

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
June 22, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Proclamation Recognizing National Field Day - June 25 - 27, 2010
2. "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
June 22, 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 Council Member Batey

INVOCATION – Council Member 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 and Admin. Director
William Bopf	Interim City Manager
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Chris Vogt	Public Works Director
Kyle Kollar	Interim Community Development Director
Barry Foster	Economic Development Director
Paula Smus	Acting Principal Librarian
Mike McCarty	Parks & Community Service
John Ruiz	Interim Human Resources Director

Mayor Flickinger announced that the revised ordinance (Item A13) was distributed to the City Council and copies are available for the public, and that Item C4 (Notice of Completion) should be listed as Item B5.

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

Mayor Flickinger opened the agenda items for the Consent Calendars for public comments; there being none, public comments were closed.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 [MINUTES - REGULAR MEETING OF JUNE 8, 2010 \(Report of: City Clerk's Department\)](#)

Recommendation:
Approve as submitted.

A.3 [CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES \(Report of: City Clerk's Department\)](#)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of June 2-15, 2010.

A.4 [APPROVAL OF CHECK REGISTER FOR APRIL, 2010 \(Report of: Financial & Administrative Services Department\)](#)

Recommendation:
Adopt Resolution No. 2010-57, approving the Check Register for the month of April, 2010 in the amount of \$12,644,433.01.

Resolution No. 2010-57

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of April, 2010

A.5 [WASTE MANAGEMENT OF THE INLAND EMPIRE FY 2010/2011 RATE ADJUSTMENT \(Report of: Public Works Department\)](#)

Recommendation:

Approve the Waste Management of the Inland Empire proposed Fiscal Year (FY) 2010/2011 Rate Adjustment.

A.6 [NOTICE OF COMPLETION AND ACCEPTANCE OF THE PATRIOT PARK IMPROVEMENTS PROJECT - PROJECT NO. 08-28268628 \(ITEM ALSO LISTED AS ITEM B.5\) \(Report of: Public Works Department\)](#)

Recommendation:

1. Accept the work as complete for the Patriot Park Improvements Project constructed by Desert Concepts Construction, Inc., 77-770 Country Club Drive, Suite D, Palm Desert, CA 92211;
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; and
3. Authorize the Financial and Administrative Services Director to release the retention to Desert Concepts Construction, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project.

A.7 [2010 MORENO VALLEY ELECTRIC UTILITY TEN \(10\) YEAR ENERGY EFFICIENCY PORTFOLIO PLAN AS REQUIRED BY ASSEMBLY BILL 2021 \(AB 2021\) \(Report of: Public Works Department\)](#)

Recommendation:

1. Adopt the 2010 Moreno Valley Utility 10-Year Energy Efficiency Portfolio Plan as Required by AB 2021; and
2. Approve Resolution 2010-58 adopting the 2010 Moreno Valley Utility Energy Efficiency Targets.

Resolution No. 2010-58

A Resolution of the City Council of the City of Moreno Valley, California, to Approve the Updated Energy Efficiency Targets for the Moreno Valley Electric Utility Mandated by Assembly Bill 2021

A.8 [APPROVAL OF A POLICY TO ESTABLISH GUIDELINES FOR THE ETHICAL STANDARDS OF CONDUCT FOR CITY OF MORENO VALLEY OFFICIALS AND EMPLOYEES \(Report of: Human Resources Department\)](#)

Recommendation:

Approve the Standards of Ethics Policy regarding the conduct of City officials and employees.

- A.9 [RESOLUTION TO RATIFY THE APPLICATION FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AND TO ACCEPT THE \\$110,266.00 ALLOCATION TO THE CITY \(Report of: Community Development Department\)](#)

Recommendation:

Approve Resolution 2010-59 to ratify the application by the Code & Neighborhood Services Division for the Edward Byrne Memorial Justice Assistance Grant and to accept the \$110,266 allocated to the City.

Resolution No. 2010-59

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Grant Application Submitted by the Code & Neighborhood Services Division to the Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant and Accept the \$110,266 Allocation

- A.10 [AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR AUTO MALL FREEWAY PYLON SIGN PROJECT - PROJECT NO. 08-89791725 \(ITEM ALSO LISTED AS ITEM C.3\) \(Report of: Public Works Department\)](#)

Recommendation:

1. Award the construction contract for the Auto Mall Freeway Pylon Sign Project to San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744, the lowest responsible bidder;
2. Authorize the City Manager to execute the contract with San Pedro Sign Company, and to subsequently assign said contract to the Community Redevelopment Agency; and
3. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with San Pedro Sign Company, up to but not to exceed the Purchase Order contingency of \$106,008, subject to the approval of the City Attorney.

