

**MINUTES**  
**CITY COUNCIL JOINT MEETING OF THE CITY OF MORENO VALLEY**  
**December 10, 2013**

**CALL TO ORDER**

SPECIAL PRESENTATIONS

1. Recycling All-Star Awards Presented by Waste Management - Kitty Vandiver, Octavio Hernandez, and Broadstone Rancho Belago Apts

2. Recognition of Ride MoVal Volunteers

Item No. 2 was continued to January 2014.

3. Business Spotlight

a) Qi Hair Salon

b) Integrated Care Communities

**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  
MORENO VALLEY HOUSING AUTHORITY  
MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)  
MORENO VALLEY PUBLIC FINANCING AUTHORITY (MVPFA)  
MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)  
REGULAR MEETING – 6:00 PM  
December 10, 2013**

**INVOCATION**

Invocation was given by Pastor Philpot Christ Community Church.

**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 6:07 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 Pete Bleckert

**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
Ewa Lopez	Deputy City Clerk
Cindy Miller	Executive Assistant to Mayor/City Council
Richard Teichert	Chief Financial Officer/City Treasurer
Suzanne Bryant	City Attorney
Michelle Dawson	City Manager
Tom DeSantis	Assistant City Manager
Ahmad Ansari	Public Works Director
Chris Paxton	Administrative Services Director
Joel Ontiveros	Police Chief
Abdul Ahmad	Fire Chief
John Terell	Community and Economic Development Director
Mike McCarty	Parks & Community Services Director

Council Member Victoria Baca introduced Library Director Ivorie Franks.

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

Scott Heveran - recall

Eduardo - recall; involvement in the community

Marcia Amino - Saturday study session; conduct at council meetings

JoAnn Stephan - recall

Tom Jerele, Sr. - Wind Symphony concert last week; kudos to the City Clerk and staff; recall

Dr. Steve Overton - invited councilmembers to help pass out toys to underprivileged children on December 21

AGENDA ORDER

Remaining comments were taken after Item G.6, City Attorney Report

Chris Baca - homelessness issue, Nason Street bridge - proposed naming it in memory of Norma Lopez; Hemlock and Graham flooding issue on Hemlock and Graham

Louise Palomarez - recall petition

Susan Gilmore Owings - congratulations to mayor; photo shot of mayor's arrest; recall; mayor's contributions/accomplishments

**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 NOVEMBER 12, 2013 \(Report of: City Clerk's Department\)](#)

**Recommendation:**

Approve as submitted.

A.3 [MINUTES - SPECIAL MEETING OF NOVEMBER 26, 2013 \(Report of: City Clerk's Department\)](#)

**Recommendation:**

Approve as submitted.

A.4 [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 6 – December 3, 2013.

A.5 [APPROVAL OF PAYMENT REGISTER FOR OCTOBER, 2013](#)

(Report of: Financial & Management Services Department)

**Recommendation:**

Adopt Resolution No. 2013-85. A Resolution of the City Council of the City of Moreno Valley, California, approving the Payment Register for the month of October, 2013 in the amount of \$10,662,871.27.

A.6 [ACCEPTANCE OF THE FISCAL YEAR 2013 HOMELAND SECURITY GRANT PROGRAM \(HSGP\) AWARD](#)

(Report of: Fire Department)

**Recommendations**

1. Accept the Fiscal Year 2013 Homeland Security Grant Program (HSGP) award of \$32,345 from the Riverside County Fire Office of Emergency Services.
2. Increase the revenue and expenditure budget for the Emergency Management Grant Fund 2503 by \$6,725.

A.7 COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2013

(Report of: Financial & Management Services Department)

**Recommendation:**

The Finance Sub-Committee reviewed and recommends the receipt and filing of the Comprehensive Annual Financial Report for the fiscal year that ended June 30, 2013.

A.8 AWARD TO HAAKER EQUIPMENT FOR THE REPLACEMENT PURCHASE OF ONE ELGIN CNG STREET SWEEPER

(Report of: Public Works Department)

**Recommendations**

1. Award to Haaker Equipment Company of La Verne, CA, for the purchase of one 2014 Elgin CNG Broom Bear, Street Sweeper, and:
2. Authorize the Purchasing & Facilities Division Manager to issue a purchase order to Haaker Equipment Company in the amount of \$339,805.80.

