

**MINUTES**  
**CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY**  
**April 9, 2013**

**CALL TO ORDER**

[SPECIAL PRESENTATIONS](#)

[1. Proclamation Recognizing April as Child Abuse Prevention Month](#)

[2. Business Spotlight](#)

a) LaQuinta Inn

b) SecurCare Storage

**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 – 6:00 PM  
April 9, 2013**

**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 6:04 p.m. by Mayor Tom Owings in the Council Chamber located at 14177 Frederick Street

Mayor Tom Owings announced that the City Council receives a separate stipend for CSD meetings.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Scott Heveran

**INVOCATION - Pastor Diane Gardner - Beautiful Women of God - Diane Gardner Ministries**

**ROLL CALL**

Council:

Tom Owings	Mayor
Marcelo Co	Mayor Pro Tem
Victoria Baca	Council Member
Jesse L. Molina	Council Member
Richard A. Stewart	Council Member

Staff:

Jane Halstead	City Clerk
Kathy Gross	Executive Assistant
Henry T. Garcia	City Manager
Richard Teichert	Chief Financial Officer
Suzanne Bryant	Acting City Attorney

Michelle Dawson  
Joel Ontiveros  
Abdul Ahmad  
Ahmad Ansari  
Barry Foster  
Tom DeSantis  
Mike McCarty  
Michele Patterson

Assistant City Manager  
Police Chief  
Fire Chief  
Public Works Director  
Community and Economic Development Director  
Administrative Services Director  
Parks & Community Services Director  
Assistant to the City Manager

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

Scott Heveran

1. Renewable Energy

Margaret Williams

1. Box Springs Mutual Water Company

Daryl Terrell

1. Future
2. Unity

Deanna Reeder

1. Community Forum
2. Ethnicity
3. Citizen Charter Petition

Tom Jerele Sr.

1. City Long Range Debt Burden
2. Warehouse and job creation

Kenny Bell

1. Disagreements between Moreno Valley Residents and Council
2. Solar Energy

Lashé Rodriguez

1. Legislative Update

Tom Thornsley

1. Thanked City Council for opportunity to interview for the Planning Commission
2. Solar Energy
3. Charter urgency to go on ballot in November

Louise Palomarez

1. Skechers and Community Forum
2. Medical Corridor location

Alicia Espinoza

1. Search for another avenue to raise sales tax for Public Safety
2. Riverside County Sheriff contracts

Curtis Gardner

1. Charter
2. Sales Tax increase for Public Safety
3. City owned Police Department startup

Chris Baca

1. Riverside County Democratic Central Committee - Sub-Chairs a sub-committee on Immigration Reform

Craig Givens

1. Against raising Sales Tax for Public Safety

**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 THE BOARD OF LIBRARY TRUSTEES**

Mayor Tom Owings opened the agenda items for the Consent Calendars for public comments (except Item A.6, which was pulled for separate action); there being none, public comments were closed.

## A. CONSENT CALENDAR-CITY COUNCIL

### A.1 ORDINANCES - READING BY TITLE ONLY

**Recommendation:** Waive reading of all Ordinances.

### A.2 [MINUTES - REGULAR MEETING OF MARCH 26, 2013 \(Report of: City Clerk's Department\)](#)

**Recommendation:**

Approve as submitted.

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

**Recommendation:**

Approve as submitted.

### A.4 [APPROVAL OF THE 2013/2014 FISCAL YEAR STORM WATER PROTECTION PROGRAM BUDGET FOR COUNTY SERVICE AREA \(CSA\) 152](#)

(Report of: Community & Economic Development Department)

**Recommendations**

1. Approve the County Service Area (CSA) 152 Budget for FY 2013/2014 in the amount of \$550,380.
2. Authorize the levy of CSA 152 Assessment at \$8.15 per Benefit Assessment Unit (BAU) for FY 2013/2014.

