

MINUTES
CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY
March 11, 2014

CALL TO ORDER

[SPECIAL PRESENTATIONS](#)

[1\) Proclamation Recognizing American Cancer Society - Relay for Life of Moreno Valley](#)

[2\) Business Spotlight](#)

a) Stater Bros.

b) Better Be Donuts

**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
March 11, 2014**

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 6:05 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 Frank Wright

INVOCATION

[Minister Sherman Jones - New Direction Community Church](#)

ROLL CALL

Council:

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

Staff:

Michelle Dawson	City Manager
Suzanne Bryant	City Attorney
Jane Halstead	City Clerk

Kathy Gross	Executive Assistant
Richard Teichert	Chief Financial Officer/City Treasurer
Tom DeSantis	Assistant City Manager
Ahmad Ansari	Public Works Director
Joel Ontiveros	Police Chief
Abdul Ahmad	Fire Chief
John Terell	Community and Economic Development Director
Chris Paxton	Administrative Services Director
Robert Lemon	Acting Public Works Director
Marshall Eyerman	Financial Resources Division Manager

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

Rod Ballance

1. New President of Moreno Valley Chamber of Commerce

Deanna Reeder

1. Past article, land use for developers - exhaust;

Debra Craig

1. Recall MJP lawsuit
2. Statistics/comments made at the last council meeting

Hans Wolterbeek

1. Employees' pension

Susan Gilmore Owings

1. Press Enterprise recent article after pulling papers; Recall

Tom Thornsley

1. Mayor's signs throughout the City
2. Planning Commission meeting regarding warehouse

Remaining comments were taken after Agenda Item H.2.1

Minister Sherman Jones

1. Calling of public speakers
2. Our Community
3. Outreach to African American voters

Daryl Terrell

1. Vision

Louise Palomarez

1. Vote no on recall
2. Mayor Pro Tem Mayor Pro Tem Victoria Baca is doing a great job with Box Springs Mutual Water District

Bob Palomarez

1. Good news regarding budget
2. Good job done by Council

Elmina Callender

1. City to contact homeowners when there's a problematic complaint

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 AND THE BOARD OF LIBRARY TRUSTEES

A. CONSENT CALENDAR-CITY COUNCIL

- A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 [MINUTES - REGULAR MEETING OF FEBRUARY 25, 2014 \(Report of: City Clerk's Department\)](#)

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 February 19 – March 4, 2014.

A.4 [APPROVAL OF PAYMENT REGISTER FOR JANUARY, 2014](#)

(Report of: Financial & Management Services Department)

Recommendation:

Adopt Resolution No. 2014-19. A Resolution of the City Council of the City of Moreno Valley, California, approving the Payment Register for the month of January, 2014 in the amount of \$13,520,401.69.

A.5 [AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT TO ALL AMERICAN ASPHALT FOR THE ALESSANDRO BOULEVARD MEDIAN FROM INDIAN STREET TO PERRIS BOULEVARD, PROJECT NO. 801 0039 70 77](#)

(Report of: Public Works Department)

Recommendations

1. Award the construction contract to All American Asphalt, P.O. Box 2229, Corona, California 92878, the lowest responsible bidder, for the Alessandro Boulevard Median from Indian Street to Perris Boulevard.
2. Authorize the City Manager to execute a contract with All American Asphalt.
3. Authorize the issuance of a Purchase Order to All American Asphalt, for the amount of \$1,300,461.80 (\$1,182,238.00 bid amount plus 10% 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 All American Asphalt up to, but not exceeding, the 10% contingency amount of \$118,223.80, 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 All American Asphalt, if no claims are filed against the project.
6. Authorize the re-appropriation of \$150,000 from the Annual Pavement Resurfacing project (2001-70-77-80001) Measure A (Fund 2001) fund for the construction costs for the Alessandro Boulevard Median from Indian Street to Perris Boulevard (2001-70-77-80001).
7. Authorize the appropriation of \$400,000 from the unencumbered Community Development Block Grant (CDBG) (Fund 2512) fund balance for the construction costs for the Alessandro Boulevard Median from Indian Street to Perris Boulevard (2512-70-77-80001).