A.9 P10-085 – REDUCE IRREVOCABLE STANDBY LETTER OF CREDIT AS FAITHFUL PERFORMANCE SECURITY AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTIONS OF PIGEON PASS ROAD AT COUGAR CANYON DRIVE ASSOCIATED WITH THE PROJECT INTO THE CITY’S MAINTAINED STREET SYSTEM

(Report of: Public Works Department)

**Recommendations**

1. Adopt the Resolution No. 2013-86 authorizing the acceptance of the public improvements within P10-085 as complete and accepting the portions of Pigeon Pass Road at Cougar Canyon Drive associated with the project into the City’s maintained street system; and

2. Authorize the City Engineer to execute the 90% reduction to the Irrevocable Standby Letter of Credit as Faithful Performance Security, exonerate the Irrevocable Standby Letter of Credit as Material and Labor Security in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Irrevocable Standby Letter of Credit as Faithful Performance Security in one year when all clearances are received.

A.10 [ADOPTION OF RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY APPROVING THE ISSUANCE BY THE MORENO VALLEY PUBLIC FINANCING AUTHORITY OF NOT TO EXCEED \\$42,000,000 AGGREGATE PRINCIPAL AMOUNT OF LEASE REVENUE REFUNDING BONDS, SERIES 2013 TO REFUND OUTSTANDING BONDS; AUTHORIZING EXECUTION AND DELIVERY OF A MASTER FACILITIES LEASE, A MASTER FACILITIES SUBLEASE AND A BOND PURCHASE AGREEMENT; APPROVING FORM OF OFFICIAL STATEMENT; AND AUTHORIZING EXECUTION OF DOCUMENTS AND THE TAKING OF ALL NECESSARY ACTIONS RELATING TO THE REFINANCING WITH THE MORENO VALLEY PUBLIC FINANCING AUTHORITY](#)

(Report of: Financial & Management Services Department)

**Recommendation:**

Adopt Resolution No. 2013-87, a resolution of the City Council of the City of Moreno Valley, California, approving the issuance by the Moreno Valley Public Financing Authority of not to exceed \$42,000,000 aggregate principal amount of Lease Revenue Refunding Bonds, Series 2013 to refund outstanding bonds; authorizing execution and delivery of a Master Facilities Lease, a Master Facilities Sublease and a Bond Purchase Agreement; approving form of Official Statement; and authorizing execution of documents and the taking of all necessary actions relating to the refinancing with the Moreno Valley Public Financing Authority.

A.11 [CITY FINANCIAL PARTICIPATION WITH CHAMBERS OF COMMERCE](#)

(Report of: Community & Economic Development Department)

**Recommendations**

Provide formal City financial support by joining the three Moreno Valley Chambers of Commerce at their corporate or higher level.

A.12 [LASSELLE SPORTS PARK - EXECUTION OF EASEMENT DEEDS FOR WATER AND SEWER PURPOSES TO EASTERN MUNICIPAL WATER DISTRICT](#)

(Report of: Parks & Community Services Department)

### **Recommendations**

1. Authorize the Mayor to execute the Easement Deed for Recycled Water and Access Easement on Lasselle Sports Park A.P.N. 312-260-016.
2. Authorize the President of the Community Services District (CSD) to execute the Easement Deed for Recycled Water and Access Easement on Lasselle Sports Park A.P.N. 312-130-024.
3. Authorize the President of the CSD to execute the Easement Deed for Sewer Man-hole Access Easement on Lasselle Sports Park A.P.N. 312-130-024.
4. Authorize the President of the CSD to execute the Easement Deed for Sewer Access Easement on Lasselle Sports Park A.P.N. 312-130-024.
5. Authorize the President of the CSD to execute the Easement Deed for Sewer Access Easement on Lasselle Sports Park A.P.N. 312-130-024 and 312-130-025.
6. Direct the City Clerk to forward the signed Easement Deeds to Eastern Municipal Water District for further processing and recordation.

### **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 12, 2013 \(Report of: City Clerk's Department\)](#)**

**Recommendation:**

Approve as submitted.

