

**MINUTES**  
**CITY COUNCIL OF THE CITY OF MORENO VALLEY**  
**April 12, 2011**

**CALL TO ORDER**

**SPECIAL PRESENTATIONS**

1. Presentation of Award for Excellence in Information Technology Practices to the City's Technology Services Division
2. Proclamation Recognizing National Library Week
3. Proclamation Recognizing Sexual Assault Awareness Month
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  
April 12, 2011**

**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 6:33 p.m. by Mayor Pro Tem Molina in the Council Chamber located at 14177 Frederick Street.

**PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Mayor Pro Tem Molina

**INVOCATION** – Council Member Co

Council:

Jesse L. Molina	Mayor Pro Tem
William H. Batey II	Council Member
Marcelo Co	Council Member

Absent:

Richard A. Stewart	Mayor
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Julienne Clay	Administrative Assistant
Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Chris Vogt	Public Works Director
Barry Foster	Community and Economic Development Director
Sonny Morkus	Human Resources Director
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**

Mayor Pro Tem Molina opened the agenda items for the Consent Calendars for public comments, which were received from Hossein Tajiki (Item A6), Doug Whitney (Item A6), Larry Lange (Item A6) and Tilak Chopra (Item A6).

**A. CONSENT CALENDAR-CITY COUNCIL**

**A.1 ORDINANCES - READING BY TITLE ONLY**

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

**A.2 MINUTES - REGULAR MEETING OF MARCH 22, 2011 (Report of: City Clerk Department)**

**Recommendation:**  
Approve as submitted.

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

**Recommendation:**  
Receive and file the Reports on Reimbursable Activities for the period of March 16 – April 5, 2011.

**A.4 APPROVAL OF THE 2011/2012 FISCAL YEAR STORM WATER PROTECTION PROGRAM BUDGET FOR COUNTY SERVICE AREA (CSA) 152 (Report of: Public Works Department)**

**Recommendation:**

1. Approve the County Service Area (CSA) 152 Budget for FY 2011/2012 in the amount of \$537,553; and
2. Authorize the levy of CSA 152 Assessment at \$8.15 per Benefit Assessment Unit (BAU) for FY 2011/2012.

**A.5 REPLACEMENT OF PLAY STRUCTURES AND PLAYGROUND SURFACING AT JOHN F. KENNEDY VETERANS MEMORIAL PARK AND WOODLAND PARK (ALSO LISTED AS ITEM B.3) (Report of: Parks and Community Services)**

**Recommendation:**

1. Award to Miracle Recreation Equipment Company, 878 E Hwy 60, Monett, MO 65708 for material and labor to replace play

structures and playground surfacing at John F. Kennedy Veterans Memorial Park and Woodland Park; and

2. Authorize the Purchasing Manager to execute a purchase order in an amount not to exceed \$ 241,976.03 as appropriated in FY10/11, in account code 461.65329.7500.

A.6 RESOLUTION FOR THE ABATEMENT OF PUBLIC NUISANCES (Report of: Fire Department)

**Recommendation:**

Adopt Resolution No. 2011-30 of the City of Moreno Valley, California, confirming assessments on certain real properties as outlined in the Property Assessment List in the staff report for the abatement of nuisances.

Resolution No. 2011-30

A Resolution of the City Council of the City of Moreno Valley, California, Confirming Statements of Costs Against Real Property Located in the City of Moreno Valley, for Abatements of Public Nuisances and Direction that said Statements of Costs Constitute a Lien upon said Properties

A.7 REPORT OF PARTIAL REDUCTIONS PROCESSED DURING THE MONTHS OF FEBRUARY AND MARCH 2011 (Report of: Public Works Department)

**Recommendation:**

No action required.

