

**MINUTES**  
**CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY**  
**September 27, 2011**

**CALL TO ORDER**

SPECIAL PRESENTATIONS

1. Verizon Donation to the Moreno Valley Black Chamber of Commerce Community Foundation Family Adult Literacy Program and Technology (FALPT)
2. American Public Works Association (APWA) 2010 Project of the Year Award – Kitching Street Improvements Project
3. Recognition of Moreno Valley Rockets Field and Track Team

**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  
September 27, 2011**

**CALL TO ORDER**

The 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 6:32 p.m. by Mayor Richard A. Stewart in the Council Chamber located at 14177 Frederick Street.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Robin N. Hastings

**INVOCATION**

Pastor James Samples - New Life Christian Fellowship

**ROLL CALL**

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem
Robin N. Hastings	Council Member

Absent:

Marcel Co	Council Member
William H. Batey II	Council Member

Staff:

Kathy Gross	Executive Assistant
Jane Halstead	City Clerk
Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief

Barry Foster  
Sonny Morkus  
Mike McCarty  
Prem Kumar

Community and Economic Development Director  
Human Resources Director  
Parks & Community Services Director  
Assistant City Engineer

**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 Richard A. Stewart 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 SEPTEMBER 13, 2011 \(Report of: City Clerk Department\)](#)

**Recommendation:**  
Approve as submitted.

A.3 [MINUTES - SPECIAL MEETING OF SEPTEMBER 6, 2011 \(Report of: City Clerk Department\)](#)

**Recommendation:**  
Approve as submitted.

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

**Recommendation:**  
Adopt Resolution No. 2011-97, approving the Check Register for the month of July, 2011 in the amount of \$11,090,197.25.

Resolution No. 2011-97

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

A.5 [AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE CITYWIDE SIDEWALKS AND ACCESS RAMPS PROJECT - PROJECT NO. 10-12272227 \(Report of: Public Works Department\)](#)

**Recommendation:**

1. Award the construction contract for the Citywide Sidewalks and Access Ramps Project to Mora's Equipment & Construction, Inc., the lowest responsible bidder;
2. Authorize the City Manager to execute a contract with Mora's Equipment & Construction, Inc.;
3. Authorize the issuance of a Purchase Order to Mora's Equipment & Construction, Inc. for a total amount of \$219,592.20 (\$182,993.50 base bid amount plus 20% contingency) when the contract has been signed by all parties; and
4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Mora's Equipment & Construction, Inc., up to but not to exceed the Purchase Order's total contingency of \$36,598.70, subject to the approval of the City Attorney.

A.6 [TRACT MAP 20185 – EXONERATION OF BONDS FOR PUBLIC IMPROVEMENTS, FRAN LOU DRIVE BETWEEN PERRIS BOULEVARD AND KITCHING STREET - DEVELOPER: LCTH INVESTMENT LP, NEWPORT BEACH, CA 92660 \(Report of: Community and Economic Development\)](#)

**Recommendation:**

1. Authorize the City Engineer to execute the exoneration of the Faithful Performance and Material and Labor Bond associated with Tract 20185 for public improvements; and
2. Direct the City Clerk to forward the Notification of Requirement for Public Improvement Security for Tract 20185 to the County Recorder's Office for recordation.

A.7 [ADOPT RESOLUTION ORDERING THE VACATION OF MOTOR WAY BETWEEN AUTO MALL DRIVE AND EUCALYPTUS AVENUE AND TRANSFER THE PROPERTY TO THE REDEVELOPMENT AGENCY - PROJECT NO. 08-89791725 \(ALSO LISTED AS ITEM C.3\) \(Report of: Public Works Department\)](#)

**Recommendation:**

1. Adopt Resolution No. 2011-98 ordering the vacation of Motor Way, between Auto Mall Drive and Eucalyptus Avenue, excepting and reserving an easement for existing public utilities and access rights in conformance with California Streets and Highways Code - Chapter 3: Section 8324;

Resolution No. 2011-98

A Resolution of the City Council of the City of Moreno Valley, California, ordering the Vacation of Motor Way between Auto Mall Drive and Eucalyptus Avenue

2. Direct the City Clerk to certify said Resolution and transmit a copy of the Resolution to the office of the County Recorder for recordation as required by California Streets and Highways Code - Chapter 3: Section 8325;
3. Authorize the Mayor to execute Easement Deeds to Parcel "A" of Lot Line Adjustment Number 817, and Parcel 1 of Lot Line Adjustment Number 1008 for ingress and egress along Lot B of Parcel Map 23244 (Motor Way); and
4. Authorize the Mayor to execute a quitclaim deed to transfer real property known as Motor Way between Auto Mall Drive and Eucalyptus Avenue from the City of Moreno Valley, a Municipal Corporation to the Community Redevelopment Agency.