#### **B.3 [MINUTES - SPECIAL MEETING OF NOVEMBER 26, 2013 \(Report of: City Clerk's Department\)](#)**

**Recommendation:**

Approve as submitted.

#### **B.4 [AUTHORIZE SUBMISSION OF APPLICATION FOR 21ST CENTURY COMMUNITY LEARNING CENTERS GRANT FOR FISCAL YEAR 2014/2015](#)**

(Report of: Parks & Community Services Department)

**Recommendation:**

Authorize the City Manager to submit an application to the California Department of Education for the 21st Century Community Learning Centers Grant for Fiscal Year 2014/2015.

B.5 [LASSELLE SPORTS PARK - EXECUTION OF EASEMENT DEEDS FOR WATER AND SEWER PURPOSES TO EASTERN MUNICIPAL WATER DISTRICT](#)

(Report of: Parks & Community Services Department)

**Recommendations**

1. Authorize the Mayor to execute the Easement Deed for Recycled Water and Access Easement on Lasselle Sports Park A.P.N. 312-260-016.
2. Authorize the President of the Community Services District (CSD) to execute the Easement Deed for Recycled Water and Access Easement on Lasselle Sports Park A.P.N. 312-130-024.
3. Authorize the President of the CSD to execute the Easement Deed for Sewer Man-hole Access Easement on Lasselle Sports Park A.P.N. 312-130-024.
4. Authorize the President of the CSD to execute the Easement Deed for Sewer Access Easement on Lasselle Sports Park A.P.N. 312-130-024.
5. Authorize the President of the CSD to execute the Easement Deed for Sewer Access Easement on Lasselle Sports Park A.P.N. 312-130-024 and 312-130-025.
6. Direct the City Clerk to forward the signed Easement Deeds to Eastern Municipal Water District for further processing and recordation.

**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 12, 2013 \(Report of: City Clerk's Department\)](#)

**Recommendation:**

Approve as submitted.



C.3 [MINUTES - SPECIAL MEETING OF NOVEMBER 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 NOVEMBER 12, 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 Victoria Baca, s/Council Member Richard A. Stewart**

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

**ADJOURNMENT OF THE MORENO VALLEY CITY COUNCIL REGULAR MEETING TO THE MORENO VALLEY PUBLIC FINANCING AUTHORITY(MVPFA)**

**SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FINANCING AUTHORITY (MVPFA)**

**CALL TO ORDER**

Special Meeting of the Moreno Valley Public Financing Authority was called to order at 6:37 p.m. by Chairman Tom Owings in the Council Chamber located at 14177 Frederick Street.

**ROLL CALL**

Council:

Tom Owings	Chairperson
Jesse L. Molina	Vice Chairperson
Richard A. Stewart	Board Member
Yxstian Gutierrez	Board Member
Victoria Baca	Board Member

## **PUBLIC COMMENTS ON ANY SUBJECT ON THE SPECIAL MEETING AGENDA**

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

### **G. REPORTS**

- G.1 [ADOPTION OF RESOLUTION OF THE BOARD OF DIRECTORS OF THE MORENO VALLEY PUBLIC FINANCING AUTHORITY AUTHORIZING THE ISSUANCE AND SALE OF LEASE REVENUE REFUNDING BONDS TO REFUND OUTSTANDING BONDS; APPROVING THE FORMS OF A MASTER TRUST AGREEMENT, A MASTER FACILITIES LEASE, A MASTER FACILITIES SUBLEASE AND A BOND PURCHASE AGREEMENT; APPROVING AN OFFICIAL STATEMENT DESCRIBING SAID BONDS; AND AUTHORIZING EXECUTION OF DOCUMENTS AND THE TAKING OF ALL NECESSARY ACTIONS RELATING TO THE ISSUANCE OF THE BONDS](#)

(Report of: Financial & Management Services Department)

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

That the Board of Directors of the Moreno Valley Public Financing Authority adopt Resolution No. MVPFA 2013-01, authorizing the issuance and sale of Lease Revenue Refunding Bonds to refund outstanding bonds; approving the forms of a Master Trust Agreement, a Master Facilities Lease, a Master Facilities Sublease and a Bond Purchase Agreement; approving an Official Statement describing said Bonds; and authorizing execution of documents and the taking of all necessary actions relating to the issuance of the Bonds.

