

MINUTES
CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY
October 19, 2021

CALL TO ORDER - 5:30 PM

SPECIAL PRESENTATIONS

1. Recognition of the Independence Day and Funfest Sponsors:
1) Kola 99.9 and 2) Waste Management
2. Recognition of the Independence Day Parade Winners
3. Recognition of the Independence Day Art Contest Winners

**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
MORENO VALLEY PUBLIC FINANCING AUTHORITY
BOARD OF LIBRARY TRUSTEES**

REGULAR MEETING – 6:00 PM

October 19, 2021

CALL TO ORDER

Council Member Marquez announced that Mayor Gutierrez would not attend the City Council meeting.

The Joint Meeting of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, Moreno Valley Housing Authority and the Board of Library Trustees was called to order at 6:04 p.m. by Council Member Marquez in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Cabrera.

INVOCATION

Pastor Festus Anwuli from Christ Dominion Ministries International.

ROLL CALL

Council:	David Marquez	Council Member
	Ulises Cabrera	Council Member

Absent:	Dr. Yxstian A. Gutierrez	Mayor
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INTRODUCTIONS

Staff:	Pat Jacquez-Nares	City Clerk
	Steven Quintanilla	Interim City Attorney
	Mike Lee	City Manager

Brian Mohan

Michael Lloyd
Manuel Mancha
John Salisbury
Jesse Park

Assistant City Manager/Chief Financial Officer/City Treasurer
Public Works Director/City Engineer
Community Development Director
Chief of Police
Fire Chief

PUBLIC HEARING ITEM NO. F.1 WAS TAKEN OUT OF ORDER AND MOVED TO THE FIRST ITEM ON THE AGENDA.

F.1. PROPOSED GENERAL PLAN AMENDMENT AND CHANGE OF ZONE AMENDING "MAP LCC-4: GENERAL PLAN LAND USE" OF THE MORENO VALLEY GENERAL PLAN AND THE CITY ZONING ATLAS, RESPECTIVELY, PROPOSED TENTATIVE PARCEL MAP 37944 FOR TWO (2) LOTS, A PLOT PLAN FOR AN APPROXIMATELY 290,726 SQUARE FOOT LIGHT INDUSTRIAL BUILDING, AND A PLOT PLAN FOR AN APPROXIMATELY 98,877 SQUARE FOOT LIGHT INDUSTRIAL BUILDING (Report of: Community Development)

Council Member Marquez read a letter from Compass Danbe in which they requested a continuance of item No. F.1. Council Member Cabrera agreed to continue the item.

Recommendations: That the City Council:

1. ADOPT Resolution 2021-XX: A Resolution of the City Council of the City of Moreno Valley CERTIFYING that the Initial Study/Mitigated Negative Declaration prepared for General Plan Amendment PEN20-0118, Change of Zone PEN20-0119, Tentative Parcel Map PEN20-0120, and Plot Plans PEN20-0121 and PEN20-0124 on file with the Community Development Department, and incorporated herein by this reference, was completed in compliance with the California Environmental Quality Act and the CEQA Guidelines, that the City Council reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration and that the document reflects the City's independent judgment and analysis, and ADOPTING the Mitigation Monitoring and Reporting Program prepared for the above-referenced Mitigated Negative Declaration; and
2. ADOPT Resolution 2021-XX: A Resolution of the City Council of the City of Moreno Valley approving a General Plan Amendment based on the Recitals and Evidence contained in the Administrative Record and Findings as set for in the Resolution No. 2021-XX to amend the General Plan Land Use Map as described in the Resolution, based on the findings contained in the Resolution, and the revised Land Use Map; and

3. INTRODUCE and conduct the first reading by title only of Ordinance No. XXX, approving a Change of Zone PEN20-0119 to amend the City Zoning Atlas based on the Recitals, Evidence contained in the Administrative Records and Findings as set forth in Ordinance No. XXX; and
4. ADOPT Resolution No. 2021-XX, A Resolution of the City Council of the City of Moreno Valley approving Tentative Parcel Map 37944, PEN20-0120 based on the findings contained in this Resolution, and subject to the conditions of approval included as Exhibit A; and
5. ADOPT Resolution No. 2021-XX, A Resolution of the City of the City of Moreno Valley approving Plot Plans PEN20-0121 and PEN20-0124 based on the findings contained in this Resolution, and subject to the conditions of approval included as Exhibit A; and
6. SCHEDULE the second reading and adoption of Ordinance No. XXX for the next regular meeting.