**Motion to Continue Item A.7 to October 25, 2011 by m/Council Member Robin N. Hastings, s/Mayor Pro Tem Jesse L. Molina Approved by a vote of 3-0-2, William H. Batey II, and Marcelo Co absent.**

A.8 [SEVENTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE STATE ROUTE 60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT -- PROJECT NO 98-25897 \(Report of: Public Works Department\)](#)

**Recommendation:**

1. Approve the Seventh Amendment to Agreement for Professional Consultant Services in the amount of \$76,875.09 with PB Americas, Inc. (PB), 451 Vanderbilt Way, Suite 200, San Bernardino, California 92408 for continuing services during construction;
2. Authorize the City Manager to execute said Seventh Amendment to Agreement for Professional Consultant Services with PB;
3. Authorize a Change Order to increase the Purchase Order with PB, in the amount of \$92,250.00 (\$76,875.09 plus 20% contingency) when the Seventh Amendment has been signed by all parties (Account No. 125.89720); and
4. Authorize the Public Works Director/City Engineer to execute any

subsequent related minor amendments to the contract with PB up to, but not exceeding, the contingency amount of \$15,374.91, subject to the approval of the City Attorney.

A.9 [ACCEPTANCE OF FY 2011-12 SB 821 GRANT AND FUNDING APPROPRIATION FOR CITYWIDE PEDESTRIAN ENHANCEMENTS PROJECT \(Report of: Public Works Department\)](#)

**Recommendation:**

1. Accept the Riverside County Transportation Commission (RCTC) SB 821 Bicycle and Pedestrian Facilities Program grant award of up to \$75,000 in funds for the Citywide Pedestrian Enhancements project.; and
2. Authorize the \$75,000 revenue and expense appropriation in SCAG Article 3 (Fund 122) funds for the construction costs and reimbursement of the Citywide Pedestrian Enhancements project.

A.10 [FOURTH AMENDMENT TO AGREEMENT FOR LAW ENFORCEMENT SERVICES BETWEEN THE CITY OF MORENO VALLEY AND COUNTY OF RIVERSIDE \(Report of: Police Department\)](#)

**Recommendation:**

Adopt the Fourth Amendment to the Agreement for Law Enforcement Services and authorize the Mayor to sign the document.

A.11 [ACCEPTANCE OF GRANT AWARD FROM THE CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE – MUNICIPAL SPAY-NEUTER GRANT FUND PROGRAM \(Report of: Financial & Administrative Services Department\)](#)

**Recommendation:**

Receive and accept a grant award in the amount of \$15,000 from the California Department of Food & Agriculture for the purpose of providing low to no cost spaying and neutering of dogs and cats owned by individuals residing in the City.

A.12 [APPROVAL OF A RESOLUTION IMPLEMENTING A VOLUNTARY EMPLOYEE BENEFICIARY ASSOCIATION \(VEBA\) TRUST, AND TERMINATING THE EXISTING VEBA TRUST. \(Report of: Human Resources Department\)](#)

**Recommendation:**

Adopt Resolution No. 2011-99, implementing a Voluntary Employee Beneficiary Association (VEBA) Trust, transferring the assets from the existing VEBA trust to the new California Government Voluntary

Employees Beneficiary Association (CALGOVEBA) Trust, and terminating the existing VEBA trust.

Resolution No. 2011-99

A Resolution of the City Council of the City of Moreno Valley, California, Approving Participation in the California Government Voluntary Employee Beneficiary Association (Calgoveba) Trust

- A.13 [PM 35859 – REQUEST TO CONDUCT A FULL ROAD CLOSURE OF NANDINA AVENUE BETWEEN PERRIS BOULEVARD AND KNOX STREET FOR THE CONSTRUCTION OF STREET IMPROVEMENTS FROM SEPTEMBER 28, 2011 – DECEMBER 28, 2011; DEVELOPER: FIRST INDUSTRIAL, L.P. A DELAWARE LIMITED PARTNERSHIP, EL SEGUNDO, CA. 90245 \(Report of: Community and Economic Development Department\)](#)

**Recommendation:**

1. Authorize a full road closure of Nandina Avenue from Perris Boulevard to Knox Street for the construction of street improvements from September 28, 2011 – December 28, 2011; and
2. Authorize the City Engineer to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

**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 SEPTEMBER 13, 2011 \(Report of: City Clerk Department\)](#)

**Recommendation:**

Approve as submitted.

