

**MINUTES**  
**CITY COUNCIL OF THE CITY OF MORENO VALLEY**  
**May 11, 2010**

**CALL TO ORDER**

**SPECIAL PRESENTATIONS**

1. Employee of the Quarter - Paul Early, Deputy City Attorney III
2. Officer of the Quarter - Officer Kevin Couch
3. Officer of the Year - Officer Kent Eckenrode
4. "Spotlight on Moreno Valley Business"

**MINUTES  
JOINT MEETING OF THE  
CITY COUNCIL OF THE CITY OF MORENO VALLEY  
MORENO VALLEY COMMUNITY SERVICES DISTRICT  
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY  
BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING – 6:30 PM  
May 11, 2010**

**CALL TO ORDER**

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:30 p.m. by Mayor Flickinger in the Council Chamber located at 14177 Frederick Street.

**PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Mayor Flickinger

**INVOCATION** - Council Richard Stewart

**ROLL CALL**

Council:

Bonnie Flickinger	Mayor
Robin N. Hastings	Mayor Pro Tem
William H. Batey II	Council Member
Jesse L. Molina	Council Member
Richard A. Stewart	Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Steve Elam	Interim Financial & Admin. Director
Robert Hansen	City Attorney
William Bopf	Interim City Manager
Rick Hartmann	Interim Assistant City Manager
Cheryl Evans	Lieutenant Admin.
Abdul Ahmad	Battalion Chief
Chris Vogt	Public Works Director/City Engineer
Kyle Kollar	Interim Community Development Director
Barry Foster	Economic Development Director
John Ruiz	Interim Human Resources Director
Paula Smus	Acting Principal Librarian
Mike McCarty	Parks & Community Services Director

**JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES**

**AGENDA ORDER**

- G.4 ORDINANCE NO. 811, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTER 11.04 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO DRINKING IN PUBLIC AND TRESPASSING OFFENSES AND AMENDING SECTION 6.04.080 RELATING TO NOTICE OF NUISANCE VIOLATIONS (Report of: City Attorney)

**Recommendation: That the City Council:**

Introduce Ordinance No. 811, an ordinance amending Chapter 11.04 to add new sections relating to drinking in public and trespassing and amending Section 6.04.080 relating to notice of nuisance violations.

Ordinance No. 811

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Chapter 11.04 of the City of Moreno Valley Municipal Code, Relating to Drinking in Public and Trespassing Offenses and Amending Section 6.04.080 Relating to Notice of Nuisance Violations

**Motion to Continue Item G4 to a date uncertain by m/Council Member Richard A. Stewart, s/Council Member William H. Batey II**  
**Approved by a vote of 5-0.**

**Motion to waive the attorney-client privilege for the "Legal Advice Regarding Trademark Issues Pertaining to the Rancho Belago Sign Program," thus making it a public document (pertaining to Item G5) by Council Member Richard A. Stewart, s/ Council Member William H. Batey II**  
**Approved by a vote of 5-0.**

Mayor Flickinger opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert (Item A10), and Deanna Reeder (Item A10; e-mails issue - Item D2).

**A. CONSENT CALENDAR-CITY COUNCIL**

A.1 ORDINANCES - READING BY TITLE ONLY

**Recommendation:** Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk)

**Recommendation:**  
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk)

**Recommendation:**  
Receive and file the Reports on Reimbursable Activities for the period of April 21 - May 4, 2010.

A.4 TRACT MAP 32142 - CONDOMINIUM PROJECT - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTIONS OF LASSELLE STREET AND AVENIDA DE CIRCO ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: EMPIRE LAND, LLC, ONTARIO, CA 91764 (Report of: Public Works Department)

**Recommendation:**

1. Adopt Resolution No. 2010-28 authorizing the acceptance of the public improvements within Tract Map 32142 as complete and accepting the portions of Lasselle Street and Avenida de Circo associated with the project into the City's maintained street system; and

Resolution No. 2010-28

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 32142 and Accepting the Portions of Lasselle Street and Avenida De Circo Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor

Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

- A.5 APPROVE AND ADOPT RESOLUTION NO. 2010-29 ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/NASON STREET OVERCROSSING IMPROVEMENTS PROJECT (NASON BRIDGE PROJECT) AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTION OF NECESSITY PACKAGES FOR THE PROJECT - PROJECT NO. 07-41570024 (Report of: Public Works Department)

**Recommendation:**

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Overcrossing Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project; and

Resolution No. 2010-29

A Resolution of the City Council of the City of Moreno Valley Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Overcrossing Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project

2. Authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required.

- A.6 AUTHORIZE A CHANGE ORDER TO INCREASE PURCHASE ORDER WITH OVERLAND PACIFIC & CUTLER FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT -- PROJECT NO. 98-25897 (Report of: Public Works Department)

**Recommendation:**

1. Authorize a Change Order to increase the Purchase Order with Overland Pacific & Cutler (OPC) in the amount of \$50,400 for additional right-of-way support services for SR-60/Nason Street Interchange Improvements project (Account No. 125.89720); and

2. Authorize the City Manager to execute an amendment to the Professional Consultant Services Agreement with OPC extending the agreement expiration date to May 30, 2012, subject to City Attorney review and approval.

A.7 NOTICE OF COMPLETION AND ACCEPTANCE OF CITYWIDE BRIDGE MAINTENANCE PROGRAM - PROJECT NO. 09-22679828 (Report of: Public Works Department)

**Recommendation:**

1. Accept the work as complete for the Citywide Bridge Maintenance Program, constructed by Peterson-Chase General Engineering Construction, Inc. (Peterson-Chase), 1792 Kaiser Avenue, Irvine, CA 92614-5706;
2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;
3. Authorize the Financial and Administrative Services Director to release the retention to Peterson-Chase, thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and
4. Accept the improvements into the City's maintained road system.

A.9 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE STREET IMPROVEMENT PROGRAM FOR CONSTRUCTION OF PARTIDA DRIVE, CARILLO COURT, AND KIMBERLY AVENUE - PROJECT NO. 08-12585523 (Report of: Public Works Department)

**Recommendation:**

1. Award the construction contract for the Street Improvement Program (SIP) for construction of Partida Drive, Carillo Court, and Kimberly Avenue to C & C Grading & Paving, Inc., 28373 Felix Valdez, Suite A-1, Temecula, CA 92593, the lowest responsible bidder;
2. Authorize the City Manager to execute a contract with C & C Grading & Paving, Inc.;
3. Authorize the issuance of a Purchase Order to C & C Grading & Paving, Inc. for a total amount of \$223,863.49 (\$194,663.90 base bid amount plus 15% contingency) when the contract has

been signed by all parties; and

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with C & C Grading & Paving, Inc., up to but not to exceed the Purchase Order's total contingency of \$29,199.59, subject to the approval of the City Attorney.

- A.10 ENCO UTILITY SERVICES MORENO VALLEY, LLC, VS. CITY OF MORENO VALLEY - APPROVAL OF SETTLEMENT AGREEMENT (PROVIDED UNDER SEPARATE COVER) (Report of: City Attorney)

**Recommendation:**

Approve as submitted.

Item continued to the next City Council meeting

**B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT**

- B.1 ORDINANCES - READING BY TITLE ONLY

**Recommendation:** Waive reading of all Ordinances.

- B.2 MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk)

**Recommendation:**

Approve as submitted.

**C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY**

- C.1 ORDINANCES - READING BY TITLE ONLY

**Recommendation:** Waive reading of all Ordinances.

- C.2 MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk)

**Recommendation:**

Approve as submitted.