**That the Board of Directors of the Moreno Valley Public Financing Authority adopt Resolution No. MVPFA 2013-01, authorizing the issuance and sale of Lease Revenue Refunding Bonds to refund outstanding bonds; approving the forms of a Master Trust Agreement, a Master Facilities Lease, a Master Facilities Sublease and a Bond Purchase Agreement; approving an Official Statement describing said Bonds; and authorizing execution of documents and the taking of all necessary actions relating to the issuance of the Bonds by m/Board Member Yxstian Gutierrez, s/Vice Chairperson Jesse L. Molina**

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

**ADJOURNMENT OF THE MORENO VALLEY PUBLIC FINANCING AUTHORITY (MVPFA) at 6:46 p.m.**

RECONVENE 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 AND THE HOUSING AUTHORITY

**E. PUBLIC HEARINGS**

E.1 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDINGS FOR ASSESSOR'S PARCEL NUMBERS 291-192-025; 312-250-018, -019, AND -024; AND 316-020-002 THROUGH -005 AND 316-020-012 THROUGH -019 BALLOTING FOR THE CSD ZONE M ANNUAL PARCEL CHARGE

(Report of: Financial & Management Services Department)

**Recommendations That the CSD:**

1. Conduct the Public Hearing and accept public testimony regarding the mail ballot proceedings for Assessor's Parcel Numbers (APNs) 291-192-025; 312-250-018, -019, and -024; and 316-020-002 through -005 and 316-020-012 through -019 for inclusion into and approval of the annual charges for the CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) program.
2. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballots for APNs 291-192-025; 312-250-018, -019, and -024; and 316-020-002 through -005 and 316-020-012 through -019.
3. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet.
4. Receive and file with the City Clerk's office the accepted Official Tally Sheet.
5. If approved, authorize and impose the CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) annual parcel charge to APNs 291-192-025; 312-250-018, -019, and -024; and 316-020-002 through -005 and 316-020-012 through -019.

President Tom Owings opened the public testimony portion of the public hearing; there being none, public testimony was closed.

**Conduct the Public Hearing and accept public testimony regarding the mail ballot proceedings for Assessor's Parcel Numbers (APNs) 291-192-025; 312-250-018, -019, and -024; and 316-020-002 through -005 and 316-020-012 through -019 for inclusion into and approval of the annual charges for the CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) program.**

**Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballots for APNs 291-192-025; 312-250-018, -019, and -024; and 316-020-002 through -005 and 316-020-012 through -019 by m/Victoria Baca, s/Jesse L. Molina**

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

The City Clerk announced the results:

Smog Station and Tire Sales, Zone M  
APN 291-192-025 - “Yes” vote

First 36, Zone M  
APN 312-250-018, -019, -024 – “Yes” vote

FirstCal Industrial, LLC, Zone M  
APN 316-020-002 through -005 and 316-020-012 though -019 – “Yes” vote

**Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet.**

**Receive and file with the City Clerk’s office the accepted Official Tally Sheet.**

**If approved, authorize and impose the CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) annual parcel charge to APNs 291-192-025; 312-250-018, -019, and -024; and 316-020-002 through -005 and 316-020-012 through -019 by m/Council Member Victoria Baca, s/Mayor Pro Tem Jesse L. Molina**

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

E.2 [PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDINGS FOR ASSESSOR’S PARCEL NUMBERS 291-192-025; AND 312-250-018, -019, AND -024 BALLOTING FOR NPDES](#)

(Report of: Financial & Management Services Department)

**Recommendations That the City Council:**

1. Conduct the Public Hearing and accept public testimony regarding the mail ballot proceedings for Assessor’s Parcel Numbers (APNs) 291-192-025; and 312-250-018, -019, and -024 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum annual rate.

2. Direct the City Clerk to tabulate the NPDES ballots for APNs 291-192-025; and 312-250-018, -019, and -024.
3. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet.
4. Receive and file with the City Clerk's office the accepted Official Tally Sheet.
5. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to APNs 291-192-025; and 312-250-018, -019, and -024.

