

MINUTES
CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY
November 12, 2013

CALL TO ORDER

[SPECIAL PRESENTATIONS](#)

[1. Employees of the Quarter, 2nd Quarter 2013](#)

(Facilities) Rix Skonberg, Alice Rod, Jasmin Rivera, Adam Patino, Daphne McKinney, Frank Kim, Hector Gomez and Javier Ponce) and

(Network Operations and Telecommunications) (Mike Box, Joe Lara, Nick Thouas, Robert Silva, Mark Kirks and Dave Ebarra)

[2. Keep Moreno Valley Beautiful Announcement](#)

[3. Proclamation Recognizing November as Pancreatic Cancer Awareness Month](#)

[4. Business Spotlight](#)

- a) Banig Restaurant
- b) Tutu Barre

**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
November 12, 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 6:05 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

Pledge of Allegiance was led by Frank Wright

INVOCATION

[Pastor Paul Cunningham - Renewal Christian Fellowship](#)

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:

Ewa Lopez	Deputy City Clerk
Jane Halstead	City Clerk
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

Lorraine O'Compo, representing Moreno Valley Unified School District, made a brief presentation regarding achievements and the increase in API Scores; the District has the second best rate of API increase in the County

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

JoAnn Stephan: recall campaign

Ruthee Goldkorn: ribbon cutting at Stater Bros; DA and FBI investigations; thanked MV School District for their efforts; disabilities act violations; City's responsibility to maintain the City's Web site

Susan Gilmore Owings: former City Council Member's plea bargain; March Life Care/March JPA

Scott Heveran: recall petition; anti-recall signs

Jim Malakouti: 2008 City's resolution regarding car dealers being restricted to lots not smaller than 2.5 acres

Danny Schwier (representing Real Living Premier Realty): asked to make job creation number 1 priority

Mayor Tom Owings had a dialogue with Council Member Richard A. Stewart regarding bribery charges against former Council Member Marcelo Co; commented on lot requirements for used car dealers and March Joint Powers.

Remaining speakers spoke after Item H.1

Craig R. Givens (representing Concerned Citizens of Moreno Valley Advocacy Group): anti-recall campaign; club 3-0; boundaries of March Joint Powers; eradicate corruption in Moreno Valley

Curtis Gardner (representing Concerned Citizens of Moreno Valley): City's

lawsuit against March JPA; boundaries of March JPA; absence of City's representatives at March Joint Powers meetings

Kathleen Dale: District 4 appointment; signs; Mayor speaking out of order; March JPA; zone overlay

Robert Palomarez: political signs

Louise Palomarez: City concerns; political signs; recall

Chris Baca: recall campaign; environmental justice/air pollution

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, which were received from Kathleen Dale (Item A.2).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 [MINUTES - REGULAR MEETING OF OCTOBER 22, 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 October 16 – November 5, 2013.

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

(Report of: Financial & Management Services Department)

Recommendation:

Adopt Resolution No. 2013-83. A Resolution of the City Council of the City of Moreno Valley, California, approving the Payment Register for the month of September, 2013 in the amount of \$15,282,931.30.

A.5 [RECEIPT OF QUARTERLY INVESTMENT REPORT – QUARTER ENDED SEPTEMBER 30, 2013](#)

(Report of: Financial & Management Services Department)

Recommendation:

Receive and file the Quarterly Investment Report, in compliance with the City's Investment Policy.

A.6 [PA09-0012 \(PM 36162\) PHASE I – ACCEPT THE AGREEMENT AND SECURITY FOR PUBLIC IMPROVEMENTS](#)

(Report of: Public Works Department)

Recommendations

1. Accept the Agreement and Security for Public Improvements for Moreno Knox, LLC.
2. Authorize the Mayor to execute the Agreement.
3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.
4. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

A.7 [A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING A LONG RANGE PROPERTY MANAGEMENT PLAN](#)

(Report of: Community & Economic Development Department)

Recommendations

That the City Council acting in their capacity as Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley Adopt Resolution No. SA 2013-10. A Resolution of the Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley approving the Long Range Property Management Plan; authorize the Executive Director or their designee to make modifications to the Plan; and authorize the submission of the Property Management Plan for approval by the Oversight Board and the State Department of Finance.

