

**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
November 22, 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 6:34 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 William H. Batey II

INVOCATION – Mayor Richard A. Stewart

ROLL CALL

Council:

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

Absent:

Robin N. Hastings	Council Member
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Staff:

Jane Halstead	City Clerk
Julienne Clay	Administrative Assistant
Steve Hargis	Technology Services Division Manager
Robert Hansen	City Attorney
Michelle Dawson	Assistant City Manager
John Anderson	Police Chief
Rick Hartmann	Interim Public Works Director
Barry Foster	Community and Economic Development Director
Tom DeSantis	Interim Human Resources Director
Mike McCarty	Parks & Community Services Director
Abdul Ahmad	Battalion Chief

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, which were received from Pete Bleckert (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 NOVEMBER 8, 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 November 2 – 15, 2011.

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

Recommendation:

Adopt Resolution No. 2011-114, approving the Check Register for the month of September, 2011 in the amount of \$13,055,058.15.

Resolution No. 2011-114

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

A.5 [TR 31129 AND TR 22709-1 – ACCEPTANCE OF STORM DRAIN EASEMENT AND EXECUTION OF QUITCLAIM DEED TRANSFERRING THE CITY'S TITLE INTEREST IN THE STORM DRAIN EASEMENT OVER A PORTION OF LOT "EE" OF TR 22709-1 AND EXECUTION OF EASEMENT DEED FOR STORM DRAIN PURPOSES OVER LOT "T" OF](#)

TR 31129 TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT PER THE COOPERATIVE AGREEMENT BETWEEN CITY OF MORENO VALLEY, RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT AND WESTERN PACIFIC HOUSING, INC. - DEVELOPER -WESTERN PACIFIC HOUSING, INC., CORONA, CA 92880 (Report of: Community and Economic Development Department)

Recommendation:

1. Adopt the proposed Resolution authorizing the acceptance of the public storm drain easement, over a portion of Lot "EE" of TR 22709-1, per Irrevocable Offer of Dedication recorded as Instrument Number 2005-1053116 in the Official Records of Riverside County, California;

Resolution No. 2011-115

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of Storm Drain Easement Recorded as Instrument Number 2005-1053116 in the Official Records of Riverside County, California, Execution of Quitclaim Deed Transferring the City's Title Interest in the Storm Drain Easement Over a Portion of Lot "EE" of TR 22709-1 and Execution of Easement Deed for Storm Drain Purposes over Lot "T" of TR 31129 to the Riverside County Flood Control and Water Conservation District per the Cooperative Agreement Between City of Moreno Valley, Riverside County Flood Control & Water Conservation District and Western Pacific Housing, Inc.

2. Authorize the Mayor to execute the Quitclaim Deed transferring all right, title and interest in and to the storm drain easement, over a portion of Lot "EE" of TR 22709-1, per Irrevocable Offer of Dedication recorded as Instrument Number 2005-1053116 in the Official Records of Riverside County, California;
3. Authorize the Mayor to execute the Easement Deed for flood control and drainage purposes over Lot "T" of TR 31129; and
4. Direct the City Clerk to forward the signed Quitclaim Deed with the proposed Resolution and Easement Deed to the Riverside County Flood Control and Water Conservation District for further processing and recordation.

A.6 ASSET FORFEITURE EXPENDITURES (Report of: Police Department)

Recommendation:

1. Approve the use of \$129,222 of a total of \$145,576 in available asset forfeiture monies held by Riverside County on the City's behalf;
2. Approve the revenue appropriation of \$129,222 for the FY2011-12 General Fund Revenue Asset Forfeiture budget; and
3. Approve the expenditure appropriation of \$129,222 for the FY2011-12 Police Department Special Enforcement budget.

A.7 [THE ENVIRONMENTAL AND HISTORICAL PRESERVATION BOARD ASSIGNING LANDMARK STATUS TO THE HENDRICK RANCH SITE LOCATED AT 27913 COTTONWOOD AVENUE AT THE SOUTHWEST CORNER OF MORENO BEACH DRIVE AND COTTONWOOD AVENUE \(PORTION OF APN 488-200-013\) \(Report of: Community & Economic Development Department\)](#)

Recommendation:

RECEIVE AND FILE the Environmental and Historical Preservation Board's adoption of EHPB Resolution 2011-01 assigning landmark status to the Hendrick Ranch site.

A.8 [PA00-0010 \(PARCEL MAP 29700\) – TERMINATION OF TRAFFIC SIGNAL MITIGATION AGREEMENT AND RELEASE OF TRAFFIC SIGNAL MITIGATION BOND. DEVELOPER - CALIFORNIA DRUG CONSULTANTS, MORENO VALLEY, CA 92557 \(Report of: Community and Economic Development Department\)](#)

Recommendation:

1. Approve the termination of the Traffic Signal Mitigation Agreement;
2. Approve the release of the Traffic Signal Mitigation Bond;
3. Authorize the Community and Economic Development Director to execute the Notice to Terminate, as required under the Traffic Signal Mitigation Agreement; and
4. Direct the City Clerk to forward the Notice to Terminate to the County Recorder's Office for recordation.

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 NOVEMBER 8, 2011 \(Report of: City Clerk Department\)](#)

Recommendation:
Approve as submitted.

- B.3 [AUTHORIZE THE SUBMISSION OF GRANT APPLICATIONS FOR 21ST CENTURY COMMUNITY LEARNING CENTERS ELEMENTARY AND MIDDLE/JUNIOR HIGH STUDENTS FUNDING FOR FISCAL YEAR 2012-13 \(Report of: Parks and Community Services Department\)](#)

Recommendation:
Authorize the City Manager to submit grant applications in the amount of \$1,598,898 to the California Department of Education for the 21st Century Community Learning Centers Elementary and Middle/Junior High Students funding for FY 2012-13.