A.8 PA07-0090 - REDLANDS ELECTRICAL IMPROVEMENTS – UTILITY ELECTRICAL INFRASTRUCTURE – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE UTILITY ELECTRICAL INFRASTRUCTURE AS COMPLETE AND ACCEPTING THE UTILITY ELECTRICAL INFRASTRUCTURE INTO THE CITY'S MAINTAINED SYSTEM, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET: DEVELOPER – HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

**Recommendation:**

1. Adopt Resolution No. 2011-33 authorizing the acceptance of the Utility Electrical Infrastructure for PA07-0090 - Redlands Electrical Improvements as complete and accepting the Utility

Electrical Infrastructure into the City's maintained system; and

Resolution No. 2011-33

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Utility Electrical Infrastructure for the Redlands Electrical Improvements as Complete within Project PA07-0090, and Accepting the Utility Electrical Infrastructure into the City's Maintained 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.9 APPROVAL OF THE FRANCHISE TAX BOARD AGREEMENT TO SHARE TAX INFORMATION (Report of: Financial & Administrative Services Department)

**Recommendation:**

Authorize the City Manager or his designee to sign a Franchise Tax Board Agreement that will allow both entities to share tax information confidentially.

A.10 RESOLUTION REGARDING THE LIBERTY QUARRY (Report of: City Manager's Office)

**Recommendation:**

Discuss and consider Resolution No. 2011-31 regarding the Liberty Quarry.

Resolution No. 2011-31

A Resolution of the City Council of the City of Moreno Valley, California, in Support of the Need for and Benefits of Liberty Quarry

**Motion to continue Item A10 to May 10, 2011 by m/Council Member Marcelo Co, s/Council Member William H. Batey II**  
**Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.**

A.12 TRACTS 22709, 22709-1, 31128, 31129, & 35760 – MAINTENANCE OF PUBLIC IMPROVEMENTS - ACCEPT AGREEMENT AND IRREVOCABLE LETTER OF CREDIT FOR MAINTENANCE OF THE MORENO BEACH CHANNEL (CHANNEL F) PUBLIC IMPROVEMENTS - DEVELOPER:

WESTERN PACIFIC HOUSING - CORONA, CA 92880 (Report of: Public Works Department)

**Recommendation:**

1. Accept the Agreement and Irrevocable Letters of Credit for Public Improvements for Tracts 22709, 22709-1, 31128, 31129, & 35760;
2. Authorize the Mayor to execute the agreement;
3. Direct the City Clerk to forward the signed agreement to the County Recorder's office for recordation; and
4. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

**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 MARCH 22, 2011 (Report of: City Clerk Department)

**Recommendation:**

Approve as submitted.

B.3 REPLACEMENT OF PLAY STRUCTURES AND PLAYGROUND SURFACING AT JOHN F. KENNEDY VETERANS MEMORIAL PARK AND WOODLAND PARK (ALSO LISTED AS ITEM A.5) (Report of Parks and Community Services)

**Recommendation:**

1. Award to Miracle Recreation Equipment Company, 878 E Hwy 60, Monett, MO 65708 for material and labor to replace play structures and playground surfacing at John F. Kennedy Veterans Memorial Park and Woodland Park; and
2. Authorize the Purchasing Manager to execute a purchase order in an amount not to exceed \$ 241,976.03 as appropriated in FY10/11, in account code 461.65329.7500.

**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 MARCH 22, 2011 (Report of: City Clerk Department)

**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 MARCH 22, 2011 (Report of: City Clerk Department)

**Recommendation:**  
Approve as submitted.

**Motion to Approve Joint Calendar Items A1 – D2, except Items A10, which was continued to May 10, 2011 and Item A11, which was pulled for separate discussion/action. Motion by m/Council Member William H.Batey II, s/Council Member Marcelo Co Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.**

#### **E. PUBLIC HEARINGS**

##### **AGENDA ORDER**

E.2 PUBLIC HEARING REGARDING ISSUANCE OF MULTI-FAMILY HOUSING REVENUE BONDS AND THE ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES OF MULTI-FAMILY HOUSING REVENUE BONDS FOR HEMLOCK FAMILY APARTMENTS (Report of: Community & Economic Development Department)

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

**Recommendation: That the City Council:**

1. Conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, at which it will hear and consider information concerning the issuance by the California Statewide Communities Development Authority of

multifamily housing revenue bonds to finance the acquisition, construction and development of a 77-unit multifamily rental housing project known as Hemlock Family Apartments; and

2. Adopt Resolution No. 2011-32, pursuant to Section 147(f) of the Internal Revenue Code of 1986 approving the issuance of bonds by the California Statewide Communities Development Authority of Multifamily Housing Revenue Bonds for the Hemlock Family Apartments.