A.6 [THIRD AMENDMENT TO AGREEMENT WITH RBF CONSULTING FOR ALESSANDRO BOULEVARD MEDIAN FROM INDIAN STREET TO PERRIS BOULEVARD, PROJECT NO. 801 0039 70 77](#)

(Report of: Public Works Department)

Recommendations

1. Approve the Third Amendment to Agreement for Professional Consultant Services with RBF Consulting for construction support services.
2. Authorize the City Manager to execute the Third Amendment to Agreement for Professional Consultant Services with RBF Consulting.
3. Authorize an increase to the Purchase Order to RBF Consulting not to exceed the amount of \$21,525 once the Third Amendment to Agreement has been signed by all parties.

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 FEBRUARY 25, 2014 \(Report of: City Clerk's Department\)](#)

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 FEBRUARY 25, 2014 \(Report of: City Clerk's Department\)](#)

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 FEBRUARY 25, 2014 \(Report of: City Clerk's Department\)](#)

Recommendation:
Approve as submitted.

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

Approved by a vote of 5-0.

E. PUBLIC HEARINGS

E.1 [A PUBLIC HEARING FOR AN APPEAL OF THE PLANNING COMMISSION'S DECEMBER 12, 2013, APPROVAL OF THE FIRST INLAND LOGISTICS CENTER II PROJECT PA12-0023 AND RELATED ENVIRONMENTAL IMPACT REPORT. THE PROJECT PROPOSES A 400,130 SQUARE FOOT WAREHOUSE BUILDING LOCATED ON 17.3 ACRES AT THE SOUTHWEST CORNER OF PERRIS BOULEVARD AND SAN MICHELE ROAD. THE APPLICANT IS FIRST INDUSTRIAL. THE APPELLANT IS JOHNSON & SEDLACK ATTORNEYS AT LAW ON BEHALF OF RESIDENTS FOR A LIVABLE MORENO VALLEY AND SIERRA CLUB.](#)

(Report of: Community & Economic Development Department)

Recommendations That the City Council:

1. Conduct a public hearing for the Environmental Impact Report (P12-064) and Plot Plan PA12-0023, and subsequent to the public hearing:

2. APPROVE Resolution No. 2014-20. A Resolution of the City Council of the City of Moreno Valley, California, CERTIFYING that the Final Environmental Impact Report has been completed in compliance with the California Environmental Quality Act, ADOPTING Findings and Statement of Overriding Considerations, and APPROVING a Mitigation Monitoring Program for the First Inland Logistics Center II Project generally located in the Industrial Area Specific Plan 208 on the SWC of Perris Boulevard between San Michele Road and Nandina Avenue.
3. APPROVE Resolution No. 2014-21. A Resolution of the City Council of the City of Moreno Valley, California, APPROVING Plot Plan PA12-0023 for the development of a 400,130 square foot warehouse distribution facility on 17.69 acres located on the SWC of Perris Boulevard and San Michele Road Assessor Parcel Numbers 316-200-001, 015, 019, 035 and 034.

Questions made to applicant First Industrial by Mayor Tom Owings regarding concerns made by Johnson & Sedlack: 1) Air Quality, 2) Green House Gases, 3) Noise, 4) Public and Transportation, 5) Adopting Mitigation Measures, 6) what are the unmitigated affects

Mayor Tom Owings opened the public testimony, which was received from Craig Givens (opposed), Louise Palomarez (supports), Bob Palomarez (supports).

