

MINUTES
CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY
January 10, 2012

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Employee of the Quarter - Margery Lazarus, Senior Engineer, P.E.
2. Officer of the Quarter - Officer Ernie Esquibel
3. Recognition of Steve Curley, Fire Chief

**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
January 10, 2012**

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 6:59 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 Mayor Richard A. Stewart

INVOCATION

Pastor Diane Gardner, Beautiful Women of God - Diane Gardner Ministries

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Council Member
Marcelo Co	Council Member
Robin N. Hastings	Council Member

Absent:

William H. Batey II	Mayor Pro Tem
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Staff:

Abdul Ahmad	Batallion Chief
Kathy Gross	Executive Assistant
Jane Halstead	City Clerk
Henry T. Garcia	City Manager
Richard Teichert	Financial & Administrative Services Director
Robert L. Hansen	City Attorney
Michelle Dawson	Assistant City Manager
John Anderson	Police Chief
Ahmad Ansari	Public Works Director
Barry Foster	Community & Economic Development Director
Tom DeSantis	Interim Human Resources 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 Richard A. Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Kenny Bell (Item A.5) and Deanna Reeder (Item A.5).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF DECEMBER 13, 2011 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

Recommendation:

Receive and file the Reports on Reimbursable Activities for the period of December 7, 2011 – January 3, 2012.

A.4 APPROVAL OF CHECK REGISTER FOR OCTOBER, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2012-01, approving the Check Register for the month of October, 2011 in the amount of \$14,849,287.13

Resolution No. 2012-01

A Resolution of the City of Moreno Valley, California, Approving the Check Register for the month of October, 2011

A.5 APPROVAL OF RESOLUTION NO. 2012-02 ADOPTING A RENEWABLE ENERGY RESOURCES ENFORCEMENT PROGRAM GOVERNING MORENO VALLEY UTILITY'S COMPLIANCE WITH CALIFORNIA SENATE BILL 1X-2 (SB1X-2) (Report of: Public Works Department)

Recommendation:

Approve and adopt Resolution No. 2012-02 establishing a Renewable Energy Resources Enforcement Program pursuant to California Senate Bill 1X-2.

Resolution No. 2012-02

A Resolution of the City Council of the City of Moreno Valley, California, establishing a Renewable Energy Resources Enforcement Program pursuant to California Senate Bill 1X-2

- A.6 PA07-0165 (PM 35859) – REQUEST TO EXTEND A FULL ROAD CLOSURE OF NANDINA AVENUE BETWEEN PERRIS BOULEVARD AND KNOX STREET FOR THE CONSTRUCTION OF STREET IMPROVEMENTS FROM JANUARY 28, 2012 – MARCH 12, 2012 - DEVELOPER: FIRST INDUSTRIAL, L.P., A DELAWARE LIMITED PARTNERSHIP, EL SEGUNDO, CA. 90245 (Report of: Community & Economic Development Department)

Recommendation:

1. Authorize a time extension to the full road closure of Nandina Avenue from Perris Boulevard to Knox Street for the construction of street and utility improvements from January 28, 2012 – March 12, 2012; 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 and/or inclement weather.

- A.7 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR LOCAL STREET PAVEMENT RESURFACING - PROJECT NO. 12-22679728 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Local Street Pavement Resurfacing project to All American Asphalt, PO Box 2229, Corona, CA 92878, the lowest responsible bidder;
2. Authorize the City Manager to execute a contract with All American Asphalt;
3. Authorize the issuance of a Purchase Order to All American Asphalt in the amount of \$831,230.40 (bid amount \$692,692.00 plus 20% contingency of \$138,538.40) when the contract has been signed by all parties; and

4. Authorize the Public Works Director and/or City Engineer to execute any subsequent change orders to the contract with All American Asphalt up to but not to exceed the Purchase Order contingency of \$138,538.40, subject to the approval of the City Attorney.

- A.8 ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE MORENO TOWNSITE AREA STORM DRAIN AND MISCELLANEOUS STREET IMPROVEMENTS BETWEEN ALESSANDRO BOULEVARD AND DRAINAGE FACILITY LINE F PROJECT NO. 11-12566730 (Report of: Public Works Department)

Recommendation:

Adopt a Mitigated Negative Declaration (MND) for the Moreno Townsite Area Storm Drain and Street Improvements between Alessandro Boulevard and Drainage Facility Line F, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level.