Resolution No. 2011-32

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Issuance by the California Statewide Communities Development Authority of Multifamily Housing Revenue Bonds for the Hemlock Family Apartments

**Motion to Approve by m/Council Member Marcelo Co, s/Council Member William H. Batey II**  
**Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.**

- E.1 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDINGS FOR SOUTHEASTERN CALIF CONF SEV DAY ADVENTIST CHURCH—APN 484-030-015 AND BUDDHADHAMMO TEMPLE—APN 488-210-014 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

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

**Recommendation: That the City Council:**

After conducting the Public Hearing and accepting public testimony:

- a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for Southeaster Calif Conf Sev Day Adventist—Assessor Parcel Number (APN) 484-030-015 and Buddhadhammo Temple—APN 488-210-014;

**Motion to continue APN 488-210-014 to May 26, 2011 by m/Council Member William H. Batey II, s/Council Member Marcelo Co**  
**Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.**

**Motion to direct the City Clerk to tabulate ballots for APN 484-030-015 by m/Mayor Pro Tem Jesse L. Molina, s/Council Member William H. Batey II**



**Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.**

The City Clerk announced the results as follows:

APN 484-030-015 (NPDES) – “Yes”

- b. Verify and accept the result of the mail ballot proceedings as identified on the Official Tally Sheet and APN listing.
- c. Receive and file with the City Clerk’s office the accepted Official Tally Sheet and APN listing; and
- d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to APN–030–015.

**Motion to approve by m/Council Member William H. Batey II and s/Council Member Marcelo Co**

**Approved by a 3-0-2 vote, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.**

The above motion was to accept results and impose the CSD charges.

**Motion to rescind previous motion by m/Council Member William H. Batey II, s/Council Member Marcelo Co**

**Approved by a 3-0-2 vote, Mayor Richard A. Stewart, Council Member Robin N. Hastings, absent.**

**Motion to approve by m/Council Member William. H. Batey, s/Council Member Marcelo Co**

**Approved by a 3-0-2 vote, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.**

**Recommendation: That the CSD:**

Acting in their capacity as President and Members of the Board of Directors of the CSD (“CSD Board”), after conducting the Public Hearing and accepting public testimony.

- a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballots for Southeastern Calif Conf Sev Day Adventist–APN 484-030-015 and Buddhadhammo Temple–APN 488-210-014;

**Motion to direct the Secretary to tabulate the CSD Zone M ballot for APN 484-030-015 by m/Board Member William H. Batey II, s/Board Member Marcelo Co**

**Approved by a vote of 3-0-2, President Richard A. Stewart, Board**

**Member Robin N. Hastings absent.**

The City Clerk announced the results as follows:  
APN 484-030-015, CSD Zone M – “Yes”

- b. Verify and accept the result of the mail ballot proceedings as identified on the Official Tally Sheet and APN listing;
- c. Receive and file with the City Clerk’s office the accepted Official Tally Sheet and APN listing; and
- d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charges to APNs 484-030-015.

**Motion to approve APN 484-030-015 by m/Board Member William H. Batey II, s/Board Member Marcelo Co**  
**Approved by a vote of 3-0-2, President Richard A. Stewart, Board Member Robin N. Hastings absent.**

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

Mayor Pro Tem Molina opened the agenda item for public comments, which were received from Erica Hopkins, Kama Burton and Dr. Charles Gibson (Breakthrough CDC).