### A.5 [PA04-0108 \(TR 32515\) – OFFSITE & ONSITE IMPROVEMENTS – ACCEPT SUBSTITUTION AGREEMENTS AND SECURITIES FOR PUBLIC IMPROVEMENTS](#)

(Report of: Community & Economic Development Department)

**Recommendations**

1. Accept the substitution Agreements for Public Improvements and Securities for project PA04-0108 (TR 32515) – Offsite and Onsite Improvements.
2. Authorize the Mayor to execute the agreements.
3. Direct the City Clerk to forward the signed agreements to the County Recorder's Office for recordation.
4. Authorize the Public Works Director/City Engineer to exonerate the

Faithful Performance Bonds and Material and Labor Bonds previously submitted by K. Hovnanian Forecast Homes Southern, Inc. a California Corporation, upon acceptance of the substitution agreement and security.

5. Authorize the Public Works Director/City Engineer to execute any future time extension amendments to the agreements, subject to City Attorney approval, if the required improvements are not completed within said timeframe.

A.6 [APPROVE AND EXECUTE AGREEMENT FOR CONVEYANCE OF REAL PROPERTY FOR ACQUISITION OF APN 473-220-072 FOR THE NORTHEAST FIRE STATION, PROJECT NO. 803 0018 70 77](#)  
(Report of: Public Works Department)

**Recommendations**

1. Approve the Agreement for Conveyance of Real Property with IL Nam Oh and Yun Kang Oh for acquisition of APN 473-220-072 for the Northeast Fire Station project.
2. Authorize the City Manager to execute the Agreement for Conveyance of Real Property and authorize the Public Works Director/City Engineer to approve any changes subject to the approval of the City Attorney.
3. Authorize the issuance of a Purchase Order for \$152,500 (\$146,000 for the acquisition purchase price plus \$6,500 for escrow closing fees) when the Agreement has been signed by all parties.

**Motion to Approve Item A.6 by m/Council Member Richard A. Stewart, s/Mayor Tom Owings**

**Failed by a vote of 1-4, Mayor Tom Owings, Mayor Pro Tem Marcelo Co, Council Member Victoria Baca, Council Member Jesse L. Molina opposed.**

A.7 [PA12-0048 \(PM 36511\) – APPROVE PARCEL MAP \(CONTINUED FROM MARCH 26, 2013, BY A 5-0 VOTE\)](#)  
(Report of: Community & Economic Development Department)

**Recommendation:**

1. Approve Parcel Map 36511.
2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

**Motion to Continue Item A.7 to date uncertain by m/Council Member Jesse L. Molina, s/Mayor Pro Tem Marcelo Co**

**Approved by a vote of 5-0.**

**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 MARCH 26, 2013 \(Report of: City Clerk's Department\)](#)

**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 MARCH 26, 2013 \(Report of: City Clerk's Department\)](#)

**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 MARCH 26, 2013 \(Report of: City Clerk's Department\)](#)

**Recommendation:**

Approve as submitted.

**Motion to Approve Joint Consent Calendar Items A.1 through D.2, except A.6 (pulled for separate action) and A.7 (continued to date uncertain) by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina**

**Approved by a vote of 5-0.**

## E. PUBLIC HEARINGS - NONE

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

Item A.6 pulled for separate action from Consent Calendar.

Mayor Tom Owings opened the agenda item A.6 for public comments, which were received from Deanna Reeder (Opposed), Pete Bleckert and Louise Palomarez.

## G. REPORTS

### G.1 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

None

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

Case against The State Department of Finance entitled The City of Moreno Valley v. Paul Angulo et al., Sacramento Superior Court case number 34-2012-80001350 has been dismissed due to a successful resolution of the issue that was filed on March 26, 2013.

## H. LEGISLATIVE ACTIONS

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

### H.2 ORDINANCES - 2ND READING AND ADOPTION

- H.2.1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SUB-SECTION 9.14.130(A) OF TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO REQUIREMENTS FOR THE UNDERGROUNDING OF OVERHEAD UTILITIES (RECEIVED FIRST READING AND INTRODUCTION ON MARCH 26, 2013 BY A 5-0 VOTE) (Report of: Community & Economic Development Department)

#### **Recommendations That the City Council:**

Adopt Ordinance No. 862, an Ordinance of the City Council of the City of Moreno Valley, California amending sub-section 9.14.130(a) of Title 9 of the City of Moreno Valley Municipal Code relating to requirements for the



undergrounding of overhead utilities.