A.8 [AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH RIVERSIDE CONSTRUCTION COMPANY, INC. FOR HARDSCAPE AND LANDSCAPING FOR THE SR-60/NASON STREET OVERCROSSING IMPROVEMENTS PROJECT NO. 802 0003 70 77](#)

(Report of: Public Works Department)

Recommendations

1. Authorize a Change Order to increase the existing Purchase Order with Riverside Construction Company, Inc. in the amount of \$3,360,000 (\$2,800,000 contract plus \$560,000 contingency) for hardscape and landscaping on the SR-60/Nason Street Overcrossing Improvements project.
2. Authorize the Public Works Director/City Engineer to execute the Change Order to the Purchase Order for Riverside Construction Company, Inc., authorize the Public Works Director/City Engineer to approve any changes that may be requested by Caltrans or the City, and execute any Change Orders to the construction contract with Riverside Construction Company, Inc. up to, but not exceeding, the Purchase Order's total contingency amount.

A.9 [RECOMMENDATION TO ESTABLISH THE CLASSIFICATION OF FINANCIAL RESOURCES DIVISION MANAGER IN THE FINANCIAL & MANAGEMENT SERVICES DEPARTMENT](#)

(Report of: Financial & Management Services Department)

Recommendation:

Adopt the new position, class specification and salary range of the Financial Resources Division Manager in the Financial & Management Services Department, representing a reclassification of the Budget Officer position.

A.10 [ADOPT RESOLUTION IN SUPPORT OF BAY-DELTA CONSERVATION PLAN](#)

(Report of: City Manager Department)

Recommendation:

Adopt Resolution No. 2013-84. A Resolution of the City Council of the City of Moreno Valley, California, in Support of the Bay Delta Conservation Plan, Reliable Water Supplies, and Environmental Restoration.

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 OCTOBER 22, 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 OCTOBER 22, 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 OCTOBER 22, 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/Mayor Tom Owings, s/Council Member Victoria Baca

Approved by a vote of 5-0.

E. PUBLIC HEARINGS

E.1 [PUBLIC HEARING TO ADOPT SUBSTANTIAL AMENDMENT #3 \(NEIGHBORHOOD STABILIZATION PROGRAM 3 – NSP3\) TO THE FY 2013-2014 ANNUAL ACTION PLAN AND AMENDMENT #3 TO NSP3 PROGRAM GUIDELINES](#)

(Report of: Community & Economic Development Department)

Recommendations That the City Council:

1. Conduct a Public Hearing to allow the public an opportunity to comment on the proposed Substantial Amendment #3 to the FY 2013-2014 Annual Action and Amendment #3 to the NSP 3 Program Guidelines.
2. Approve the proposed amendments to the NSP3 Program that redefine the Target Areas and reallocate funds between HUD-approved NSP3 eligible activities (Attachment 1).

3. Approve the Budget Appropriation Adjustment (BAA) and authorize the Chief Financial Officer to process the adjustments.
4. Authorize the City Manager to reallocate NSP3 funds between HUD-approved grant activities.

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

Approve the proposed amendments to the NSP3 Program that redefine the Target Areas and reallocate funds between HUD-approved NSP3 eligible activities (Attachment 1).
Approve the Budget Appropriation Adjustment (BAA) and authorize the Chief Financial Officer to process the adjustments.
Authorize the City Manager to reallocate NSP3 funds between HUD-approved grant activities. by m/Mayor Pro Tem Jesse L. Molina, s/Council Member Victoria Baca

Approved by a vote of 5-0.