- A.9 ORDINANCE NO. 835 - AN ORDINANCE OF THE CITY OF MORENO VALLEY, CALIFORNIA, REPEALING AND RE-ENACTING SECTIONS 3.44.010, 3.44.020A AND 3.44.050 OF TITLE 3 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE (RECEIVED FIRST READING AND INTRODUCTION ON DECEMBER 13, 2011 BY A 5-0 VOTE) (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

Adopt Ordinance No. 835, repealing and re-enacting Sections 3.44.010, 3.44.020A, and 3.44.050 of the City of Moreno Valley Municipal Code, facilitating the processing of developer reimbursements.

Ordinance No. 835

An Ordinance of the City of Moreno Valley, California, Repealing and Re-Enacting Sections 3.44.010, 3.44.020A and 3.44.050 of Title 3 of the City of Moreno Valley Municipal Code

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 DECEMBER 13, 2011 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

- B.3 AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION FOR ADDITIONAL AFTER SCHOOL EDUCATION AND SAFETY GRANT FUNDS FOR ELEMENTARY AND MIDDLE/JUNIOR HIGH SCHOOL STUDENTS FOR FISCAL YEAR 2012/13 (Report of: Parks and Community Services Department)

Recommendation:

Authorize the City Manager to submit a grant application in the amount of \$567,000 to the California Department of Education for After School Education and Safety Grant funds (ASES) for Elementary and Middle/Junior High School students 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 DECEMBER 13, 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 DECEMBER 13, 2011 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

Motion to Approve Joint Consent Calendar Items A.1 through D.2 by m/Council Member Jesse L. Molina, s/Council Member Robin N. Hastings

Approved by a vote of 4-0-1, Mayor Pro Tem William H. Batey II absent.

E. PUBLIC HEARINGS

- E.1 PUBLIC HEARING AND AUTHORIZING RESOLUTION FOR EXECUTION AND DELIVERY OF CALIFORNIA COMMUNITIES GAS TAX REVENUE CERTIFICATES OF PARTICIPATION, SERIES 2012_ TOTAL ROAD IMPROVEMENT PROGRAM (TRIP) (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

After conducting public hearing, adopt Resolution No. 2012-03 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 2012_ (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. 2012-03

Resolution Approving the Execution and Delivery of California Communities Gas Tax Revenue Certificates of Participation, Series 2012B (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

Mayor Richard A. Stewart opened the public testimony portion of the public hearing. Public testimony was received from John Rupert, Lance G. Peyton (Oppose), Ms. Smith (Oppose), Deanna Reeder (Oppose), Radene Heirs (Oppose), Michael McCoy (Oppose), Susan Gilchrist (Oppose), Tom Thornsby (Oppose), and Jim Kelly (Oppose).

A five minute recess was requested by Council Member Robin N. Hastings to clarify with the public who took the time to speak on this matter.

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

- E.2 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR ASSESSOR PARCEL NUMBERS ASSOCIATED WITH TENTATIVE PARCEL MAP 34577 BALLOTING FOR NPDES (Report of: Public Works Department)

Mayor Richard A. 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 Public Hearing and accepting public testimony, direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballot for Assessor Parcel Numbers (APNs) 316-170-004, 316-170-006, 316-170-007, 316-170-010, 316-170-013, 316-170-015, 316-170-016, and 316-170-017 (the Parcels);

Motion to Approve Recommendation No. 1 by m/Council Member Robin N. Hastings, s/Council Member Jesse L. Molina
Approved by a vote of 4-0-1, Mayor Pro Tem William H. Batey II absent.

The City Clerk announced the following:

National Pollutant Discharge Elimination System (NPDES) ballot for Assessor Parcel Numbers (APNs) 316-170-004, 316-170-006, 316-170-007, 316-170-010, 316-170-013, 316-170-015, 316-170-016, and 316-170-017 (the parcels)- "Yes" vote; passes

2. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet;
3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and
4. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to the Parcels.