**D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES**

- D.1 ORDINANCES - READING BY TITLE ONLY

**Recommendation:** Waive reading of all Ordinances.

- D.2 MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk)

**Recommendation:**  
Approve as submitted.

**Motion to continue Item A10 to the next City Council Meeting by Council Member Jesse L. Molina, s/Council Member Richard A. Stewart**  
**Approved by a vote of 5-0.**

**Motion to Approve Joint Consent Calendar Items A1 – D2, except Item A8 and Item A10 which were pulled for a separate vote, by m/Council Member William H. Batey II, s/Mayor Pro Tem Robin N. Hastings**  
**Approved by a vote of 5-0.**

## **E. PUBLIC HEARINGS**

E.1 PUBLIC HEARING TO ADOPT THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM ANNUAL ACTION PLAN FOR FISCAL YEAR 2010/11 (Report of: Economic Development Department)

**Recommendation: That the City Council:**

1. Conduct a Public Hearing for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program to provide the public with an opportunity to comment on the proposed 2010/11 Annual Action Plan; and
2. Approve the proposed 2010/11 Annual Action Plan.

Mayor Flickinger opened the public testimony portion of the public hearing; there being none, public testimony was closed.

**Motion to Approve by m/Council Member Jesse L. Molina, s/Council Member Richard A. Stewart**  
**Approved by a vote of 5-0.**

E.2 A PUBLIC HEARING FOR TWO APPLICATIONS TO MODIFY VARIOUS CONDITIONS OF APPROVAL (P09-038 AND P09-039) FOR THE APPROVED HIGHLAND FAIRVIEW CORPORATE PARK PROJECT TENTATIVE PARCEL MAP NO. 35629 (PA07-0090) AND PLOT PLAN (PA07-0091) INCLUDING THE MODIFICATION OF HIGHWAY 60 LANDSCAPE REQUIREMENTS, THE TIMING AND RESPONSIBILITY FOR AN EASEMENT AND CONSTRUCTION OF A REQUIRED MULTI-USE TRAIL ALONG THE PROJECT FRONTAGE AND FUTURE



EUCALYPTUS AVENUE AND VARIOUS PUBLIC WORKS CONDITIONS RELATED TO THE DEDICATION AND IMPROVEMENT OF PUBLIC IMPROVEMENTS. THE PROJECT SITE IS LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET. THE APPLICANT IS HIGHLAND FAIRVIEW PROPERTIES. (Report of: Community Development Department)

**Recommendation: That the City Council:**

1. RECOGNIZE that pursuant to California Environmental Quality Act (CEQA) Guidelines, the proposed modification of project conditions of approval are within the scope of the originally approved project Environmental Impact Report (EIR) as required within Section 15161, "Project EIR", and either the preparation of a subsequent EIR or addendum to the original environmental document would not be required subject to Sections 15162 or 15164 of the CEQA Guidelines;
  
2. APPROVE Resolution Nos. 2010-31 and 2010-32 for various modifications (PA09-0038 and PA09-0039) to approved conditions of approval for PA07-0090 (Tentative Parcel Map No. 35629) and PA07-0091 (Plot Plan) for placement of landscape within the future Highway 60/Caltrans right of way area, and changes related to the dedication and construction of public improvements, with findings included within the resolutions and modified conditions of approval attached as Exhibits A and B to the resolutions; and

Resolution No. 2010-31

A Resolution of the City Council of the City of Moreno Valley, California Recommending Approval of Modifications of various Conditions of Approval (P09-038) for PA07-0090 (Tentative Parcel Map No. 35629) generally located North of future Eucalyptus Avenue (Fir Avenue) adjacent to and South of Highway 60 between Redlands Boulevard and Theodore Street

Resolution No. 2010-32

A Resolution of the City Council of the City of Moreno Valley, California Approving Various Modification of project Conditions of Approval (P09-039) for PA07-0091 (Plot Plan) generally located North of future Eucalyptus Avenue (Fir Avenue) adjacent to and South of Highway 60 between Redlands Boulevard and Theodore Street

3. RECOMMEND that if the General Plan required and approved multi-use trail is modified in location, the item would be referred to the Planning Commission for review and consideration of a General Plan Amendment (PA09-0013) and possible modifications to the approved Environmental Impact Report (EIR).

The presentation was given by an applicant Iddo Benzeevi.

