

MINUTES
CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY
December 11, 2012

CALL TO ORDER

SPECIAL PRESENTATIONS

1. A Child's Place and THINK Together Holiday Singers
2. Recycling All-Star Awards Presented by Waste Management - The Lasselle Place, O'Brien Family, and Blow Family
3. Employee of the Quarter Recognition, 3rd Quarter 2012
Public Works' Maintenance & Operations Division
4. Business Spotlight
 - a) McDonald's Restaurant
 - b) Chicago Pasta House

**MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF
THE CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY
BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING – 6:30 PM
December 11, 2012**

CALL TO ORDER

The Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, Moreno Valley Housing Authority and the Board of Library Trustees was called to order at 6:33 p.m. by Mayor Richard A. Stewart in the Council Chamber located at 14177 Frederick Street

Mayor Richard A. Stewart announced that the City Council receives a separate stipend for CSD meetings.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Marcelo Co

INVOCATION - Deacon Richard Heames, St. Patrick Catholic Church

ROLL CALL

Council:

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

Absent:

William H. Batey II	Mayor Pro Tem
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
Joel Ontiveros	Police Chief
Mike Smith	Fire Department
Ahmad Ansari	Public Works Director
Barry Foster	Community and Economic Development Director
Tom DeSantis	Human Resources Director
Mike McCarty	Parks & Community Services Director
Michele Patterson	Assistant to the City Manager
Dante Hall	Business Support & Neighborhood Programs Administrator

Mayor Richard A. Stewart announced that the public comments on matters not on the agenda will be held after Item 3, City Council Reorganization.

SPECIAL ORDER OF BUSINESS

- 1 [RESOLUTION NO. 2012-96 CERTIFYING GENERAL MUNICIPAL ELECTION RESULTS](#)
(Report of: City Clerk Department)

Recommendation:

Adopt Resolution No. 2012-96 reciting the facts of the General Municipal Election held November 6, 2012, declaring the result and such other matters as provided by law.

Resolution No. 2012-96

A Resolution of the City Council of the City of Moreno Valley, California, Reciting the Facts of the General Municipal Election held November 6, 2012, Declaring the Results and such Other Matters as Provided by Law

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

Motion to Approve by m/Council Member Jesse L. Molina, s/Council Member Marcelo Co

Approved by a vote of 3-0, Mayor Pro Tem William H. Batey and Council Member Robin L. Hastings absent.

- 2 [SWEARING-IN OF COUNCIL MEMBERS ELECT](#)

Mayor Richard A. Stewart opened the agenda item for public comments,

which were received from Gil Navarro, Pete Bleckert, Pete Bleckert on behalf of Ray Hosman, and Danny Morales.

City Clerk Jane Halstead swore in Council Member Jesse L. Molina and Council Member Owings. Judge Jorge Hernandez swore in Council Member Victoria Baca.

3 [CITY COUNCIL REORGANIZATION – MAYOR AND MAYOR PRO TEM](#)

(Report of: City Clerk Department)

Recommendations That the City Council:

Conduct the reorganization of the City Council by selecting two Council Members to serve one-year terms respectively as Mayor and Mayor Pro Tem.

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

Motion to conduct the selection process by voice vote by m/Mayor Richard A. Stewart, s/Council Member Victoria Baca

Approved by a vote of 5-0.

The City Clerk opened nominations for Mayor.

Mayor Richard A. Stewart nominated Council Member Tom Owings for mayor; seconded by Council Member Jesse L. Molina.

Victoria Baca nominated Council Member Jesse L. Molina.

Motion to Close nominations by m/Mayor Richard A. Stewart, s/Council Member Tom Owings

Approved by a vote of 5-0.

Roll call for Motion to select Council Member Tom Owings as Mayor.

Approved by a vote of 4-1, Council Member Baca opposed.

Roll call for Motion to select Council Member Jesse L. Molina as Mayor.

Motion Failed by a vote of 1-4. Council Member Marcelo Co, Council Member Jesse L. Molina and Mayor Richard A. Stewart opposed.

The City Clerk announced that Council Member Tom Owings was selected as Mayor.

The City Clerk opened nominations for Mayor Pro Tem.

Mayor Richard A. Stewart nominated Council Member Marcelo Co for Mayor Pro Tem; seconded by Council Member Jesse L. Molina

Motion to Close nominations by m/Council Member Tom Owings, s/Mayor Richard A. Stewart

Approved by a vote of 5-0.

Roll Call for Motion to Select Council Member Marcelo Co as Mayor Pro Tem

Approved by a vote of 5-0.

The City Clerk announced that Council Member Marcelo Co was selected as Mayor Pro Tem.

Public Comments were taken after conclusion of Item No. 3.

Recess;
Reconvened

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 (Item A10).

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 27, 2012 \(Report of: City Clerk's Department\)](#)

Recommendation:
Approve as submitted.

A.3 [CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES \(Report of: City Clerk's Department\)](#)

Recommendation:

Receive and file the Reports on Reimbursable Activities for the period of November 21 – December 4, 2012.