RESULT:	CONTINUED [UNANIMOUS]	Next: 1/4/2022 6:00 PM
MOVER:	David Marquez, Council Member	
SECONDER:	Ulises Cabrera, Council Member	
AYES:	David Marquez, Ulises Cabrera	
ABSENT:	Dr. Yxstian A. Gutierrez	

Interim City Attorney Quintanilla noted with a City Council comprised of three members, a quorum that was required to conduct a meeting was two members. He announced that the following items needed to be pulled from the agenda as they required three affirmative votes per the local rules of procedure for City Council meetings 3.3.2; A.5, A.7, A.8, A.9, A.11, B.4, and G.3. He confirmed that the items remaining on the agenda included A.2, A.3, A.4, A.6, A.10, B.2, B.5, B.6, C.1, C.2, C.3, D.1, D.2, D.3, E.1, E.2, E.3, F.2, G.1, and G.2.

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

Ed Delgado

1. Thanked the City Council and City leaders for their public service.
2. Discussed the challenges and rewards of running for the District 2 seat.

Elmer Thomas

1. Expressed his condolences for the passing of Mayor Pro Tem Baca.
2. Disappointed with the response regarding the incident involving the Moreno Valley High School cheerleaders from the Temecula Valley School Board.
3. Critical of Council Member Marquez.

Angel Lopez-Ramirez

1. Congratulated Council Member Cabrera on the birth of his child.
2. Urged the City Council to modify the bid policy and lift the 5% preference rate for local companies forcing them to remain competitive outright.

Richard Tran

1. Described the THINK Together program and invited everyone to attend Lights on After School on October 28 at Cloverdale Elementary.

Robert Then

1. Critical of the death of women on the City Council.
2. Encouraged residents of District 2 to vote for Keri Then.
3. Questioned when it became acceptable for the citizens of Moreno Valley to breathe unhealthy air.
4. Expressed anger over a commercial truck route's proximity to residential homes and two schools.

Fred Banuelos

1. Congratulated Council Member Cabrera on the birth of his son.
2. Claimed the City was being bilked of SB1 funds.
3. Indicated his opposition to Measure G.

Tom Jerele Sr.

1. Thanked staff for the El Grito event and the memorial for Mayor Pro Tem Baca.
2. Suggested the Amphitheatre be named in her honor.
3. Provided recommendations for filling the vacant District 1 seat.
4. Indicated his support for Ed Delgado.

Roy Bleckert

1. Condemned the purported benefits of taxes, including Measure G.

Bob Palomarez

1. Praised the Police and Fire departments.
2. Thanked City Clerk Jacquez-Nares, and everyone involved in the memorial for Mayor Pro Tem Baca.
3. Recalled the life of Mayor Pro Tem Baca.
4. Critical of Council Member Marquez.

Louise Palomarez

1. Agreed with previous comments made by Tom Jerele and Roy Bleckert.
2. Thanked staff for the memorial for Mayor Pro Tem Baca.
3. Read a statement regarding Mayor Pro Tem Baca.

JOINT CONSENT CALENDARS (SECTIONS A-E)

RESULT: APPROVED [UNANIMOUS]
MOVER: David Marquez, Council Member
SECONDER: Ulises Cabrera, Council Member
AYES: David Marquez, Ulises Cabrera
ABSENT: Dr. Yxstian A. Gutierrez

A. CONSENT CALENDAR-CITY COUNCIL

- A.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- A.2. City Council - Regular Meeting - Sep 7, 2021 6:00 PM

Recommendation: Approve as submitted.

- A.3. City Council - Regular Meeting - Oct 5, 2021 6:00 PM

Recommendation: Approve as submitted.

- A.4. CANCELLATION OF NOVEMBER 2 CITY COUNCIL MEETING (Report of: City Clerk)

Recommendation: That the City Council:

1. Confirm cancellation of November 2, 2021, City Council Regular Meeting.

- A.5. ITEM NO. A.5 WAS REMOVED

- A.6. COVID-19 PANDEMIC RESOLUTIONS EXTENDING THE LOCAL STATE OF EMERGENCY AND CERTAIN EMERGENCY MEASURES (RESO. NO. 2021-68) (Report of: Financial & Management Services)

Recommendation:

1. That the City Council adopt Resolution No. 2021-68 Extending the Local State of Emergency and Certain Emergency Measures related to the Local, State and National Declarations of a State of Emergency related to the COVID-19 Pandemic.