Mayor Flickinger opened the public testimony portion of the public hearing. Public testimony was received from Deanna Reeder (opposes DIF fee; supports modifying COA), Raul Wilson (against trails), Louise Palomarez (against trails), Nina Ramos Hiers (supports trails), Radene Ramos Hiers (supports trails), Kim Nelson (for denying request to modify the conditions; for trails), Marcelo Co (for jobs; against trails), Pete Bleckert (against horse trails), Daryl Terrell (for Fairview proposal), and Sam Martinez (for jobs).

**Recess;  
Reconvened**

**Motion to convert the existing landscaping to hydro seeding wildflowers by Council Member Richard A. Stewart, s/Council Member Jesse L. Molina**  
**Approved by a vote of 5-0.**

**Motion not to change the conditions for trails, leave them as it is, by Mayor Bonnie Flickinger, s/Mayor Pro Tem Robin N. Hastings**  
**Motion failed by a vote of 2-3, Council Member William H. Batey II, Council Member L. Molina and Council Member Richard A. Stewart opposed.**

**Council Member Richard A. Stewart made the following motion regarding building a trail, s/Mayor Bonnie Flickinger: accept the full irrevocable dedication; the construction shall be done by Mr. Benzeevi, but it will be deferred until the completion of the certificate of occupancy for Phase III;**

**Council Member Richard A. Stewart amended the motion adding that the developer be relieved from this condition (building a trail) if the trail is eliminated from the frontage of this project (relocate off his property)**

**Council Member Richard A. Stewart withdrew his previous motion.  
Mayor Flickinger withdrew the second.**

**Council Member Richard A. Stewart made the following motion, s/Mayor Bonnie Flickinger:**  
**That the final map will show an irrevocable offer of dedication for the**

trail along the entire frontage of the project, for all 3 phases, and that this condition, the construction, completion and dedication of the completed trail be deferred until occupancy of Phase III (that way the conditions remain worded the same; just construction and completion of the entire trail will be deferred until Phase III, but the final map will show the irrevocable offer of dedication of the right-of-way)  
Approved by a vote of 5-0.

Mayor Bonnie Flickinger made a motion to amend revising a DIF policy to create the open-ended time element.  
Mayor Bonnie Flickinger amended the motion to leave the condition in place as is; Motion failed for lack of a second.

Motion to continue the decision on the DIF issue giving staff and Mr. Benzeevi opportunity to conduct research and analysis by Mayor Bonnie Flickinger, s/Council Member William H. Batey II  
Approved by a vote of 5-0.

Motion to bring back draft resolutions on motions made at the meeting for the City Council approval by Council Member Richard A. Steward, s/Mayor Pro Tem Hastings  
Approved by a vote of 5-0.

Motion to continue the meeting past 11 p.m. by Council Member William H. Batey II, s/Mayor Pro Tem Hastings  
Approve by a vote of 5-0.

Council's direction to staff: televise May 18, 2010 Study Session (because of budget)

## **AGENDA ORDER**

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

Raul Wilson

- 1) Spanish interpreter
- 2) Independent audit

Deanna Reeder

- 1) Encouraged voting

Valerie Yowell

- 1) Standards for the rest of development of tract on Nason and Eucalyptus

Marcelo Co

- 1) Impressed with the decision regarding Item E2; Concerned with time in bringing businesses in
- 2) Attracting businesses and jobs to the City

Louise Palomarez

- 1) Public comments
- 2) Spending tax money

Librada Murillo

- 1) Priorities for allocating/spending money

Emil Dragovich Jr.