E.2 [PUBLIC HEARING TO ADOPT SUBSTANTIAL AMENDMENTS #1 \(COMMUNITY DEVELOPMENT BLOCK GRANT - CDBG\) AND #2 \(HOME INVESTMENT PARTNERSHIP PROGRAM - HOME\) TO THE FY 2013-2014 ANNUAL ACTION PLAN](#)

(Report of: Community & Economic Development Department)

Recommendations That the City Council:

1. Conduct a Public Hearing to allow public comment on the proposed Substantial Amendments #1 (CDBG) and #2 (HOME) to the FY 2013-2014 Annual Action Plan.
2. Review and adopt the proposed Substantial Amendments #1 (CDBG) and #2 (HOME) to the FY 2013-2014 Annual Action Plan.
3. Approve the necessary Revenue and Expense Appropriations and authorize the Chief Financial Officer to process the adjustments.
4. Authorize the City Manager to reallocate grant funds between HUD-approved grant activities.

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

Review and adopt the proposed Substantial Amendments #1 (CDBG) and #2 (HOME) to the FY 2013-2014 Annual Action Plan.
Approve the necessary Revenue and Expense Appropriations and

authorize the Chief Financial Officer to process the adjustments. Authorize the City Manager to reallocate grant funds between HUD-approved grant activities. by m/Mayor Pro Tem Jesse L. Molina, s/Mayor Tom Owings

Approved by a vote of 5-0.

Recess;
Reconvened

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

G. REPORTS

- G.1 **PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDINGS FOR ASSESSOR'S PARCEL NUMBERS (APNS) 291-192-025; AND 312-250-018, -019, AND -024 BALLOTING FOR NPDES**

(Report of: Financial & Management Services Department)

Recommendations That the City Council:

Accept public comments regarding the mail ballot proceedings for APNs 291-192-025; and 312-250-018, -019, and -024 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate.

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

No action required.

- G.2 **PUBLIC MEETING 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 BALLOTING FOR CSD ZONE M**

(Report of: Financial & Management Services Department)

Recommendations That the CSD:

Accept public comments regarding the mail ballot proceedings for 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.

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

No action required.

G.3 [SECOND AMENDMENT TO AFFORDABLE HOUSING AGREEMENT BETWEEN THE CITY OF MORENO VALLEY, MORENO VALLEY HOUSING AUTHORITY, AND MV HEMLOCK LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP](#)

(Report of: Community & Economic Development Department)

Recommendations That the City Council and Housing Authority

Approve the Second Amendment to the Affordable Housing Agreement, by and between the City of Moreno Valley, Moreno Valley Housing Authority, and MV Hemlock LP, a California Limited Partnership to increase the City's HOME contribution by \$700,000.

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

Approve the Second Amendment to the Affordable Housing Agreement, by and between the City of Moreno Valley, Moreno Valley Housing Authority, and MV Hemlock LP, a California Limited Partnership to increase the City's HOME contribution by \$700,000. by m/Council Member Yxstian Gutierrez, s/Mayor Pro Tem Jesse L. Molina

Approved by a vote of 5-0.

G.4 [AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT TO FLATIRON ELECTRIC GROUP, INC. EMERGENCY VEHICLE PRE-EMPTION RETROFIT AT 117 SIGNALIZED INTERSECTIONS — PROJECT NO. 808 0010 70 76](#)

(Report of: Public Works Department)

Recommendations That the City Council:

1. Waive any and all minor irregularities and award the contract to Flatiron Electric Group, Inc., 7911-A Pine Avenue, Chino, CA 91708, the lowest responsible bidder, for Emergency Vehicle Pre-Emption Retrofit at 117 Existing Signalized Intersections.
2. Authorize the City Manager to execute a contract with Flatiron Electric Group, Inc.
3. Authorize the issuance of a Purchase Order to Flatiron Electric Group, Inc. for the amount of \$418,025 (\$363,500 bid plus 15% 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 Flatiron Electric Group, Inc. up to, but not exceeding, the contingency amount of \$54,525, 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 Flatiron Electric Group, Inc., if no claims are filed against the project.

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

Waive any and all minor irregularities and award the contract to Flatiron Electric Group, Inc., 7911-A Pine Avenue, Chino, CA 91708, the lowest responsible bidder, for Emergency Vehicle Pre-Emption Retrofit at 117 Existing Signalized Intersections.

