

**MINUTES**  
**CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY**  
**October 8, 2013**

**CALL TO ORDER**

[SPECIAL PRESENTATIONS](#)

[1. Proclamation Recognizing Toastmasters Awareness Month](#)

[2. Business Spotlight](#)

- a) Sonora Grill Restaurant (District 5)
- b) Tutu Barre Dance & Fitness Studio (District 4)

**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  
October 8, 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 6:01 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**

Pledge of allegiance was led by Jeff Giba

**INVOCATION**

[Pastor Lupe Gonzalez - Templo de Milagros International](#)

**ROLL CALL**

Council:

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

Staff:

Jane Halstead	City Clerk
Kathy Gross	Executive Assistant
Suzanne Bryant	City Attorney
Tom DeSantis	Assistant City Manager

Candace Cassel  
Ahmad Ansari  
Chris Paxton  
Joel Ontiveros  
Abdul Ahmad  
John Terell  
Mike McCarty

Special Districts Division Manager  
Public Works Director  
Administrative Services Director  
Police Chief  
Fire Chief  
Community and Economic Development Director  
Parks & Community Services Director

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

Timea Walker

1. Advocacy and support from Council Member Victoria Baca

Scott Heveran

1. Recall
2. Digital Community Bulletin Board
3. Public Debates at Election time

Lori Nickel

1. District 4 Appointment

Jeff Giba

1. Hidden Springs Residence Committee

Kathleen Dale

1. District 4 Appointment

Nina Ramos Hiers

1. District 4 Appointment
2. Recall

Kenny Bell

1. City Matters

Tom Jerele Sr.

1. City Clerk Support
2. Police Department - Thank You

3. Fire Chief
4. Planning Commissioners and Business Cards
5. Past Mayor's

Marcia Amino

1. City Clerk duties

Louise Palomarez

1. Recall and support of Mayor/Council

Recess;

Reconvened.

Chris Baca

1. United Democrats of Moreno Valley
2. Congratulations to Council Member Yxstian Gutierrez
3. Recall

Tom Hines

1. Up with People - Music
2. PE reporting
3. City Public Relations
4. Jobs
5. Chambers of Commerce

Tom Thornsley

1. District 4 Appointment
2. Community meeting concerning the World Logistics Center
3. Information on Recall and WLC [savemorenovalley@hotmail.com](mailto:savemorenovalley@hotmail.com)

Bob Palomarez

1. Various issues on comments

Madelene Muntz

1. Recent unfruitful discussions with grandchildren in regards to the political arena
2. District 4 Appointment

Ruthee Goldkorn

1. Political activities

**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 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 SEPTEMBER 24, 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:**

Receive and file the Reports on Reimbursable Activities for the period of September 18 – October 1, 2013.

A.4 [APPROVAL OF PAYMENT REGISTER FOR AUGUST, 2013](#)

(Report of: Financial & Management Services Department)

**Recommendation:**

Adopt Resolution No. 2013-79. A Resolution of the City Council of the City of Moreno Valley, California, approving the Payment Register for the month of August, 2013 in the amount of \$11,291,510.12.

A.5 [AUTHORIZE EXECUTION OF THE STATE ROUTE 60 FREEWAY MAINTENANCE AGREEMENT BETWEEN THE CITY AND THE STATE](#)

OF CALIFORNIA THROUGH ITS DEPARTMENT OF TRANSPORTATION  
(CALTRANS)

(Report of: Public Works Department)

**Recommendations**

1. Approve the State Route 60 Freeway Maintenance Agreement between the City of Moreno Valley and Caltrans.
2. Authorize the City Manager to execute said Agreement, and authorize the City Manager to approve any changes that may be requested by Caltrans or the City, subject to the approval of the City Attorney.
3. Authorize the City Manager to execute any future Amendments to the Freeway Maintenance Agreements as may become necessary for future projects, subject to the approval of the City Attorney.

A.6 ACCEPTANCE OF THE HAZARD MITIGATION GRANT PROGRAM  
AWARD AND FUNDING APPROPRIATION FOR THE SAN TIMOTEO  
FOOTHILL NEIGHBORHOOD FLOOD PROTECTION – STORM DRAIN  
LINES K-1 AND K-4

PROJECT NO. 804 0007 70 77

(Report of: Public Works Department)

**Recommendations**

1. Accept the grant award of up to \$1,442,308 in federal funds under the Hazard Mitigation Grant Program (HMGP) for the design and construction of the storm drain system (Lines K-1 and K-4) and related street improvements in the San Timoteo Foothill Neighborhood.
2. Authorize a revenue appropriation of \$1,442,308 and an expense appropriation of \$1,500,000 in the Measure A Fund (Fund 2001) for the design and construction of the storm drain system and related street improvements in the San Timoteo Foothill Neighborhood.