- A.11 [AUTHORIZATION TO CLOSE PUBLIC STREETS FOR THE INDEPENDENCE DAY FESTIVITIES ON SATURDAY, JULY 3, 2010 AND SUNDAY, JULY 4, 2010 \(ITEM ALSO LISTED AS ITEM B.4\) \(Report of:](#)

Parks and Community Services Department)

Recommendation:

1. Authorize the closure of the following streets between the hours of 7:00 a.m. and 12:00 noon for the purpose of conducting the Fourth of July Parade scheduled to take place on July 3, 2010.
 - a. TownGate Boulevard between Frederick Street, Eucalyptus Avenue and Memorial Way;
 - b. Frederick Street between Centerpointe Drive and Cactus Avenue;
 - c. Cottonwood Avenue between Pan Am Boulevard and Dunhill Drive;
 - d. Eucalyptus Avenue between Pan Am Boulevard and Kochi Drive;
 - e. Dracaea Avenue between Pan Am Boulevard and Kochi Drive;
 - f. Atlantic Circle east of Frederick Street;
 - g. Brabham Street between Frederick Street and Andretti Street;
 - h. TownGate Boulevard between Frederick Street and Heritage Way;
 - i. Bay Avenue between Kristina Court and Courage Street;
 - j. Alessandro Boulevard between Chagall Court and Elsworth Street;
 - k. Alessandro Boulevard between Joy Street and Cactus Avenue;
 - l. Resource Way between Frederick Street and Corporate Way;
 - m. Corporate Way between Calle San Juan de Los Lagos and Resource Way;
 - n. Calle San Juan de Los Lagos between Frederick Street and Veterans Way;
 - o. Veterans Way between Cactus Avenue and Alessandro Boulevard;
 - p. New Hope between Veterans Way and Elsworth; and
 - q. Heritage Way between TownGate Boulevard and Town Circle.

2. Authorize the closure of the following streets to through traffic, to remain open only to residents, between the hours of 11:00 a.m. and 9:00 p.m. for the purpose of conducting the Fourth of July Festival and Fireworks Program scheduled to take place on July 4, 2010.
 - a. Petaluma Avenue between Napa Valley and Morrison Street;
 - b. Napa Valley between Dracaea Avenue and Petaluma Avenue;
 - c. Lakeport Drive at Cottonwood Avenue;

- d. Burney Pass Drive between Cottonwood Avenue and Dracaea Avenue;
- e. Rockport Drive between Yuba Pass Road and Morrison Street;
- f. Dracaea Avenue between Morrison Street and Nason Street;
- g. Letterman Street at Cottonwood Avenue;
- h. Athletics Drive at Cottonwood Avenue; and
- j. Mascot Lane at Dracaea Avenue.

The streets closed to through traffic are to prevent overflow parking from the fireworks program into residential areas. Also, for a short period and immediately following the fireworks display, staff recommends that the City Council authorize one-way traffic on various streets in the vicinity of Morrison Park as directed by the Moreno Valley Police Department.

A.12 [APPROVE AND AUTHORIZE EXECUTION OF AMENDMENT TO LAKE OR STREAMBED ALTERATION AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF FISH & GAME AND AUTHORIZE PURCHASE ORDER FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENT PROJECT - PROJECT NO. 98-25897 \(Report of: Public Works Department\)](#)

Recommendation:

1. Adopt Resolution No. 2010-63, which approves and authorizes the execution of an Amendment to Lake or Streambed Alteration Agreement with the California Department of Fish and Game (CDFG);

Resolution No. 2010-63

A Resolution of the City Council of the City of Moreno Valley, California, Approving and Authorizing Execution of the Amendment to Lake or Streambed Alteration Agreement Between the State of California, Acting by and Through the Department of Fish & Game, and the City of Moreno Valley for Project No. 98-25897

2. Authorize the issuance of a purchase order to the Santa Ana Watershed Association (SAWA) for \$250,125 (\$217,500 plus 15% contingency) for environmental mitigation associated with the SR-60/Nason Street Interchange Improvement Project (Account No. 125.89720); and
3. Authorize the Public Works Director/City Engineer to execute the amendment regarding the Lake or Streambed Alteration

Agreement.

- A.13 [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 \(RECEIVED FIRST READING AND INTRODUCTION ON JUNE 8, 2010 ON A 5-0 VOTE\) \(Report of: City Attorney\)](#)

Recommendation:

Adopt 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

- A.14 [ORDINANCE NO. 812, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA AMENDING TITLE 12 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING CHAPTER 12.14 RELATING TO ROTATIONAL TOWING SERVICES FOR THE CITY OF MORENO VALLEY AND ADDING THERETO A NEW CHAPTER 12.14 ENTITLED POLICE AND CITY OF MORENO VALLEY ROTATIONAL TOW SERVICE \(RECEIVED FIRST READING AND INTRODUCTION ON JUNE 8, 2010 ON A 5-0 VOTE\) \(Report of: City Manager's Office\)](#)

Recommendation:

Adopt Ordinance No. 812 amending Chapter 12.14, Police and City of Moreno Valley Rotational Tow Service of Title 12 of the Moreno Valley Municipal Code.

