

**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 – 5:00 PM
July 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 5:03 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Mayor Pro Tem Jesse Molina

INVOCATION – Mayor Stewart

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem (left at 9:15 p.m.)
William H. Batey II	Council Member
Marcelo Co	Council Member
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	Assistant City Manager
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 Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Deanna Reeder (A5), and Ruthee Goldkorn (A.3).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.3 PM 35629 – APPROVAL OF PROPOSED RESOLUTION FOR A SUMMARY VACATION FOR A PORTION OF A PEDESTRIAN ACCESS AND SIDEWALK EASEMENT DESIGNATED AS EASEMENT NOTE “B” DEDICATED ON PARCEL MAP NO. 35629 RECORDED AS INSTRUMENT NO. 2010-0408448 LOCATED ON LOTS B, C, AND D OF PARCEL MAP NO. 35629 AND APPROVAL OF AN OFFER OF DEDICATION OF A PEDESTRIAN ACCESS AND SIDEWALK EASEMENT REPLACING THE ONE BEING SUMMARILY VACATED ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK; 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 the proposed Resolution, a summary vacation of a portion of the pedestrian access and sidewalk easement designated as Easement Note “B” dedicated on Parcel Map No. 35629 recorded as Instrument No. 2010-0408448 located on Lots B, C, and D of Parcel Map No. 35629;

Resolution No. 2011-80

A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of a Portion of a Pedestrian Access and Sidewalk Easement Designated as Easement “B” Dedicated on Parcel Map No. 35629 Recorded as Instrument No. 2010-0408448 Located on Lots B, C, and D of Parcel Map No. 35629

2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder’s office for recording;

3. Approve the Offer of Dedication of a pedestrian access and sidewalk easement as described in the Offer of Dedication; and
4. Direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate.

A.5 APPROVAL OF SUCCESSOR MEMORANDA OF UNDERSTANDING BETWEEN THE CITY OF MORENO VALLEY AND THE MORENO VALLEY CITY EMPLOYEES' ASSOCIATION FOR FISCAL YEAR 2011-12 (Report of: Human Resources Department)

Recommendation:

Approve the successor Memoranda of Understanding (MOU) between the City of Moreno Valley and the Moreno Valley City Employees Association (MVCEA) for Fiscal Year 2011-12 (Attachment A).

A.6 CREATION OF NEW FIRE PREVENTION JOB TITLE (Report of: Fire Department)

Recommendation:

Approve the position title, description and salary schedule for the temporary part-time position of Fire Prevention Technician within the Fire Prevention Bureau.

A.7 RELOCATION AGREEMENT FOR THE EASTERN MUNICIPAL WATER DISTRICT (EMWD) BOOSTER STATION LOCATED AT THE NORTHWEST CORNER OF NASON STREET AND DRACAEA AVENUE (Report of: Public Works Department)

Recommendation:

1. Approve the Relocation Agreement for the relocation of the existing Eastern Municipal Water District (EMWD) booster station at the northwest corner of Nason Street and Dracaea Avenue;
2. Authorize the City Manager to execute the Relocation Agreement; and
3. Direct the City Clerk to forward the signed Relocation Agreement to Eastern Municipal Water District for execution.

A.8 CREATION OF AN NSP-FUNDED HOMEBUYER ASSISTANCE PROGRAM (NSP-HAP) (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the creation of an Neighborhood Stabilization Program (NSP) grant-funded Homebuyer's Assistance Program (HAP), modeled after the existing Community Redevelopment Agency (RDA) funded HAP; and
2. Appropriate \$250,000 from the NSP fund balance for the NSP-HAP.

Motion to Approve Joint Consent Calendar Items A.1 through D.2, except Items A.2 and A.4 pulled for a separate vote by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings
Approved by a vote of 5-0.

