

MINUTES
CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY
August 21, 2018

CALL TO ORDER - 5:30 PM

SPECIAL PRESENTATIONS

1. Recognition of the Independence Day and Funfest Sponsors: 1) Skechers - Presenting Sponsor 2) Waste Management - Liberty Sponsor 3) Sares-Regis – Patriot Sponsor
2. Recognition of the Independence Day Parade Award Winners
3. Recognition of the Moreno Valley Unified School District Essay Contest Award 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
BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING – 6:00 PM
August 21, 2018**

CALL TO ORDER

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 6:00 p.m. by Mayor Gutierrez in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Frank Wright.

INVOCATION

Pastor Kurt D. King, Moreno Valley and Imani Praise Fellowship SDA Churches

ROLL CALL

Council:	Dr. Yxstian A. Gutierrez	Mayor
	Victoria Baca	Mayor Pro Tem
	Ulises Cabrera	Council Member
	Jeffrey J. Giba	Council Member

Absent:	David Marquez	Council Member
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INTRODUCTIONS

Staff:	Pat Jacquez-Nares	City Clerk
	Marshall Eyerman	Chief Financial Officer/City Treasurer
	Martin Koczanowicz	City Attorney
	Tom DeSantis	City Manager
	Allen Brock	Assistant City Manager

Mike Lee	Economic Development Director
Rick Sandzimier	Community Development Director
David Kurylowicz	Chief of Police
Abdul Ahmad	Fire Chief
Kathleen Sanchez	Human Resources Director
Patti Solano	Parks and Community Services Director
Michael Wolfe	Public Works Director/City Engineer

JOINT CONSENT CALENDARS (SECTIONS A-D)

Mayor Gutierrez announced that Item No. A.22 was removed per staff’s request and will be heard at the September 4, 2018 meeting.

Council Member Giba requested that Item Nos. A.6, A.10, A.12, A.13, A.16, and A.19 be removed for a separate vote.

Mayor Gutierrez opened the Consent Agenda items for public comments, which were received from Rafael Brugueras (Supports Item Nos. A.20, and A.21).

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Victoria Baca, Mayor Pro Tem
SECONDER:	Jeffrey J. Giba, Council Member
AYES:	Dr. Yxstian A. Gutierrez, Victoria Baca, Ulises Cabrera, Jeffrey J. Giba
ABSENT:	David Marquez

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 - Closed Session - Jun 19, 2018 4:30 PM

Recommendation: Approve as submitted.

A.3. City Council - Regular Meeting - Jun 19, 2018 6:00 PM

Recommendation: Approve as submitted.

A.4. PAYMENT REGISTER - MAY 2018 (Report of: Financial & Management Services)

Recommendation:

1. Receive and file the Payment Register.

- A.5. ADOPT A RESOLUTION CERTIFYING A MITIGATED NEGATIVE DECLARATION FOR THE MORENO MASTER DRAINAGE PLAN LINE H-2 INTERIM STORM DRAIN, PROJECT NO. 804 0016 (Report of: Public Works)

Recommendation:

1. Adopt Resolution No. 2018-66, a Resolution of the City Council of the City of Moreno Valley, California, certifying a Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Moreno Master Drainage Plan Line H-2 Interim Storm Drain Project.

- A.6. ITEM NO. A.6. WAS REMOVED FOR SEPARATE ACTION BY COUNCIL MEMBER GIBA AND MOVED TO ITEM NO. F.1.

- A.7. PAYMENT REGISTER - JUNE 2018 (Report of: Financial & Management Services)

Recommendation:

1. Receive and file the Payment Register.

- A.8. Second Reading and Adoption for Ordinance No. 939 Specific Plan Amendment and Ordinance No. 940 Change of Zone (Report of: Community Development)

Recommendation:

1. That the City Council adopt Ordinance No. 939 and Ordinance No. 940.

- A.9. PURSUANT TO A LANDOWNER PETITION, ANNEX ONE PARCEL INTO COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) - AS AMENDMENT NO. 29 (Report of: Public Works)

Recommendation:

1. Acting as the legislative body of Community Facilities District No. 2014-01 (Maintenance Services), adopt Resolution No. 2018-67, a Resolution of the City Council of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) and approving the amended map for said District.

- A.10. ITEM NO. A.10. WAS REMOVED FOR SEPARATE ACTION BY COUNCIL MEMBER GIBA AND MOVED TO ITEM NO. F.2.