- A.11 CONSIDERATION OF A REQUEST FROM BREAKTHROUGH COMMUNITY DEVELOPMENT CORPORATION (BCDC) TO SPONSOR ITS HOPE FOR OUR YOUTH CAMPAIGN (Report of: City Clerk’s Department)

**Recommendation:**

That the City Council consider the request of Breakthrough Community Corporation (BCDC) to sponsor its Hope for Our Youth Campaign (HYC), in the amount of \$2,040.

**Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina**  
**Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.**

**G. REPORTS**

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

a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

None

G.2 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDINGS FOR POZGAJ FRANK & MARIA FAMILY TRUST—APN 486-240-009 BALLOTING FOR NPDES AND CSD ZONE M AND RIDGE MORENO VALLEY—APNS 297-170-005 AND 297-170-066 BALLOTING FOR NPDES (Report of: Public Works Department)

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

**Recommendation: That the City Council:**

Accept public comments regarding the mail ballot proceedings for Pozgaj Frank & Maria Family Trust—Assessor Parcel Number (APN) 486-240-009 and Ridge Moreno Valley—APNs 297-170-005 and 297-170-066 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate; and

**Recommendation: That the CSD:**

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 proceeding for Pozgaj Frank & Maria Family Trust—APN 486-240-009 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

No action required.

G.3 APPROVE THE THREE-YEAR DEFICIT ELIMINATION PLAN FOR FISCAL YEARS 2011/12 - 2013/14 AND DIRECT STAFF TO IMPLEMENT THE FIRST TWO YEARS OF THE PLAN IN A TWO-YEAR BUDGET FOR FISCAL YEARS 2011/12 AND 2012/13 (Report of: City Manager's Office)

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

**Recommendation: That the City Council:**

1. Approve the Three-Year Deficit Elimination Plan for Fiscal Years 2011/12 through 2013/14; and
2. Direct staff to incorporate the first two years of the plan in a proposed two-year budget for Fiscal Years 2011/12 and 2012/13 for Council consideration.

**Motion to continue Item G3 to a Special Meeting on April 19, 2011, approved by m/Council Member William H. Batey II, s/Council Member Marcelo Co**  
**Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.**

G.4 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

No reports.

## **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**

Deanna Reader

1. Budget

Ronald Marks

1. Council comments from a previous meeting  
2. Fire Flow

Pete Bleckert

1. Agenda packet

Louise Palomar

1. Skechers project

Daryl Terrell

1. Competing on the world stage

Tom Jerele, Sr.

1. Toured Administrative Center of Eastern Municipal Water District  
2. Toured Skechers facility

**CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL,**

## **COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY**

### Council Member William H. Batey II

1. Next week the top reading classes will get to see the movie Rio. The top 20 readers will be recognized in May.
2. Made a motion to close tonight's meeting in honor of Mayor Stewart's mother-in-law, Agnes R. Beyer, and condolences to the family.

### Council Member Marcelo Co

1. Citizens need to come to the City Council meetings. City leaders must be made aware of what is happening in the city.
2. The cuts being implemented must be even handed.
3. Chief Curley will check on contractors taking pictures of weed abatement and charging the City.
4. People are coming to see the new Skechers building.
5. Progress and jobs are needed. There will be change, and jobs will come to the city.
6. Please support the businesses in Moreno Valley.

### Mayor Pro Tem Jesse L. Molina

1. The City needs to come together.
2. The public needs to come to the City Council meetings and make their voices heard.
3. Constituents that call receive attention.
4. Adjourned the meeting in honor of Mayor Stewart's mother-in-law, Agnes R. Beyer.

**CLOSED SESSION - Canceled**

## **ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 7:56 p.m. in honor of Mayor Stewart's mother-in-law, Agnes R. Beyer, 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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Richard A. Stewart, Mayor  
President, Moreno Valley Community Services District  
Chairperson, Community Redevelopment Agency of the City of Moreno Valley  
Chairperson, Board of Library Trustees