Ordinance No. 812

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 12 of the City of Moreno Valley Municipal Code by Repealing Chapter 12.14 Relating to Rotational Towing Services for the City of Moreno Valley and Adding Thereto a New Chapter 12.14 Entitled Police and City of Moreno Valley Rotational Tow Service

A.15 [APPROVAL OF THE AMENDED EMPLOYMENT AGREEMENT FOR INTERIM CITY MANAGER \(Report of: Human Resources Department\)](#)

Recommendation:

Approve the amended employment agreement with William L. Bopf for the position of Interim City Manager. The amendment would continue the current employment agreement on a month to month basis until a permanent City Manager is hired by the City Council. All other terms and conditions of the employment agreement will remain unchanged.

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 JUNE 8, 2010 \(Report of: City Clerk\)](#)

Recommendation:

Approve as submitted.

B.3 [EXTENSION OF CONTRACT - APPROVE FIRST AMENDMENT TO AGREEMENT FOR CONTRACT MOWING OF PARKS AND EASEMENTS OF COMMUNITY SERVICES DISTRICT ZONE A AND COMMUNITY FACILITIES DISTRICT #1 TO DLS LANDSCAPE, INC. \(Report of: Parks and Community Services Department\)](#)

Recommendation:

1. Approve the First Amendment to Agreement for contract mowing of parks and easements to DLS Landscape, Inc. of Redlands, CA, in the total amount of \$148,680.00; \$122,760.00 for Community Services District ("CSD") Zone A and \$25,920.00 for Community Facilities District ("CFD") #1, extending contract for an additional one-year period;
2. Authorize the President to execute the First Amendment to Agreement for contract mowing of parks and easements with DLS Landscape, Inc. of Redlands, CA; and
3. Authorize the Purchasing and Facilities Division Manager on July 1, 2010, to issue open purchase orders to DLS Landscape, Inc., in the amounts of:
 - a. ONE HUNDRED TWENTY-TWO THOUSAND SEVEN HUNDRED SIXTY AND NO/100 DOLLARS (\$122,760.00) for

CSD Zone A for twelve months, and;

b. TWENTY-FIVE THOUSAND NINE HUNDRED TWENTY AND NO/100 DOLLARS (\$25,920.00) for CFD #1 for twelve months.

B.4 [AUTHORIZATION TO CLOSE PUBLIC STREETS FOR THE INDEPENDENCE DAY FESTIVITIES ON SATURDAY, JULY 3, 2010 AND SUNDAY, JULY 4, 2010 \(ITEM ALSO LISTED AS ITEM A.11\) \(Report of: Parks and Community Services Department\)](#)

Recommendation:

1. Authorize the closure of the following streets between the hours of 7:00 a.m. and 12:00 noon for the purpose of conducting the Fourth of July Parade scheduled to take place on July 3, 2010.
 - a. TownGate Boulevard between Frederick Street, Eucalyptus Avenue and Memorial Way;
 - b. Frederick Street between Centerpointe Drive and Cactus Avenue;
 - c. Cottonwood Avenue between Pan Am Boulevard and Dunhill Drive;
 - d. Eucalyptus Avenue between Pan Am Boulevard and Kochi Drive;
 - e. Dracaea Avenue between Pan Am Boulevard and Kochi Drive;
 - f. Atlantic Circle east of Frederick Street;
 - g. Brabham Street between Frederick Street and Andretti Street;
 - h. TownGate Boulevard between Frederick Street and Heritage Way;
 - i. Bay Avenue between Kristina Court and Courage Street;
 - j. Alessandro Boulevard between Chagall Court and Elsworth Street;
 - k. Alessandro Boulevard between Joy Street and Cactus Avenue;
 - l. Resource Way between Frederick Street and Corporate Way;
 - m. Corporate Way between Calle San Juan de Los Lagos and Resource Way;
 - n. Calle San Juan de Los Lagos between Frederick Street and Veterans Way;
 - o. Veterans Way between Cactus Avenue and Alessandro Boulevard;
 - p. New Hope between Veterans Way and Elsworth; and
 - q. Heritage Way between TownGate Boulevard and Town Circle.
2. Authorize the closure of the following streets to through traffic, to remain open only to residents, between the hours of 11:00

a.m. and 9:00 p.m. for the purpose of conducting the Fourth of July Festival and Fireworks Program scheduled to take place on July 4, 2010.

- a. Petaluma Avenue between Napa Valley and Morrison Street;
- b. Napa Valley between Dracaea Avenue and Petaluma Avenue;
- c. Lakeport Drive at Cottonwood Avenue;
- d. Burney Pass Drive between Cottonwood Avenue and Dracaea Avenue;
- e. Rockport Drive between Yuba Pass Road and Morrison Street;
- f. Dracaea Avenue between Morrison Street and Nason Street;
- g. Letterman Street at Cottonwood Avenue;
- h. Athletics Drive at Cottonwood Avenue; and
- j. Mascot Lane at Dracaea Avenue.

The streets closed to through traffic are to prevent overflow parking from the fireworks program into residential areas. Also, for a short period and immediately following the fireworks display, staff recommends that the City Council authorize one-way traffic on various streets in the vicinity of Morrison Park as directed by the Moreno Valley Police Department.

