

MINUTES
CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY
May 8, 2012

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Proclamation Recognizing May 2012 as Mental Health Month

2. Proclamation Recognizing National Public Works Week

3. Officer of the Quarter - Officer Victor Magana

4. Officer of the Year Investigator Duke Viveros

5. "Spotlight on Moreno Valley Business"

a) Harkins Theatre - Moreno Valley 16

b) Aerotek

**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
May 8, 2012**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem William H. Batey II

INVOCATION - Gwen Cotton - Spiritual Assembly of the Bahá'is of Moreno Valley

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Council Member
William H. Batey II	Mayor Pro Tem
Marcelo Co	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
Abdul Ahmad	Fire Chief
Ahmad Ansari	Public Works Director
Barry Foster	Community and Economic Development Director
Tom DeSantis	Interim Human Resources Director
Mike McCarty	Parks & Community Services Director

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF

MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

JOINT CONSENT CALENDARS (SECTIONS A-D) 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 BOARD OF LIBRARY TRUSTEES

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF APRIL 24, 2012 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

A.3 AUTHORIZE A PURCHASE ORDER TO G/M BUSINESS INTERIORS, INC. FOR THE MORENO VALLEY POLICE DEPARTMENT TRAFFIC DIVISION OFFICE RENOVATION - PROJECT NO. 11-50182328 (Report of: Public Works Department/CPD)

Recommendation:

1. Authorize the issuance of a Purchase Order for the amount of \$148,522.65 (\$141,450.14 base estimate plus 5% contingency), to G/M Business Interiors, Inc., 1099 West La Cadena Drive, Riverside, CA 92501, for furniture, partitions, and installation for the Moreno Valley Police Department Traffic Division Office Renovation; and
2. Authorize the Public Works Director/City Engineer to execute any subsequent change orders up to, but not exceeding, the Purchase Order contingency of \$7,072.51.

A.4 APPROVE THE AGREEMENT FOR PROFESSIONAL CONSULTANT CONSTRUCTION GEOTECHNICAL SERVICES WITH C.H.J. INCORPORATED AND APPROVE THE AGREEMENT FOR PROFESSIONAL CONSULTANT CONSTRUCTION SURVEY SERVICES WITH HUNSAKER & ASSOCIATES FOR PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE - PROJECT NO. 11-41570125 (Report of: Public Works Department/CPD)

Recommendation:

1. Approve the Agreement for Professional Consultant Construction Geotechnical Services with C.H.J. Incorporated (C.H.J.), 1355 E. Cooley Drive, Colton, CA 92324, for the Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue project;
2. Authorize the City Manager to execute the Agreement for Professional Consultant Construction Geotechnical Services with C.H.J.;
3. Authorize the issuance of a Purchase Order to C.H.J. in the amount of \$108,716 when the Agreement has been signed by all parties;
4. Authorize the Public Works Director/City Engineer to execute any subsequent amendments to the Agreement with C.H.J., within the Purchase Order amount, subject to the approval of the City Attorney;
5. Approve the Agreement for Professional Consultant Construction Survey Services with Hunsaker & Associates (H&A), 2900 Adams Street, Suite A-15, Riverside, CA 92504 for the Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue project;
6. Authorize the City Manager to execute the Agreement for Professional Consultant Construction Survey Services with H&A;
7. Authorize the issuance of a Purchase Order to H&A in the amount of \$128,741 when the Agreement has been signed by all parties; and
8. Authorize the Public Works Director/City Engineer to execute any subsequent amendments to the Agreement with H&A, within the Purchase Order amount, subject to the approval of the City Attorney.

A.5 [AUTHORIZE AWARD OF CONSTRUCTION CONTRACT TO ALL AMERICAN ASPHALT FOR THE DRACAEA AVENUE IMPROVEMENTS FROM PERRIS BOULEVARD TO PATRICIA STREET – PROJECT NO. 12-28574152 \(Report of: Public Works Department/CPD\)](#)

Recommendation:

1. Waive any and all minor irregularities and award the construction contract for the Dracaea Avenue Improvements (from Perris Boulevard to Patricia Street) to All American Asphalt, 400 E. 6th Street, 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 \$549,298.75 (\$439,439.00 base bid amount plus 25% contingency) when the contract has been signed by all parties;
4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with All American Asphalt, up to but not to exceed the Purchase Order's total contingency amount of \$109,859.75, 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 roadway system, and release the retention to All American Asphalt, if no claims are filed against the project.

