

MINUTES
CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY
May 14, 2013

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Proclamation Recognizing National Police Week
2. Proclamation Recognizing National Public Works Week
3. Proclamation Recognizing West Coast Thunder
4. Business Spotlight
 - a) Moreno Valley Ranch Golf Club
 - b) Inland Empire Customs

**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
May 14, 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 6:12 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 Henry Garcia

INVOCATION

[Bishop Randy Triplett - Victory Temple of Deliverance 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	Financial and Management Services Director
Suzanne Bryant	Acting City Attorney
Michelle Dawson	Assistant City Manager
Joel Ontiveros	Police Chief
Abdul Ahmad	Fire Chief
Ahmad Ansari	Public Works Director
Barry Foster	Community and Economic Development Director
Tom DeSantis	Administrative Services Director
Mike McCarty	Parks & Community Services Director
Michele Patterson	Assistant to the City Manager

[PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL](#)

Betty Masters

1. Opposition to World Logistics Center

Jeff Giba

1. Hidden Springs Residence Committee

Pete Bleckert

1. Poorman's Reservoir
2. Properties Owned by the City
3. Air Quality

Marcia Amino

1. Thanked Dan Thomas
2. Litigation against March JPA
3. Highland Fairview
4. World Logistics Center

Keri Then

1. City Council and Study Session Comments

2. World Logistics Center
3. Follow City's own rules - City Issues rather than personal agenda

Frank Wright

1. Ongoing Conditions
2. Leadership and Unity

Alicia Espinoza

1. 12 year-old speaker from prior Study Session

Francisco Lopez

1. Students right to speak
2. World Logistics Center and warehouses

Henri Rahmon

1. Code Enforcement Issues and unfair treatment to homeowners

Patrick Howard

1. World Logistics Center

James Kelly

1. Utility Tax
2. Education
3. Budget

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; 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 APRIL 23, 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 [AUTHORIZE SUBMISSION OF GRANT APPLICATIONS FOR THE SB821 BICYCLE AND PEDESTRIAN FACILITIES PROGRAM](#)

(Report of: Public Works Department)

Recommendation:

Authorize the submission of grant applications for the SB 821 Bicycle and Pedestrian Facilities Program as administered by the Riverside County Transportation Commission (RCTC).

A.5 [ACCEPTANCE OF THE CDPH PEDESTRIAN SAFETY GRANT AND FUNDING APPROPRIATION FOR THE "IT'S UP TO ALL OF US" PEDESTRIAN SAFETY PUBLIC EDUCATION CAMPAIGN](#)

(Report of: Public Works Department)

Recommendations

1. Accept the grant award in state funds of \$8,500 for the "It's Up to All of Us" pedestrian safety public education campaign, under the California Department of Public Health Pedestrian Safety Program.
2. Authorize the appropriation of \$8,500 from the unencumbered Measure "A" (Fund 2001) fund balance for the public outreach/safety education costs of the "It's Up to All of Us" pedestrian safety public education campaign.

A.6 [PA06-0021, PM 34577 – REQUEST TO CONDUCT A FULL ROAD CLOSURE OF HEACOCK STREET FROM SAN MICHELE ROAD TO NANDINA AVENUE AND SAN MICHELE ROAD BETWEEN HEACOCK STREET AND INDIAN AVENUE FOR THE CONSTRUCTION OF STREET IMPROVEMENTS FROM MAY 15, 2013 – JULY 31, 2013](#)

(Report of: Community & Economic Development Department)

Recommendation:

1. Authorize a full road closure of Heacock Street from San Michele

Road to Nandina Avenue, and San Michele Street between Heacock Street and Indian Avenue for the construction of street improvements from May 15, 2013 – July 31, 2013.

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.