B.5 [NOTICE OF COMPLETION AND ACCEPTANCE OF THE PATRIOT PARK IMPROVEMENTS PROJECT - PROJECT NO. 08-28268628 \(ITEM ALSO LISTED AS ITEM A.6\) \(Report of: Public Works Department\)](#)

Recommendation:

Authorize the President of the Board of Directors of the Community Services District (CSD) to accept the improvements into the CSD's maintained system.

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 JUNE 8, 2010 \(Report of: City Clerk\)](#)

Recommendation:

Approve as submitted.

C.3 [AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR AUTO MALL FREEWAY PYLON SIGN PROJECT - PROJECT NO. 08-89791725 \(ITEM ALSO LISTED AS ITEM A.10\) \(Report of: Public Works](#)

Department)

Recommendation:

1. Accept the assignment of the contract with San Pedro Sign Company from the City;
2. Authorize the City Manager, acting in his capacity as the Executive Director of the Community Redevelopment Agency of the City of Moreno Valley, to execute the Assignment Agreement on behalf of the Community Redevelopment Agency; and
3. Authorize the issuance of a Purchase Order to San Pedro Sign Company in the amount of \$812,724 (\$706,716 for the Base Bid and Additive Alternate "A" plus \$106,008 for the 15% contingency) when the contract has been signed by all parties. (Account Number 897.91725)

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 JUNE 8, 2010 \(Report of: City Clerk\)](#)

Recommendation:

Approve as submitted.

Motion to Approve Joint Consent Calendar Items A1 – D2 by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart

Approved by a vote of 5-0.

E. PUBLIC HEARINGS

E.1 [PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS \("GANN"\) LIMIT FOR THE CITY OF MORENO VALLEY FOR FISCAL YEAR 2010-11 \(Report of: Financial & Administrative Services Department\)](#)

Recommendation:

1. Conduct a Public Hearing to receive public comments on the City's appropriations limit for Fiscal Year 2010-11; and

2. Adopt Resolution No. 2010-60 establishing the appropriations limit at \$84,193,306 for the City of Moreno Valley for Fiscal Year 2010-11.

Resolution No. 2010-60

A Resolution of the City Council of the City of Moreno Valley, California, Establishing the Appropriations Limit for Fiscal Year 2010-11

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 Richard A. Stewart, s/Mayor Pro Tem Robin N. Hastings
Approved by a 5–0 vote.

- E.2 [PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS \("GANN"\) LIMIT FOR THE MORENO VALLEY COMMUNITY SERVICES DISTRICT FOR FISCAL YEAR 2010-11 \(Report of: Financial & Administrative Services Department\)](#)

Recommendation:

1. Conduct a Public Hearing to receive public comments on the Moreno Valley Community Services District's appropriations limit for Fiscal Year 2010-11; and
2. Adopt Resolution No. CSD 2010-19 establishing the appropriations limit at \$13,567,175 for the Moreno Valley Community Services District for Fiscal Year 2010-11.

Resolution No. CSD 2010-19

A Resolution of the Moreno Valley Community Services District Establishing the Appropriations Limit for Fiscal Year 2010-11

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

Motion to Approve by m/Board Member Richard A. Stewart, s/Vice President Robin N. Hastings
Approved by a 5–0 vote.

- E.3 [PUBLIC HEARING FOR DELINQUENT RESIDENTIAL SOLID WASTE ACCOUNTS \(Report of: Public Works Department\)](#)

Recommendation:

1. Approve placing the submitted list of delinquent solid waste accounts, available in the City Clerk's office, on the Fiscal Year (FY) 2010/2011 Riverside County property tax roll for collection; and
2. Direct the City Clerk to file with the Riverside County Auditor a certified copy of Resolution 2007-72 and the list of delinquent solid waste accounts as required by Section 5473.4 of the California Health and Safety Code and Section 6.02.030 of the City of Moreno Valley Municipal Code.

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 William H. Batey II, s/Council Member Richard A. Stewart
Approved by a 5-0 vote.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - None

G. REPORTS

G.1 [CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES \(Informational Oral Presentation - not for Council action\)](#)

- a) Council Member Richard A. Stewart report on March Joint Powers Commission (MJPC)

Council Member Stewart reported the following:

1. Moreno Valley Physicians Group (about 102 physicians practicing at the Moreno Valley Community Hospital) has joined March HealthCare and is partnering with other medical groups, including Riverside Medical Clinic and St. Bernardine Hospital - glad that Moreno Valley doctors will be close to their patients
2. Fresh & Easy Neighborhood Market grocery chain is buying both their supporting businesses, Wild Rocket Foods and 2 Sisters Food Group, providing fresh vegetables, produce and meat, to support expansion of its facility

Council Member Stewart announced that the Public Improvements Agreement and Security for the Highland Fairview Skechers off-side sewer improvements on Redlands Boulevard came to the attention of the Council after posting of the agenda, and there is a need to take action.

The item requires a two-thirds vote to be placed on the agenda.

Motion to add the item to the agenda by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina
Motion failed by a 3-2 vote, Mayor Pro Tem Robin N. Hastings and Mayor Bonnie Flickinger opposed.