Authorize the City Manager to execute a contract with Flatiron Electric Group, Inc.

Authorize the issuance of a Purchase Order to Flatiron Electric Group, Inc. for the amount of \$418,025 (\$363,500 bid plus 15% 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 Flatiron Electric Group, Inc. up to, but not exceeding, the contingency amount of \$54,525, 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 Flatiron Electric Group, Inc., if no claims are filed against the project. by m/Mayor Pro Tem Jesse L. Molina, s/Council Member Richard A. Stewart

Approved by a vote of 5-0.

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

City Manager City Manager Michelle Dawson announced that this Saturday, November 16, a free Used Oil Filter Exchange & Recycling event will be held at 24021 Alessandro and on the same day the Senior Center will host its first Craft Fair; the information is available on the City's Web site; thanked staff for doing the great job despite Tuesday's news announcement regarding former Council Member Co.

Mayor Tom Owings provided information regarding the overlay zone in the east corridor area, (60 Freeway/Nason area).

- G.6 CITY ATTORNEY'S REPORT (Informational Oral Presentation - not for Council action) - none

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION

- H.1.1 [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:

Introduce Ordinance No. 871. An Ordinance of the City Council of the City of Moreno Valley, California, 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 agenda item for public comments; there being none, public comments were closed.

Building and Neighborhood Services Division Manager Allen Brock announced minor corrections: introduce ordinance (not adopt); and an error in section number

Introduce Ordinance No. 871. An Ordinance of the City Council of the City of Moreno Valley, California, 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/Council Member Richard A. Stewart

Approved by a vote of 5-0.

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**

Council Member Richard Stewart

1. Stater Bros Grand Opening will be held on November 13
2. Attended Veterans Day celebrations at Sunnymead Ranch, Riverside National Cemetery and at the Veterans Memorial
3. Asked to agendaize March Joint Powers issues for a study session with public's input
4. Commented on situation involving former Council Member Co and his accusations
5. Requested to agendaize "9 o'clock rule" to allow the remainder of public comments to be heard close to 9 p.m.
6. Requested guidelines for abstention vote and discussion
7. Asked that Council Members orally announce motions

Council Member Victoria Baca

1. Ceremonies to honor veterans at Riverside National Cemetery and at the Veterans Memorial
2. Inquired if we are still airing Emmy nominated recycling used oil commercial
3. Encouraged residents to foster animals
4. Thanked staff for organizing celebration events for the community
5. Moreno Valley resident Mikey Garcia won WBO junior lightweight title
6. Is working with the community of Edgemont

7. Remarked on the arrest and indictment of Mr. Co

Mayor Pro Tem Jesse Molina

1. Attended the Veterans Day Ceremony
3. Attended the Boys Scouts Annual Reception Dinner and sponsored a dog; encouraged fostering animals
4. Commented on Mr. Co's indictment
5. Thanked Dr. Judy White for achievements in education
6. Hopes we will have March JPA issue straighten out

Council Member Yxstian Gutierrez

1. Attended the Boy Scouts event and also left with a puppy
2. Attended Veterans Day event
3. Is advocating for District 4 residents and collaboratively working with staff to have issues resolved
4. Stated that his three major goals are to support the public safety, bring jobs to the community and partner with the school districts
5. Amazon, which agreed to do business in Moreno Valley, will bring thousands of jobs

Mayor Tom Owings

1. Commented on accuracy and completeness of reporting by The Press-Enterprise
2. Stated that the City Council has responsibility to restore confidence of the community in government and let them know that we are watching out for them
3. Remarked on March JPA, land give-away and warehousing
4. Working on resolving public safety issue
5. Highlighted Council's accomplishments
6. School districts' achievements, high API scores; need to continue in that direction and give teachers tools necessary to get the job done

7. Louise Palomarez was voted as the Democratic Party volunteer of the year

CLOSED SESSION - canceled

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:44 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

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