

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
April 26, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

- [1. Proclamation Recognizing National Public Works Week](#)
- [2. Proclamation Recognizing Mental Health Month](#)
- [3. Presentation of Boy Scouts of America District Award of Merit to Council Member Robin N. Hastings](#)
- [4. Proclamation Recognizing Child Abuse Prevention Month](#)
- [5. Letter of Commendation Recognizing Sarah King](#)

**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 26, 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 6:35 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Council Member Hastings

INVOCATION - Mayor Stewart

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem
William H. Batey II	Council Member
Marcelo Co	Council Member (left 8:58 p.m.)
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
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
Abdul Ahmad	Battalion Chief
Chris Vogt	Public Works Director
Barry Foster	Community and Economic Development Director
Sonny Morkus	Human Resources Director
Paula Smus	Acting Library Services Division Manager
Mike McCarty	Parks & Community Services Director

AGENDA ORDER

REPORTS

G.2 [ECONOMIC DEVELOPMENT ACTION PLAN \(Report of: Community & Economic Development Department\)](#)

Recommendation: That the City Council:

1. Review and provide direction on an Economic Development Action Plan; and
2. Consider the sequencing and funding of Capital Improvement Program projects.

Mayor Stewart opened the agenda item for public comments, which were received from Glenn Moss, Radene Ramos Hiers, Chris Carlson, Christopher Baca, Doug Whitney, Deanna Reeder, Victoria Baca, Jim Jernigan, Kenny Bell, Oscar Valdepena, Steven Figueroa, Librada Murillo, Pete Bleckert, Alicia Espinoza, Raul Wilson, Louise Palomarez, Mark Knorringa, Anthony Fabelo, Marcia Amino, Frank Wright, Tom Jerele Sr, Joe Zmudosky, Ray Baker, and Adolf Kruger.

Motion to Approve Economic Development Action Plan and resequence the funding of Capital Improvement Program projects by m/Mayor Pro Tem Jesse L. Molina, s/Council Member Marcelo Co Approved by a vote of 5-0.

Recess;
Reconvened

AGENDA ORDER

[PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL](#)

Tom Jerele, Sr.

1. Public debate - healthy democratic process
2. Skechers project

Chris Baca

1. Nason Street overpass

Courtney Davis (representing Moreno Valley College)

1. Hands Across Moreno Valley College - advocating for education and asking the City to contribute to scholarship fund

Marcia Amino

1. Deficit reduction plan
2. Car allowances
3. Planning Commission stipends

Cesar Torres

1. Hands Across California - Raising funds for college scholarship

Kenny Bell

1. Wider broadcast of council meetings

Deanna Reeder

1. Budget; deficit reduction plan

Radene Hiers

1. Developers need to pay their share of cost
2. Contamination with chemicals/clean up; concerned about safety of residents

Louise Palomarez

1. Red light cameras on Day Street

AGENDA ORDER

- G.3 [REGIONAL ENERGY EFFICIENCY AND WATER CONSERVATION PROGRAM \(RICK BISHOP, WRCOG EXECUTIVE DIRECTOR AND BARBARA SPOONHOUR, PROGRAM MANAGER\) \(PowerPoint Presentation - \(Informational Oral Presentation - not for Council action\)](#)

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

No action required.

- G.4 [ENTER INTO A CONTRACT WITH THINK TOGETHER, INC., TO OPERATE DAY-TO-DAY ACTIVITIES AND FUNCTIONS INVOLVING THE PROPOSITION 49 ASES GRANT AFTER SCHOOL PROGRAM \(Report of Parks and Community Services Department\)](#)

Recommendation: That the CSD:

Authorize the City Manager to enter into a contract with THINK Together Inc., to operate day-to-day activities and functions of the City's Proposition 49 state-funded ASES after school grant program, as outlined within the document.

Mayor Stewart opened the agenda item for public comments, which were received from Shannon Morehouse, and Courtney Davis.

Motion to authorize the City Manager acting in his capacity as the executive director of the CSD to enter into a contract by m/Vice President Jesse L. Molina, s/Board Member Robin N. Hastings Approved by a vote of 3-1-1, Board Member William H. Batey II opposed, Board Member Marcelo Co absent.

G.5 [COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2010 \(Report of: Financial & Administrative Services Department\)](#)

Recommendation: That the City Council:

Receive and file the Comprehensive Annual Financial Report for the fiscal year that ended June 30, 2010.

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

Motion to receive and file by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

AGENDA ORDER

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 Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Deanna Reeder (Item A2: deficit reduction plan) and Stephen Rogers (representing Anti-Corruption Team; Item A7).

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 12, 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 April 6-19, 2011.

A.4 [APPROVAL OF CHECK REGISTER FOR FEBRUARY, 2011 \(Report of: Financial & Administrative Services Department\)](#)

Recommendation:

Adopt Resolution No. 2011-34, approving the Check Register for the month of February, 2011 in the amount of \$10,858,661.77.