- G.2 [CONSIDERATION OF A REQUEST TO RECORD A COVENANT TO HOLD NINE SEPARATE PARCELS AS ONE ALLOWING THE CITY OF MORENO VALLEY TO ISSUE A BUILDING PERMIT TO CONSTRUCT THE FOUNDATION AND SLAB FOR A 1.8 MILLION SQUARE FOOT WAREHOUSE/DISTRIBUTION CENTER BUILDING \(SKECHERS\) IN THE GENERAL AREA BETWEEN REDLANDS BOULEVARD AND THEODORE STREET ON THE NORTH SIDE OF EUCALYPTUS AVENUE. \(PROPERTY OWNER: HIGHLAND FAIRVIEW PROPERTIES\) \(Report of: City Manager's Office\)](#)

Recommendation: That the City Council:

Deny a request from Highland Fairview for a covenant to hold nine parcels as one to allow the City to issue a foundation and slab only building permit.

Mayor Flickinger opened the agenda item for public comments, which were received from Iddo Benzeevi, Susan Gilchrist, Kenneth Bley (representing Highland Fairview), Pete Bleckert and Deanna Reeder.

Motion to waive the attorney-client privilege to discuss the risks inherent to this decision (issues discussed with the City Attorney during Closed Session) by m/Mayor Bonnie Flickinger, s/Mayor Pro Tem Robin N. Hastings
Approved by a 5-0 vote.

Motion to approve and accept Highland Fairview's Covenant to Hold as One Parcel subject to the conditions listed below by m/Council Member Richard A. Stewart, s/Council Member William H. Batey II
Approved by a 3-2 vote, Mayor Pro Tem Robin N. Hastings and Mayor Flickinger opposed.

Approve and accept Highland Fairview's Covenant to Hold as One Parcel subject to the following conditions:

1. The covenant is amended to state that it is for the issuance of a limited purpose building permit for commencement of construction of the foundation and slab and the poring of wall panels only, which

permit shall automatically expire on October 20, 2010, if the final parcel map is not recorded prior to that date;

2. That Highland Fairview agrees in writing in the covenant or other recordable agreement to the following terms and conditions prior to issuance of the limited purpose building permit:
 - a. The parcels which are the subject matter of the covenant be owned by the same entity,
 - b. Separate foundation, slab and wall panel building plans be submitted and approved,
 - c. Compliance with all conditions of approval for the issuance of a building permit except recording of the final map,
 - d. Compliance with all requirements for recording the final map except for actual final map approval and recordation, and Public Improvement Agreements and security for same for any public improvements not occurring in the public right-of-way or on public property,
 - e. All Public Improvement Agreements for improvements that will be undertaken in the public right-of-way or on public property pursuant to the limited purpose building permit have been executed and the required security has been posted prior to the commencement of actual public improvement construction,
 - f. The final lot configuration be shown on the map that is being processed,
 - g. The covenant to hold property as one parcel be recorded,
 - h. The holders of all easements across which construction will occur have either abandoned or given written permission for construction across their easements,
 - i. Execution of an encroachment and removal agreement,
 - j. The City is only issuing a limited purpose building permit for foundation, slab and the pouring of wall panels only. The erection of any walls is specifically prohibited under this limited permit.
 - k. The final parcel map shall be recorded before 12:01 a.m. on October 21, 2010,

- l. The limited purpose building permit shall automatically expire at 12:01 a.m. on October 21, 2010, if the final parcel map has not been recorded,
- m. All construction pursuant to the limited purpose building permit shall cease at 12:01 a.m. on October 21, 2010, if the final parcel map has not been recorded,
- n. It (Highland Fairview) will be solely responsible for removal of any improvements and restoration of the site to its pre-construction condition if ordered by any court,
- o. It and its partners waive any and all recourse against the City which may arise out of this action,
- p. Neither the agreement, nor the time for recordation of the final parcel map will be extended beyond October 20, 2010,
- q. It will defend and indemnify the City for all judgments, costs and legal fees which may be incurred as a result of said agreement or the issuance of a limited purpose building permit for the foundation and slab, and pouring of walls, and
- r. Any other terms and conditions the City Manager and City Attorney deem legally necessary to implement the agreement and the purposes of this action.

G.3 [PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D \(PARKWAY LANDSCAPE MAINTENANCE\) ANNUAL CHARGE \(Report of: Public Works Department\)](#)

Recommendation: That the City Council:

Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail ballot proceedings for a proposed increase in the CSD Zone D annual parcel charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882, 31257, 31269-1, and 32018.

President Flickinger opened the agenda item for public comments; there being none, public comments were closed.

No action required.

G.4 APPOINTMENTS TO THE CITY COUNCIL ADVISORY BOARDS AND COMMISSIONS (Report of: City Clerk's Department)

Recommendation: That the City Council:

1. Review the ballots for appointments to various City Council Boards and Commissions (to be provided by the City Clerk) and mark your choices where appropriate; or
2. If appointments are not made, declare the positions vacant and authorize the City Clerk to re-notice the positions as vacant.

Mayor Flickinger opened the agenda item for public comments; there being none, public comments were closed.

Motion to make the following appointments by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina
Approved by a vote of 5-0.