A.6 [PA08-0072 – APPROVAL OF PROPOSED RESOLUTION FOR A SUMMARY VACATION OF PORTIONS OF CORPORATE STREET, FREDERICK STREET AND RESOURCE WAY LOCATED AT THE NORTHWEST CORNER OF CACTUS AVENUE AND FREDERICK STREET. DEVELOPER: US REAL ESTATE LIMITED PARTNERSHIP, SAN ANTONIO, TX 78230. \(Report of: Community & Economic Development\)](#)

Recommendation:

1. Adopt the Resolution No. 2012-27, summarily vacating portions of Corporate Street, Frederick Street and Resource Way; and

Resolution No. 2012-27

A Resolution of the City Council of the City of Moreno Valley, California Ordering the Summary Vacation of Portions of Corporate Street, Frederick Street and Resource Way

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

A.7 [TRANSPORTATION MANAGEMENT CENTER: APPROPRIATION OF ADDITIONAL FUNDS TO COMPLETE PROJECT \(Report of: Public Works/TED\)](#)

Recommendation:

1. Authorize the transfer of \$121,000 from the Traffic Signals Development Impact Fees (DIF) Fund (Fund 202) to the DIF Traffic Signal Capital Project Fund (Fund 417); and

2. Authorize the appropriation of \$121,000 from DIF Traffic Signal Capital Project Fund balance to Account 417.79528 (Transportation Management Center).

A.8 [RESOLUTION TO RATIFY THE APPLICATION FOR THE 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AND TO ACCEPT THE \\$69,724.00 ALLOCATION TO THE CITY \(Report of: Community and Economic Development Department\)](#)

Recommendation:

1. Approve Resolution No. 2012-28 to ratify the application by the Code & Neighborhood Services Division for the Edward Byrne Memorial Justice Assistance Grant and to accept the \$69,724 allocated to the City; and

Resolution No. 2012-28

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Grant Application Submitted by the Code & Neighborhood Services Division to the Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant and Accept the \$69,724 Allocation

2. Authorize revenue and expenditure budget appropriation of \$69,724 to account new.new.various (2012-DJ-BX-XXXX JAG GRANT FUND).

A.9 [APPROVE THE FOURTH AMENDMENT TO AGREEMENT WITH PROACTIVE ENGINEERING CONSULTANTS, INC. FOR ADDITIONAL DESIGN SUPPORT SERVICES FOR STAGE I CACTUS AVENUE WIDENING FROM INTERSTATE 215 EASTBOUND OFF-RAMP TO VETERANS WAY AND STAGE II CACTUS AVENUE WIDENING FROM VETERANS WAY TO HEACOCK STREET PROJECT NOS. 07-41678527 AND 07-41683328 \(Report of: Public Works Department/CPD\)](#)

Recommendation:

1. Approve the Fourth Amendment to Agreement for Professional Consultant Services for additional design support services in the amount of \$60,000 with ProActive Engineering Consultants, Inc. (ProActive), 1875 California Avenue, Corona, CA 92881 for Stage I Cactus Avenue Widening from Interstate 215 Eastbound Off-Ramp to Veterans Way and Stage II Cactus Avenue Widening from Veterans Way to Heacock Street;
2. Authorize the City Manager to execute said Fourth Amendment to Agreement for Professional Consultant Services with ProActive;

3. Authorize the issuance of Purchase Orders with ProActive in the amount of \$35,000 each (\$30,000 plus \$5,000 contingency) once the Fourth Amendment has been signed by all parties. (Account Nos. 416.78527.7200 and 416.83328.7200);
4. Authorize the Public Works Director/City Engineer to execute any subsequent amendments to the contract with ProActive within the authorized purchase order amounts subject to the approval of the City Attorney.

A.10 [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 April 18 – May 1, 2012

A.11 [APPROVE AMENDMENT TO RESOLUTION 2012-18, GENERAL PLAN AND SPECIFIC PLAN 208 AMENDMENT, TO INCLUDE REFERENCE MAPS \(Report of: Public Works Department/TED\)](#)

Recommendation:

That the City Council amend City Resolution No. 2012-18 to include exhibits depicting the modified Circulation Plan of the General Plan and modified Circulation Exhibit of Specific Plan 208.