APPROVE Resolution No. 2014-20. A Resolution of the City Council of the City of Moreno Valley, California, CERTIFYING that the Final Environmental Impact Report has been completed in compliance with the California Environmental Quality Act, ADOPTING Findings and Statement of Overriding Considerations, and APPROVING a Mitigation Monitoring Program for the First Inland Logistics Center II Project generally located in the Industrial Area Specific Plan 208 on the SWC of Perris Boulevard between San Michele Road and Nandina Avenue. APPROVE Resolution No. 2014-21. A Resolution of the City Council of the City of Moreno Valley, California, APPROVING Plot Plan PA12-0023 for the development of a 400,130 square foot warehouse distribution facility on 17.69 acres located on the SWC of Perris Boulevard and San Michele Road Assessor Parcel Numbers 316-200-001, 015, 019, 035 and 034 by m/Mayor Pro Tem Victoria Baca, s/Council Member 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 [CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES \(Informational Oral Presentation - not for Council action\)](#)

G.1.1 [a\) Council Member Jesse Molina report on RTA](#)

Council Member Jesse Molina reported that the RTA needs support of Moreno Valley residents; RTA meetings are held the fourth Thursday of every month; frequency in bus trips contributed to increase in ridership; RTA guides are available. Attended Moreno Valley Conversation II meetings at March Mountain High School regarding parents' involvement with children; RCHCA concerns of mountain lions; need for centralized recreation facility for kids to play.

G.2 [REDISTRICTING PRESENTATION BY NATIONAL DEMOGRAPHICS CORPORATION BY MR. JUSTIN LEVITT, VICE PRESIDENT, NDC \(Report of: City Clerk's Department\)](#)

Mayor Tom Owings opened the item for public comments; which were received from Deanna Reeder (supports), Christopher Baca (supports), Craig Givens (opposed).

G.3 [MID-YEAR BUDGET REVIEW AND APPROVAL OF THE REVISED OPERATING BUDGET FOR FISCAL YEARS 2013/14 AND 2014/15](#) (Report of: Financial & Management Services Department)

Recommendations That the City Council:

1. Receive and file the mid-year budget summary.
2. Adopt Resolution No. 2014-22. A Resolution approving the Revised Operating Budget for the City of Moreno Valley for FYs 2013/14 and 2014/15, pursuant to the revenue and expenditure changes presented in Exhibits A and B to the Resolution.
3. Approve the Position Control Roster. Specific positions are discussed within this staff report and listed on Attachment 4 to this staff report.
4. Direct the Chief Financial Officer to adjust the designations of certain fund balances as requested within this staff report.

Recommendations That the CSD:

Acting in its capacity as the President and Board of Directors of the Moreno Valley Community Services District, adopt Resolution No. CSD

2014-01. A Resolution approving the Revised Operating Budget for the Moreno Valley Community Services District for FYs 2013/14 and 2014/15, pursuant to the revenue and expenditure changes presented in Exhibits A and B to the Resolution.

Mayor Tom Owings opened the item for public comment, which was received from Deanna Reeder.

Receive and file the mid-year budget summary.

Adopt Resolution No. 2014-22. A Resolution approving the Revised Operating Budget for the City of Moreno Valley for FYs 2013/14 and 2014/15, pursuant to the revenue and expenditure changes presented in Exhibits A and B to the Resolution.

Approve the Position Control Roster. Specific positions are discussed within this staff report and listed on Attachment 4 to this staff report.

Direct the Chief Financial Officer to adjust the designations of certain fund balances as requested within this staff report.

Authorize City Manager to proceed with the one-year Pilot Program to begin addressing the City's unfunded liability for employees' accrued vacation hours, as outlined in the Staff Report by m/Council Member Yxstian Gutierrez, s/Mayor Pro Tem Victoria Baca

Approved by a vote of 5-0.

Acting in its capacity as the President and Board of Directors of the Moreno Valley Community Services District, adopt Resolution No. CSD 2014-01. A Resolution approving the Revised Operating Budget for the Moreno Valley Community Services District for FYs 2013/14 and 2014/15, pursuant to the revenue and expenditure changes presented in Exhibits A and B to the Resolution by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina

Approved by a vote of 5-0.