A.4 [AWARD CONSTRUCTION CONTRACT TO SEQUEL CONTRACTORS, INC. FOR THE ALESSANDRO BOULEVARD IMPROVEMENTS AT INDIAN STREET, PROJECT NO. 801 0041 70 77-2002](#)

(Report of: Public Works Department)

Recommendations

1. Award the construction contract to Sequel Contractors, Inc., 13546 Imperial Hwy., Santa Fe Springs, CA 90670, to the lowest responsible bidder, for the construction of Alessandro Boulevard Improvements at Indian Street.
2. Authorize the City Manager to execute the Agreement with Sequel Contractors, Inc.
3. Authorize the issuance of a Purchase Order to Sequel Contractors, Inc. for \$309,608.18 (\$269,224.50 base bid amount plus 15% contingency) when the contract has been signed by all parties.
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with Sequel Contractors, Inc. up to, but not to exceed, the contingency amount of \$40,383.68, subject to the approval of the City Attorney.
5. Authorize the Public Works Director/City Engineer to record the Notice of Completion once he determines the work is complete, accept the improvements into the City's maintained system, and release the retention to Sequel Contractors, Inc., if no claims are filed against the project.

A.5 [AWARD CONSTRUCTION CONTRACT TO C & C GRADING & PAVING, INC. FOR THE STREET IMPROVEMENT PROGRAM, KENTLAND LANE SOUTH OF EUCALYPTUS AVENUE, WILSON PLACE AND KENNY DRIVE, PROJECT NO. 801 0011 70 77](#)

(Report of: Public Works Department)

Recommendations

1. Award the construction contract for \$243,613.96 to C & C Grading & Paving, Inc., P.O. Box 251, Temecula, CA 92593, the lowest

responsible bidder, for construction of the Street Improvement Program, Kentland Lane south of Eucalyptus Avenue, Wilson Place and Kenny Drive.

2. Authorize the City Manager to execute the Agreement with C & C Grading & Paving, Inc.
3. Authorize the issuance of a Purchase Order to C & C Grading & Paving, Inc. for \$292,336.75 (\$243,613.96 bid plus 20% contingency) when the contract has been signed by all parties.
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with C & C Grading & Paving, Inc. up to, but not exceeding, the contingency amount of \$48,722.79, subject to the approval of the City Attorney.
5. Authorize the Public Works Director/City Engineer to record the Notice of Completion once he determines the work is complete, accept the improvements into the City's maintained system, and release the retention to C & C Grading & Paving, Inc., if no claims are filed against the project.

A.6 [MORENO VALLEY RANCH SPECIFIC PLAN 193 – EXONERATE FAITHFUL PERFORMANCE BOND AND MATERIAL & LABOR BOND FOR LANDSCAPE AND IRRIGATION IMPROVEMENTS FOR PLANNING AREA 32 \(TRACT 32144\), IRIS AVENUE FRONTAGE AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE LANDSCAPE AND IRRIGATION IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF IRIS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM](#)

(Report of: Community & Economic Development Department)

Recommendations

1. Adopt the Resolution No. 2012-97 authorizing the acceptance of the landscape and irrigation improvements within Planning Area 32 (Tract 32144), Iris Avenue Frontage as complete and accepting the portion of Iris Avenue associated with the project into the City's maintained street system.

Resolution No. 2012-97

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Landscape and Irrigation Improvements as Complete Within Planning Area 32 (Tract 32144), Iris Avenue Frontage and Accepting the Portion of Iris Avenue Associated with the Project into the City's Maintained Street

System

2. Authorize the City Engineer to exonerate the Faithful Performance Bond in the amount of \$142,710 and exonerate the Material & Labor Bond in the amount of \$71,355 for landscape and irrigation improvements.

A.7 [RECEIVE THE ANNUAL REPORT ON DEVELOPMENT IMPACT FEES FOR FISCAL YEAR 2011-12](#)

(Report of: Financial & Administrative Services Department)

Recommendations

1. Approve and accept the Annual Report on Development Impact Fees in compliance with California Government Code Section 66006.
2. Approve the finding that staff has demonstrated a continuing need to hold unexpended Development Impact Fees.

A.8 [NOTICE OF COMPLETION AND ACCEPTANCE OF THE MORRISON PARK FIRE STATION \(FIRE STATION NO. 99\), PROJECT NO. 803 0013 70 77 \(FORMERLY 11-43472527\)](#)

(Report of: Public Works Department)

Recommendations

1. Accept the work as complete for construction of the Morrison Park Fire Station (Fire Station 107), constructed by Silver Creek Industries, 195 East Morgan Street, Perris, CA 92571.
2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.
3. Authorize the Financial and Administrative Services Director to release the retention to Silver Creek Industries thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.
4. Accept the improvements into the City's maintained building system.

A.9 [PA04-0104, TM 32625 - ACCEPT TRANSPORTATION UNIFORM MITIGATION FEE \(TUMF\) REIMBURSEMENT AGREEMENT #T06-002. MERITAGE HOMES OF CALIFORNIA, INC. CORONA, CA 92879](#)

(Report of: Community & Economic Development Department)

Recommendations

1. Accept the Transportation Uniform Mitigation Fee (TUMF)

Reimbursement Agreement for PA04-0104, TM 32625 for qualifying public improvements on Redlands Boulevard.

2. Authorize the Mayor to execute the Agreement.
3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

- A.10 [APPROVE RESOLUTION 2012-98 DIRECTING MORENO VALLEY UTILITY TO USE THE ALLOWANCE REVENUE FROM THE CALIFORNIA CAP-AND-TRADE PROGRAM AUCTION SOLELY TO BENEFIT ITS RETAIL ELECTRICITY CUSTOMERS](#)
(Report of: Public Works Department)

Recommendation:

Approve Resolution No. 2012-98 directing Moreno Valley Utility to use the allowance revenue from the California Cap-and-Trade Program auction solely to benefit its retail electricity customers.