Resolution No. 2011-34

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of February, 2011

A.5 [APPROVE COOPERATIVE AGREEMENT WITH RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR THE SUNNYMEAD BOULEVARD MASTER DRAINAGE PLAN LINES H, H-1A, AND H-5 IN CONNECTION WITH THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS - PROJECT NO 09-89791726 \(Report of: Public Works Department\)](#)

Recommendation:

1. Approve the "Cooperative Agreement" with Riverside County Flood Control and Water Conservation District (the District) for the Sunnymead Boulevard Master Drainage Plan Lines H, H-1A, and H-5 in connection with the Indian Detention Basin Drainage Improvements;
2. Authorize the City Manager to execute the "Cooperative Agreement" upon concurrence by the District;
3. Authorize the City Manager to approve any minor changes that may be requested by the District subject to the approval of the City Attorney; and
4. Authorize the City Manager to execute any future amendments subject to the approval of the City Attorney.

A.6 [ART LOAN POLICY \(Report of: City Manager's Office\)](#)

Recommendation:

Adopt the Art Loan Policy.

A.7 [AUTHORIZATION TO AWARD AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES FOR HMGP FUNDED PROJECT: STORM DRAIN AND MISCELLANEOUS STREET IMPROVEMENTS BETWEEN ALESSANDRO BOULEVARD AND DRAINAGE FACILITY LINE F - PROJECT NO. 11-12566730 \(Report of: Public Works Department\)](#)

Recommendation:

1. Accept an additional grant award amount of \$322,000 in the federal funds under the Hazard Mitigation Grant Program (HMGP) to construct a storm drain and miscellaneous street improvements between Alessandro Boulevard and drainage facility Line F east of Redlands Boulevard;
2. Authorize the appropriation of \$430,000 from unencumbered Measure "A" (Fund 125) fund balance to account for the additional federal funding and required local funding match in accordance with the HMGP requirements;
3. Approve the Agreement for Design Professional Consultant Services with DMC Design Group, 140 N. Maple Street, Suite 104, Corona, CA 92880 to provide design services for the storm drain and miscellaneous street improvements;
4. Authorize the City Manager to execute said Agreement for Design Professional Consultant Services with DMC Group; and
5. Authorize the issuance of a Purchase Order to DMC Design Group in the amount of \$172,016 from Account 125.66730 when the agreement has been signed by all parties.

A.8 [APPROVE THE CITY OF MORENO VALLEY'S FIVE-YEAR MEASURE "A" LOCAL STREETS AND ROADS CAPITAL IMPROVEMENT PLAN \(CIP\) AND MAINTENANCE OF EFFORT \(MOE\) CERTIFICATION STATEMENT FOR THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION \(RCTC\) MEASURE "A" LOCAL FUNDS PROGRAM, FISCAL YEAR \(FY\) 2012-2016 \(Report of: Public Works Department\)](#)

Recommendation:

1. Approve the City of Moreno Valley's Five-Year Measure "A" Local Streets and Roads CIP and MOE for the RCTC Measure "A" Local Funds Program, FY 2012-2016;

2. Authorize submittal of the RCTC Measure “A” Local Streets and Roads CIP and MOE for the RCTC Measure “A” Local Funds Program, FY 2012-2016; and
3. Authorize staff to submit an amended five-year plan to RCTC if changes are made by City Council to the listed Measure “A” projects as part of the upcoming FY 2011/12 budget approval process.

A.9 [RESOLUTION NO. 2011-35 A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA AND THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA REGARDING THE REDISTRICTING OF THE RIVERSIDE COUNTY SUPERVISORIAL DISTRICTS \(Report of: City Manager's Office\)](#)

Recommendation:

Adopt Resolution No. 2011-35, a joint resolution of the City Council of the City of Moreno Valley, California and the City Council of the City of Perris, California regarding the redistricting of the Riverside County Supervisorial Districts.

Resolution No. 2011-35

A Joint Resolution of the City Council of the City of Moreno Valley, California, and the City Council of the City of Perris, California Regarding the Redistricting of the Riverside County Supervisorial Districts

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 12, 2011 \(Report of: City Clerk Department\)](#)

Recommendation:

Approve as submitted.

B.3 [RESOLUTION TO AMEND MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE D \(PARKWAY LANDSCAPE MAINTENANCE\) SERVICE PLAN POLICY \(Report of: Public Works Department\)](#)

Recommendation:

Approve and adopt Resolution No. CSD 2011-06 to amend General

Management Policy #2.30, Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Service Plan Policy.

Resolution No. CSD 2011-06

A Resolution of the Moreno Valley Community Services District Board of Directors of the City of Moreno Valley, California, to Approve and Adopt the Amended Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Service Plan Policy to Provide Revised Language Regarding the Service Level Guidelines and Correct Minor Grammatical Errors

B.4 [RESOLUTION TO AMEND MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE E \(EXTENSIVE LANDSCAPE MAINTENANCE\) SERVICE PLAN POLICY \(Report of: Public Works Department\)](#)

Recommendation:

Approve and adopt Resolution No. CSD 2011-07 to amend General Management Policy #2.41, Moreno Valley Community Services District Zone E (Extensive Landscape Maintenance) Service Plan Policy.