A.11. RECEIPT OF QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDED JUNE 30, 2018 (Report of: Financial & Management Services)

Recommendation:

1. Receive and file the Quarterly Investment Report for quarter ended June 30, 2018, in compliance with the City's Investment Policy.

A.12. ITEM NO. A.12. WAS REMOVED FOR SEPARATE ACTION BY COUNCIL MEMBER GIBA AND MOVED TO ITEM NO. F.3.

A.13. ITEM NO. A.13. WAS REMOVED FOR SEPARATE ACTION BY COUNCIL MEMBER GIBA AND MOVED TO ITEM NO. F.4.

A.14. PEN16-0125/PEN17-0098 – APPROVE COOPERATIVE AGREEMENT BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, THE CITY, AND DUKE REALTY, LP FOR THE PERRIS VALLEY MDP PERRIS BOULEVARD STORM DRAIN, STAGE 1 AND PERRIS VALLEY MDP LATERAL B-1, STAGE 4 LOCATED ON PERRIS BOULEVARD, NORTH OF SAN MICHELE ROAD. DEVELOPER: DUKE REALTY, LP (Report of: Public Works)

Recommendations:

1. Approve the Cooperative Agreement with the Riverside County Flood Control and Water Conservation District (the District), the City of Moreno Valley, and Duke Realty, LP for the Perris Valley Master Drainage Plan (MDP) Perris Boulevard Storm Drain, Stage 1 and Perris Valley MDP Lateral B-1, Stage 4.
2. Authorize the City Manager to execute the Cooperative Agreement.

A.15. LIST OF PERSONNEL CHANGES (Report of: Human Resources)

Recommendation:

1. Ratify the list of personnel changes as described.

A.16. ITEM NO. A.16. WAS REMOVED FOR SEPARATE ACTION BY COUNCIL MEMBER GIBA AND MOVED TO ITEM NO. F.5.

A.17. AUTHORIZATION TO SUBMIT GRANT APPLICATIONS UNDER CYCLE 9 OF THE HIGHWAY SAFETY IMPROVEMENT PLAN (HSIP) (Report of: Public Works)

Recommendation:

1. Authorize the submittal of grant applications for Cycle 9 of the Highway Safety Improvement Program (HSIP).

A.18. 2018 CITY COUNCIL COMMISSION, BOARD, AND TASKFORCE PARTICIPATION APPOINTMENTS (Report of: City Clerk)

Recommendation: That the City Council:

1. Ratify the appointments to the various committees as noted on the 2018 Council Committee Participation List – Terms End December 31, 2018.

A.19. ITEM NO. A.19. WAS REMOVED FOR SEPARATE ACTION BY COUNCIL MEMBER GIBA AND MOVED TO ITEM NO. F.6.

A.20. APPROVE FUNDING FOR SENIOR COMMUNITY CENTER FACILITY IMPROVEMENTS (Report of: Parks & Community Services)

Recommendation:

1. Approve the amended budget and funding plan for facility improvements at the Moreno Valley Senior Community Center, as contained in the Fiscal Impact section of this report.

A.21. REQUEST FOR CITY PARTICIPATION IN EL GRITO- CELEBRATING HISPANIC HERITAGE (Report of: City Clerk)

Recommendations:

1. Consider a request for City participation in El Grito- Celebrating Hispanic Heritage event.
2. Approve the City' participation in the amount of \$10,000 as set forth in the Fiscal Impact section of this report.

A.22. MAYORAL APPOINTMENTS TO THE LIBRARY COMMISSION AND THE SENIOR CITIZENS' BOARD (Report of: City Clerk)

Recommendation:

1. Receive and confirm the Mayoral appointments as follows:

Library Commission

<u>Name</u>	<u>Position</u>	<u>Term</u>
Mona Lisa Stallworth	Member	Ending 06/30/2021

Senior Citizens' Board

<u>Name</u>	<u>Position</u>	<u>Term</u>
Robert Snyder	Member	Ending 06/30/2021

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 - CLOSED SESSION OF JUNE 19, 2018 4:30 PM (See A.2)

Recommendation: Approve as submitted.

- B.3. MINUTES - REGULAR MEETING OF JUNE 19, 2018 6:00 PM (See A.3)

Recommendation: Approve as submitted.

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 - CLOSED SESSION OF JUNE 19, 2018 4:30 PM (See A.2)

Recommendation: Approve as submitted.

- C.3. MINUTES - REGULAR MEETING OF JUNE 19, 2018 6:00 PM (See A.3)

Recommendation: Approve as submitted.