G.4 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

None

G.5 CITY ATTORNEY'S REPORT (Informational Oral Presentation - not for Council action)

None

H. LEGISLATIVE ACTIONS

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

H.2 ORDINANCES - 2ND READING AND ADOPTION

H.2.1 [ORDINANCE NO. 873 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTIONS 2.25.010 AND 2.25.020 OF TITLE 2 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO THE COMPOSITION OF THE UTILITIES COMMISSION \(RECEIVED FIRST READING AND INTRODUCTION ON FEBRUARY 25, 2014 ON A 5-0 VOTE\) \(Report of: Public Works Department\)](#)

Recommendations That the City Council:

Adopt Ordinance No. 873. An Ordinance of the City Council of the City of Moreno Valley, California amending sections 2.25.010 and 2.25.020 of Title 2 of the City of Moreno Valley Municipal Code relating to the composition of the Utilities Commission.

Adopt Ordinance No. 873. An Ordinance of the City Council of the City of Moreno Valley, California amending sections 2.25.010 and 2.25.020 of Title 2 of the City of Moreno Valley Municipal Code relating to the composition of the Utilities Commission by m/Council Member Richard A. Stewart, s/Mayor Pro Tem Victoria Baca

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

Council Member Yxstian A. Gutierrez

1. Thanked businesses and Moreno Valley Chamber of Commerce for being here
2. Thanked Council Member Molina for asking for a report regarding homeless issue in the city
3. Went on a ride along recently with the Fire Department and was able to go on a call and tour the facility

4. Attended the MVPD volunteer event
5. Had a successful financial literacy workshop in District 4 at Badger Springs Middle School
6. Looking forward to read with the Mayor program at the library

Mayor Pro Tem Victoria Baca

1. Asked for support of our program in the Rachel Ray Award and animal services
2. Christopher Baca was very involved with the redistricting commission; encouraged the public to get involved with the redistricting
3. Encouraged everyone to participate in Relay for Life
4. Is working to bring funds for the Box Springs project
5. Thanked Chief Ontiveros for his sensitivity and addressing the homeless issue

Council Member Richard A. Stewart

1. Public comments were voted by previous council to have them at 9 p.m.; people were being denied the opportunity to speak; asked to agendize the 9 p.m. rule for a study session
2. Also ask to agendize for a study session the review of the process used for Planning Commission interviews and voting
3. Met three times regarding redistricting with Chris Baca, who is very cognizant of the rules; there wasn't anyone else who spent the time that Chris did

Mayor Tom Owings

1. Rules for public comments will be reviewed
2. This is a business meeting; the business on the agenda should get preference; speaker comments; comments not on the agenda should get the least preference

Council Member Jesse L. Molina

1. Last redistricting is a thing of the past
2. Thanked clergy for talking about the "f" (forgiveness) word at a school; we want to make a connection with the kids, as the kids are our future
3. Condolences to JulieAnn Stewart-Cleaveland and Tom Jerele - sorry to hear about their recent loss

There being no further business to conduct, the meeting was adjourned to Closed Session at 11:11 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 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 for public comments; there being none, public comments were closed.

The Closed Session was held pursuant to Government Code:

The City Attorney announced that three cases under Government Code 54956.9(d) will be discussed.

- 1 SECTION 54956.9(d)(1) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
 - a) [SILVER CREEK INDUSTRIES, INC. V. CITY OF MORENO VALLEY](#)
 - b) [City of Moreno Valley v. STI Inc. Trucking and Materials, SureTec Insurance Company](#)
 - c) [City of Moreno Valley v. Matosantos, Chiang, Angulo, March Joint Powers Authority, Successor Agency to the March Joint Powers](#)

Redevelopment Agency

- 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

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

None

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 12:15 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