**Conduct the Public Hearing and accept public testimony regarding the mail ballot proceedings for Assessor's Parcel Numbers (APNs) 291-192-025; and 312-250-018, -019, and -024 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum annual rate.**

Mayor Tom Owings opened the public testimony portion of the public hearing; there being none, public testimony was closed.

**Direct the City Clerk to tabulate the NPDES ballots for APNs 291-192-025; and 312-250-018, -019, and -024 by m/Council Member Victoria Baca, s/Council Member Richard A. Stewart**

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

The City Clerk announced the results:

APN 291-192-025 - "Yes" vote

APN 312-250-018, -019, 024 - "Yes" vote

**Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet.**

**Receive and file with the City Clerk's office the accepted Official Tally Sheet.**

**If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to APNs 291-192-025; and 312-250-018, -019, and -024 by m/Council Member Victoria Baca, s/Council Member Richard A. Stewart**

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

- E.3 A PUBLIC HEARING FOR A SPECIFIC PLAN AMENDMENT (P11-061) TO THE TOWNGATE SPECIFIC PLAN TO PERMIT SENIOR HOUSING AND CONDITIONALLY PERMIT HOTELS AND ASSISTED LIVING FACILITIES IN THE OFFICE COMMERCIAL LAND USE DISTRICT, INCLUDING DEVELOPMENT AND PARKING STANDARDS AND TO UPDATE TO EXISTING HANDICAP ACCESSIBLE PARKING STANDARDS. THE APPLICANT IS FRITZ DUDA COMPANY.  
(Report of: Community & Economic Development Department)

**Recommendations That the City Council:**

1. RECOGNIZE that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines
2. INTRODUCE Ordinance No. 872, An Ordinance of the City Council of the City of Moreno Valley, California approving P11-061, the sixth amendment to the Towngate Specific Plan (SP No. 200) to permit senior housing facilities and conditionally permit hotels and assisted living facilities in the Office Commercial Land Use District of the Plan, including development and parking standards and updated handicap accessible standards.

Mayor Tom Owings opened the public testimony portion of the public hearing. Public testimony was received from Craig Givens (representing Concerned Citizens of Moreno Valley Advocacy Group; opposes senior housing and senior care facility).

The applicant John Loper, Fritz Duda Company, made the presentation.

**RECOGNIZE that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines by m/Council Member Victoria Baca, s/Council Member Richard A. Stewart**

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

**Introduce Ordinance No. 872, An Ordinance of the City Council of the City of Moreno Valley, California approving P11-061, the sixth amendment to the Towngate Specific Plan (SP No. 200) to permit senior housing facilities and conditionally permit hotels and assisted living facilities in the Office Commercial Land Use District of the Plan, including development and parking standards and updated handicap accessible standards by m/Council Member Victoria Baca, s/Council Member Richard A. Stewart**

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

E.4 [ADOPTION OF FY 2014-2015 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; and
2. Approve the proposed CDBG and HOME Program Objectives and Policies for the 2014-2015 Program Year.

Mayor Tom Owings opened the public testimony portion of the public hearing; there being none, public testimony was closed.

**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; and**

**Approve the proposed CDBG and HOME Program Objectives and Policies for the 2014-2015 Program Year by m/Mayor Pro Tem Jesse L. Molina, s/Council Member Yxstian Gutierrez**

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

E.5 [ADOPTION OF 2013 CALIFORNIA BUILDING CODES, CALIFORNIA CODE OF REGULATIONS, TITLE 24, INCORPORATING THE LATEST EDITIONS OF THE MODEL CODES WITH AMENDMENTS](#)

(Report of: Community & Economic Development Department)

**Recommendations That the City Council:**

1. Conduct a Public Hearing to receive public input on the proposed Ordinance.
2. Adopt Ordinance No. 871 amending Title 8, of the City of Moreno Valley Municipal Code by repealing and replacing Chapters 8.20, 8.22, 8.23, 8.24, 8.26, 8.36 and adopting, as modified, the California Building Standards Code, California Code of Regulations, Title 24; incorporating the 2012 International Building Code, 2012 Uniform Mechanical Code, the 2012 International Residential Code, the 2012 Uniform Plumbing Code, the 2012 International Fire Code, and the 2011 National Electrical Code; and adopting other regulations relating to Building and Fire Prevention requirements.