Accessibility Appeals Board
Two (2) terms expiring June 30, 2013
Physically Challenged Representative
Lawrence Baird
Nina Hiers

Arts Commission
One (1) term expiring June 30, 2013
Eric von Mizener

Environmental and Historical Preservation Board
Two (2) terms expiring June 30, 2013
Jan Beyers
Naeem M. Qureshi

Library Commission
One (1) term expiring June 30, 2013
Sharon B. Clements

Parks and Recreation Commission
Three (3) terms expiring June 30, 2013
James C. Baker II
Juanita M. Barnes
Virgil Chancy

Recreational Trails Board
Two (2) terms expiring June 30, 2013

Jackie LeSan
Kim M. Nelson

Senior Citizens' Board
Three (3) terms expiring June 30, 2013
Sara W. Anderson
Vonzetta Fielding
Delanna Townsend

Traffic Safety Commission
Two (2) terms expiring June 30, 2013
Miguel Arciniega
Frank D. Pavlik

G.5 [RESOLUTIONS TO PLACE A MEASURE RELATING TO THE TRANSIENT OCCUPANCY TAX ON THE NOVEMBER 2, 2010 GENERAL MUNICIPAL ELECTION BALLOT \(Report of: Economic Development Department\)](#)

Mayor Flickinger opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:

1. Consider whether to place on the ballot for the November 2, 2010 election the proposed Initiative Ordinance, "An Initiative Ordinance of the Voters of the City of Moreno Valley Amending Section 3.24.030 of the Moreno Valley Municipal Code to increase the existing transient occupancy tax rate from 8% to 11%."
2. That, if the Council decides to place such initiative on the ballot, the City Council adopt the following resolutions:

Resolution No. 2010-61, calling and giving notice of a general municipal election on Tuesday, November 2, 2010, for the submission to the voters of the City a proposed ordinance amending the City's transient occupancy tax and requesting the County of Riverside to consolidate the City's general municipal election with the general municipal elections held within Riverside County on that date.

Resolution No. 2010-61

A Proposed Resolution of the City Council of the City of Moreno Valley, California, Calling and Giving Notice of a General Municipal Election on Tuesday, November 2, 2010, for the Submission to the Voters of the City a Proposed

Initiative Ordinance Amending the City's Transient Occupancy Tax; and Requesting the County of Riverside to Consolidate the City's General Municipal Election Held Within Riverside County on that Date

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Robin N. Hastings
Approved by a 5-0 vote.

Resolution No. 2010-62, directing the City Attorney to prepare an impartial analysis, setting priorities for filing written arguments, and providing for rebuttal arguments regarding the Moreno Valley transient occupancy tax measure.

Resolution No. 2010-62

A Proposed Resolution of the City Council of the City of Moreno Valley, California, Directing the City Attorney to Prepare an Impartial Analysis, Setting Priorities for Filing Written Arguments, and Providing for Rebuttal Arguments Regarding the Moreno Valley Transient Occupancy Tax Measure

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Robin N. Hastings
Approved by a 5-0 vote.

G.6 [PALM DESERT DEVELOPMENT COMPANY'S RANCHO DORADO APARTMENTS, PHASE II FINANCIAL ASSISTANCE REQUEST AND RESOLUTION FOR TAX CREDIT APPLICATION \(Report of: Economic Development Department\)](#)

Recommendation: That the RDA:

Adopt Resolution RDA 2010-03, a resolution of the Community Redevelopment Agency of the City of Moreno Valley regarding assistance to the Rancho Dorado Apartments, Phase II, proposed by Palm Desert Development Company, Inc.

Resolution No. RDA 2010-03

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Supporting the Rancho Dorado South Apartments Housing Development, Ratifying Certain Findings and Determinations Made Under Resolution No. 2008-11 and Affirming its Intention to Provide Assistance to MV Rancho Dorado Limited Partnership, a Subsidiary of Palm Desert Development Company, Inc.

Chairperson Flickinger opened the agenda item for public comments;

there being none, public comments were closed.

**Motion to Approve by m/Agency Member William H. Batey II,
s/Agency Member Richard A. Stewart**

Approved by a 5–0 vote.

G.7 [ADOPTION OF FISCAL YEAR 2010-11 OPERATING BUDGET \(Report of:
Financial & Administrative Services Department\)](#)

Mayor Flickinger opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:

1. Approve the Revised General Fund Budget Balancing Plan for Fiscal Year (FY) 2010-11, as shown in Table 1 (page 3) of the staff report;

**Motion to Approve by m/Mayor Pro Tem Robin N. Hastings,
s/Council Member Richard A. Stewart**

Approved by a 5–0 vote.

2. Adopt Resolution No. 2010-64, approving the Operating Budget for the City of Moreno Valley for FY 2010-11, including all applicable adjustments to the Preliminary Base Operating Budget pursuant to the Schedule of Budget Appropriations (Attachment “A”);

Resolution No. 2010-64

A Resolution of the City Council of the City of Moreno Valley, California, Adopting the Operating Budget for Fiscal Year 2010-11

**Motion to Approve by m/Mayor Pro Tem Robin N. Hastings,
s/Council Member Richard A. Stewart**

Approved by a 5–0 vote.