AGENDA ORDER

A.2 APPROVAL OF TELECOMMUNICATION NETWORK LICENSE AND ENCROACHMENT AGREEMENT BETWEEN NEXTG NETWORKS OF CALIFORNIA AND THE CITY OF MORENO VALLEY; APPLICANT: NEXTG NETWORKS OF CALIFORNIA, INC., A DELAWARE CORP. MILPITAS, CA (Report of: Public Works Department)

Recommendation:

1. Approve the Telecommunication Network License and Encroachment Agreement between NextG Networks of California and the City of Moreno Valley;
2. Authorize the City Manager to execute the Agreement, subject to City Attorney approval; and
3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

Motion to Approve Item A.2 contingent upon the satisfactory submission of insurance and security in the form acceptable to the City by m/Mayor Pro Tem Jesse L. Molina, s/Council Member William H. Batey II
Approved by a vote of 5-0.

A.4 PARCEL MAP NO. 35859 – FIRST SAN MICHELLE LOGISTICS COMPLEX – APPROVE FINAL MAP AND ACCEPT THE AGREEMENT, AND SECURITY FOR PUBLIC IMPROVEMENTS; WEST SIDE OF PERRIS BOULEVARD, EAST SIDE OF KNOX STREET, NORTH SIDE OF NANDINA AVENUE, SOUTH SIDE OF SAN MICHELLE ROAD; DEVELOPER: FIRST INDUSTRIAL, L.P., A DELAWARE LIMITED

PARTNERSHIP, EL SEGUNDO, CA 90245 (Report of: Public Works Department)

Mayor Stewart opened the Agenda Item A.4 for public comments, which were received from George Acosta, Deanna Reeder and Ruthee Goldkorn.

Recommendation:

1. Approve Parcel Map 35859, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation;

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

2. Accept the Agreement and Security for Public Improvements;
3. Authorize the Mayor to execute the Agreement;
4. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and
5. 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.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

AGENDA ORDER

G.2 RESOLUTION TO CREATE A JULY 4TH ADVISORY BOARD (MATERIALS TO BE PROVIDED UNDER SEPARATE COVER) (Report of: City Manager's Office)

Recommendation: That the City Council:

1. Adopt Resolution No. 2011-82 creating the July 4th Advisory Committee; and

Resolution No. 2011-82

A Resolution of the City Council of the City of Moreno Valley, California, to Create a July 4th Advisory Committee

2. Establish trust account 00359.359.2239.16 for receiving donations from the community to fund the City's July 4th Festivities.

Mayor Stewart opened the agenda item for public comments, which received from Deanna Reeder.

Motion to Approve as amended to change the name from "Board" to "Committee" by m/Mayor Pro Tem Jesse L. Molina, s/Council Member Robin N. Hastings
Approved by a vote of 5-0.

AGENDA ORDER

E. PUBLIC HEARINGS

E.1 PUBLIC HEARING AND AUTHORIZATION RESOLUTION FOR EXECUTION AND DELIVERY OF CALIFORNIA COMMUNITIES GAS TAX REVENUE CERTIFICATES OF PARTICIPATION, SERIES 2011B TOTAL ROAD IMPROVEMENT PROGRAM (TRIP)

Mayor Stewart opened the public testimony portion of the public hearing. Public testimony was received from Deanna Reeder.

Recess;
Reconvened

Recommendation: That the City Council:

1. Adopt Resolution No. 2011-81 approving the sale, execution, and delivery of not more than \$20 million in principal amount of California Communities Gas Tax Revenue Certificates of Participation, Series 2011B (TRIP – Total Road Improvement Program) (the "COPs" or "Certificates") and approving certain actions in connection therewith, and authorizing judicial validation proceedings relating thereto;

Resolution No. 2011-81

Approving the Execution and Delivery of California Communities Gas Tax Revenue Certificates of Participation, Series 2011b (T.R.I.P. – Total Road Improvement Program) Pursuant to a Trust Agreement, Authorizing the Execution and Delivery of a Trust Agreement, Certificate Purchase Agreement and an Installment Sale Agreement, Authorizing the Distribution of an Official Statement in Connection with the Offering and Sale of Such Certificates, and Authorizing the Filing of a Validation

Action and Other Matters Relating Thereto

Motion to Approve including amended page 8 (providing code section number 2103) by m/Council Member Robin N. Hastings, s/Council Member Marcelo Co

Approved by a vote of 4-1, Council Member William H. Batey II opposed.