Mayor Tom Owings opened the public testimony portion of the public hearing. Public testimony was received from Ruthee Goldkorn.

**Adopt Ordinance No. 871 amending Title 8, of the City of Moreno Valley Municipal Code by repealing and replacing Chapters 8.20, 8.22, 8.23, 8.24, 8.26, 8.36 and adopting, as modified, the California Building Standards Code, California Code of Regulations, Title 24; incorporating the 2012 International Building Code, 2012 Uniform Mechanical Code, the 2012 International Residential Code, the 2012 Uniform Plumbing Code, the 2012 International Fire Code, and the 2011 National Electrical Code; and adopting other regulations relating to Building and Fire Prevention requirements by m/Council Member Victoria Baca, s/Mayor Pro Tem Jesse L. Molina**

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

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

## **G. REPORTS**

### **G.1 [APPOINTMENTS TO THE ACCESSIBILITY APPEALS BOARD, ARTS COMMISSION, LIBRARY COMMISSION AND SENIOR CITIZENS' BOARD](#)**

(Report of: City Clerk Department)

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

1. Review the ballots for appointments to various City Council Boards and Commissions (to be provided by the City Clerk) and mark your choices where appropriate.
2. Appoint those applicants who received majority vote by the City Council:  
  
Appoint (1) applicant to the Accessibility Appeals Board for a Public Representative with a term expiring June 30, 2015.
3. Appoint (1) applicant to the Arts Commission with a term expiring June 30, 2015.
4. Appoint (1) applicant to the Library Commission with a term expiring June 30, 2016 and (2) applicants with terms expiring June 30, 2015.
5. Appoint (3) applicants to the Senior Citizens' Board with three terms expiring June 30, 2016, one (1) applicant with a term expiring June 30, 2015 and two (2) applicants with terms expiring June 30, 2014.



6. If vacancies are not filled by a majority vote of the City Council, authorize the City Clerk to re-advertise the positions as vacant and carry over the current applications for reconsideration of appointment at a future date.

Mayor Tom Owings opened the agenda item for public comments, which were received from Scott Heveran, Ruthee Goldkorn, and Deanna Reeder.

**Appoint Calvin J. Belcher to the Accessibility Appeals Board for a Public Representative with a term expiring June 30, 2015; and**

**Appoint Stephen Heaton to the Arts Commission with a term expiring June 30, 2015; and**

**Appoint Elena Santa Cruz to the Library Commission with a term expiring June 30, 2016; and**

**Appoint Miguel Arciniega, Maria Davis, and Robert Palomarez to the Senior Citizens' Board with three terms expiring June 30, 2016; and**

**If vacancies are not filled by a majority vote of the City Council, authorize the City Clerk to re-advertise the positions as vacant and carry over the current applications for reconsideration of appointment at a future date by m/Council Member Victoria Baca, s/Mayor Pro Tem Jesse L. Molina**

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

G.2 **[CITY COUNCIL REORGANIZATION – SELECTION OF MAYOR AND MAYOR PRO TEM](#)**

(Report of: City Clerk Department)

**Recommendations That the City Council:**

Staff recommends that the City Council conduct the reorganization of the City Council by selecting two Councilmembers to serve one-year terms respectively as Mayor and Mayor Pro Tem.

Mayor Tom Owings opened the agenda item for public comments, which were received from Scott Heveran, Ruthee Goldkorn, Chris Baca, Louise Palomarez, Craig R. Givens (representing Concerned Citizens of Moreno Valley Advocacy Group).

**Conduct selection by voice vote rather than by written ballot by m/Mayor Tom Owings, s/Council Member Richard A. Stewart**

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

City Clerk opened the nomination for Mayor:

Council Member Richard A. Stewart nominated Council Member Jesse Molina for Mayor

Council Member Victoria Baca nominated Tom Owings for Mayor

**Close the nominations by m/Mayor Tom Owings, s/Council Member Victoria Baca**

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

Roll call for Motion to appoint Jesse Molina as Mayor

Motion failed 1-3-1, Victoria Baca, Tom Owings and Jesse Molina opposed, Yxstian Gutierrez abstained.