- C.4. EXCLUSIVE NEGOTIATION AGREEMENT BY AND BETWEEN THE MORENO VALLEY HOUSING AUTHORITY AND RANCHO BELAGO DEVELOPERS, INC. (Report of: Financial & Management Services)

Recommendations:

1. Approve the Exclusive Negotiation Agreement by and between the Moreno Valley Housing Authority and Rancho Belago Developers, Inc.
2. Authorize the Executive Director to execute the Exclusive Negotiation Agreement, subject to the approval of the City Attorney.

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 - CLOSED SESSION OF JUNE 19, 2018 4:30 PM (See A.2)

Recommendation: Approve as submitted.

D.3. MINUTES - REGULAR MEETING OF JUNE 19, 2018 6:00 PM (See A.3)

Recommendation: Approve as submitted.

Mayor Gutierrez administered the oath of office to the newly appointed Library Commissioner Mona Lisa Stallworth.

AGENDA ITEMS E, F, AND G WERE TAKEN OUT OF ORDER AND REFLECTED IN THE MINUTES.

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

F.1. RATIFY THE BASELINE AGREEMENT FOR THE TRADE CORRIDOR ENHANCEMENT PROGRAM AWARD WITH THE CALIFORNIA TRANSPORTATION COMMISSION AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, AND APPROVE DESIGN AND CONSTRUCTION COOPERATIVE AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE STATE ROUTE 60/MORENO BEACH PHASE 2 INTERCHANGE IMPROVEMENTS - PROJECT NO. 801 0021 (Report of: Public Works)

Public Works Director/City Engineer Wolfe provided the report.

Council Member Giba questioned whether the funds would have to be repaid should the legislation be overturned after the election in November.

Public Works Director/City Engineer Wolfe responded that there is currently no known answer.

Roy Bleckert

1. Requested an accounting of the collection of the fees from the Ridge project.

Recommendations:

1. Ratify the Baseline Agreement for the Trade Corridor Enhancement Program Award with the California Transportation Commission and the California Department of Transportation for the State Route 60/Moreno Beach Phase 2 Interchange Improvements;
2. Authorize the City Manager to execute the Design Cooperative Agreement (District Agreement No. 08-1685) with the California Department of Transportation when it is finalized;

3. Authorize the City Manager to execute the Construction Cooperative Agreement with the California Department of Transportation when it is received;
4. Authorize the City Manager to execute any future amendments to the Baseline Agreement and the Cooperative Agreements subject to the approval of the City Attorney;
5. Authorize the Public Works Director/City Engineer to regularly update Exhibits A and B of the Baseline Agreement.

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

F.2. FIRST AMENDMENT TO AFFORDABLE HOUSING AGREEMENT AND ASSIGNMENT OF RIGHTS BY AND BETWEEN CITY OF MORENO VALLEY AND RB BOULDER RIDGE, LP (Report of: Financial & Management Services)

Chief Financial Officer/City Treasurer Eyerman provided the report.

Council Member Giba asked why the location of the project has been moved from Alessandro/Lasselle to Day Street.

Chief Financial Officer/City Treasurer Eyerman remarked that the Day Street site allows for more financing options as well as provides a larger footprint.

Rafael Bruqueras

1. Supports the developer's plan to proceed with the Day Street site.

Roy Bleckert

1. The free market is the ideal option to finance affordable housing because the Government is slow to act.

Recommendations: That the City Council:

1. Approve the First Amendment to the Affordable Housing Agreement by and between the City of Moreno Valley and RB Boulder Ridge, LP.
2. Authorize the City Manager to execute the First Amendment to the Affordable Housing Agreement, subject to the approval of the City Attorney.

RESULT: APPROVED [3 TO 1]
MOVER: Victoria Baca, Mayor Pro Tem
SECONDER: Ulises Cabrera, Council Member
AYES: Dr. Yxstian A. Gutierrez, Victoria Baca, Ulises Cabrera
NAYS: Jeffrey J. Giba
ABSENT: David Marquez

F.3. SECOND READING OF ORDINANCE NO. 938 AMENDING SECTIONS 5.02.390 AND 5.02.660 (C)(5) OF THE MUNICIPAL CODE DEFINING THE ACTIVE TERM OF A BUSINESS LICENSE (Report of: Financial & Management Services)

Chief Financial Officer/City Treasurer Eyerman provided the report.

Council Member Giba queried the length of time the current ordinance has been in place and what precipitated the proposed change.