A.7 FISCAL YEAR 2013/2014 CAPITAL IMPROVEMENT PLAN AMENDMENT  
AND BUDGET RE-APPROPRIATION FOR THE REMODEL OF THE TWO  
CITY HALL FIRST FLOOR PUBLIC RESTROOMS

PROJECT NO. 803 0024 70 77

(Report of: Public Works Department)

**Recommendations**

1. Amend the Fiscal Year 2013/2014 Adopted Capital Improvement Plan (CIP) to include the Remodel of the City Hall First Floor Public Restrooms as a funded Building project, as Project Number 803

0024 70 77.

2. Authorize the following budget re-appropriation:\$200,000 from City Hall Second Level Rehabilitation (7310-18-40-80003) to the Remodel of the City Hall First Floor Public Restrooms (7310-70-77-80003).
3. Authorize the City Manager to award and execute the contract to the lowest responsible bidder, if it is within the project budget, subject to approval by the City Attorney.
4. Authorize the Chief Financial Officer/City Treasurer to issue a Purchase Order to the lowest responsible bidder for the contract amount plus a contingency amount not to exceed 15%, if it is within the project budget.
5. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract up to, but not exceeding, the contingency amount, subject to the approval of the City Attorney.
6. 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, if no claims are filed against the project.

A.8 [APPROVE 33 KV INTERCONNECTION FACILITIES AGREEMENT BETWEEN THE CITY OF MORENO VALLEY AND SOUTHERN CALIFORNIA EDISON \(SCE\)](#)

(Report of: Public Works Department)

**Recommendations**

1. Approve 33 kV Interconnection Facilities Agreement between the City of Moreno Valley and Southern California Edison Company.
2. Authorize the City Manager to sign the agreement on behalf of the City of Moreno Valley.

**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 SEPTEMBER 24, 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 SEPTEMBER 24, 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 SEPTEMBER 24, 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 Yxstian Gutierrez, s/Council Member Richard A. Stewart**

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

**E. PUBLIC HEARINGS - NONE**

**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 Pro Tem Mayor Pro Tem Jesse L. Molina on the Riverside Transit Agency (RTA)

Mayor Pro Tem Jesse L. Molina reported on Riverside Transit Agency. A good article was written by Valley Vista Moreno Valley College Publications regarding the RTA GoPass – the students riding the GoPass



for the Moreno Valley College are feeling the pressure. Ben Clark Training Center had opted out of the GoPass and students are expected to pay the \$1.50 each bus ride, \$4 for a day, or \$50 for a monthly pass. Students are being turned away with their I.D.'s. The program was voted against, although Moreno Valley College students want this program. Looking into a Trolley for the City.

G.2 [PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDING FOR TPM 36463 BALLOTING FOR NPDES](#)

(Report of: Financial & Management Services Department)

**Recommendations That the City Council and CSD:**

Accept public comments regarding the mail ballot proceeding for Tentative Parcel Map (TPM) 36463 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate.

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

G.3 [PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDING FOR CERTAIN PARCELS ASSOCIATED WITH TPM 36463 BALLOTING FOR CSD ZONE M](#)

(Report of: Financial & Management Services Department)

**Recommendations That the CSD:**

Accept public comments regarding the mail ballot proceeding for certain parcels associated with TPM 36463 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

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

G.4 [AUTHORIZE THE AWARD OF THE CONSTRUCTION CONTRACT TO VANCE CORPORATION FOR THE CACTUS AVENUE WIDENING PROJECT FROM INTERSTATE 215 TO VETERANS WAY -- PROJECT NO. 801 0028 70 77](#)

(Report of: Public Works Department)

**Recommendations That the City Council:**

1. Waive any and all minor irregularities and award the contract to Vance Corporation, 2271 North Locust Avenue, Rialto, CA 92377, the lowest responsible bidder, for the Cactus Avenue Widening Project from Interstate 215 to Veterans Way.

2. Authorize the City Manager to execute a contract with Vance Corporation.
3. Authorize the issuance of a Purchase Order to Vance Corporation for the amount of \$1,038,064.08 (\$988,632.46 bid plus 5% 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 Vance Corporation up to, but not exceeding, the contingency amount of \$49,431.62, 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 Vance Corporation, if no claims are filed against the project.