Resolution No. 2012-98

A Resolution of the City Council of the City of Moreno Valley, California, Directing Moreno Valley Utility to use the Allowance Revenue from the California Cap-and-Trade Program Auction Solely to Benefit Retail Electricity Customers

- A.11 [AUTHORIZATION TO ISSUE PURCHASE ORDER TO SOUTHERN CALIFORNIA EDISON \(SCE\) FOR ENGINEERING OF THE SCE RULE 20B UNDERGROUNDING FOR THE NASON STREET FROM CACTUS AVENUE TO FIR AVENUE IMPROVEMENT PROJECT](#)
PROJECT NO. 801 0001 70 77
(Report of: Public Works Department)

Recommendations

1. Authorize the issuance of a Purchase Order to SCE in the amount of \$144,000 (\$120,000 plus 20% contingency) from Account No. 2000-70-77-80001.
2. Authorize a deposit payment to SCE in an amount up to \$144,000 for the engineering of the proposed Rule 20B Undergrounding of SCE facilities for the Nason Street from Cactus Avenue to Fir Avenue Improvements.

- A.12 [APPROVE RESOLUTION 2012-99 ADOPTING A RESOURCE ADEQUACY PROGRAM FOR MORENO VALLEY UTILITY](#)
(Report of: Public Works Department)

Recommendation:

Approve Resolution No. 2012-99 adopting a Resource Adequacy Program for Moreno Valley Utility.

Resolution No. 2012-99

A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Resource Adequacy Program for Moreno Valley Utility

A.13 RESOLUTIONS OF THE CITY OF MORENO VALLEY SERVING AS THE SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING THE AMENDED SECOND AND THIRD RECOGNIZED OBLIGATION PAYMENT SCHEDULES FOR THE PERIODS OF JULY 1, 2012 TO DECEMBER 31, 2012 AND JANUARY 1, 2013 TO JUNE 30, 2013 RESPECTIVELY

(Report of: Community & Economic Development Department)

Recommendation That the City Council as Successor Agency

1. Adopt Resolution No. SA 2012-100 approving an amended Second Recognized Obligation Payment Schedule ("ROPS 2"), for the periods of July 1, 2012 to December 31, 2012.

Resolution No. SA 2012-100

A Resolution of the City Council of the City of Moreno Valley, California Serving as Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley Approving a Recognized Obligation Payment Schedule (ROPS 2)

2. Adopt Resolution No. SA 2012-101 approving an amended Third Recognized Obligation Payment Schedule ("ROPS 3"), for the periods of January 1, 2013 to June 30, 2013.

Resolution No. SA 2012-101

A Resolution of the City Council of the City of Moreno Valley Serving as Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley, California Approving a Recognized Obligation Payment Schedule (ROPS 3)

3. Authorize the Executive Director or his designee to make modifications to the Schedule.
4. Authorize the transmittal of the ROPS 2 and ROPS 3 to the

Oversight Board for review and approval.

A.14 RESOLUTION OF THE CITY OF MORENO VALLEY SERVING AS THE SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING INDEPENDENT ACCOUNTANT'S REPORT OF THE DUE DILIGENCE REVIEW OF ALL FUNDS AND ACCOUNTS OTHER THAN THE LOW AND MODERATE INCOME HOUSING FUND PURSUANT TO SECTIONS 34179.5 AND 34179.6 OF THE DISSOLUTION ACT

(Report of: Community & Economic Development Department)

Recommendations

1. That the City Council as Successor Agency adopt Resolution No. 2012-102 approving the Independent Accountant's Report of the Due Diligence Review of the Non-Housing Assets Conducted Pursuant to Section 34179.5 for the Non-Housing Funds.

Resolution No. SA 2012-102

A Resolution of the Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley Approving the Independent Accountant's Report Re the Due Diligence Review as to all Funds and Accounts Other than the Low and Moderate Income Housing Fund Conducted Pursuant to Section 34179.5 and Authorizing Staff to Transmit the Report to the Oversight Board and to the County Auditor-Controller, State Controller's Office, and Department of Finance Pursuant to Section 34179.6 of the Dissolution Act

2. Authorize staff to transmit the Report to the Oversight Board and to the County Auditor-Controller (CAC), State Controller's Office (SCO), and Department of Finance (DOF) Pursuant to Section 34179.6 of the Dissolution Act.

A.15 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF) EXPENDITURE PLAN FOR FY 2012-13

(Report of: Financial & Administrative Services Department)

Recommendations

1. Approve the Supplemental Law Enforcement Services Fund (SLESF) Expenditure Plan for FY 2012-13.
2. Approve an increase of \$115,970 to the SLESF Grant Fund FY 2012-13 revenue budget (account 2410-60-69-76012-486000) to reflect the total FY 2012-13 allocation of \$315,970.

3. Approve an increase of \$115,970 to the SLESF Grant Fund FY 2012-13 expenditure budget (account 2410-60-69-76012-620320) to reflect the FY 2012-13 planned expenditure of \$315,970.