- A.7. ITEM NO. A.7 WAS REMOVED

- A.8. ITEM NO. A.8 WAS REMOVED

A.9. ITEM NO. A.9 WAS REMOVED

A.10. AUTHORIZE SUBMISSION OF THE GRANT FUNDING APPLICATION FOR THE CALTRANS SUSTAINABLE TRANSPORTATION PLANNING GRANT - MASTER PLAN OF ELECTRIC VEHICLE CHARGING STATIONS (Report of: Public Works)

Recommendation:

1. Authorize the Public Works Director/City Engineer to submit a Caltrans Sustainable Transportation Planning Grant application for developing a master plan of Electric Vehicle infrastructure

A.11. ITEM NO. A.11 WAS REMOVED

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

B.2. MINUTES - REGULAR MEETING OF SEPTEMBER 7, 2021 6:00 PM (See A.2)

Recommendation: Approve as submitted.

B.3. MINUTES - REGULAR MEETING OF OCTOBER 5, 2021 6:00 PM (See A.3)

Recommendation: Approve as submitted.

B.4. ITEM NO. B.4 WAS REMOVED

B.5. DECLARING INTENTION TO ANNEX CERTAIN PARCELS INTO COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN (RESO. NO. CSD 2021-30, CSD 2021-31, CSD 2021-32, CSD 2021-33, CSD 2021-34, AND CSD 2021-35) (Report of: Financial & Management Services)

Recommendations:

1. Acting as the legislative body of Community Facilities District No. 2021-01 (Parks Maintenance), adopt Resolution No. CSD 2021-30, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, Declaring its Intention to Annex Territory to its Community Facilities District No. 2021-01

(Parks Maintenance) and to Authorize the Levy of a Special Tax Therein. (LCG MVD II, LLC, located at the southeast corner of Heacock St. and Hemlock Ave.)

2. Acting as the legislative body of Community Facilities District No. 2021-01 (Parks Maintenance), adopt Resolution No. CSD 2021-31, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, Declaring its Intention to Annex Territory to its Community Facilities District No. 2021-01 (Parks Maintenance) and to Authorize the Levy of a Special Tax Therein. (Maria J. Luna, located at 11950 Mathews Rd.)
3. Acting as the legislative body of Community Facilities District No. 2021-01 (Parks Maintenance), adopt Resolution No. CSD 2021-32, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, Declaring its Intention to Annex Territory to its Community Facilities District No. 2021-01 (Parks Maintenance) and to Authorize the Levy of a Special Tax Therein. (Ada Velis Iglesias de Turcios, located on the north side of Angella Way, east of Indian St.)
4. Acting as the legislative body of Community Facilities District No. 2021-01 (Parks Maintenance), adopt Resolution No. CSD 2021-33, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, Declaring its Intention to Annex Territory to its Community Facilities District No. 2021-01 (Parks Maintenance) and to Authorize the Levy of a Special Tax Therein. (MV Resource Center, LLC, located at the northeast corner of Resource Way and Corporate Way)
5. Acting as the legislative body of Community Facilities District No. 2021-01 (Parks Maintenance), adopt Resolution No. CSD 2021-34, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, Declaring its Intention to Annex Territory to its Community Facilities District No. 2021-01 (Parks Maintenance) and to Authorize the Levy of a Special Tax Therein. (Alessandro Industrial No. 14, LP, located on the south side of Alessandro Blvd., west of Heacock St.)
6. Acting as the legislative body of Community Facilities District No. 2021-01 (Parks Maintenance), adopt Resolution No. CSD 2021-35, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, Declaring its Intention to Annex Territory to its Community Facilities District No. 2021-01 (Parks Maintenance) and to Authorize the Levy of a Special Tax Therein. (Gold Coast Properties CA 3, LLC, located southwest of Indian St. and Hemlock St.)

- B.6. DECLARING INTENTION TO DESIGNATE THE FUTURE ANNEXATION AREA FOR COMMUNITY FACILITIES DISTRICT 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT (RESO. NO. CSD 2021-36) (Report of: Financial & Management Services)

Recommendation:

1. Acting as the legislative body of Community Facilities District No. 2021-01 (Parks Maintenance), adopt Resolution No. CSD 2021-36. A Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, Declaring its Intention to Provide for Future Annexation of Territory to its Community Facilities District No. 2021-01 (Parks Maintenance).