Roll call for Motion to appoint Tom Owings as Mayor  
Approved by a vote of 4-1, Council Member Richard A. Stewart opposed

The City Clerk opened the nomination for Mayor Pro Tem:

Mayor Pro Tem Jesse Molina nominated Victoria Baca  
Council Member Richard Stewart nominated Jesse Molina

**Close nominations for Mayor Pro Tem by m/Mayor Tom Owings, s/Council Member Yxstian Gutierrez**

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

Roll call for Motion to appoint Victoria Baca as Mayor Pro Tem  
Approved by a vote of 4-1, Council Member Richard A. Stewart opposed

- G.3 [FISCAL YEAR 2012/13 YEAR-END BUDGET REVIEW AND FISCAL YEAR 2013/14 FIRST QUARTER BUDGET REVIEW](#)  
(Report of: Financial & Management Services Department)

**Recommendations That the City Council:**

1. Receive and file the Fiscal Year 2012/13 year-end budget review
2. Receive and file the Fiscal Year 2013/14 first quarter budget review

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

No action required.

G.4 [MONTHLY REPORT: MORENO VALLEY ANIMAL SHELTER ADOPTION RATE](#)

(Report of: Administrative Services Department)

**Recommendations That the City Council:**

Receive and file the Monthly Report: Moreno Valley Animal Adoption Rate for the periods of September 1, 2013 to September 30, 2013 and October 1, 2013 to October 31, 2013.

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

No action required.

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

City Manager Michelle Dawson reported that she accompanied Public Works staff to the annual American Public Works Association award ceremony. The City received a project of the year award for the Nason/Cactus improvement project. Congratulated staff and City Council for leadership. Asked Chief Ahmad to present information regarding Spark of Love toy drive to collect new unwrapped toys for underprivileged children.

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

In the Case Leslie Compton v the Department of Forestry and Fire Protection, County of Riverside, and the City of Moreno Valley, filed in Riverside Superior Court as Case No. MCC 1300074, the parties have reached settlement. The City of Moreno Valley settled the case for \$2500.

**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

Adjourned to Closed Session at 9:26 p.m.

#### 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

Mayor Tom Owings opened the closed session agenda items, which were received from Deanna Reeder (Item 2).

The Closed Session was held pursuant to Government Code:

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

a [Karla Hernandez V. City of Moreno Valley](#)

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

Number of Cases: 1

[Dr. Yxstian Gutierrez's request regarding the Application For Leave to Sue in Quo Warranto filed by Basil Kimbrew, Radene Ramos Hiers, Deanna Reeder V. Yxstian Gutierrez before the Attorney General of the State of California.](#)

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

Number of Cases: 5

#### 4 SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

a) Property: Northwest Corner of Nason Street and Brodiaea

Avenue  
City Negotiator: Ahmad Ansari  
Under Negotiation: Price and terms of payment  
Owner: Country Squire Mobile Estates  
Owners Negotiator:  
APN 486-270-018

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

At 10:25 p.m., Tom Owings reported from Closed Session Item 2, Significant Exposure TO LITIGATION PURSUANT TO PARAGRAPH (2) OR (3) OF SUBDIVISION (D) OF SECTION 54956.9 Dr. Yxstian Gutierrez's request regarding the Application For Leave to Sue in Quo Warranto filed by Basil Kimbrew, Radene Ramos Hiers, Deanna Reeder V. Yxstian Gutierrez before the Attorney General of the State of California.

The City Council in Closed Session found that Yxstian Gutierrez was operating under conditions of his employment, and there is public good served by defending this case. Therefore, the Council voted to indemnify Yxstian Gutierrez 100 percent and has instructed the City Attorney to negotiate proper representation by attorney of Dr. Gutierrez's choice. Mayor asked City Attorney: Is that basically outlined what was decided?

City Attorney responded "yes," and reported that the vote was 3-0 with Council Member Stewart not present, and Council Member Gutierrez not present because he recused himself from that item. There was no other reportable action.

## **ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 10:27 p.m. by unanimous informal consent.

Submitted by:

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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, 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