A.16 [RESOLUTION ADJUSTING DEVELOPMENT IMPACT FEES TO ADD A CATEGORY FOR HIGH CUBE INDUSTRIAL DEVELOPMENT](#)
(Report of: Community & Economic Development Department)

Recommendation:

Approve Resolution No. 2012-103 authorizing the adjustment of the City of Moreno Valley Development Impact Fees to add a category Commercial & Industrial High Cube Development.

Resolution No. 2012-103

A Resolution of the City Council of the City of Moreno Valley, California, Adopting the Development Impact Fee (DIF) Update Study 2012 and Adding a New Category - Industrial High Cube – to the Table of Developments in the City of Moreno Valley Subject to DIF

A.17 [READOPTING CONFLICT OF INTEREST CODE](#)
(Report of: City Clerk Department)

Recommendations

1. The City Council adopt Resolution No. 2012-104, readopting a Conflict of Interest Code to amend the list of designated employees having filing requirements, and repealing all prior enactments on the same subject.

Resolution No. 2012-104

A Resolution of the City Council of the City of Moreno Valley, California, Readopting a Conflict of Interest Code by Reference to the Fair Political Practices Commission's Standard Model Conflict of Interest Code, and Repealing all Prior Enactments on the Same Subject

2. City Council serving as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley adopt Resolution No. SA 2012-105, adopting a Conflict of Interest Code.

Resolution No. SA 2012-105

A Resolution of the City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, California, Adopting a Conflict of Interest Code by Reference to the Fair Political

Practices Commission's Standard Model Conflict of Interest Code, and Repealing all Prior Enactments on the Same Subject

3. The City Council, as the code reviewing body for the Oversight Board of Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley approve the Conflict of Interest Code adopted by Resolution No. OB 2012-03 (Attachment 5 to the staff report).

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 27, 2012 \(Report of: City Clerk's Department\)](#)

Recommendation:

Approve as submitted.

B.3 [READOPTING CONFLICT OF INTEREST CODE](#)

(Report of: City Clerk Department)

Recommendations

The City Council, acting in its capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD), adopt Resolution No. CSD 2012-22, readopting a Conflict of Interest Code to amend the list of designated employees having filing requirements, and repeal all prior enactments on the same subject.

Resolution No. CSD 2012-22

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Readopting a Conflict of Interest Code by Reference to the Fair Political Practices Commission's Standard Model Conflict of Interest Code and Repealing all Prior Enactments on the Same Subject

C. CONSENT CALENDAR - HOUSING AUTHORITY

C.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

C.2 [MINUTES - REGULAR MEETING OF NOVEMBER 27, 2012 \(Report of: City Clerk's Department\)](#)

Recommendations
Approve as submitted.

C.3 [READOPTING CONFLICT OF INTEREST CODE](#)
(Report of: City Clerk Department)

Recommendations
The City Council, acting in its capacity as Members of the Moreno Valley Housing Authority, adopt Resolution No. HA 2012-07, readopting a Conflict of Interest Code to amend the list of designated employees having filing requirements, and repealing all prior enactments on the same subject.

Resolution No. HA 2012-07

A Resolution of the Moreno Valley Housing Authority of the City of Moreno Valley, California, Adopting a Conflict of Interest Code by Reference to the Fair Political Practices Commission's Standard Model Conflict of Interest Code, and Repealing all Prior Enactments on the Same Subject

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 27, 2012 \(Report of: City Clerk's Department\)](#)

Recommendation:
Approve as submitted.

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

Approved by a vote of 5-0.

E. PUBLIC HEARINGS

E.1 [ADOPTION OF FY 2013-2014 CDBG AND HOME PROGRAM OBJECTIVES AND POLICIES](#)
(Report of: Community & Economic Development Department)

Recommendations That the City Council:

1. Conduct a Public Hearing to allow for the community to comment on the needs of low-and-moderate income residents in Moreno Valley, including the CDBG Target Areas.

2. Approve the proposed CDBG and HOME Program Objectives and Policies for the 2013-2014 Program Year.

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

Motion to Approve by m/Council Member Jesse L. Molina, s/Council Member Tom Owings.

Approved by a vote of 5-0.

- E.2 [A PUBLIC HEARING FOR THE RPT CENTERPOINTE WEST PROJECT AND RELATED ENVIRONMENTAL IMPACT REPORT. PA12-0019 PROPOSES EITHER A 164,720 SQUARE FOOT \(SF\) WAREHOUSE BUILDING OR AN ENCLOSED TRUCK STORAGE YARD ON 7.6 ACRES AT THE NORTHEAST CORNER OF CACTUS AVE. AND FREDERICK ST. PA12-0020 PROPOSES ADDING 507,720 SF TO AN EXISTING 779,016 SF WAREHOUSE BUILDING ON 18.6 ACRE AT THE NORTHWEST CORNER OF CACTUS AVE. AND GRAHAM ST. PA12-0021 PROPOSES A 607,920 SF WAREHOUSE BUILDING ON 30 ACRES AT THE NORTHWEST CORNER OF GRAHAM ST. AND BRODIAEA AVE. THE PROJECT WILL REQUIRE THE VACATION OF EXISTING JOY STREET. PA12-0022 PROPOSES A ZONE CHANGE FROM BUSINESS PARK - MIXED USE \(BPX\) TO LIGHT INDUSTRIAL \(LI\) FOR 7.6 ACRES AT THE NORTHEAST CORNER OF CACTUS AVENUE AND FREDERICK STREET. THE APPLICANT IS RIDGE MORENO VALLEY, LLC.](#)

(Report of: Community & Economic Development Department)

Recommendations That the City Council:

1. Conduct a public hearing for Environmental Impact Report (P12-057), Zone Change application PA12-0022, Plot Plan PA12-0019, Plot Plan PA12-0020, and Plot Plan PA12-0021, and subsequent to the public hearing:
2. APPROVE Resolution No. 2012-106 CERTIFYING that the Environmental Impact Report (EIR) for the RPT Centerpointe West Project has been completed in compliance with the California Environmental Quality Act, ADOPTING Findings and Statement of Overriding Considerations, and APPROVING a Mitigation Monitoring Program.