A.7 [APPROVE THE AMENDMENT TO THE AGREEMENTS FOR PROFESSIONAL CONSULTANT SERVICES FOR CONSTRUCTION MATERIAL TESTING AND GEOTECHNICAL SERVICES WITH LEIGHTON CONSULTING, INC. AND CONSTRUCTION SURVEY SERVICES WITH RICK ENGINEERING COMPANY FOR THE MORENO MASTER DRAINAGE PLAN LINE "F", STAGE 2 CHANNEL IMPROVEMENTS -- PROJECT NO. 804 0005 70 77](#)

(Report of: Public Works Department)

Recommendations

1. Approve the Amendments to the Agreements for Professional Consultant Services for Construction Material Testing and Geotechnical Services with Leighton Consulting Inc., and Construction Survey Services with Rick Engineering Company, for the Moreno Master Drainage Plan Line "F", Stage 2 Channel Improvements.
2. Authorize the City Manager to execute an amendment to the Agreement with Leighton Consulting Inc. and an amendment to the Agreement with Rick Engineering Company.
3. Authorize the issuance of a Purchase Order to Leighton Consulting Inc. for the amount of \$62,344 and Rick Engineering Company for the amount of \$62,810 when the contracts have been signed by all parties.
4. Authorize the Public Works Director/City Engineer to execute any subsequent amendments to the Agreements with Leighton Consulting Inc. and Rick Engineering Company within the purchase order amounts, subject to the approval of the City Attorney.

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 23, 2013 \(Report of: City Clerk's Department\)](#)

Recommendation:

Approve as submitted.

B.3 [THIRD AMENDMENT TO THE INDEPENDENT CONTRACTOR AGREEMENT FOR BACKFLOW – TESTING, REPAIR AND REPLACEMENT SERVICES](#)

(Report of: Financial & Management Services Department)

Recommendations

1. Acting in its capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD Board): Approve the Third Amendment to the Independent Contractor Agreement (“Agreement”) for Backflow Testing Services Project No. BDEMS/10, (“Third Amendment to Agreement for BDEMS/10”) with E. R. Block Plumbing, Inc. (10910 Hole Avenue, Riverside, CA 92505) for replacement, repair and testing of backflow devices throughout each of the CSD maintained landscaped areas and Water Quality Basins.
2. Authorize the City Manager to execute the Third Amendment to the Agreement for BDEMS/10 with E. R. Block Plumbing, Inc.
3. Authorize an adjustment in the purchase order (PO) to E. R. Block Plumbing, Inc., for an increase of \$15,752.88 when the Third Amendment to the Agreement for BDEMS/10 has been signed by all parties.
4. Authorize the City Manager to approve budget adjustments for CSD Zones D & E for backflow testing, repair and replacement services in the following amounts: a. Zone D in the amount of \$25,571.02. b. Zone E in the amount of \$12,292.40.
5. Authorize the City Manager to have authority to approve subsequent Amendments to the Agreement for BDEMS/10 for backflow testing, repair and replacement services; authority to approve increases to the purchase order for any Amendment to the Agreement for BDEMS/10 for a sum of up to a not-to-exceed (NTE) amount of \$50,000.00; and authority to approve related budget adjustments for additional backflow replacements, testing and repairs, that may be necessary through the remainder of the 2012/13 fiscal year.

B.4 [FIRST AMENDMENT TO THE INDEPENDENT CONTRACTOR AGREEMENT FOR MAINTENANCE OF PARKWAY LANDSCAPING AND IRRIGATION PROJECT NO. DSG-1/10](#)

(Report of: Financial & Management Services Department)

Recommendations

1. Acting in its capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD Board): Approve the First Amendment to the Independent Contractor Agreement (“Agreement”) for Maintenance of Parkway Landscaping and Irrigation Project No. DSG-1/10, (“First Amendment to Agreement for DSG-1/10”) with TruGreen Landcare, 1616 Marlborough Avenue, Suite S, Riverside, CA 92507 for Zone D-1 (DSG-1 full service level) tracts.
2. Authorize the City Manager to execute the First Amendment to the Agreement for DSG-1/10 with TruGreen Landcare.
3. Authorize an adjustment in the purchase order (PO) to TruGreen Landcare for an increase of \$7,757.83 when the First Amendment to the Agreement for DSG-1/10 has been signed by all parties.