Resolution No. CSD 2011-07

A Resolution of the Moreno Valley Community Services District Board of Directors of the City of Moreno Valley, California, to Approve and Adopt the Amended Moreno Valley Community Services District Zone E (Extensive Landscape Maintenance) Service Plan Policy to Provide Revised Language Regarding the Service Level Guidelines and Correct Minor Grammatical Errors

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 12, 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 APRIL 12, 2011 \(Report of: City Clerk Department\)](#)

Recommendation:
Approve as submitted.

Motion to Continue Items A2, B2, C2 and D2 to the next Council meeting by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina

Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

Motion to Approve Joint Consent Calendar Items A1 through D2, as amended (Item A7 - the correct number on the agreement is \$172,016, which is consistent with the staff report) by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina

Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

E. PUBLIC HEARINGS

E.1 [PUBLIC HEARING TO CONSIDER FEE SCHEDULE FOR FISCAL YEAR 2011-12 \(Report of: Financial & Administrative Services Department\)](#)

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive public input on the proposed Fee Schedule for Fiscal Year (FY) 2011-12; and
2. Adopt Resolution No. 2011-36, approving the Fee Schedule for FY 2011-12.

Resolution No. 2011-36

A Resolution of the City Council of the City of Moreno Valley, California, Establishing Specified Fees for Various Services for Fiscal Year 2011-12 and Repealing Prior Resolutions that may be in Conflict

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

Motion to Approve as amended to include dog license fees by m/Council Member Robin N. Hastings, s/Council Member William H. Batey II

Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

E.2 [PUBLIC HEARING 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 Stewart opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Recommendation: That the City Council:

1. After conducting the individual Public Hearings and accepting public testimony:
 - a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots 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;

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

The City Clerk announced the results:

APN 486-240-009, NPDES - "Yes" ;passes
APN 297-170-005, NPDES - "Yes"; passes
APN 297-170-066, NPDES - "Yes"; passes

- 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 APNs 486-240-009, 297-170-005, and 297-170-066.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

2. 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 ballot for Pozgaj Frank & Maria Family Trust—APN 486-240-009;

Motion to Approve by m/Board Member William H. Batey II, s/Vice President Jesse L. Molina
Approved by a vote of 4-0-1, Board Member Marcelo Co absent.

The City Clerk announced the results:

APN 486-240-009, Zone M - “Yes”; passes

b. Verify and accept the result of the mail ballot proceeding 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) charge to APN 486-240-009.

Motion to Approve by m/Board Member William H. Batey II, s/Vice President Jesse L. Molina
Approved by a vote of 4-0-1, Board Member Marcelo Co absent.

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

AGENDA ORDER

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)

Continued

- G.6 [CITY MANAGER'S REPORT \(Informational Oral Presentation - not for Council action\)](#) - none

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**

Council Member Batey

1. Council and staff have to make some tough budget decisions. Instead of criticizing the council for the decisions, speakers should talk to the Council and offer suggestions to solve deficit problem
2. Reading Contest is completed - Five classes were taken to Harkins Theatre to see movie "Rios"; thanked Harkins for their hospitality; The top twenty readers, top two readers and persons helping with the program will be honored on May 10; congratulated all the kids who participated for the great job

Mayor Pro Tem Molina

1. Last Saturday participated in Relay for Life with Chief; encouraged everybody to participate; this kind of event brings the community together

Council Member Hastings

1. Thanked Chief Whittemore, von Lucas and Dean Palmer for the award presented on behalf of the Boy Scouts; it is an honor to be associated with such an organization as Boy Scouts of America; they are a fine group of people who donate a lot of time, energy and commitment to further this program
2. Congratulated Mark Sambito who was honored as the Reserve Deputy of the Year by the Riverside County Sheriff's Department; Moreno Valley police officers have been recognized very frequently, and this is reflected in the lowest crime statistics we have ever had in the City; the Council did an outstanding job to reduce crime; thanked the Police Department on behalf of Moreno Valley residents

Mayor Stewart

1. Responded to speaker's comments - clarified that the fire engine didn't belong to him, and he paid money to run the fire engine in the parades and events; eventually he bought it and donated it to the Fire Museum
2. Everyone has right to criticize and disagree with others, but need to show respect and civility; use of bad language will not be tolerated
3. Last week, was in Michigan to attend his mother-in-law's funeral; it was very stressful

Motion to continue the meeting past 11:00 p.m. by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

There being no further business to conduct, the meeting was adjourned at 10:59 p.m. to Closed Session by unanimous informal consent.

CLOSED SESSION

The City Attorney announced that the City was served on April 26, 2011 with the lawsuit – A&J Organic, Inc, a California Corporation dba Green Cross Care Group vs. City of Moreno Valley, Riverside Superior Court, Case # RIC 1105634. Because this is a civil complaint, directions from the City Council regarding the cross-complaint are needed.

The Closed Session was held in the City Manager’s Conference Room pursuant to Government Code:

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

Number of Cases: 5

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

Number of Cases: 5

- 3 SECTION 54957.6 - LABOR NEGOTIATIONS

- a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA
- b) Agency Representative: Henry T. Garcia
Employee Organization: MVMA
- c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential
Management Employees

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 11:05 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:

Richard Stewart, 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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