Resolution No. 2012-106

A Resolution of the City Council of the City of Moreno Valley, California, Certifying the Final Environmental Impact Report (P12-057), Adoption of the Findings and Statement of Overriding

Considerations, and Approval of the Mitigation Monitoring Program for the RPT Centerpointe West Project, Generally Located at or Near the Northeast Corner of Frederick Street and Cactus Avenue on Assessor's Parcel Numbers 297-170-027, -064, -065, -067, -075, -076, & -08.

3. INTRODUCE Ordinance No. 857 APPROVING Zone Change application PA12-0022 for 7.6 acres from Business Park Mixed-Use (BPX) to Light Industrial (LI) as shown on Exhibit A attached to the staff report.

Ordinance No. 857

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Zone Change Application PA12-0022 to Change the Zone From Business Park Mixed-Use to Light Industrial for a 7.6 Acre Site Located at the Northeast Corner of Frederick Street and Cactus Avenue (Assessor's Parcel Number 297-170-027)

4. APPROVE Resolution No. 2012-107 APPROVING Plot Plan PA12-0019, Plot Plan PA12-0020, and Plot Plan PA12-0021), subject to the attached conditions of approval included as Exhibits A, B and C.

Resolution No. 2012-107

A Resolution of the City Council of the City of Moreno Valley, California, for Approval of Plot Plan PA12-0019 for a 164,720 SF Warehouse or an Enclosed Truck Storage Yard, Plot Plan PA12-0020 for a 507,720 SF Addition to an Existing 779,016 SF Warehouse for a Total of 1,286,736 SF, and Plot Plan PA12-0021 for a 607,920 SF Warehouse for the RPT Centerpointe West Project.

Presentation was given by Dennis Rice, applicant (Ridge Property Trust).

Mayor Richard A. Stewart opened the public testimony portion of the public hearing. The public testimony was received from Tom Thornsley (opposes), Michael Parrish (supports), Peter C. Racine (representing Harbor Freight Tools; supports), and Tom Jerele Sr. (supports).

Motion to Approve Recommendation No. 2 by m/Council Member Jesse L. Molina, s/Council Member Tom Owings

Approved by a vote of 5-0.

Motion to Approve Resolution No. 2012-106, as amended (addition of condition of approval related to Good Neighbor Guidelines) by

m/Council Member Jesse L. Molina, s/Council Member Tom Owings

Approved by a vote of 5-0.

Motion to Approve Recommendation No. 3 by m/Council Member Jesse L. Molina, s/Council Member Tom Owings

Approved by a vote of 5-0.

Motion to Approve Resolution No. 2012-107 (Recommendation No. 4) as amended (addition of condition of approval related to Good Neighbor Guidelines), by m/Council Member Jesse L. Molina, s/Council Member Marcelo Co

Approved by a vote of 5-0.

Agenda Item G.3 was discussed after Item E.2.

- E.3 [PUBLIC HEARING TO ADOPT SUBSTANTIAL AMENDMENT #1 TO THE FY 2012-2013 CDBG ANNUAL ACTION PLAN, AMENDMENT #2 TO THE NEIGHBORHOOD STABILIZATION PROGRAM 3 \(NSP3\)](#)
(Report of: Community & Economic Development Department)

Recommendations That the City Council:

1. Conduct a Public Hearing to allow the public an opportunity to comment on the proposed Substantial Amendment #1 to 2012-13 CDBG Annual Action, Substantial Amendment #2, to the NSP 3 Program.
2. Approve the proposed amendments to the NSP3 Program that redefine the Target Areas, clarify the eligible activities within each Target Area, and reallocate funds between HUD-approved NSP3 eligible activities. (Attachment 1).
3. Approve the re-appropriations and authorize the Financial & Administrative Services Director to process the adjustments.
4. Authorize the City Manager to reallocate NSP3 funds between HUD-approved grant activities.

Motion to Continue the item to January 8, 2013 Council Meeting by m/Council Member Jesse L. Molina, s/Council Member Victoria Baca

Approved by a vote of 5-0.

- E.4 [PUBLIC HEARING TO ADOPT SUBSTANTIAL AMENDMENT #2 TO THE](#)

[FY 2012-2013 CDBG ANNUAL ACTION PLAN, AMENDMENT #2 TO THE NEIGHBORHOOD STABILIZATION PROGRAM 1 \(NSP1\)](#)

(Report of: Community & Economic Development Department)

Recommendations That the City Council:

1. Conduct a Public Hearing to allow public comment on the proposed Substantial Amendment #1 to the FY 2012-2013 Annual Action Plan, Substantial Amendment #2 to the Neighborhood Stabilization Program 1 (NSP1).
2. Review and adopt the proposed Substantial Amendment #1 to the FY 2012-2013 Annual Action Plan, Substantial Amendment #2 to the Neighborhood Stabilization Program 1 (NSP1).
3. Approve the Revenue and Expense Appropriations in the amount of \$3,515,740 and authorize the Financial & Administrative Services Director to process the adjustments.
4. Authorize the City Manager to reallocate grant funds between HUD-approved NSP1 grant activities.