B.5 FIRST AMENDMENT TO THE INDEPENDENT CONTRACTOR AGREEMENT FOR MAINTENANCE OF PARKWAY LANDSCAPING AND IRRIGATION PROJECT NO. DSG-2/12-13

(Report of: Financial & Management Services Department)

Recommendations

1. Acting in its capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD Board): Approve the First Amendment to the Independent Contractor Agreement (“Agreement”) for Maintenance of Parkway Landscaping and Irrigation Project No. DSG-2/12-13, (“First Amendment to the Agreement for DSG-2/12-13”) with Mariposa Landscapes, Inc., 15529 Arrow Highway, Irwindale, CA 91706 for Zone D-2 (DSG-2 reduced service level) tracts.
2. Authorize the City Manager to execute the First Amendment to the Agreement for DSG-2/12-13 with Mariposa Landscapes, Inc.
3. Authorize adjustments in the purchase orders (POs) to Mariposa Landscapes, Inc. for a decrease in the PO for base maintenance services of \$1,498.44 and an increase of \$7,100.00 for additional work, for a net change to the Agreement of \$5,601.56, when the First Amendment to the Agreement for DSG-2/12-13 has been signed by all parties.

B.6 FIRST AMENDMENT TO THE INDEPENDENT CONTRACTOR AGREEMENT FOR MAINTENANCE OF PARKWAY LANDSCAPING AND IRRIGATION IN PROJECT NO. E-2/09

(Report of: Financial & Management Services Department)

Recommendations

1. Acting in its capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD Board: Approve the First Amendment to the Independent Contractor Agreement (“Agreement”) for Maintenance of Parkway Landscaping and Irrigation Project No. E-2/09, (“First Amendment to the Agreement for E-2/09”) with Tropical Plaza Nursery, Inc., 9642 Santiago Boulevard, Villa Park, CA 92861 for the E-2 (Hidden Springs) area.
2. Authorize the City Manager to execute the First Amendment to the Agreement for E-2/09 with Tropical Plaza Nursery, Inc.
3. Authorize an adjustment in the purchase order (PO) to Tropical Plaza Nursery, Inc., for an increase of \$18,000.00 when the First Amendment to the Agreement for E-2/09 has been signed by all parties.

B.7 [FIRST AMENDMENT TO THE INDEPENDENT CONTRACTOR AGREEMENT FOR MAINTENANCE OF PARKWAY LANDSCAPING AND IRRIGATION IN PROJECT NO. E-3/11-12](#)

(Report of: Financial & Management Services Department)

Recommendations

1. Acting in its capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD Board): Approve the First Amendment to the Independent Contractor Agreement (“Agreement”) for Maintenance of Parkway Landscaping and Irrigation Project No. E-3/11-12, (“First Amendment to Agreement for E-3/11-12”) with Merchants Landscape Services, Inc., 8847 W. 9th Street, Rancho Cucamonga, CA 91730 for E-3 (Moreno Valley Ranch-West) and E-3A (Lasselle Powerline Parkway) areas.
2. Authorize the City Manager to execute the First Amendment to the Agreement for E-3/11-12 with Merchants Landscape Services, Inc.
3. Authorize adjustments in the purchase orders (POs) to Merchants Landscape Services, Inc., for a decrease in the PO for base maintenance services of \$2,799.72 and an increase of \$8,650.00 for additional work, for a net change to the Agreement of \$5,850.28 when the First Amendment to the Agreement for E-3/11-12 has been signed by all parties.

B.8 [FIRST AMENDMENT TO THE INDEPENDENT CONTRACTOR](#)

AGREEMENT FOR MAINTENANCE OF PARKWAY LANDSCAPING AND IRRIGATION IN PROJECT NO. E-4/11

(Report of: Financial & Management Services Department)

Recommendations

1. Acting in its capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD Board): Approve the First Amendment to the Independent Contractor Agreement ("Agreement") for Maintenance of Parkway Landscaping and Irrigation Project No. E-4/11, ("First Amendment to Agreement for E-4/11") with TruGreen Landcare, 1616 Marlborough Avenue, Suite S, Riverside, CA 92507 for E-4 (Moreno Valley Ranch-East) and E-4A (Daybreak) areas.
2. Authorize the City Manager to execute the First Amendment to the Agreement for E-4/11 with TruGreen Landcare.
3. Authorize an adjustment in the purchase order (PO) to TruGreen Landcare, for an increase of \$10,100.00 when the First Amendment to the Agreement for E-4/11 has been signed by all parties.