- B.3 [AUTHORIZATION TO ENTER INTO INDEPENDENT CONTRACTOR AGREEMENT FOR SERVICE OF NUTRITIONAL SNACKS TO THE AFTER SCHOOL EDUCATION AND SAFETY PROGRAM \(Report of: Parks and Community Services Department\)](#)

**Recommendation:**

1. Award the contract to Family Services Association, 21250 Box Springs Road, Suite 212, Moreno Valley, CA 92557-8712 to supply and deliver nutritional snacks to the 43 After School Education and

Safety Program sites for the balance of the 2011/2012 school year;  
and

2. Authorize the Purchasing Manager to execute a purchase order in the amount not to exceed \$440,640 to Family Services Association.

### **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 SEPTEMBER 13, 2011 \(Report of: City Clerk Department\)](#)

**Recommendation:**

Approve as submitted.

#### C.3 [ADOPT RESOLUTION ORDERING THE VACATION OF MOTOR WAY BETWEEN AUTO MALL DRIVE AND EUCALYPTUS AVENUE AND TRANSFER THE PROPERTY TO THE REDEVELOPMENT AGENCY - PROJECT NO. 08-89791725 \(ALSO LISTED AS ITEM A.7\) \(Report of: Public Works Department\)](#)

**Recommendation:**

Execute the Acceptance Certification, which will allow the transfer of real property known as Motor Way between Auto Mall Drive and Eucalyptus Avenue from the City of Moreno Valley, a Municipal Corporation to the Community Redevelopment Agency.

**Motion to Continue Item C.3 to October 25, 2011 by m/Council Member Robin N. Hastings, s/Mayor Pro Tem Jesse L. Molina**  
**Approved by a vote of 3-0-2, Council Member William H. Batey II, and Council Member Marcelo Co absent.**

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

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

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



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

D.2 [MINUTES - REGULAR MEETING OF SEPTEMBER 13, 2011 \(Report of: City Clerk Department\)](#)

**Recommendation:**  
Approve as submitted.

## **E. PUBLIC HEARINGS**

E.1 [PUBLIC HEARING REGARDING COUNCILMANIC REDISTRICTING \(POWERPOINT PRESENTATION BY DR. ALAN HESLOP, NATIONAL DEMOGRAPHICS CONSULTANT\) \(Report of: City Clerk's Department\)](#)

**Recommendation: That the City Council:**  
Conduct a public hearing to review the four National Demographics Corporation redistricting plans and the citizen-drawn plans of the Councilmanic districts in the City of Moreno Valley.

**Motion to Continue Item E.1 to October 11, 2011 by m/Mayor Pro Tem Jesse L. Molina, s/Council Member Robin N. Hastings**  
**Approved by a vote of 3-0-2, Council Member William H. Batey II, and Council Member Marcelo Co absent.**

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

## **G. REPORTS**

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

a. Council Member Council Member William H. Batey II report on Riverside County Habitat Conservation Agency (RCHCA)

Report of Council Member William H. Batey II, since he is absent Mayor Richard A. Stewart continued to October 11, 2011.

G.2 [MEDIA AND COMMUNICATIONS STRATEGY \(Report of: City Manager's Office\)](#)

**Recommendation: That the City Council:**  
Approve the proposed Media and Communications Strategy.

**Motion to Continue Item G.2 to October 11, 2011 by m/Mayor Pro Tem Jesse L. Molina, s/Council Member Robin N. Hastings**

**Approved by a vote of 3-0-2, Council Member William H. Batey II, and Council Member Marcelo Co absent.**

G.3 [ECONOMIC DEVELOPMENT ACTION PLAN UPDATE \(Report of: Community & Economic Development Department\)](#)

**Recommendation: That the City Council:**

Review the update of activities reflected in the City Council approved Economic Development Action Plan and Action Steps adopted to make Moreno Valley a Best Place to do Business.

Mayor Richard A. Stewart opened the agenda item for public comments, which were received by Daryl Terrell.

G.4 [INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 10.02.100 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO THE MANDATORY SPAY AND NEUTER OF DOGS AND CATS \(Report of: Financial & Administrative Services Department\)](#)

**Recommendation: That the City Council:**

Introduce Ordinance No. 833 for first reading and schedule adoption of the Ordinance for October 11, 2011 whereby the City shall elect to Amend Section 10.02.100 of the City of Moreno Valley Municipal Code relating to the mandatory spay and neuter of dogs and cats.