2. Approve the proposed budget adjustments as identified on Attachment 6 for Gas Tax and Measure A funded projects/programs as a modification of the approved FY 2011-12 and FY 2012-13 Operating Budget and FY 2011-12 Capital Improvement Plan (CIP);

Motion to Approve by m/Council Member Robin N. Hastings, s/Mayor Pro Tem Jesse L. Molina

Approved by a vote of 4-1, Council Member William H. Batey II opposed.

3. Approve the annual transfer of \$1,256,000 from the Measure A Fund to the COP Series 2011B Principal and Interest Payment Fund to fund the Installment Payments and reflect the following in Riverside County Transportation Commission's (RCTC) Measure A 5-year Local Streets and Roads CIP:
 - a) Transfer from Measure A to the COP Series 2011B Principal and Interest Payment Fund;
 - b) Proposed budget adjustments for Measure A funded projects/programs as identified on Attachment 6;

Motion to Approve by m/Council Member Robin N. Hastings, s/Council Member Marcelo Co

Approved by a vote of 4-1, Council Member William H. Batey II opposed.

4. Authorize the Public Works Director / City Engineer to submit an amended FY 2012-2016 Measure "A" Local Streets and Roads Five-Year CIP to the Riverside County Transportation Commission (RCTC) to include the addition of the Nason Street Project from Fir Avenue to Cactus Avenue;

Motion to Approve by m/Council Member Robin N. Hastings, s/Council Member Marcelo Co

Approved by a vote of 4-1, Council Member William H. Batey II opposed.

5. Appropriate \$1,256,000 in the COP Series 2011 B Principal and Interest Payment Fund expense budget for installment payments; and

Motion to Approve by m/Council Member Robin N. Hastings, s/Council Member Marcelo Co
Approved by a vote of 4-1, Council Member William H. Batey II opposed.

6. Authorization the addition of the Nason Street Project from Fir Avenue to Cactus Avenue in the FY 2011-12 CIP and authorize the appropriation of up to \$15,000,000 for this project.

Motion to Approve by m/Council Member Robin N. Hastings, s/Council Member Marcelo Co
Approved by a vote of 4-1, Council Member William H. Batey II opposed.

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

G. REPORTS

- G.1 [REDISTRICTING PRESENTATION BY NATIONAL DEMOGRAPHICS CORPORATION FOUNDER ALAN HESLOP \(ORAL PRESENTATION\) \(MATERIALS TO BE PROVIDED UNDER SEPARATE COVER\) \(Report of: City Clerk's Department\)](#)**

Mayor Stewart opened the agenda item for public comments, which were received from Ruthie Goldkorn, Deanna Reeder, Pete Bleckert, Tom Jerele, and Christopher Baca.

No action required.

- G.3 [RESOLUTION OF THE CITY COUNCIL DECLARING ITS INTENTION TO ENACT AN ORDINANCE WHEREBY THE CITY SHALL ELECT TO COMPLY WITH AND PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM; INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL AUTHORIZING THE CITY TO PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM; AND RESOLUTIONS OF THE CITY COUNCIL AND OF THE COMMUNITY REDEVELOPMENT AGENCY APPROVING THE AGREEMENT TO TRANSFER TAX INCREMENT \(Report of: Community & Economic Development Department\)](#)**

Mayor Stewart opened the agenda item for public comments, which were received from Susan Gilchrist and Deanna Reeder.