Motion to Continue the item to January 8, 2013 Council Meeting by m/Council Member Jesse L. Molina, s/Council Member Victoria Baca

Approved by a vote of 5-0.

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) Report by Mayor Richard A. Stewart on March Joint Powers Commission (MJPC) - Continued

Item G.2 was discussed after Item G.5.

G.2 [DISSOLUTION OF COMMUNITY FACILITIES DISTRICT NO. 4- INFRASTRUCTURE OF THE CITY OF MORENO VALLEY](#)

(Report of: Public Works Department)

Recommendations That the City Council:

Acting as the legislative body of Community Facilities District No. 4-Infrastructure of the City of Moreno Valley introduce Ordinance No. 856 ordering the dissolution of CFD No. 4-Infrastructure and the recordation of

an amendment to the Notice of Special Tax Lien and repeal of Ordinance 821.

Ordinance No. 856

AN Ordinance of the City Council of the City of Moreno Valley, California, Dissolving Community Facilities District No. 4-Infrastructure of the City of Moreno Valley and Ordering the Recordation of an Amendment to the Notice of Special Tax Lien Related to such District and Repealing Ordinance No. 821

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

Motion to Approve by m/Council Member Tom Owings, s/Council Member Jesse L. Molina

Approved by a vote of 5-0.

After Item G.2, Item G.6 was discussed.
Item G.3 was discussed after Item E.2.

G.3 [APPOINTMENT TO THE PARKS AND RECREATION COMMISSION \(TEENAGE MEMBER\)](#)

(Report of: City Clerk Department)

Recommendations That the City Council:

1. Appoint Patrick Samones to the Parks and Recreation Commission as a teenage member for a term expiring November 25, 2015, or until high school graduation, whichever comes first.
2. If an appointment is not made, declare the position vacant and authorize the City Clerk to re-notice the position as vacant.

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

Motion to Approve by m/Council Member Tom Owings, s/Council Member Jesse L. Molina

Approved by a vote of 5-0.

G.4 [APPOINTMENT TO THE ARTS COMMISSION](#)
(Report of: City Clerk Department)

Recommendations That the City Council:

1. Appoint one member to the Arts Commission with a term expiring June 30, 2014.
2. If an appointment is not made, declare the position vacant and authorize the City Clerk to re-notice the position as vacant.

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

Motion to Appoint Debby Johnson to the Arts Commission with a term expiring June 30, 2014, by m/Council Member Jesse L. Molina, s/Council Member Tom Owings

Approved by a vote of 5-0.

G.5 [ECONOMIC DEVELOPMENT-RETAIL ANCHOR REUSE INCENTIVE PROGRAM](#)

(Report of: Community & Economic Development Department)

Recommendations That the City Council:

Approve establishing a new Economic Development-Retail Anchor Reuse Incentive Program to help assist with the reuse of vacant anchor retail buildings in Moreno Valley.

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

Motion to Approve by m/Council Member Tom Owings, s/Council Member Jesse L. Molina

Approved by a vote of 5-0.

After Item G.5, Item G.2 was discussed.

Item G.6 was discussed after Item G. 2.

G.6 [REPORT OF FISCAL YEAR 2011-12 YEAR END AND FISCAL YEAR 2012-13 FIRST QUARTER STATUS; APPROVAL OF FISCAL YEAR 2011-12 CARRYOVERS AND FISCAL YEAR 2012-13 BUDGET ADJUSTMENT RECOMMENDATIONS](#)

(Report of: Financial & Administrative Services Department)

Recommendations That the City Council:

1. Receive and file this report on the status of the financial results for Fiscal Year (FY) 2011-12 and the first quarter ended September 30, 2012 for FY 2012-13.

2. Adopt Resolution No. 2012-108, approving the following: Recommended budget amendments presented in Exhibit A, P1-P3 to be appropriated and included in the FY 2012-13 Approved Budget. The recommended appropriation changes total \$270,000 for the General Fund, \$564,000 for non-General Funds and \$834,000 in total for all funds. Operating carryover expenditures from the FY 2011-12 approved budget presented in Exhibit A, P1-P3 that are recommended to be re-appropriated to be completed as a component of the FY 2012-13 Approved Budget. The recommended appropriation changes total \$458,283 for the General Fund, \$2,100,005 for non-General Funds and \$2,558,288 in total for all funds. Capital Improvement Program (CIP) carryover expenditures from the FY 2011-12 approved budget presented in Exhibit B, P1-P2 that are recommended to be re-appropriated to be completed as a component of the FY 2012-13 Approved Budget. The recommended appropriation changes total \$9,962,247.

Resolution no. 2012-108

A Resolution of the City Council of the City of Moreno Valley, California, Adopting the Revised Operating Budget for Fiscal Year 2012/13

3. Approve the designation of \$101,000 of General Fund fund balance as designated for Outside Legal Services. These funds represent savings in the FY 2011-12 Legal Services Budget and provide a contingency in years when outside legal services may be needed beyond the anticipated budget.
4. Approve the position control changes summarized on page 10 of this report.