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 23, 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 APRIL 23, 2013 \(Report of: City Clerk's Department\)](#)

Recommendation:

Approve as submitted.

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

Approved by a vote of 5-0.

E. PUBLIC HEARINGS

- E.1 A PUBLIC HEARING FOR A GENERAL PLAN AMENDMENT (PA12-0030) FROM RESIDENTIAL 10 (R10), RESIDENTIAL SINGLE FAMILY 10 (RS10) AND RESIDENTIAL 15 (R15) TO RESIDENTIAL 5 (R5), AND TO MODIFY THE CIRCULATION ELEMENT; A CHANGE OF ZONE (PA12-0029) FROM R10, RS10 AND R15 TO R5; A TENTATIVE TRACT MAP 36436 (PA12-0005) TO SUBDIVIDE 43.52 ACRES INTO 159 SINGLE FAMILY RESIDENTIAL LOTS; A CONDITIONAL USE PERMIT (PA12-0004) FOR A PLANNED UNIT DEVELOPMENT; AND A VARIANCE (P12-129) FOR AN INCREASE IN RETAINING WALL HEIGHT ON THE PROPERTY LINES. THE APPLICANT IS CV –COMMUNITIES
(Report of: Community & Economic Development Department)

Recommendations That the City Council:

1. ADOPT a Mitigated Negative Declaration for application PA12-0030 (General Plan Amendment), PA12-0029 Change of Zone, PA12-0005 Tentative Tract Map and PA12-0004 Conditional Use Permit.
2. INTRODUCE Ordinance No. 867 approving PA12-0029 Change of Zone from Residential 10 (R10), Residential Single Family 10 (RS10), Residential 15 (R15) to Residential 5 (R5).

Ordinance No. 867

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA12-0029 (Zone Change) to Change the Land Use District for Approximately 43.52 Acres from Residential 10 (R10), Residential Single Family(RS10), And Residential 15 (R15) to Residential 5 (R5) for Assessors Parcel Numbers 478-100-034, 478-090-007, 478-090-036, 478-100-010, 478-100-009

3. ADOPT Resolution No. 2013-29 approving General Plan Amendment PA12-0030 from Residential 10 (R10), Residential Single Family 10 (RS10), Residential 15 (R15) to Residential 5 (R5) and modifying the circulation element thereby establishing General Plan Land Use Map designations for the properties as described in the Resolution, and the revised General Plan Map.

Resolution No. 2013-29

A Resolution of the City Council of the City of Moreno Valley, California, Approving PA12-0030, A General Plan Amendment to Change the Land Use of 43.52 Acres from Residential 10 (R10),

Residential Single Family 10 (RS10) and Residential 15 (R15) to Residential 5 (R5) and Modify the Circulation Element to Eliminate the Connection of Quincy Street from Brodiaea Avenue to Cactus Avenue Located South of Brodiaea to Cactus & East and West of the Quincy Channel Assessor Parcel Numbers 478-100-034, 478-090-007, 478-090-036, 478-100-010, 478-100-009

4. ADOPT Resolution No. 2013-30 approving PA12-0005 Tentative Tract Map 36436 to subdivide 43.52 acres into 159 single family residential lots, PA12-0004 a Conditional Use Permit for the Planned Unit Development and P12-129 a Variance subject to the attached Conditions of Approval.

Resolution No. 2013-30

A Resolution of the City Council of the City of Moreno Valley, California, Approving PA12-0005 Tentative Tract Map 36436, PA12-0004 A Conditional Use Permit and P12-129 A Variance Located South Of Brodiaea to Cactus & East and West of the Quincy Channel Assessor Parcel Numbers 478-100-034, 478-090-007, 478-090-036, 478-100-010, 478-100-009

Mayor Tom Owings opened the public testimony portion of the public hearing. Public testimony was received from Scott Heveran (Opposed).

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

Approved by a vote of 5-0.

Motion to Approve Recommendation No. 2 by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina

Approved by a vote of 5-0.

Motion to Approve Recommendation No. 3 by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina

Approved by a vote of 5-0.

Motion to Approve Recommendation No. 4 by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina

Approved by a vote of 5-0.