- 1) DUI checkpoints
- 2) Expressed appreciation for the City Council members

Tom Jerele Sr. (speaking on behalf of himself and Sundance Center)

- 1) Acknowledged persons involved in Sunnymead Blvd. improvements
- 2) Sign modification
- 3) Trails issue
- 4) Acknowledged residents contributing to the betterment of the community

Pete Bleckert

- 1) Proposition 16 & balloting electrical rates

Radene Ramos Hiers

- 1) Deviation from the General Plan
- 2) Developers coming to the community
- 3) Recreational trails
- 4) Invited residents to joint the rally on Day Street on June 19, 5-6 p.m. to encourage people to spend tax dollars in the City of Moreno Valley

**Motion to continue all remaining items to the next Council Meeting by Council Member William H. Batey II, s/Mayor Pro Tem Hastings Approved by a 5-0 vote.**

- E.3 PUBLIC HEARING TO CONSIDER FEE SCHEDULE FOR FISCAL YEAR 2010-11 (CONTINUED FROM APRIL 27, 2010) (Report of: Financial & Administrative Services Department)

**Recommendation: That the City Council:**

1. Conduct a Public Hearing to receive public input on the

proposed Fee Schedule for Fiscal Year (FY) 2010-11; and

2. Adopt Resolution No. 2010-23, approving the Fee Schedule for FY 2010-11.

Resolution No. 2010-23

A Resolution of the City Council of the City of Moreno Valley, California, Establishing Specified Fees for Various Services for Fiscal Year 2010-11 and Repealing Prior Resolutions that may be in Conflict

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

- A.8 RESOLUTION TO JOIN ICLEI AS A FULL MEMBER AND PLEDGE TO TAKE A LEADERSHIP ROLE IN PROMOTING PUBLIC AWARENESS ABOUT THE CAUSES AND IMPACTS OF CLIMATE CHANGE (Report of: Community Development Department)

**Recommendation:**

Approve Resolution No. 2010-30, thereby agreeing to join (ICLEI) Local Governments for Sustainability and pursue efforts to address goals and objectives of ICLEI

Resolution No. 2010-30

A Resolution of the City Council of the City of Moreno Valley, California, to join ICLEI as a Full Member and Pledge to take a Leadership Role in Promoting Public Awareness about the Causes and Impacts of Climate Change

**G. REPORTS**

- G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
  - a) Mayor Pro Tem Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)
  - b) Council Member Richard A. Stewart report on March Joint Powers Commission (MJPC)
- G.2 FISCAL YEAR 2010-11 PRELIMINARY BASE OPERATING BUDGET AND DEFICIT REDUCTION PLAN (Report of: Financial & Administrative Services Department)

**Recommendation: That the City Council:**

Receive the Fiscal Year 2010-11 Preliminary Base Operating Budget and Deficit Reduction Plan to begin the deliberation process that will lead to budget adoption.

G.3 FY 2010-11 PROPOSED CAPITAL IMPROVEMENT PLAN REVIEW  
(Report of: Public Works Department)

**Recommendation: That the City Council:**

Review and discuss the FY 2010-11 Proposed Capital Improvement Plan (CIP) and provide concurrence with the proposed priorities or direction for new priorities for implementation of capital projects.

G.5 PROPOSED RANCHO BELAGO SIGN PROGRAM (AKA "RANCHO BELAGO COMMUNITY SIGNAGE DESIGN SUBMITTAL) (CONTINUED FROM APRIL 27, 2010) (Report of: Community Development Department)

**Recommendation: That the City Council:**

1. Consider the Rancho Belago Sign Program and take action as deemed appropriate; and
2. Consider appropriating \$85,000 from the General Fund—Account Number 00010.66010—toward the manufacture, installation, or maintenance of signs included in the Rancho Belago Sign Program and take action as necessary.

G.6 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

**H. LEGISLATIVE ACTIONS**

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

**CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY**

**CLOSED SESSION** - canceled

**ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 11:27 p.m. by unanimous informal consent.

Submitted by:

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Jane Halstead, City Clerk, CMC  
Secretary, Moreno Valley Community Services District  
Secretary, Community Redevelopment Agency of the City of Moreno Valley  
Secretary, Board of Library Trustees

Approved by:

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Bonnie Flickinger  
President, Moreno Valley Community Services District  
Chairperson, Community Redevelopment Agency of the City of Moreno Valley  
Chairperson, Board of Library Trustees

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