures, and there was no vote taken on his motion. He explained that he tried to exercise all of his rights entitled to the City Council and his rights are being denied.
2. He accused Mayor Gutierrez of violating his First Amendment rights by attempting to shut off his microphone during the City Council meeting and during previous meetings.
3. He recounted the October 27th meeting which ended abruptly, when Mayor Gutierrez left early. He stated that once Mayor Gutierrez left the meeting, Interim City Attorney Quintanilla advised the City Council there was no quorum. He explained that Mayor Gutierrez allowed all of the public comment to occur subjecting the City Council to verbal attacks, provided his deliberation, then left preventing the other members of the City Council to provide their own comments. He reiterated that Interim City Attorney Quintanilla informed them they had no quorum which he disagreed with. Thus, preventing the City Council from taking action on the cure and correct. He noted that he has attempted to call three special meetings to address the cure and correct, but has been

unsuccessful as Mayor Gutierrez has declined each request. He questioned why Mayor Gutierrez is preventing the cure and correct from taking place and allowing the City to be open to litigation. He expressed his frustration that he is being prevented from doing what's right for the City to cure and correct. He recounted that after the City Council meeting on October 27th he stopped at BJ's to pick up dinner, coincidentally Mayor Gutierrez was dining with Robert Palomarez, Louise Palomarez, and other individuals. He found it suspicious as a lawsuit was filed against the City by Robert Palomarez.

4. He accused some of the public speakers of lying and condemned them for their personal attacks, especially against his newborn son.
5. He explained that he was initially part of that group, but his morals and ethics didn't allow him to continue and he has since distanced himself from them.
6. He remarked that Interim City Attorney Quintanilla suggested that he contact other attorneys to seek guidance on the cure and correct. He stressed the need for better relationships, as there was currently too much division.

Mayor Gutierrez interjected that a meeting is scheduled for Thursday, November 18th.

7. Special Closed Session at 5:00 p.m.

Council Member Cabrera moved to call for a Special Closed Session on Thursday, November 18th to consider pursuant to Government Code section 54957(b1) discussion to consider the appointment, employment, evaluation of performance discipline or dismissal for the position of Interim City Attorney and pursuant to Government Code section 54957(1a5) action to appoint, employ, dismiss, accept the resignation of or otherwise affect the employment for the position of Interim City Attorney and public employment title Interim City Attorney and public employment discipline, dismissal, or release.

Mayor Gutierrez remarked the City has been through a lot in the past two weeks and is facing a lot of litigation. He noted that he held no ill will toward Council Member Jempson and that they worked very well together in the past. He explained that the public is upset about the process in which she was appointed. He expressed his opinion that the City would be viewed in a bad light if they were to fire Interim City Attorney Quintanilla, as he had advised Council Member's Marquez and Cabrera against the Brown Act violation. He noted that there are ways to go about it differently. He suggested that the cure and correct first be addressed and to wait for the hearing on Friday, November 20th to occur. He called for reason and asked that the City Council not allow their emotions to get to them and should therefore wait to take any action.

Council Member Jempson requested clarification whether a special meeting was also scheduled for Thursday, November 18th.

Mayor Gutierrez responded in the affirmative.

Council Member Jempson asked if the agenda items were going to be modified and asked for direction.

Mayor Gutierrez replied that Council Member Cabrera asked for a special closed session to release the Interim City Attorney at 5:00 p.m. on Thursday, November 18th.

Council Member Cabrera disagreed with Mayor Gutierrez's assessment of the special closed session.

Mayor Gutierrez clarified the meeting would be to discuss and release the Interim City Attorney.

Council Member Cabrera remarked that it was a possibility.

Mayor Gutierrez explained that type of meeting required affirmative votes from a majority of the City Council.

Council Member Jempson stated that there would be two meetings, one to discuss the cure and correct and a second meeting to discuss Interim City Attorney Quintanilla.

Mayor Gutierrez reiterated that he felt it was not the time to take that type of action.