Motion to Approve Recommendation Nos. 2, 3 and 4 by m/Council Member Robin N. Hastings, s/Council Member Jesse L. Molina
Approved by a vote of 4-0-1, Mayor Pro Tem William H. Batey II absent.

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. Council Member Council Member Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)
- G.2 JULY 4TH UPDATE (ORAL PRESENTATION) (Report of: Parks and Community Services Department)

Mayor Richard A. Stewart opened the agenda item for public comments, which were received from Pete Bleckert.

- G.3 REQUEST FOR CITY COUNCIL DIRECTION IN PROCEEDING WITH AN ELECTION ON THE QUESTION OF DIRECTLY ELECTED MAYOR AND AUTHORIZATION TO HIRE REDISTRICTING CONSULTANT (Report of: City Attorney)

Recommendation: That the City Council:

1. Determine whether the City should be divided into four (4), six (6) or eight (8) new City Council Districts to submit to the voters along with the question of creating the office of directly elected Mayor;
2. Authorize the proposed redistricting of the City into four (4), six (6) or eight (8) City Council Districts; authorize the City Manager to execute a contract with National Demographics Corporation for redistricting services pursuant to their written proposal in an amount not to exceed \$30,000.00; and appropriate \$30,000 from the General Fund fund balance to account No. 010.13110.6291.293;
3. Bring back to the City Council for further discussion the newly created City Council Districts before submitting same to the Planning Commission for findings as required by law;
4. Direct staff to prepare all necessary documents and ordinances to submit to the Planning Commission for findings as required by law; and
5. Direct staff to prepare all necessary documents, resolutions and ordinances for the City Council to call an election on the matter of a directly elected Mayor and four (4), six (6) or eight (8) City Council Districts for the November 6, 2012, municipal general election.

Motion to Continue Item G.3 to January 24, 2012 by m/Council Member Jesse L. Molina, s/Council Member Marcelo Co Approved by a vote of 4-0-1, Mayor Pro Tem William H. Batey II absent.

G.4 2012 COUNCIL COMMITTEE PARTICIPATION APPOINTMENTS (Report of: City Clerk Department)

Recommendation: That the City Council:

1. Approve appointments to the various committees and regional bodies as recommended in the 2012 Council Committee Participation list submitted by Mayor Richard A. Stewart:

Appoint Mayor Richard A. Stewart to serve as the City of Moreno Valley's representative on the March Joint Powers Commission (MJPC); and

2. Appoint Mayor Pro Tem Council Member William H. Batey II to serve as the City of Moreno Valley's representative on the March Joint Powers Commission (MJPC); and
3. Appoint Council Member Council Member Marcelo Co to serve as the City of Moreno Valley's alternate representative on the March Joint Powers Commission (MJPC); and
4. Appoint Mayor Pro Tem Council Member William H. Batey II to serve as the City of Moreno Valley's representative on the Riverside County Habitat Conservation Agency (RCHCA); and
5. Appoint Council Member Mayor Pro Tem Jesse L. Molina to serve as the City of Moreno Valley's alternate representative on the Riverside County Habitat Conservation Agency (RCHCA); and
6. Appoint Council Member Council Member Marcelo Co to serve as the City of Moreno Valley's representative on the Riverside County Transportation Commission (RCTC); and
7. Appoint Mayor Richard A. Stewart to serve as the City of Moreno Valley's alternate representative on the Riverside County Transportation Commission (RCTC); and
8. Appoint Council Member Mayor Pro Tem Jesse L. Molina to serve as the City of Moreno Valley's representative on the Riverside Transit Agency (RTA); and

9. Appoint Council Member Council Member Marcelo Co to serve as the City of Moreno Valley's alternate representative on the Riverside Transit Agency (RTA); and
10. Appoint Council Member Council Member Robin N. Hastings to serve as the City of Moreno Valley's representative on the Western Riverside Council of Governments (WRCOG); and
11. Appoint Council Member Council Member Marcelo Co to serve as the City of Moreno Valley's alternate representative on the Western Riverside Council of Governments (WRCOG); and
12. Appoint Mayor Pro Tem Council Member William H. Batey II to serve as the City of Moreno Valley's representative on the Western Riverside County Regional Conservation Authority (RCA); and
13. Appoint Council Member Mayor Pro Tem Jesse L. Molina to serve as the City of Moreno Valley's alternate representative on the Western Riverside County Regional Conservation Authority (RCA);
14. Approve the appointments to the remaining various committees and regional bodies, as noted on the 2012 Council Committee Participation – Mayor's Recommendations list.