C. CONSENT CALENDAR - HOUSING AUTHORITY

- C.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- C.2. MINUTES - REGULAR MEETING OF SEPTEMBER 7, 2021 6:00 PM (See A.2)

Recommendation: Approve as submitted.

- C.3. MINUTES - REGULAR MEETING OF OCTOBER 5, 2021 6:00 PM (See A.3)

Recommendation: Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- D.2. MINUTES - REGULAR MEETING OF SEPTEMBER 7, 2021 6:00 PM (See A.2)

Recommendation: Approve as submitted.

- D.3. MINUTES - REGULAR MEETING OF OCTOBER 5, 2021 6:00 PM (See A.3)

Recommendation: Approve as submitted.

E. CONSENT CALENDAR - PUBLIC FINANCING AUTHORITY

- E.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- E.2. MINUTES - REGULAR MEETING OF SEPTEMBER 7, 2021 6:00 PM (See A.2)

Recommendation: Approve as submitted.

- E.3. MINUTES - REGULAR MEETING OF OCTOBER 5, 2021 6:00 PM (See A.3)

Recommendation: Approve as submitted.

F. PUBLIC HEARINGS

- F.1. PUBLIC HEARING ITEM NO. F.1 WAS TAKEN OUT OF ORDER AND MOVED TO THE FIRST ITEM ON THE AGENDA

- F.2. APPROVAL OF RESOLUTION AMENDING APPLICABLE TRANSPORTATION UNIFORM MITIGATION FEES (RESO. NO. 2021-69) (Report of: Community Development)

Community Development Director Mancha provided the report.

Council Member Marquez opened the public hearing at 6:47 p.m. There being no speakers in favor or in opposition of this item, Council Member Marquez closed the public hearing at 6:47 p.m.

Recommendation: That the City Council:

- 1. APPROVE Resolution No. 2021-69 APPROVING the Transportation Uniform Mitigation Fee (TUMF) 2021 Construction Cost Index (CCI) increase of three percent.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ulises Cabrera, Council Member
SECONDER:	David Marquez, Council Member
AYES:	David Marquez, Ulises Cabrera
ABSENT:	Dr. Yxstian A. Gutierrez

G. GENERAL BUSINESS

G.1. AUTHORIZATION TO REFINANCE COMMUNITY FACILITIES DISTRICT NO. 5 SPECIAL TAX REFUNDING BONDS (RESO. NO. 2021-70) (Report of: Financial & Management Services)

Assistant City Manager/Chief Financial Officer/City Treasurer Mohan provided the report.

Council Member Marquez asked which properties the refinance would pertain to.

Assistant City Manager/Chief Financial Officer/City Treasurer Mohan explained that the twenty-five properties included comprise CFD No. 5.

Recommendation: That the City Council:

1. Adopt Resolution No. 2021-70, a Resolution of the City Council of the City of Moreno Valley, Acting as the Legislative Body of Community Facilities District No. 5 of the City of Moreno Valley, Approving the Issuance of its Special Tax Refunding Bonds, Series 2021 in a Principal Amount Not To Exceed Six Million Dollars (\$6,000,000) and Delivery of Related Documents.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ulises Cabrera, Council Member
SECONDER:	David Marquez, Council Member
AYES:	David Marquez, Ulises Cabrera
ABSENT:	Dr. Yxstian A. Gutierrez

G.2. CITY COUNCIL DIRECTION REGARDING FILLING CITY COUNCIL DISTRICT 1 VACANCY (Report of: City Clerk)

City Clerk Jacquez-Nares provided the report.

Recommendations: That the City Council:

1. Direct the City Clerk to prepare the application for persons interested in being appointed by the City Council to fill the District 1 vacancy, until such time the person who is officially elected to the District 1 seat at the next General Municipal Election, held on November 1, 2022, is officially installed on the City Council.

OR

2. Direct the City Clerk to prepare the requisite resolutions and related documents calling for a Special Election on April 11, 2022, for the

eligible voters of District No. 1 to vote for who they want to fill the full remaining unexpired term of the vacated seat, which expires in December 2024.