E.2 [A JOINT PUBLIC HEARING TO APPROVE AN AFFORDABLE HOUSING AGREEMENT WITH HABITAT FOR HUMANITY](#)

(Report of: Community & Economic Development Department)

Recommendations That the City Council and Housing Authority

1. Conduct a Joint Public Hearing pursuant to the California Community Redevelopment Law (California Health and Safety Code, Section 33000 et seq.) at which it will hear and consider information concerning the transfer of title of Assessor's Parcels 481-250-002 and 481-250-003 and the Affordable Housing Agreement by and between the City of Moreno Valley, the Moreno Valley Housing Authority, and Habitat for Humanity Riverside.
2. Adopt Resolution 2013-31, and Resolution HA 2013-02, approving an Affordable Housing Agreement between the City of Moreno Valley, the Moreno Valley Housing Authority, and Habitat for Humanity Riverside, Inc. for the conveyance and development of land, making certain findings, and approving the use of funds.

Resolution No. 2013-31

A Resolution of the City Council of the City of Moreno Valley Approving an Affordable Housing Agreement by and Among the Housing Authority of the City of Moreno Valley, the City of Moreno Valley and Habitat for Humanity, Riverside, Inc.

Resolution No. HA 2013-02

A Resolution of the Moreno Valley Housing Authority of the City of Moreno Valley, California Approving an Affordable Housing Agreement by and Among the Housing Authority of the City of Moreno Valley, the City of Moreno Valley and Habitat for Humanity, Riverside, Inc.

Mayor Tom Owings opened the public testimony portion of the public hearing. Public testimony was received from Karin Roberts (Supports)

Motion to Approve by m/Council Member Richard A. Stewart, 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 **APPOINTMENT TO THE LIBRARY COMMISSION**

(Report of: City Clerk Department)

Recommendations That the City Council:

1. Appoint Laura D'Arciprete to the Library Commission with a term expiring June 30, 2015; or
2. If an appointment is not made, declare the position vacant and authorize the City Clerk to re-notice the position as vacant.

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

Approved by a vote of 5-0.

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

No Report

G.3 **CITY ATTORNEY'S REPORT (Informational Oral Presentation - not for Council action)**

No report

H. LEGISLATIVE ACTIONS

H.1 **ORDINANCES - 1ST READING AND INTRODUCTION**

H.1.1 **AMENDMENT TO CHAPTER 6.02 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE AND ADOPTION OF THE PROPOSED ORDINANCE RELATED TO ILLEGAL HAULING AND COMMERCIAL RECYCLING BIN SCREENING, AND ADOPTION OF A RESOLUTION RELATING TO CITATION AUTHORIZATION**

(Report of: Public Works Department)

Recommendations That the City Council:

1. Introduce the proposed Ordinance No. 866 amending Municipal Code Section 6.02.

Ordinance No. 866

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 6.02 of Chapter 6 of the City of Moreno Valley Municipal Code Relating to Refuse Collection, Transfer and Disposal

2. Adopt proposed Resolution No. 2013-28 repealing Resolution No. 93-79 to include additional classifications with citation authorization.

Resolution No. 2013-28

A Resolution of the City Council of the City of Moreno Valley, California, Repealing, Revising and Reenacting the Provisions of Resolution 93-79, Authorizing Specified Classes of Officers and Employees of the City to Make Arrests Without Warrants and to Exercise Citation Authority

Motion to Continue to May 28, 2013 by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina

Approved by a vote of 5-0.

H.2 ORDINANCES - 2ND READING AND ADOPTION

- H.2.1 ORDINANCE 864 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A MUNICIPAL CODE AMENDMENT (PA11-0030) AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING THE CREATION OF THE MIXED USE OVERLAY DISTRICT (APPROXIMATELY 147.69 ACRES) AND AMENDING THE MUNICIPAL CODE TO INCLUDE STANDARDS RELATED TO THE MIXED USE OVERLAY DISTRICT (RECEIVED FIRST READING AND INTRODUCTION ON APRIL 23, 2013, BY A 5-0 VOTE) (Report of: Community & Economic Development Department)

Recommendations That the City Council:

Adopt Ordinance No. 864.