Chief Financial Officer/City Treasurer Eyerman was not aware when the initial ordinance was adopted, and noted that the modification is requested to improve customer service.

City Manager DeSantis remarked that Council Member Cabrera notified him of the confusion experienced by business owners with the current renewal process.

Mayor Gutierrez thanked Council Member Cabrera for suggesting the change.

Council Member Cabrera noted that the change will hopefully alleviate the uncertainty of small business owners.

Rafael Bruqueras

1. Expressed shock that the item was pulled.

Roy Bleckert

1. Suggested the repeal of the business license tax.

Council Member Giba stated that he doesn't always pull items on only his behalf, sometimes he does it at the request of a citizen. Expressed his confusion with the current process which failed to require staff to notify those obtaining licenses in October to expect a renewal invoice in December.

Recommendation:

1. That the City Council adopt Ordinance No. 938, an Ordinance of the City Council of the City of Moreno Valley, California, Amending Sections 5.02.390 and 5.02.660 of Title 5 of the City of Moreno Valley Municipal Code Relating to Term of an Active Business License.

RESULT: APPROVED [3 TO 1]
MOVER: Victoria Baca, Mayor Pro Tem
SECONDER: Ulises Cabrera, Council Member
AYES: Dr. Yxstian A. Gutierrez, Victoria Baca, Ulises Cabrera
NAYS: Jeffrey J. Giba
ABSENT: David Marquez

- F.4. PA13-0002 (PM 36522) – ST. CHRISTOPHER CATHOLIC CHURCH - APPROVE PARCEL MAP 36522 LOCATED AT THE SOUTHEAST CORNER OF COTTONWOOD AVENUE AND PERRIS BOULEVARD. DEVELOPER: THE ROMAN CATHOLIC BISHOP OF SAN BERNARDINO, A CORPORATION SOLE (Report of: Public Works)

Public Works Director/City Engineer Wolfe provided the report.

Roy Bleckert

1. Reminded the City Council that the land zoning in the area needs to be fixed.

Council Member Cabrera stated that is he aware of the issue and is looking to include a modification in the next General Plan Update.

Recommendations:

1. Approve Parcel Map 36522 for PA13-0002.
2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

RESULT: APPROVED [UNANIMOUS]
MOVER: Victoria Baca, Mayor Pro Tem
SECONDER: Ulises Cabrera, Council Member
AYES: Dr. Yxstian A. Gutierrez, Victoria Baca, Ulises Cabrera, Jeffrey J. Giba
ABSENT: David Marquez

- F.5. ACCEPTANCE OF SUSTAINABLE TRANSPORTATION PLANNING GRANT FUNDING, FUNDING APPROPRIATION, AND RESOLUTION NO. 2018-68 AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT WITH CALTRANS FOR THE DRACAEA AVENUE NEIGHBORHOOD GREENWAY CORRIDOR STUDY PROJECT (Report of: Public Works)

Public Works Director/City Engineer Wolfe provided the report.

Council Member Giba questioned if any other corridor was considered and if so why the Dracaea Avenue corridor was selected.

Public Works Director/City Engineer Wolfe remarked that multiple corridors were considered, but the current one was selected based on its likelihood of garnering the grant.

Mayor Gutierrez announced that if more than three items are pulled at subsequent meetings he will call for a vote to have all of the items consolidated.

Roy Bleckert

1. Commented on the number of bicycle crashes along the corridor. Asserted that the bike lanes are not laid out in a manner conducive to bicyclists.
2. Recommended that the transportation issues should be reviewed comprehensively rather than individually.

Recommendations:

1. Accept the California Department of Transportation (Caltrans) Sustainable Communities grant award of up to \$154,927 in funds to conduct the Dracaea Avenue Neighborhood Greenway Corridor Study.
2. Authorize the Chief Financial Officer to appropriate \$154,927 as revenue and expense in the Capital Projects Grants fund (Fund 2301).
3. Amend the Adopted Capital Improvement Plan for Fiscal Years 17/18 and 18/19 to include the Dracaea Avenue Neighborhood Greenway Corridor Study as a funded project (810 0014).
4. Adopt Resolution No. 2018-68 a Resolution of the City Council of the City of Moreno Valley, California, authorizing the City Manager to Execute Agreements with Caltrans for the Dracaea Avenue Neighborhood Greenway Corridor Study.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ulises Cabrera, Council Member
SECONDER:	Victoria Baca, Mayor Pro Tem
AYES:	Dr. Yxstian A. Gutierrez, Victoria Baca, Ulises Cabrera, Jeffrey J. Giba
ABSENT:	David Marquez

- F.6. Approve Funding for Construction of Moreno Valley Community Park Skate Park (Report of: Parks & Community Services)

Parks & Community Services Director Solano provided the report.