Ordinance No. 862

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Sub-Section 9.14.130(A) of Title 9 of the City of Moreno Valley Municipal Code Relating to Requirements for the Undergrounding of Overhead Utilities

**Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Pro Tem Marcelo Co**

No roll call was made, as public speaker had not yet spoke on the item before first motion made.

Mayor Tom Owings opened the agenda item for public comments, which was received from Tom Jerele, Sr. (Supports)

**Motion to Approve by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina**

**Approved by a vote of 5-0.**

H.2.2 [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADDING CHAPTER 2.25 TO THE CITY OF MORENO VALLEY MUNICIPAL CODE ESTABLISHING A UTILITIES COMMISSION \(RECEIVED FIRST READING AND INTRODUCTION ON MARCH 26, 2013 BY A 5-0 VOTE\) \(Report of: Public Works Department\)](#)

**Recommendations That the City Council:**

Adopt Ordinance No. 863 adding Chapter 2.25 to the City of Moreno Valley Municipal Code establishing a Utilities Commission (as listed on the ordinance). (Roll call required)

Ordinance No. 863

An Ordinance of the City Council of the City of Moreno Valley, California, Adding Chapter 2.25 to the City of Moreno Valley Municipal Code Establishing a Utilities Commission

Mayor Tom Owings opened the agenda item for public comments; there being none, public comments were closed.

**Motion to Approve by m/Council Member Richard A. Stewart,  
s/Council Member Jesse L. Molina**

**Approved by a vote of 5-0.**

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

Mayor Tom Owings

1. Encouraged the public to read the book: What is History, by E.H. Carr.
2. Asked the public to ask yourselves the questions on what have the leaders done for the City. What have they done to: a) increase graduation rates; b) increase property values; c) lower taxes; d) fight crime; e) balance budget; f) make our City more livable; and g) enhance the reputation of our City so that we can attract developers and create jobs
3. Unity and good business dialog
4. Constant distractors discourage future developers from coming to our City (developers searching criteria are good schools, safe streets and good reputation)
5. New start - agreements, achievements set aside issues that divide us and discuss without impairing the forward progress of this City

## CLOSED SESSION

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 Conference Room B, First 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:

Mayor Tom Owings opened the agenda item for public comments; there being none, public comments were closed.

Acting City Attorney, Suzanne Bryant, announced there was no initiation of litigation. Tom DeSantis will be attending closed session and he would be the one to report back.

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

- a) [Boe et al. V. City of Moreno Valley, et al.](#)  
Riverside Superior Court  
RIC 1301793

2 SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OR (3) OF SUBDIVISION (D) OF SECTION 54956.9:

Number of Cases: 5

3 SECTION 54956.9(d)(4) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

- a) [Boe et al. V. City of Moreno Valley, et al.](#)  
Riverside Superior Court Case  
RIC 1301793

4 SECTION 54957.6 - LABOR NEGOTIATIONS

- a) [Agency Representative: 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

5 SECTION 54957 - PUBLIC EMPLOYMENT APPOINTMENT/PUBLIC  
EMPLOYMENT

[a\) City Attorney](#)

**REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY ADMINISTRATIVE  
SERVICES DIRECTOR**

Tom DeSantis reported back that City Council appointed Suzanne M. Bryant as City Attorney, effective July 9, 2013.

## ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 7:44 p.m. by unanimous informal consent.

Submitted by:

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

Approved by:

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Mayor Tom Owings  
President, Moreno Valley Community Services District  
Chairperson, City as Successor Agency for the Community  
Redevelopment Agency of the City of Moreno Valley  
Chairperson, Moreno Valley Housing Authority  
Chairperson, Board of Library Trustees