Recommendation That the City Council as Successor Agency

Adopt Resolution No. SA 2012-109, approving the Capital Improvement Program (CIP) carryover expenditures from the FY 2011-12 approved budget presented in Exhibit B, P4 that are recommended to be re-appropriated to be completed as a component of the FY 2012-13 Approved Budget. The recommended appropriation changes total \$3,084,094.

Resolution No. SA 2012-109

A Resolution of the City Council of the City of Moreno Valley Serving as Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley, California, Adopting the Revised Operating Budget for

Fiscal Year 2012/13

Recommendations That the CSD:

Adopt Resolution No. CSD 2012-23, approving the following: Operating carryover expenditures from the FY 2011-12 approved budget presented in Exhibit A, P4 that are recommended to be re-appropriated to be completed as a component of the FY 2012-13 Approved Budget. The recommended appropriation changes total \$110,000. Capital Improvement Program (CIP) carryover expenditures from the FY 2011-12 approved budget presented in Exhibit B, page 3 that are recommended to be re-appropriated to be completed as a component of the FY 2012-13 Approved Budget. The recommended appropriation changes total \$5,000.

Resolution No. CSD 2012-23

A Resolution of the Moreno Valley Community Services District, Adopting the Revised Operating Budget for Fiscal Year 2012/13

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

Motion to Approve Recommendation No. 1 by m/Council Member Jesse L. Molina, s/Council Member Tom Owings

Approved by a vote of 5-0.

Motion to Approve Recommendation No. 2 (Resolution No. 2012-108) by m/Council Member Jesse L. Molina, s/Council Member Marcelo Co

Approved by a vote of 4-1, Council Member Tom Owings opposed.

Motion to Approve Recommendation No. 3 (designation of \$101,000 of General Fund fund balance as designated for Outside Legal Services) by m/Council Member Jesse L. Molina, s/Council Member Victoria Baca

Approved by a vote of 3-2, Council Member Jesse L. Molina and Council Member Tom Owings opposed.

Motion to Approve Recommendation No. 4 (position control changes summarized on page 10 of the staff report) by m/Council Member Jesse L. Molina, s/Council Member Victoria Baca

Failed by a vote of 1-4, Council Member Baca, Council Member Co, Council Member Molina and Council Member Owings opposed.

Motion to Approve Resolution No. CSD 2012-23 by m/Board Member Jesse L. Molina, s/Board Member Victoria Baca

Approved by a vote of 5-0.

Motion to Approve Resolution No. SA 2012-109 by m/Council Member Jesse L. Molina, s/Council Member Victoria Baca

Approved by a vote of 5-0.

- G.7 [CITY MANAGER'S REPORT \(Informational Oral Presentation - not for Council action\)](#) - none
- G.8 [CITY ATTORNEY'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

Public Comments were taken after Item No. 3 of Special Order of Business.

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

James Hutchenson

- 1. Representing Cottonwood Golf Course Committee

Violeta Suazo

- 1. Council election

Donna Jacomet

- 1. New sewer rate methodology

Tom Thornsley

1. Council election

Christopher Baca, representing United Democrats of Moreno Valley and Riverside County Democratic Central Committee

1. Congratulations to Council Member Baca, Council Member Molina, Council Member Owings and other elected officials

Elena Santa Cruz

1. Congratulations to Council Member Victoria Baca

Louise Palomarez

1. Congratulated newly elected council members; thanked Council Member Victoria Baca for involvement with the community and advocating for kids with special needs

Alfredo Cordova

1. Congratulations to Council Member Victoria Baca and Council Member Jesse Molina; thanked for help

Manuel Alas, representing Group Home of Level 14 Children

1. Congratulated newly elected council members; thanked everybody for the great job
2. Group homes

Louise Palomarez on behalf of JoAnn Stephan who left

1. Thanked Council Member Baca for help (mentoring her son)

Edgar Montes

1. Congratulated newly elected council members; thanked Council Member Baca for being a role model

Tom Jerele Sr.

1. Thanked Council Member Molina for the exemplary service
2. Wished the best to newly elected council members and Mayor

Robin Gilbert

1. Congratulations; thanks for the great job to all council members

Recess;

Reconvened

**CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL,
COMMUNITY SERVICES DISTRICT, CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OR HOUSING AUTHORITY**

Council Member Victoria Baca

1. Thanked residents for giving her the opportunity to serve as a council member; thanked staff for assistance; thanked Judge Jorge Hernandez for swearing her in
2. Thanked Pete Bleckert for representing Ray Hosman, who was very active as a community member, and conveying Mr. Hosman's comments. Is sorry that he is ill; emphasized that we need to respect people we represent, and she will not allow to disrespect public speakers
3. Stated that the most important concern addressed by the community is a lack of jobs in Moreno Valley; will work diligently to do what is possible to bring jobs to the City; wants what is the best for Moreno Valley
4. Another platform she is working on is to bring together the council and the school boards of Moreno Valley School District and Val Verde School District; would like the Council to discuss changing council meeting date so there is no conflict with school boards meetings
5. Another platform: Safety - would like police to be more visible in the City and use more volunteers to protect our City; we can be friendly to all residents and not target certain groups; can embrace everyone and have a good life for everyone
6. Explained that the reason she nominated Jesse Molina for Mayor is that he has been on the Council for 4 years and hasn't been a mayor yet; being a mayor is a big responsibility and everyone should help out; hopes we will

have a directly elected mayor on the ballot for residents to choose

7. Stated that she represents District 5, which includes Edgemont – Edgemont community feels like a step child of the City, neglected, particularly with the fiasco with the water district; we need to look at the water district, sewer; hopes to continue working with Mr. Bleckert, who has a lot of knowledge about Edgemont; glad that the item on revitalization of Edgemont was postponed because there are people who need to be consulted