Council Member Cabrera stated that it was necessary to at least have the discussion, which is why he called for the Closed Session. He remarked that although the City Council was informed Mayor Gutierrez was calling a Special Meeting on Thursday, November 18th, they were uniformed on the agenda language, the items considered, as well as the meeting time.

Mayor Gutierrez recited the motion and the second to place the item on the agenda.

Council Member Cabrera moved to add an item to the Thursday November 18th Special Meeting agenda, rescission of the decision to appoint Delores LaDonna Jempson to fill the vacancy of the City Council for District 1 in response to the Brown Act demand for cure and correction letter dated October 2, 2021 from Californians Aware the Center for Public Forum rights and consideration of a process, appointment, or election to fill vacancy of the City Council for District 1 and consideration of appointment to fill Council seat for District 1 including swearing-in of the successful candidate and consideration of holding public and open interviews to fill the vacancy for District 1 that shall be held in the Council Chamber by and before the City Council.

Mayor Gutierrez stated that he already had that scheduled for the Special Meeting on Thursday.

Council Member Cabrera asked if the wording was exactly the same.

Mayor Gutierrez replied that the wording was not identical, but it was on the two items previously discussed by Interim City Attorney Quintanilla.

Council Member Cabrera remarked that as he was not familiar with the language he moved to have his item added to Thursday's agenda and asked for a second and a vote.

Mayor Gutierrez explained that as Council Member Jempson had a conflict of interest preventing her from voting there wouldn't be a majority as he would vote no because he already called the Special Meeting.

Council Member Cabrera asked if Council Member Jempson needed to recuse herself from the vote.

Interim City Attorney Quintanilla responded in the affirmative and noted that she can not be counted toward the majority.

Council Member Cabrera asked if she then would not be counted toward the quorum which would temporarily reduce the City Council to three members.

Interim City Attorney Quintanilla repeated that there is a quorum without her present, but she can not be counted toward the majority and three votes are necessary to add the item to the agenda.

Mayor Gutierrez noted that this was explained to Council Member Cabrera multiple times by Interim City Attorney Quintanilla and staff, hence staff has accused him of bullying and harassing them, prompting City Clerk Jacquez-Nares to file a harassment claim against him.

Council Member Cabrera accused Mayor Gutierrez of violating HIPAA laws.

Council Member Marquez called the meeting out of order.

Mayor Gutierrez exclaimed that he was merely stating the facts.

Council Member Cabrera chastised Mayor Gutierrez for revealing employee's personal business and violating City Clerk Jacquez-Nares' HIPPA rights.

Mayor Gutierrez accused City Council Member Cabrera of violating City Clerk Jacquez-Nares' HIPPA rights by sending an email to staff.

Council Member Marquez accused Mayor Gutierrez of sending him bribes via email. He asked for the arguments to stop and the meeting to continue.

Mayor Gutierrez said he had no idea what Council Member Marquez was talking about.

Council Member Cabrera concluded that the attacks were unnecessary and that revealed that when he was first elected the group he previously mentioned told him, "We got you elected, you're supposed to do what we ask you to do." He remarked that no one is perfect and questioned the speaker who said felons should be prevented from serving in public office. He explained that goes counter to the teachings of Jesus Christ and expressed his hope to get past the litigation and avoid having to pay legal fees.

RESULT:	APPROVED [3 TO 1]
MOVER:	Ulises Cabrera, Council Member
SECONDER:	David Marquez, Council Member
AYES:	D. LaDonna Jempson, David Marquez, Ulises Cabrera
NAYS:	Dr. Yxstian A. Gutierrez

Mayor Gutierrez

1. Congratulated staff for their recent awards and for facing the difficulty of the past two weeks.
2. He announced the upcoming Special Meeting scheduled for Thursday, November 18th.
3. He mentioned the passing of former Mayor Tom Owings.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Gutierrez adjourned the meeting in memory of former Mayor Tom Owings at 7:50 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
Secretary, Public Financing Authority

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
Chairperson, Public Financing Authority