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Municipal Code Amendment (PA11-0030) Amending Title 9 of the City of Moreno Valley Municipal Code Regarding the Creation of the Mixed Use Overlay District (Approximately 147.69 Acres) and Amending the Municipal Code to Include Standards Related to the Mixed Use Overlay District

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.2.2 [ORDINANCE 865 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA11-0029 \(CHANGE OF ZONE\) TO CHANGE THE LAND USE DISTRICT FOR APPROXIMATELY 146.19 ACRES TO RESIDENTIAL 30 \(R30\) AND APPROXIMATELY 10.46 ACRES TO OPEN SPACE \(OS\) AND PA12-0047 \(CHANGE OF ZONE\) TO CHANGE THE LAND USE DISTRICT OF APPROXIMATELY 21.47 ACRES TO COMMUNITY COMMERCIAL \(CC\) \(RECEIVED FIRST READING AND INTRODUCTION ON APRIL 23, 2013, BY A 5-0 VOTE\) \(Report of: Community & Economic Development Department\)](#)

Recommendations That the City Council:

Adopt Ordinance No. 865.

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA11-0029 (Change Of Zone) to Change the Land Use District for Approximately 146.19 Acres to Residential 30 (R30) and Approximately 10.46 Acres to Open Space (OS) and PA12-0047 (Change Of Zone) to Change the Land Use District of Approximately 21.47 Acres to Community Commercial (CC)

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. Idol speculation reported by the Press Enterprise regarding the performance evaluation of our City Manager. Believes in the City Manager, has the utmost respect and admiration for our City Manager, Henry Garcia. You are the most intelligent fellow he has ever met, you have a king insight and a great vision. You've had great goals and aspirations for this City.
2. Warehouse Jobs
3. Speakers comments
4. 15 Billion dollars worth of Economic Income to the City
5. Little girls comments

Council Member Victoria Baca

1. Press Enterprise regarding City Council and City Manager
2. Ready to give the City Manager a raving review for his outstanding performance. Henry Garcia you are a role model for the community and children, you are the epitome of hard work and ethics.
3. Francisco Lopez comments
4. Warehousing jobs - Toured Harbor Freights warehouse
5. Speakers First Amendment Rights and encouragement to continue to speak

Richard Stewart

1. Agrees with what has been said, but if you don't want the warehouses in a specific location - keep your mind open for discussion and dialog
2. Honest work in Logistic Centers
3. Mayor Tom Owings was a speaker at Medical Office Building at Kaiser Ribbon Cutting - a beautiful building. Encouragement for more medical office buildings to bring in more medical career jobs.

There being no further business to conduct, the meeting was adjourned to Close Session at 7:51 p.m. by unanimous informal consent.

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 C, 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 Acting City Attorney Suzanne Bryant announced that they will not be discussing the four cases listed on the agenda and will be discussing three claims listed on the agenda under Government Code 54956.9(d)(3) Schneider, Brady and Early; pursuant to Government Code Section 54957, will be discussing Personnel Matters.

Mayor Tom Owings opened the agenda item for public comments, which were received from Deanna Reeder, Alex Ortiz and Tom Thornsley.

The Closed Session was held pursuant to Government Code:

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

- a) City of Moreno Valley V. Chen
- b) City of Moreno Valley V. Chado & Chado
- c) City of Moreno Valley V. Equitable Properties

+-

- d) City of Moreno Valley V. McGinness

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

4 SECTION 54957 - PERSONNEL MATTERS

4.1 a) Public Employee Performance Evaluation: City Manager

5 SECTION 54957 - PERSONNEL MATTER - PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

5.1 a) City Manager

6 SECTION 54957 - PUBLIC EMPLOYMENT APPOINTMENT

6.1 a) City Manager

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

Acting City Attorney, Suzanne Bryant, reported that Henry Garcia submitted his resignation from the City for purposes of retirement effective December 1, 2013. The City has accepted his resignation; from May 15, 2013 through May 31, 2013 Garcia will use his accrued annual leave hours; from June 1, 2013 through December 1, 2013 Garcia shall be on a paid leave of absence. The vote was 5-0. Furthermore, Michelle Dawson was appointed City Manager by a vote of 5-0. A Council action will be placed on the agenda in open session.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:00 p.m. by unanimous informal consent.

Submitted by:

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:

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