3. Acting in its capacity as the President and Board of Directors of the Moreno Valley Community Services District, adopt Resolution No. CSD 2010-20, approving the Operating Budget for the Moreno Valley Community Services District for FY 2010-11, including all applicable adjustments to the Preliminary Base Operating Budget pursuant to the Schedule of Budget Appropriations (Attachment “A”);

Resolution No. CSD 2010-20

A Resolution of the Moreno Valley Community Services District, Adopting the Operating Budget for Fiscal Year 2010-11

Motion to Approve by m/Vice President Robin N. Hastings, s/Board Member Richard A. Stewart

Approved by a 5-0 vote.

4. Acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2010-04, approving the Operating Budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2010-11, including all applicable adjustments to the Preliminary Base Operating Budget pursuant to the Schedule of Budget Appropriations (Attachment "A").

Resolution No. RDA 2010-04

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, California Adopting the Operating Budget for Fiscal Year 2010-11

Motion to Approve by m/Vice Chairperson Robin N. Hastings, s/Agency Member Richard A. Stewart

Approved by a 5-0 vote.

G.8 [ADOPTION OF FY 2010-11 CAPITAL IMPROVEMENT PLAN \(CONTINUED FROM JUNE 8, 2010\) \(Report of: Public Works Department\)](#)

Mayor Flickinger opened the agenda item for public comments, which were received from Pete Bleckert and Deanna Reeder.

Recommendation: That the City Council:

1. Adopt Resolution No. 2010-65, approving the Capital Improvement Plan as the capital budget for the City of Moreno Valley for FY 2010-11, including all applicable adjustments to the Proposed Capital Improvement Plan (CIP), as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A");

Resolution No. 2010-65

A Resolution of the City Council of the City of Moreno Valley, California, Adopting the Capital Improvement Plan for Fiscal

Year 2010-11;

**Motion to Approve by m/Mayor Pro Tem Robin N. Hastings,
s/Council Member Richard A. Stewart**

Approved by a 5–0 vote.

2. Acting in its capacity as the President and Board of Directors of the Community Services District of the City of Moreno Valley, adopt Resolution No. CSD 2010-21, approving the Capital Improvement Plan as the capital budget for the Community Services District of the City of Moreno Valley for FY 2010-11, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"); and

Resolution No. CSD 2010-21

A Resolution of the Moreno Valley Community Services District Adopting the Capital Improvement Plan for Fiscal Year 2010-11

**Motion to Approve by m/Vice President Robin N. Hastings,
s/Board Member Richard A. Stewart**

Approved by a 5–0 vote.

3. Acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2010-05, approving the Capital Improvement Plan as the capital budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2010-11, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A").

Resolution No. RDA 2010-05

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, California Adopting the Capital Improvement Plan for Fiscal Year 2010-11

Motion to Approve by m/Vice Chairperson Robin N. Hastings, s/Agency Member Richard A. Stewart

Approved by a 5–0 vote.

G.9 [CITY MANAGER'S REPORT \(Informational Oral Presentation - not for Council action\)](#)

The City Manager announced the following:

- 1) Ballot measure to prevent state's raid of local funds qualified for the November ballot - encouraged everybody to support it, as about \$5 million was taken from the Moreno Valley Redevelopment Agency this year; a lot of improvements could have been done with this money
- 2) MVTV-3 won a first place award from the regional peer group, the California and Arizona chapter of the national organization. Bob Lorch won first place for "You Spray, You Pay" anti-graffiti removal program, and Rob Roseen won second and third place for "News Center." Commended staff for this successful program
- 3) Housing prices are up and unemployment for May was down - good news
- 4) Moreno Valley restaurants reported sales picking up in fall 2009 and remaining solid through 2010
- 5) The Neighborhood Preservation staff has obligated 84% of the \$11.3 million grant funding as opposed to the national average of 52%. The City's partners have acquired \$5.3 million worth of single-family homes - 28 homes are being rehabilitated. Moreno Valley may be eligible for additional NSP funding in the near future. Commended Barry Foster and staff for this successful project. It is one of the leaders in the country
- 6) Youth Opportunity Center - Arbor E&T has entered into a lease of a vacant building on 22275 Alessandro and Grant. When the Center opens in the fall, it will employ six people and serve 150 youth in the community
- 7) The library has initiated a summer reading program and added a database online entitled Career Transitions, which will serve as a resource for persons seeking employment
- 8) Schedules and sign ups for recreational activities are listed on the Moreno Valley Web site
- 11) Information about 4th of July celebration is posted on the Web site
- 12) Expressed his appreciation for Steve Elam, Interim Financial & Administrative Services Director, who came out of his retirement to help the City. This is his last council meeting

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

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

Susan Gilchrist

1) Submitted a copy of her letter to Parks & Facilities Manager Steve Kupsak and a copy of Parks and Recreation Commission staff report regarding Equestrian Center; commented on the accuracy of information contained in the report