Council Member Giba remarked that he was not aware of any of the outreach conducted by the Parks Department. He questioned when staff received direction from the City Council to expend time and money on the proposed skate park, why the current skate park wasn't considered for improvement, and what determined the location of the suggested skate park.

City Manager DeSantis declared that the item has not been voted on by the Council. He remarked that the item has come up at several council meetings, the youth submitted a petition calling for a skate park, and Mayor Gutierrez has mentioned it several times. A public meeting took place at Cottonwood Center. The location was discussed at the public meeting and residents felt it is ideal.

Council Member Giba asked why, in an effort to save money, was the other skate park not made more accessible, and items can be discussed at length, but no action may be taken unless staff, particularly the City Manager, receives direction at a public meeting.

City Manager DeSantis replied that the current facility is antiquated. Under his authority, bestowed by the City Council, he placed the item on the agenda for consideration.

Mayor Gutierrez remarked that he placed the item on the agenda as well.

Rafael Bruqueras

1. Discussed why the location was selected.
2. Noted that funds will be provided by the Parks Development Impact Fees.

Roy Bleckert

1. Reminded everyone that a park was promised years ago on Cottonwood and Indian, which may have been a more ideal location.

Jason Hunter

1. Shocked to see signage announcing the upcoming skate park.
2. Argued that the City Manager has no authority to expend money regardless of spending authority, without Council approval.
3. Alleged that the City Council is violating the Brown Act or the City Manager is misappropriating public funds.

Raychele Sterling

1. Exhibited a photograph of the sign on her phone which she took two weeks ago, which she claimed is per say evidence of a violation.
2. Asserted that City Manager DeSantis is unscrupulous and invited residents to visit her web page.

Mayor Gutierrez declared that ad hominem is not allowed.

Mayor Gutierrez recessed the City Council meeting at 6:52 p.m.

Mayor Gutierrez reconvened the City Council meeting at 7:02 p.m.

Raychele Sterling (continued)

3. Directed the City Council to review the case, Baca v. Moreno Valley School District.
4. Purported that the project is the result of a serial meeting or usurpation of the City Council's authority.
5. The District Attorney's office would receive a complaint if it is determined that funds were appropriated without a vote by the City Council.

Louise Palomares

1. Accused Council Member Giba of filling the audience with mouthpieces.
2. The current skate park is not ideal and not easily accessible.

Mayor Gutierrez explained that a petition was submitted with over a thousand signatures requesting a skate park. He reiterated his directive to place the item on the agenda and mentioned that the City Manager has the authority to place items as well. He reasoned that the Strategic Plan dictates these types of projects and the item should be non-controversial.

Council Member Cabrera indicated that the item is beneficial for the youth and should not be associated with any negativity. A survey of high school students revealed that a skate park is highly coveted.

Mayor Gutierrez added that the results of the surveys were disclosed at public meetings.

Council Member Giba asserted that the issue isn't with the skate park, but the procedures followed. The City Council is being asked to vote on a project that has already moved forward without their prior explicit consent. He alleged that the law is being circumvented.

City Attorney Koczanowicz stated that the item is currently up for discussion and therefore not excluding any Council Members from offering their input. He noted that the CIP directed staff to commence work on the project. He confirmed the City Manager's authority to place items on the agenda. He affirmed that no law is being violated.

Mayor Pro Tem Baca asserted that she has been working on the project for two years. She proclaimed that no Council Member has the singular power to direct the City Manager, rather, the Council as a whole must vote to move an item forward. She asserted that no Brown Act violations are occurring.

Recommendation:

1. Approve the amended budget and funding plan for construction of Moreno Valley Community Park Skate Park, as contained in the Fiscal Impact section of this report.

RESULT:	APPROVED [3 TO 1]
MOVER:	Victoria Baca, Mayor Pro Tem
SECONDER:	Ulises Cabrera, Council Member
AYES:	Dr. Yxstian A. Gutierrez, Victoria Baca, Ulises Cabrera
NAYS:	Jeffrey J. Giba
ABSENT:	David Marquez

G. GENERAL BUSINESS

- G.1. APPROVAL OF AN APPROPRIATION OF \$1.1 MILLION TO THE CITYWIDE PAVEMENT REHABILITATION PROGRAM AND AUTHORIZATION TO APPROVE CHANGE ORDERS FOR ALL AMERICAN ASPHALT AND NINYO & MOORE – PROJECT NO. 801 0078 (Report of: Public Works)

Public Works Director/City Engineer Wolfe provided the report.