Motion to Appoint D. LaDonna Jempson

Council Member Marquez moved to appoint Dolores LaDonna Jempson.

Council Member Cabrera seconded the motion.

Interim City Attorney Quintanilla explained that the City Clerk was asking for direction either to consider an appointment or to call a special election.

Council Member Marquez directed staff to appoint immediately and explained the Government Code does not require an application, but rather a majority of the Council. He stated he was overriding Interim City Attorney Quintanilla's opinion.

City Clerk Jacquez-Nares clarified per the City Policy, any decision involving finances required three votes.

Council Member Cabrera stated the Government Code lists instances when three affirmative votes are required including resolutions, ordinances and expenditures of funds, none of which included appointing a Council Member to a vacant seat. Therefore, he asserted the City Council was allowed to appoint someone to the vacant seat. Additionally, he explained that the Government Code does not require acceptance of applications and City Councils have the authority, by majority, to either appoint someone or call for a special election. He maintained that the motion was to appoint someone to District 1.

Interim City Attorney Quintanilla agreed with Council Member Cabrera and confirmed the appointment process does not require an application. He contended local rule 3.3.2 takes precedence over the Government Code rule, which requires three affirmative votes when there are orders or appropriations for payment or expenditures of money. He elaborated that an appointment would authorize staff to write checks for compensation and benefits.

Council Member Marquez remarked that he understood. He then questioned how this circumstance was any different from one that occurred in 2013/14 where a Council Member was appointed with no prior notification. He asked if the issue stemmed from the wording on the agenda.

Interim City Attorney Quintanilla stated the specific request was to provide direction to staff, to the City Clerk's office.

Council Member Marquez declared his direction to the City Clerk at that time was to appoint and there was no difference from the appointment in 2013/14.

Council Member Cabrera added the Moreno Valley City Council rules and procedures allows for a majority of the City Council to override a decision by the City Attorney and/or the presiding officer. In concurrence with Council Member Marquez, he exercised that authority. As there already was a motion and a second on the floor to appoint Dolores Jempson to the District 1 vacancy, he declared that it was already approved and called for her swearing-in.

Council Member Marquez asked the audience if Ms. Jempson was in attendance.

Council Member Cabrera suggested that Council Member Marquez recess the meeting.

Council Member Marquez recessed the meeting at 6:55 p.m.

Council Member Marquez reconvened the meeting at 7:07 p.m.

Council Member Marquez asked City Clerk Jacquez-Nares to swear-in Ms. Jempson.

Interim City Attorney Quintanilla stated for the record that they are relying on rule 3.3.2 out of the Rules of Procedures for Council meetings and related functions and activities, which provides that approval of orders or appropriations for payment, or expenditure of money requires three affirmative votes. He noted that an additional issue of concern included the Brown Act and what's listed on the agenda, what's requested is direction from the City Clerk as to whether or not to bring this back as an item for appointment or for a special election and as that item's not listed on the agenda it would probably be deemed a Brown Act violation. He expressed that his intent was not to disrespect either Council Member, but out of a professional obligation to advise the City.

Council Member Marquez added in 2013/2014 the same situation occurred and questioned why it was legal then and not now. He asserted that despite the accusations, he was moving forward with the swearing-in. He reiterated he could not identify a difference between then and now.

City Clerk Jacquez-Nares administered the oath to D. LaDonna Jempson.

Council Member Jempson thanked Council Members Marquez and Cabrera for their support and confidence. She explained that as a former Council Member she did a lot of good for the community and intended to do more good during her seat. She expressed hope to receive the support necessary and her willingness to work with anyone. She stressed the need for expediency as the appointment was only for one year. She requested support to ensure that the residents of District 1 received the representation that they were due.

Council Member Jempson took her seat on the dais.

RESULT: APPROVED [UNANIMOUS]
MOVER: David Marquez, Council Member
SECONDER: Ulises Cabrera, Council Member
AYES: David Marquez, Ulises Cabrera
ABSENT: Dr. Yxstian A. Gutierrez

G.3. ITEM NO. G.3 WAS REMOVED

H. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

A.5. PAYMENT REGISTER- AUGUST 2021 (Report of: Financial & Management Services)

Recommendation:

1. Receive and file the Payment Register.

RESULT: REMOVED FROM AGENDA **Next: 11/16/2021 6:00 PM**

A.7. AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT TO ALL AMERICAN ASPHALT FOR THE HEACOCK STREET PEDESTRIAN AND BICYCLE FACILITY ENHANCEMENTS NEAR GREGORY LANE, PROJECT NO. 801 0076 (Report of: Public Works)