Recommendation: That the City Council:

1. Introduce an Ordinance No. 832 for first reading and schedule adoption of the Ordinance for August 23, 2011 whereby the City shall elect to Comply with and Participate in the Alternative Voluntary Redevelopment Program contained in Part 1.9 of Division 24 of the California Health and Safety Code;

Ordinance No. 832

An Ordinance of the City of Moreno Valley Electing to Comply With and Participate in the Alternative Voluntary Redevelopment Program Contained in Part 1.9 of Division 24 of the California Health and Safety Code

Motion to Amend the proposed Ordinance No. 832 to include the following language:

WHEREAS, the City reserves the right to appeal the California Director of Finance's determination of the Fiscal Year 2011-12 community remittance, as provided in Health and Safety Code Section 34194; and

WHEREAS, the City understands and believes that an action challenging the constitutionality of AB 1X 26 and AB 1X 27 will be or has been filed on behalf of cities, counties and redevelopment agencies; and

WHEREAS, while the City currently intends to make these community remittances, they shall be made under protest and without prejudice to the City's right to recover such amounts and interest thereon, to the extent there is a final determination that AB 1X 26 and AB 1X 27 are unconstitutional; and

WHEREAS, the City reserves the right, regardless of any community remittance made pursuant to this Ordinance, to challenge the legality of AB 1X 26 and AB 1X 27; and

WHEREAS, to the extent a court of competent jurisdiction enjoins, restrains, or grants a stay on the effectiveness of the Alternative Voluntary Redevelopment Program's payment obligation of AB 1X 26 and AB 1x 27, the City shall not be obligated to make any community remittance for the duration of such injunction, restraint, or stay.

Amend paragraph 3 to read as follows:

The City hereby ordains that the City, under protest, shall comply with the Constitution and the laws of the State of California, including Part 1.9 of Division 24 of the Health and Safety Code, including the determination of remittance amounts, appeal rights in relation thereto, and the making of the remittances referred to in CRL Section 34194(b) and (c) at the times and in the manner described in Part 1.9, without prejudice to the rights of the City (a) to challenge or join with other entities challenging the validity of the Dissolution Act and the Alternative Voluntary Redevelopment Program, (b) to review and appeal the amounts of community remittances required by the Alternative Voluntary Redevelopment Program, (c) in the event a court of competent jurisdiction grants an injunction or stay enjoining the effectiveness of the Dissolution Act and/or the Alternative Voluntary Redevelopment Program, to withhold community remittances while that injunction or stay is in effect, (d) in the event the Dissolution Act and/or the Alternative Voluntary Redevelopment Program is declared invalid by a court of competent jurisdiction, to obtain a refund of any community remittances paid pursuant to the Alternative Voluntary Redevelopment Program and this Ordinance and this Ordinance will immediately become null and void and have no further force or effect, and (e) to subsequently determine, based on circumstance and information then available to the City Council, including the amounts of required community remittances, that is not in the best interests of the City to continue to participate in the Alternative Voluntary Redevelopment Program, in which case the City Council shall formally repeal this Ordinance and the Agency shall be subject to the Dissolution Act. This Ordinance is that ordinance referred to in CRL Section 34193 and shall be interpreted and applied in all respects so as to fully comply with Part 1.9, to the fullest extent required by law.

Motion to Approve the amendment to the proposed Ordinance No. 832 by m/Robin N. Hastings, s/William H. Batey II
Approved by a vote of 5-0.

Motion to Introduce Ordinance No. 832 as amended by m/Robin N. Hastings, s/Marcelo Co
Approved by a vote of 5-0.

2. Adopt Resolution No. 2011-83 declaring its intention to enact an Ordinance whereby the City shall elect to Comply with and Participate in the Alternative Voluntary Redevelopment Program contained in Part 1.9 of Division 24 of the California Health and Safety Code;

Resolution No. 2011-83

A Resolution of the City Council of the City of Moreno Valley
Declaring its Intention to Enact an Ordinance Whereby the City

Shall

Elect Comply with and Participate in the Alternative Voluntary
Redevelopment Program Contained in Part 1.9 of Division 24 of
the California Health and Safety Code