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 NOVEMBER 8, 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 NOVEMBER 8, 2011 \(Report of: City Clerk Department\)](#)

Recommendation:
Approve as submitted.

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 4-0-1, Council Member Robin N. Hastings absent.

E. PUBLIC HEARINGS – NONE

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) Mayor Pro Tem Mayor Pro Tem Jesse L. Molina report on Riverside Transit Agency (RTA)

RTA received a clean, unqualified opinion under a recent audit. Buses will not be running November 24, but they will resume on November 25. Larry Rubio is doing a great job at RTA. Some bus routes will change, and an update will be provided once received.

G.2 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

Assistant City Manager Michelle Dawson gave the City Manager's Report

The next Town Hall meeting will be for District 1 with Mayor Pro Tem Molina. It will be held on December 7 at 6:00 p.m. at the Senior Center.

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION – NONE

Mayor Richard A. Stewart opened the Legislative Actions items for public comments, which were received from Pete Bleckert and John Loper.

H.2 ORDINANCES - 2ND READING AND ADOPTION

- H.2 .1 ORDINANCE NO. 834 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE THIRD AMENDMENT TO THE ANNEXATION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MORENO VALLEY, RIR ASSOCIATES AND RYDER HOMES RELATIVE TO THE DEVELOPMENT KNOWN AS MORENO VALLEY MIXED USE DEVELOPMENT (TOWNGATE) (RECEIVED FIRST READING AND INTRODUCTION ON NOVEMBER 8, 2011 BY A 4-0-1 VOTE, MOLINA RECUSED) (Report of: Community & Economic Development Department)

Recommendation: That the City Council:
Adopt Ordinance No. 834.

Ordinance No. 834

An Ordinance of the City Council of the City of Moreno Valley, California, Approving the Third Amendment to the Annexation and Development

Agreement Between the City of Moreno Valley, RIR Associates and Ryder Homes Relative to the Development Known as Moreno Valley Mixed Use Development (Towngate)

Director Barry Foster announced that after the first reading of the ordinance staff was notified that the new owner of the Moreno Valley Mall, CW Capital, has decided not to participate in the extension of the agreement, based on the advice of their legal counsel. CW Capital will not be a party to the extension agreement because of the inability to enter into this kind of agreement. There are some IRS tax considerations they became aware of. CW Capital acknowledges and understands that they will not be a party to the extension agreement. The document has been modified to exclude CW Capital as a party to the amendment.

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 3-0-1-1, Mayor Pro Tem Jesse L. Molina recused, Council Member Robin N. Hastings 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

Pete Bleckert

1. Derogatory remarks and intimidation

Daryl Terrell

1. Providing proposals and solutions

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

Council Member William H. Batey II

1. Moreno Valley is getting ready to bid out projects. Use the project labor agreement for Moreno Valley residents that are out of work in those trades so they can work in their community.
2. Have a happy and safe Thanksgiving, and enjoy the weekend.

Mayor Pro Tem Jesse L. Molina

1. Darryl gave a very good speech and good points were brought out.
2. Give thanks at Thanksgiving. Not everyone around the world has what we do. Reach out to somebody and make a difference.
3. Happy Thanksgiving to everyone.

Council Member Marcelo Co

1. Thank you to everyone for all the things done so far. Move forward and work together. The economy has problems.
2. Daryl Terrell cares about Moreno Valley, and he is to be commended for that. It's very hard to implement projects when there isn't money in the budget. Keep coming and remind us we should work together. Keep up your good ideas.
3. Have a Happy Thanksgiving.

Mayor Richard A. Stewart

1. If staff corrects a speaker's facts on the record, this is not intimidation. The City Council and staff have an obligation to correct a speaker's facts if they are not true.
2. As far as special interests are concerned with the Ridge Property Trust, everyone in that issue had a different opinion. The Planning Commission opposed it. The Council approved it. Council didn't bow to the big special interest, but went with the proponent.
3. There has been a recent change lately regarding speakers being anonymous, but one of the people doing this is asking for a Sunshine Ordinance in transparency so everything is not secret, but out in the public. It seems to be a contradiction in terms.
4. There was a column in the Press Enterprise about the Moreno Valley Library, which had nothing to do with the items Council voted on. The article pointed out the Moreno Valley Library has less computers than the City of Temecula Library. In addition to the computers at the Moreno Valley Library, there are an additional 25 computers at the Work Force Development Center, and nine computers at the Senior Center. Moreno Valley has double the amount of computers than what the column stated. There is a 35% per capita difference between Temecula and Moreno Valley in general fund money to be spent.

There being no further business to conduct, the meeting was adjourned at 7:11 p.m. by unanimous informal consent.

CLOSED SESSION

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

Mayor Richard A. Stewart opened the Closed Session items for public comments; there being none, public comments were closed.

The City Attorney announced that there is one item under Initiation of Litigation: the City Attorney is seeking authority from the City Council to initiate litigation against the bond surety for the failure of a now bankrupt developer to build a linear park pursuant to the public improvement agreement.

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

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

The City Attorney announced that the City Council voted 4-0-1, Council Member Robin N. Hastings absent, to authorize the City Attorney to commence litigation against a bond surety of a now bankrupt developer to build a linear park pursuant to a public improvement agreement.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 7:15 p.m. to Closed Session by unanimous informal consent.

Submitted by:

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:

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
Jc/el