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

**Waive any and all minor irregularities and award the contract to Vance Corporation, 2271 North Locust Avenue, Rialto, CA 92377, the lowest responsible bidder, for the Cactus Avenue Widening Project from Interstate 215 to Veterans Way.**

**Authorize the City Manager to execute a contract with Vance Corporation.**

**Authorize the issuance of a Purchase Order to Vance Corporation for the amount of \$1,038,064.08 (\$988,632.46 bid plus 5% contingency) when the contract has been signed by all parties.**

**Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with Vance Corporation up to, but not exceeding, the contingency amount of \$49,431.62, subject to the approval of the City Attorney.**

**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 Vance Corporation, if no claims are filed against the project. by m/Mayor Pro Tem Jesse L. Molina, s/Council Member Victoria Baca**

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

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

Assistant City Manager Tom DeSantis, Assistant City Manager, announced the welcoming of Administrative Services Director Chris Paxton as the Administrative Services Director and Allan Brock as the Building & Code Compliance Division Manager. 2013 Employee Giving Campaign is in full swing. Serving as the Chair of the campaign is Kathy Savala of Parks & Community Services. Assisting with the campaign are Joy Uribe, Gina Henderson, Ariana Ayala, Ewa Lopez, Liz Plazola, Tina Gallegos, Cathy Parada, Margaret Williams, Jeremy Hamilton and Kandace Baptiste. We appreciate the leading of our City Family's efforts our Moreno Valley community.

G.6 [CITY ATTORNEY'S REPORT \(Informational Oral Presentation - not for Council action\)](#)

City Attorney Suzanne Bryant, City Attorney, reported that the Case Western Financial Trend Incorporated v. the City of Moreno Valley, which was filed in Riverside Superior Court as Case No. 1218447, has been dismissed.

**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

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

Dr. Council Member Yxstian Gutierrez

1. Special thank you to the businesses in today's Special Presentation - Business Spotlight
2. Shop and dine in Moreno Valley
3. Controversy in District 4 over Appointment

4. Advocate for a safer community and with the Camera System
5. Economic Development and supporting business friendly atmosphere
6. Learning residents needs while canvassing District 4
7. Provided the City Update to Hispanic Chamber of Commerce
8. Recently toured the O'Reilly Distribution Center

Mayor Pro Tem Jesse L. Molina

1. Competition in bringing jobs to Moreno Valley
2. United, a house divided falls

Richard Stewart

1. Stater Bros. Ribbon Cutting and Grand Opening will be November 13 at 8:15 a.m.
2. Boy Scout Distinguished Citizens Dinner will be October 24 awarding Bud Lupino and an auction for adopting dogs
3. October event put on by the Arts Commission is coming on October 26 from 10 a.m. to 5 p.m., also a bike ride will be October 20, and Ironman Triathlon
4. In regards to the September 24 meeting, more of a process and manner, but the result is a good one.
5. Requested a second for a future agenda item to allow the public a say of the alleged Brown Act violation

Council Member Victoria Baca

1. Thank you to Mr. Walterbeek for the Mass Dedication at St. Patrick's on Sunday for her late husband
2. Speakers comments regarding experience
3. Recall efforts and personal opinions
4. District 5 - Edgemont Code Compliance Officers are very prompt and timely
5. In the process of applying for a grant for the Box Spings Mutual Water Company

6. Thank you to MVTV for your filming
7. Continue to work with all Citizens of Moreno Valley

Mayor Tom Owings

1. Closed Session items are to be discussed in Closed Session
2. Recall efforts and personal opinions regarding negative comments
3. Press Enterprise reporting tactics and deletion of educational accomplishments of Council Member appointed
4. Speakers negative comments
5. Run City as a business
6. Met with Grand Jury on behalf of Council Members Molina, Baca and myself
7. Doing the best job to provide education and jobs
8. Serving the Citizens and children of our Community
9. Joint Powers Land

**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 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.

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

The Closed Session was held pursuant to Government Code:

City Attorney announced she would like to go into Closed Session to discuss with the Council the initiation of property negotiations to acquire right of way pursuant to Government Code Section 54956.8 as described in Section 3 of the Closed Session agenda. I will also brief the Council under Section 1 of the Closed Session agenda Significant Exposure to Litigation pursuant 54956.9(d)(2) to discuss the City's exposure as detailed

in the letter sent by Fredric Woocher on October 4, 2013 and the letter sent by Ray Johnson on October 4, 2013. Both of these letters are on file in the City Clerk's office. I cannot anticipate anything.

Mayor Tom Owings opened the agenda item for public comments, which were received from Tom Jerele, Sr.

There being no further business to conduct, the meeting was adjourned to Closed Session at 8:05 p.m. by unanimous informal consent.

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

Number of Cases: 5

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

Number of Cases: 5

3 SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

- a) Property:
  - City Negotiator: Public Works Director Ahmad Ansari
  - Under Negotiation: Price and terms of payment
  - Owner:
  - Owners Negotiator:
  - APN

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

No reportable actions

## **ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 9:32 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