Recommendations:

1. Award a construction contract to All American Asphalt for the Heacock Street Pedestrian and Bicycle Facility Enhancements Near Gregory Lane project and authorize the City Manager to execute a contract with All American Asphalt in the amount of \$395,254.00 for the construction of the project, funded by the SCAG Article 3 Fund (2800) and DIF Arterial Streets (3301);
2. Authorize the issuance of a Purchase Order to All American Asphalt, in the amount of \$434,779 (\$395,254.00 bid amount plus a 10% contingency) when the contract has been signed by all parties; and
3. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to All American Asphalt contract, but not exceeding the total contingency of \$39,525, subject to the approval of the City Attorney.

RESULT: REMOVED FROM AGENDA **Next: 11/16/2021 6:00 PM**

A.8. ACCEPTANCE OF LOCAL ROADWAY SAFETY PLAN (LRSP) GRANT FUNDING (Report of: Public Works)

Recommendations:

1. Accept the Local Road Safety Plan (LRSP) grant funding of up to \$138,600 for development of a LRSP, which is a citywide systematic evaluation of roadway safety;
2. Authorize the Public Works Director to execute the Master Agreement and Program Supplement Agreement (Agreement No 08-5441S21) with Caltrans;
3. Amend the Fiscal Year 2021/22 & 2022/23 Adopted Capital Improvement Plan to include the Local Roadway Safety Plan for Moreno Valley (Project No. 810 0020); and
4. Authorize a budget adjustment as set forth in the Fiscal Impact section of this report.

RESULT: REMOVED FROM AGENDA Next: 11/16/2021 6:00 PM

A.9. AUTHORIZATION TO AWARD AN AGREEMENT TO FEHR & PEERS FOR THE LOCAL ROADWAY SAFETY PLAN FOR MORENO VALLEY (PROJECT NO. 810 0020) (Report of: Public Works)

Recommendations:

1. Award an Agreement for Professional Consultant Services to Fehr & Peers to provide a Local Road Safety Plan for Moreno Valley and authorize the City Manager to execute the agreement with Fehr & Peers in the amount of \$153,382;
2. Authorize the issuance of a Purchase Order to Fehr & Peers, in the amount of \$153,382 when the agreement has been signed by all parties using LRSP grant funding and the General Fund (Funds 2301 and 1010); and
3. Authorize the Public Works Director to execute any subsequent related amendments to the Agreement with Fehr & Peers, not to exceed the agreement amount, subject to the approval by the City Attorney.

RESULT: REMOVED FROM AGENDA Next: 11/16/2021 6:00 PM

A.11. ACCEPT AND RECEIVE A GRANT AWARD FROM THE CALIFORNIA STATE LIBRARY, CALIFORNIA LIBRARY LITERACY SERVICES PROGRAM (Report of: Parks & Community Services)

Recommendations:

1. Accept and receive a grant award from the California State Library in the amount of \$30,000 from the California Library Literacy Services program;
2. Authorize the City Manager to process a budget amendment and appropriation in the amount of \$30,000 in FY21/22 and FY22/23; and
3. Authorize the City Manager to accept, receive, and appropriate California Library Literacy Services program grant funds in subsequent fiscal years, as this is an on-going grant program;
4. Authorize the Library Director to submit yearly reporting and application documents for the California Library Literacy Services program, to secure on-going funding; and
5. Authorize and designate the Library Director to accept California Library Literacy Services program on-going funds.

RESULT: REMOVED FROM AGENDA Next: 11/16/2021 6:00 PM

B.4. AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT TO MUSCO SPORTS LIGHTING, LLC FOR SPORTS LIGHTING AT EL POTRERO PARK, (PROJECT NO. 807 0059) (Report of: City Manager)

Recommendations:

1. Award a construction contract to Musco Sports Lighting, LLC for sports lighting at El Potrero Park in substantial conformance with the attached contract, in the amount of \$749,782, funded by Park Improvement funds (Fund 3015);
2. Authorize the issuance of a Purchase Order for Musco Sports Lighting, LLC in the amount of \$824,761 (bid amount plus a 10% contingency) when the contract has been signed by all parties;
3. Authorize the Executive Director to execute any subsequent change orders to the contract, but not exceeding the total contingency of \$74,979, subject to the approval of the City Attorney;
4. Approve Musco Sports Lighting, LLC as the sole source for procurement and installation of the proposed lights and associated equipment;

5. Amend the Fiscal Year 2021/22 & 2022/23 Adopted Capital Improvement Plan to transfer the “Sports Field Lighting Upgrade at Various Park Sites” project from Parks - Unfunded to Parks - Partially Funded; and
6. Authorize a budget adjustment as set forth in the Fiscal Impact section of this report.