Ordinance No. 833

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 10.02.100 of the City of Moreno Valley Municipal Code Relating to the Mandatory Spay and Neuter of Dogs and Cats

**Motion to Approve Item G.4 by m/Mayor Pro Tem Jesse L. Molina, s/Council Member Robin N. Hastings**

**Approved by a vote of 3-0-2, Council Member William H. Batey II, and Council Member Marcelo Co absent.**

G.5 [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

- H.2 .1 [ORDINANCE NO. 829 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING ZONE CHANGE APPLICATION PA08-0098 TO CHANGE THE ZONE FROM BUSINESS PARK TO LIGHT INDUSTRIAL FOR A 55 ACRE SITE \(ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026\) \(RECEIVED FIRST READING AND INTRODUCTION ON SEPTEMBER 6, 2011, BY A 3-2 VOTE, CO AND MOLINA OPPOSED\) \(Report of: Community & Economic Development Department\)](#)

**Recommendation: That the City Council:**

Adopt Ordinance No. 829

Ordinance No. 829

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Zone Change Application PA08-0098 to Change the Zone from Business Park to Light Industrial for a 55 Acre Site (Assessor's Parcel Numbers 488-330-003 Through -006 and -026)

**Motion to Continue Item H.2.1 to October 11, 2011. by m/Mayor Pro Tem Jesse L. Molina, s/Council Member Robin N. Hastings  
Approved by a vote of 3-0-2, Council Member William H. Batey II, and Council Member Marcelo Co absent.**

- H.2 .2 [ORDINANCE NO. 830 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING APPLICATION PA10-0017 AMENDING THE MUNICIPAL CODE TO MAKE CHANGES TO CHAPTER 9.05 INDUSTRIAL DISTRICTS \(RECEIVED FIRST READING AND INTRODUCTION ON SEPTEMBER 6, 2011, BY A 3-2 VOTE, CO AND MOLINA OPPOSED\) \(Report of: Community & Economic Development Department\)](#)

**Recommendation: That the City Council:**

Adopt Ordinance No. 830

Ordinance No. 830

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Application PA10-0017 Amending the Municipal Code to Make Changes to Chapter 9.05 Industrial Districts

**Motion to Continue Item H.2.2 to October 11, 2011. by m/Mayor Pro Tem Jesse L. Molina, s/Council Member Robin N. Hastings  
Approved by a vote of 3-0-2, Council Member William H. Batey II, and Council Member Marcelo Co absent.**

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 Reeder

1. Lawsuit by the City

Adolf Krueger

1. Attended City Council meeting on July 26, 2011; continuing Police Department issues.

Pete Bleckert

1. Black Chamber of Commerce
2. Moreno Valley Chamber of Commerce
3. March Life Care
4. Nason Street Construction

Chris Baca

1. Towing Fees

Jose Chavez

1. Cancellation of Drivers License
2. Fix sidewalks

Daryl Terrell

1. Economic Stimulus Plan

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

Robin L. Hastings

1. Kaiser Groundbreaking
2. Boy Scout Citizen of the Year Dinner - Honoring Paul Cook
  - Thanked the 5-Nations for the honor of Chairperson for the last two years
  - Raised \$22,000 for the Moreno Valley Community Boy Scouts
3. Redistricting
  - Looking for more participation
  - Appreciates those who have submitted public maps for consideration on the redistricting
4. Nason Street Investments and Capital Improvements
  - Asked staff to provide clarification on the difference to what was said and what's being said now concerning this project

Mayor Pro Tem Jesse L. Molina

1. Reported on his recent attendance at the League of California Cities conference in San Francisco, California.
  - Revival in Downtown Parliamentary Procedures for Mayors and Council Members
  - Branding your City using council protocols to build consensus making ethical decisions
  - Signage
  - Ordinances
  - Social Media
  - SB 89 and California Proposition 82 (Important for the State balancing its budget)
  - Smarter Cities are driving growth
  - Property through "Strategic Use"

- Thanked Rick Teichert, Michelle Dawson and the Mayor for showing him around the City of San Francisco

2. Come together as a "Community"; United as a Community - We must all get along

Mayor Richard A. Stewart

1. League of California Cities

- Intense Schedule
- Common General Sessions and Work Sessions
- Staff Sessions
- Attended several sessions on Economic Development
- Branding very interesting
- "Competing" with neighboring cities and at the same time "partnering"

2. Jobs

3. Medical Corridor

4. Redistricting

**CLOSED SESSION**

Cancelled

**ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 8:29 p.m. by unanimous informal consent.

Submitted by:

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City Clerk 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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Mayor Richard A. Stewart  
President, Moreno Valley Community Services District  
Chairperson, Community Redevelopment Agency of the City of Moreno Valley  
Chairperson, Board of Library Trustees