Resolution No. 2012-18

A Resolution of the City Council of the City of Moreno Valley, California, Approving a General Plan Amendment and Specific Plan 208 Amendment (PA12-0001) to Modify the City Circulation Plan and Circulation Exhibit, Respectively

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 APRIL 24, 2012 \(Report of: City Clerk Department\)](#)

Recommendation:

Approve as submitted.

C. CONSENT CALENDAR - HOUSING AUTHORITY

C.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

C.2 [MINUTES - REGULAR MEETING OF APRIL 24, 2012 \(Report of: City Clerk Department\)](#)

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 APRIL 24, 2012 \(Report of: City Clerk Department\)](#)

Recommendation:

Approve as submitted.

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

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

Approved by a vote of 4-0-0-1, Robin N. Hastings absent.

E. PUBLIC HEARINGS

E.1 [PUBLIC HEARING TO ADOPT THE COMMUNITY DEVELOPMENT BLOCK GRANT \(CDBG\) AND HOME INVESTMENT PARTNERSHIP \(HOME\) PROGRAM ANNUAL ACTION PLAN FOR FISCAL YEAR 2012/13 \(Report of: Community & Economic Development Department\)](#)

Recommendation: That the City Council:

1. Conduct a Public Hearing for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program to allow the public an opportunity to comment on the proposed 2012/13 Annual Action Plan;
2. Approve the Annual Action Plan (2012/13) as an application to the

US Department of Housing and Urban Development for funding under the federal CDBG and HOME programs;

3. Approve the revenue and expense budget appropriation for CDBG Entitlement funds in the amount of \$2,372,387 respectively for the 2012/13 CDBG program activities;
4. Approve the revenue and expense budget appropriation for HOME Entitlement funds in the amount of \$1,520,203 for the 2012/13 HOME program activities respectively;
5. Approve the budget reappropriation of \$1,000,000 for Hemlock Family Apartment (176.76129.7200) budgeted in 2011/12 but was not spent; and
6. Authorize the City Manager to execute the 2012/13 grant agreements, sub-recipient agreements, and any and all documents necessary to obtain the allocation of the federal entitlement funds.

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 Marcelo Co

Approved by a vote of 4-0-0-1, Council Member Robin N. Hastings absent.

E.2 [A PUBLIC HEARING REGARDING THE EXPANSION OF THE GENERAL PLAN AMENDMENT \(PA12-0010\), CHANGE OF ZONE \(PA12-0012\) AND SPECIFIC PLAN \(PA12-0013\) APPLICATIONS FOR THE WORLD LOGISTICS CENTER PROJECT TO INCLUDE PROPERTIES NOT OWNED BY OR PARTICIPATING WITH THE PROJECT APPLICANT, HIGHLAND FAIRVIEW PROPERTIES. \(REPORT OF: COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT\) \(THIS ITEM IS OFF CALENDAR AND WILL BE RE-NOTICED FOR A PUBLIC HEARING AT A LATER DATE\)](#)

Mayor Richard A. Stewart announced this item has been re-noticed for May 22, 2012.

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

b) Report by Council Member Council Member Jesse L. Molina on Riverside Transit Agency (RTA)

Mayor Richard A. Stewart reported on the MJPC:

Was in Washington, D.C., and had a teleconferenced meeting with MJPC here regarding development agreement to develop the airport, and they hadn't fulfilled the obligations of the agreement in terms of the amount of building they had done. Had numerous meetings over three years and Chairman Mike Gardner, City of Riverside, and Mayor Daryl Bush, City of Perris, have actively negotiating. We believe they're in default. The developer wanted a 5-year extension, plus 33 months added on to 5-years and wanted MJPC to agree upfront and stipulate they are not and have not been in default. MJPC wants to work with them as they have done for March Health Care, although they've put up \$400,000 dollars. MJPC wants some milestones, but they responded they're not negotiating. Reported out, they took an action and sent a Notice of Default. They have 45-days to cure the default. MJPC anticipates getting into litigation, although they haven't done so yet. Going through the process.

Report by Council Member Jesse L. Molina on Riverside Transit Agency (RTA):

RTA is still setting records with the high prices of gas continue to go up. Goal is to have more people ride share using the public transit and get the cars off the street with less traffic. One of the discussions were "Lobbiest" - not a good job for them to go to Washington, D.C. and it's not easy to see heavy hitters. Mayor Richard A. Stewart added that the Lobbiest set all the appointments necessary for their trips at least a month or more in advance.