8. Stated that some people are still enemies of social justice, discriminating; as a community we have to put our efforts together to change the perception and work together for the betterment of Moreno Valley

8. Stated that she worked with Mr. Bleckert, Mr. Hosman, and Mr. Anderson to repeal the utility tax, but at this time, with the budget shortfalls, she doesn't believe, we can eliminate the tax; we need to bring businesses to the City to be self-sustainable and be able to provide services for the community (fire, safety, infrastructure). It's important that eventually we eliminate utility taxes

9. Thanked everyone, especially the voters of District 5, for giving her the opportunity to represent them (electing her)

10. Reminded everyone that tomorrow at Saint Patrick's, a celebration for Lady Guadalupe will be held

Council Member Co

1. Congratulated newly elected council members; hopes we forget our differences and work together towards the betterment of Moreno Valley

2. Sixteen of Moreno Valley businesses collect one of the 25 top sales tax in the County; hopes this trend will continue; we can make Moreno Valley a much better place; we have people to do it and knowledge; indicated that warehouses provide jobs, and some people need these jobs to survive

3. Would like the Council to set up a fund to help existing businesses that are failing or almost failing; is willing to donate money to this fund; asked the business community to help. We are successful if all are successful

4. Stated that we need volunteers to help us stop crimes and help our Police Department; we are going toward a fiscal cliff; more people will be out of work, and more people will have to pay higher taxes; asked to call congressman to work with the President; we should move forward and unite

5. Thanked everyone for electing him as a mayor pro tem. Feels he can help a lot. Asked to please call him with any questions

Council Member Tom Owings

1. Would like the City Council to reconsider the idea of the overlay zone study for the 60 east corridor between Nason and the City line and would like the item to be placed on the next City Council agenda to evaluate land uses

2. Would like to find out what it would take to establish a moratorium for any new projects in that area being considered by the Planning Commissioners or the City Council until a study is completed and considered by the City Council

3. Stated that we are not going to be de-toured from being a developed city

4. Regarding diversification of jobs - we need small businesses in

4. Thanked Moreno Valley for electing him and putting the confidence in him and the Council for selecting him as mayor; agrees that we should have a city-wide mayor to fulfill the desire of the public

Council Member Jesse L. Molina

1. Thanked everyone who worked on his campaign; appreciates being nominating for mayor, but it is not his time yet

2. Went to the Festival of Lights in Riverside. It took Riverside a long time to come to this point. Moreno Valley is a new city compared to Riverside and did not have time for arts, as people are busy working. We need to bring jobs to Moreno Valley; Tom has a lot of experience with a lot of situations we are in; will help people in any way he can

3. Always something new to learn at the dais

4. Congratulated Tom and Victoria; will work together for the best of Moreno Valley

Mayor Richard A. Stewart

1. Suggested that Council Member Baca serve on the joint school district task force, which meets during lunch time; two council members, representatives from two school districts and staff members are attending the meetings; the task force was established to increase communication

2. Explained that he was enthusiastic to nominate Tom as a mayor - Tom ran large businesses, has impressive background, was a Planning Commissioner, is a very good investigator; believes he will do a fantastic job; one of mayor's duties is to cover for the events; sometimes it is a challenge, as many events are held at almost the same time; it is important we show our presence at these events; we can divide them up and attend them next year. Marcelo has experience and a corporate knowledge and will be able to assist the Mayor

Motion to Continue the meeting past 11:00 p.m. by m/Council Member Marcelo Co, s/Council Member Victoria Baca

Approved by a vote of 5-0.

There being no further business to conduct, the meeting was adjourned to Closed Session at 11:13 p.m. by unanimous informal consent.

CLOSED SESSION

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

Tom Thornsley

1. Stated that he is not against the project described in Item E.2 – the development standards need to be raised

A Closed Session of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency and Housing Authority was held in the City Manager's Conference Room, Second Floor, City Hall. The City Council met in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

The Closed Session was held 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 - PUBLIC EMPLOYMENT

[a. Public Employee Annual Performance Evaluation - City Attorney](#)

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

Reportable Action:

On 12-12-12 at 1:17 am, it was reported that the City Attorney Robert Hansen was placed on Administrative Leave by the following vote:

Council Member Baca: abstained

Council Member Co: yes

Council Member Molina: yes

Council Member Owings: yes

Mayor Stewart: abstained

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned on December 12, 2012 at 1:18 a.m. by unanimous informal consent.

Submitted by:

City Clerk Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley
Secretary, Housing Authority
Secretary, Board of Library Trustees

Approved by:

Mayor Richard A. Stewart
President, Moreno Valley Community Services District
Chairperson, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Housing Authority
Chairperson, Board of Library Trustees

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