RESULT: REMOVED FROM AGENDA Next: 11/16/2021 6:00 PM

G.3 CITY COUNCIL REORGANIZATION - SELECTION OF MAYOR PRO TEM (Report of: City Clerk)

Recommendation: That the City Council:

1. Conduct the reorganization of the City Council by selecting one Council Member to serve as Mayor Pro Tem until December 31, 2021.

RESULT: REMOVED FROM AGENDA Next: 11/16/2021 6:00 PM

I.REPORTS

I.1.CITY COUNCIL REPORTS

(Informational Oral Presentation - not for Council action)

March Joint Powers Commission (JPC) - None

Riverside County Habitat Conservation Agency (RCHCA) - None

Riverside County Transportation Commission (RCTC) - None

Riverside Transit Agency (RTA) - Council Member Marquez

Council Member Marquez reported the following:

At the October 6th RTA Administration and Operations Committee meeting, the Committee approved funds to participate in upcoming holiday events within the region that will include various parades and tree lighting events. Just a reminder, the Free Fares for Youth and College Students is still available through RTA going through July 31, 2022. Information on the free fare program is available at riversidetransit.com under the fares and passes tab or call 951.565.5002.

Western Riverside Council of Governments (WRCOG) - None

Western Riverside County Regional Conservation Authority (RCA) - None

I.2. CITY MANAGER'S REPORT - NONE

(Informational Oral Presentation - not for Council action)

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY, HOUSING AUTHORITY, PUBLIC FINANCING AUTHORITY, AND THE BOARD OF LIBRARY TRUSTEES.

Council Member Cabrera

1. Expressed his condolences to the family of Mayor Pro Tem Baca.
2. Explained the City Council has a duty to provide representation to the residents and that he expected Mayor Gutierrez to attend the meeting.
3. Appreciated the kind words from residents regarding the birth of his son.
4. Communicated his dedication to bringing more career opportunities to the City, increasing wages, working with Public Safety personnel, addressing homelessness, and repairing the roads.
5. Requested that the meeting be closed in memory of Mayor Pro Tem Baca.

Council Member Jempson

1. Stated elected officials must undergo a huge learning curve, which she underwent in 2014-16, which was why she wanted to be considered for appointment.
2. Expressed her appreciation for the opportunity and her hope that her detractors would agree to work with her.
3. Continued to remain active in the community after her term ended in 2016.
4. Invited the public to the installation of the Friends of the Moreno Valley Senior Center officers and the Edgemont Women's Club meeting on October 21.
5. Communicated her appreciation of Mayor Pro Tem Baca's support of seniors.
6. Discussed a cannabis project approved by the Planning Commission.

Council Member Marquez

1. Communicated his love for the City.
2. Remarked the City's business must continue and therefore chose independently to move forward with the appointment.
3. Asserted his unwillingness to accept threats to himself and his family, which he explained he had already received.
4. Explained that the appointment was for the benefit of the community and not part of a personal agenda.
5. Questioned why the second place finisher in an election should not be installed when the winner was unable to serve.
6. Declared there was no Brown Act violation involving communication.
7. Sent his condolences to the Baca family and recounted his history with Mayor Pro Tem Baca.

ADJOURNMENT

There being no further business to come before the City Council, Council Member Marquez adjourned the meeting in memory of Mayor Pro Tem Baca at 7:29 p.m.

Submitted by:

Pat Jacquez-Nares, CMC & CERA
City Clerk
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
Secretary, Public Financing Authority

Approved by:

Council Member Marquez
City Council Member
City of Moreno Valley
Member, Moreno Valley Community Services District
Member, City as Successor Agency for the Community
Redevelopment Agency of the City of Moreno Valley
Member, Moreno Valley Housing Authority
Member, Board of Library Trustees
Member, Public Financing Authority