**Motion to Approve by m/Council Member Robin N. Hastings,
s/Council Member Marcelo Co
Approved by a vote of 5-0.**

3. Adopt Resolution No. 2011-84, a resolution of the City of
Moreno Valley approving an Agreement to transfer tax
increment by and between the City of Moreno Valley and the
Community Redevelopment agency of the City of Moreno Valley
dated as of August 23, 2011 and making certain findings in
connection therewith;

Resolution No. 2011-84

A Resolution of the City of Moreno Valley Approving an
Agreement to Transfer Tax Increment by and Between the City
of Moreno Valley and the Community Redevelopment Agency of
the City of Moreno Valley Dated as of August 30, 2011 and
Making Certain Findings in Connection Therewith

**Motion to Approve by m/Council Member Robin N. Hastings,
s/Council Member Marcelo Co
Approved by a vote of 5-0.**

4. That the Community Redevelopment Agency Board of Directors
adopt RDA Resolution No. 2011-11, a resolution of the
Community Redevelopment Agency approving an Agreement to
transfer tax increment by and between the City of Moreno Valley
and the Community Redevelopment Agency of the City of
Moreno Valley dated as of August 23, 2011 and making certain
findings in connection therewith;

Resolution No. RDA 2011-11

A Resolution Of The Community Redevelopment Agency Of
The City Of Moreno Valley Approving The Agreement To
Transfer Tax Increment By And Between The Agency And The
City Of Moreno Valley Dated As Of August 30, 2011 And
Making Certain Findings In Connection Therewith

**Motion to Approve by m/Agency Member Robin N. Hastings,
s/Agency Member Marcelo Co
Approved by a vote of 5-0.**

5. That the City Council and the Redevelopment Agency Board of Directors authorize the City Manager, the Executive Director of the Redevelopment Agency and the Finance and Administrative Services Director to execute documents necessary to comply with the adopted Resolutions and Ordinance;

Motion to Approve by m/Council Member and Agency Member Robin N. Hastings, s/Council Member and Agency Member Marcelo Co
Approved by a vote of 5-0.

6. Authorize the transfer of \$6,169,642 from RDA Tax Increment fund balance to General Fund fund balance to comply with and Participate in the Alternative Voluntary Redevelopment Program contained in Part 1.9 of Division 24 of the California Health and Safety Code; and

Motion to Approve by m/Agency Member Robin N. Hastings, s/Agency Member Marcelo Co
Approved by a vote of 5-0.

7. Authorize the appropriation of \$6,169,642 from General Fund fund balance and remit payments to the County Auditor-Controller, as stated per ABX1 27.

Motion to Approve by m/Council Member Robin N. Hastings, s/Council Member Marcelo Co
Approved by a vote of 5-0.

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

Ray Hicks

1. Relocation of steam generators emitting very low radiation

Pete Bleckert

1. Improvement of roads

Ruthie Goldkorn

1. Infrastructure of Nason area

Deanna Reeder

1. Public record request regarding City Manger's expenditure
2. Spending on infrastructure

Adolf Kruger

1. Enforcing Ordinance 740, which regulate excessive noise

Susan Gilchrist

1. Enforcement of Moreno Valley Municipal Code
2. Sketchers

Narem Qureshi

1. Selective enforcement of Code Compliance

Kenny Bell

1. Attracting businesses; action of the Planning Commissioners

Tom Jerele on behalf of himself and Sundance Plaza Shopping Center

1. Thanked the Council for voting on Item G.3 (redevelopment program)
2. Burglary at the Sundae Center
3. State of the City Address - a great event
4. Edison company bringing radioactive materials

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

Mayor Stewart

1. Responded to speaker's comments: portion that is going to be changed is not part of the original Aquabella senior housing project
2. Suggested setting up a seminar to educate new Planning Commissioners about their roles and responsibilities
3. Infrastructure on Nason was overlooked in the past; big users didn't pay for infrastructure

CLOSED SESSION - canceled

ADJOURNMENT

Motion to Adjourn: there being no further business to conduct, the meeting was adjourned at 9:34 p.m. by unanimous informal consent by Council Member Robin N. Hastings, s/Council Member Marcelo Co. Molina

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 A. Stewart
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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