G.2 [JULY 4TH UPDATE \(ORAL PRESENTATION\) \(Report of: Parks and Community Services Department\)](#)

Parks & Community Services Director Mike McCarty reported on July 4th Update:

2012 4th of July festivities are coming along nicely. All departments are working together with the Committee and special thanks to the Moreno Valley Unified School District. Mentioned to Mayor Richard A. Stewart and Council Member Jesse L. Molina that Judy White and her people have

been great.

Parade: total makeover with the assistance of Patricia and Jesus Holguin.

1. 3 bands will be in the parade
2. More youth in the parade
3. Beer Garden - Received a \$5,000 sponsorship from Anheiser Bush
4. Entertainment -Two stages - Youth stage and Main stage. Band tryouts will be next week. Getting the youth involved.
5. Idol Contest - 140 participants
6. Adult entertainment - three bands

G.3 [CITY MANAGER'S REPORT \(Informational Oral Presentation - not for Council action\)](#)

H. LEGISLATIVE ACTIONS

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

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

Mayor Richard A. Stewart opened the agenda for public comments on any subject not on the agenda; there being none, public comments were closed.

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

Council Member Marcelo Co

1. Tenants and Landlords - there needs to be a level playing field. Tenants call in to the City advising they need help due to the

Landlord not fixing things; and the landlord is calling advising the tenant isn't paying their rent, forcing the them to file an unlawful detainer with the courts. Requesting staff to look into the problem - he has received 10 calls in the past three weeks. Is there a way no enforcement from the City (Code and Building & Safety) unless cleared by courts? The landlord is at the mercy of the tenant and we need to keep the business in Moreno Valley.

Mayor Pro Tem William H. Batey II

1. This weekend, May 11 and 12, is Hazardous Waste Pick Up at the Corporate Yard. (E-waste, soil, used oil, and electronics)
2. Foreclosure Prevention Workshop is scheduled at the Conference & Recreation Center on Saturday, May 12, from 9 - 4 p.m.
3. Welcome to the new Police Chief, Joel Ontiveros. It's nice to see a former Lieutenant in Moreno Valley return and take over the reins. Also thanked Chief Anderson for his service here in Moreno Valley.
4. It's fire season - help your firefighters by making clearance to your homes by removing the brush near fences. This will give the firefighters a chance to defend your homes from any fires.

Council Member Jesse L. Molina

1. Adding to Council Member Marcelo Co's comments, as he has also received calls regarding tenants destroying homes. He would like to see it go to a Study Session for further discussion.
2. Attended National Crime Victims Rights Week Candelight Vigil on April 26. Many crime victims and loved ones to help raise public awareness about victims rights. A very emotional experience for him. Was touching and very sad. A wall titled "Victims Voice Will be Heard", where the victims names were listed and only one that was familiar to him, Norma Angelica Lopez, who will never be forgotten.
3. Sunday, April 29, National Day of Prayer, spent it at Faith Baptist Church with Pastor Dale Lackermont.
4. Friday, 4th of May, 150th Anniversary of the Battle of Puebla, actually the Cinco de Mayo, attended the Oakley Award which was received by Josie Gonzalez.
5. Attended Cinco de Mayo at Towngate-missed tacos. Wants to see more nachos and more of the Chambers coming together to work

as a group.

6. Went to San Diego for the Christening of the USNS Czesar Chavez - was there representing American GI Forum.

Mayor Richard A. Stewart

1. On Sunday attended the USO Event at March Museum, where Connie Stevens received an award.
2. Student of the Year Dinner is this Friday, May 11, at Val Verde and will be attending.
3. Attended the Catholic Bishops Dinner on the 28th of April at the Palm Spring Air Museum where 750 people were in attendance. This event was to recognize people in the community who have done a lot things for the youth and community groups.
4. Also attended Cinco de Mayo at Towngate - agrees about the Mexican food.
5. Taste of the Valleys will be June 23, primo event. It is \$25 pre-sale, \$30 at the door, contact the Chamber of Commerce at 951.697.4404.
6. May 19 and 20 the Thunderbirds will be performing at the March Air Show. Also announced that it was free, except the food, and there will be a lot of booths.

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet 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.

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

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(a) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

a) Case: *Application Of Southern California Edison Company To Establish Marginal Costs, Allocate Revenues, Design Rates, and Implement Additional Dynamic Pricing Rates*

Court:

Case No: Application (A.) 11-06-007

2 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

3 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

4 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

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at ____ p.m. 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