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

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

No Reports

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION

H.1 .1 ORDINANCE DESIGNATING SPEED LIMIT CERTIFICATION ON VARIOUS STREETS (Report of: Public Works Department)

Recommendation: That the City Council:

1. Receive and file this report; and

2. Introduce Ordinance No. 837, amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code declaring prima facie speed limits on certain streets (as listed on the ordinance).

Ordinance No. 837

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code Relating to a Prima Facie Speed Limit for Certain Streets

Motion to Continue Item H.1.1 to February 14, 2012 by m/Council Member Jesse L. Molina, s/Council Member Robin N. Hastings Approved by a vote of 4-0-1, Mayor Pro Tem William H. Batey II absent.

H.2 ORDINANCES - 2ND READING AND ADOPTION

- H.2 .1 ORDINANCE NO. 836 - AMENDING SECTION OF 12.36.010 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO THE DESIGNATION OF TRUCK ROUTES (RECEIVED FIRST READING AND INTRODUCTION ON DECEMBER 13, 2011 BY A 3-2 VOTE, BATEY AND HASTINGS OPPOSED) (Report of: Public Works Department)

Recommendation: That the City Council:

Adopt Ordinance No. 836, amending Section 12.36.010 of Chapter 12.36 of Title 12 of the Municipal Code to remove Redlands Boulevard from Alessandro Boulevard to the SR-60 eastbound on/off ramp as a designated "Truck Route."

Ordinance No. 836

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 12.36.010 of Chapter 12.36 of Title 12 of the City of Moreno Valley Municipal Code, Revising the Designation of Truck Routes

Mayor Richard A. Stewart opened the agenda item for public comments, which were received from Susan Gilchrist (Oppose), Tom Thornsby (Support), and Deanna Reeder.

Motion to Adopt Item H.2.1. by m/Council Member Jesse L. Molina, s/Council Member Marcelo Co
Approved by a vote of 3-1-1, Council Member Robin N. Hastings opposed, Mayor Pro Tem William H. Batey II 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. State 2 Billion dollars short
2. RDA

Deanna Reeder

1. Nason Funding
2. RDA

Jose Chavez

1. Police Department

Susan Gilchrist

1. Riverside County Trails - Seeking Goals
2. Quality of Residents Improve
3. Warehousing in Moreno Valley and Higher-end Housing

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

Council Member Marcelo Co

1. Jobs
2. Infrastructure

Council Member Robin N. Hastings

1. Thanked everyone that came to the Council Meeting and spoke tonight
2. Nason Street
3. Thanked everyone for continued support

Council Member Jesse L. Molina

1. City Manager's New Plan
2. Higher-end Housing
3. Unity
4. Young Families and the Future
5. Congratulations to Rancho Verde High School, Moreno Valley High School and Valley View High School for their CIF and League Championships

Mayor Richard A. Stewart

1. RDA monies
2. Harbor Freight Soft Opening
3. Communication to Council or staff concerning agenda items can be made to the Council offices and the information can be provided accurately before the meeting.
4. Warehousing Oppositions - Medical Corridor
5. MJPA
6. Fire Explorer, Jesse Diaz, was killed in an auto accident after passing his Level 1 Exam into the Fire Program

CLOSED SESSION

PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA
UNDER THE JURISDICTION OF THE CITY COUNCIL - None

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

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

None

ADJOURNMENT

Mayor Richard A. Stewart made a motion to adjourn in memory of Jesse Diaz, Fire Explorer, and Council Member Robin N. Hastings added a motion to also adjourn in memory of Senator Emmerson's father who also passed away, therefore; made the motion to adjourn in memory of both.

m/Council Member Robin N. Hastings, s/Mayor Richard A. Stewart, the meeting was adjourned at 9:30 p.m. by a unanimous informal consent.

Approved by a vote of 4-0-1, Mayor Pro Tem William H. Batey II absent.

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