Deanna Reeder

1) Asked if any council member recused himself/herself from Closed Session Item #5, City Manager Recruitment, while in Closed Session

Pamela Lowell

1) Acknowledged Fire and Police Department staff for the fast response and help during her husband's illness; her husband, an Air Force disabled veteran, passed away this year; very grateful for support and comfort and proud of the City

2) Thanked military veterans for their service; thanks to them we can enjoy many freedoms, including freedom of speech

James Dudley

1) About 12,563 late mail-in primary ballots that may not be counted because of late delivery

2) Maintenance of medians

3) Condition of roads

4) Expressed he is proud of the City

Pete Bleckert

1) Thanked Council for voting for the Highland Fairview project to move forward

2) Equestrian Center

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

Council Member Molina

1) Condolences to Ms. Lowell for her loss

2) Would like to bring back issue of Cottonwood Park on Cottonwood and Indian

3) Thanked staff and residents for being patient with the progress of the project

Council Member Stewart

1) Reported on a lady claiming that her child was killed by a drunk driver in Moreno Valley and asking for money for burial; while he was checking with the Police Chief, the lady disappeared; it's sad that people will do that; warned residents about the fraud and advised to be aware and to question suspicious solicitations

- 2) Commended staff for the hard work assisting the developer of the Skechers project; the project is moving along; the City is not giving any financial support for it, but by speeding up the process, the City was able to give the proponents a financial advantage
- 3) Inquired about the requirement of lowering buildings along 60 Freeway by 25 feet
- 4) Inquired about changing zoning of the property to the south of the project from residential to business park to be a transition/buffer to light industrial along the freeway
- 5) Regarding budget - glad that we had reserve to reduce deficit and that the Fire, Police and other public safety units were pretty much preserved

Mayor Pro Tem Hastings

- 1) Attended annual Rally Round the Flag at March Field Air Museum with Council Member Stewart and Mayor Flickinger - it was a very nice event in commemoration of the Flag Day with an outstanding performance of Moreno Valley Master Chorale. Encouraged everyone to attend it next year; the event is open to the public
- 2) Responded to a speaker's comments regarding 12,000 mail-in ballots that were left at Moreno Valley distribution postal center after deadline and may not be counted - explained the process of routing the mail-in votes; Riverside County is still investigating this issue
- 3) League of California Cities' initiative to protect local money from the State's taking - asked residents to educate themselves on this and other initiatives
- 4) Addressed an incident of loose horses in traffic on Redlands Blvd. and horses hit by a car; this is tragic for everyone; asked residents to call Animal Control to report any animal loose or abandoned to prevent animals from being killed
- 5) Will participate in July 13 meeting from Kentucky via teleconference

Council Member Batey

- 1) Thanked Ms. Lowell for publicly acknowledging public safety employees who responded to her calls. It's important for the public to know that they have dedicated professionals to handle any situation that may arise. Her husband will be missed
- 2) Fresh & Easy will be open by the end of the year; a lot of good stuff is happening that will help our economy in the long run
- 3) Will not be able to attend 4th of July celebration because of work schedule
- 4) Thanked Mr. Dudley and Ms. Lowell for showing/expressing City pride; it's nice to hear positive
- 5) Wished everybody a safe 4th of July

Mayor Flickinger

- 1) Concurred with Mayor Pro Tem Hastings about effectiveness of the Rally Round the Flag event; very entertaining and informative
- 2) Thanked Steve Elam for the great job; he will be missed
- 3) Responded to speaker's question - all five Council Members are participating in the City Manager's recruitment
- 4) No meeting is scheduled for the next Tuesday (5th Tuesday of the month); the next televised Council meeting is scheduled for July 13, which will be the last

meeting before Council recess

5) July 3 & 4 celebration will include a parade in the morning on July 3 and the celebration at the Morrison Park in the afternoon on July 4 - another opportunity to wear red, white and blue

There being no further business to conduct, the meeting was adjourned to Closed Session at 9:06 p.m. by unanimous informal consent.

CLOSED SESSION

PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

- a Case: *Kevon Gordon, Ronald Jones, Raymond Barnes v. City of Moreno Valley; City of Moreno Valley Police Department; Rick Hall, Chief of the Moreno Valley Police Department, in his official capacity; Kristy Underwood, Executive Officer of the California Board of Barbering and Cosmetology, in her official capacity; Stan Sniff, Riverside County Sheriff, in his official capacity; and DOES 1-20*
- Court: United States District Court, Central District of California
Case No: EDCV 09-00688b

2 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 2

3 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 2

4 SECTION 54957.6 - LABOR NEGOTIATIONS

- a) Agency Representative: William Bopf
Employee Organization: MVCEA
- b) Agency Representative: William Bopf
Employee Organization: MVMA
- c) Agency Representative: William Bopf
Employee Organization: Moreno Valley Confidential Management Employees

5 SECTION 54957 - PUBLIC EMPLOYEE APPOINTMENT/PUBLIC EMPLOYMENT

a) City Manager Recruitment

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

None

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:40 p.m. by unanimous informal consent.

Submitted by:

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:

Bonnie Flickinger, Mayor
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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