City Manager DeSantis thanked the City Council for requesting the item to be placed on the agenda.

Council Member Giba questioned why repairs are proposed for only two districts.

Public Works Director/City Engineer Wolfe remarked that the improvement areas were selected based on the City Council approved 2018/2019 list.

Council Member Giba stated that rather than follow the fairly recent 2018/2019 list, staff could have reevaluated the pavement in different areas of the City to ensure that repairs are allocated equitably.

Raychele Sterling

1. Claimed she was attending the meeting at the request of residents and not Council Member Giba.
2. Warned Council Member Baca regarding defamation of character.
3. Maintained that the proposed change order violates public bidding laws.

Rafael Brugueras

1. Argued that Districts 2 and 3 do not contain roads requiring immediate repair.
2. He contended that staff selected the streets in the most disrepair.

Council Member Cabrera asserted that the 2018/2019 list was approved by the City Council in June and although it falls far short of the scope required to bring the roads up to par, residents are pleased that repairs are being made. He asserted that politics should not play a part in the roadway improvements and any disagreement with the list could have been raised by a Council Member when it was first introduced.

Recommendations:

1. Approve an appropriation of \$1.1 million from the General Fund to the Citywide Pavement Rehabilitation Program to repair additional street segments.
2. Approve the amended budget as set forth in the Fiscal Impact Section of this report.
3. Authorize a Change Order to increase the Purchase Order for All American Asphalt in the amount of \$677,387.50 for the rehabilitation of additional arterial street segments.
4. Authorize a Change Order to increase the Purchase Order for Ninyo & Moore in the amount of up to \$50,000.00 for providing additional professional geotechnical and material testing services.

RESULT:	APPROVED [3 TO 1]
MOVER:	Ulises Cabrera, Council Member
SECONDER:	Victoria Baca, Mayor Pro Tem
AYES:	Dr. Yxstian A. Gutierrez, Victoria Baca, Ulises Cabrera
NAYS:	Jeffrey J. Giba
ABSENT:	David Marquez

- G.2. Approve Civic Center Amphitheater and Park Project, Funding Plan and Budget Appropriation (Report of: Parks & Community Services)

Parks & Community Services Director Solano provided the report.

Council Member Giba queried whether the proposed funding for the amphitheater went before the Finance Subcommittee.

City Manager DeSantis remarked that the proposed project is before the City Council for their deliberation and confirmed that the item did not go before the Finance Subcommittee.

Council Member Giba claimed that the public was deprived of an opportunity for input because the item was not discussed at a Finance Subcommittee meeting. He asked for confirmation from City Manager DeSantis that he said the project would cost \$3-3.5 million.

City Manager DeSantis replied that he met and individually briefed four of the Council Members in March.

Council Member Giba purported that although the project may have been discussed in the past, staff never received direction from the City Council to spend any money on it.

Raychele Sterling

1. Remarked on the perceived inappropriateness of City Attorney Koczanowicz.
2. Expressed concern over the fact that no recent environmental study was conducted in light of the CEQA implications associated with the project.
3. Perturbed by the processes followed by the City in regards to this project.

Jason Hunter

1. Contended that he received an invitation for a groundbreaking event for the proposed amphitheater.
2. Alleged that decisions are being made behind closed doors without public input.

Mayor Gutierrez explained that the item is now being discussed at a public meeting.

Rafael Bruqueras

1. Agreed with Parks & Community Services Director Solano on the need for an amphitheater.

Roy Bleckert

1. Encouraged the City Council to make the best decision by involving everyone and reminded them that all funding sources are supplied by the residents.

Louise Palomarez

1. Supports the project.
2. Accused Council Member Giba of employing the same measures to pass a storm drain project years ago.

Council Member Giba proclaimed that the project did not go through the proper course of action. In his opinion laws are being broken.

Mayor Gutierrez reiterated that the item is currently being discussed openly and it is mentioned in Momentum Moval and the Strategic Plan.

Council Member Cabrera pointed out that the funding is coming from development impact fees and is looking forward to its construction. He is also excited about developing a downtown area.

Mayor Pro Tem Baca expressed her excitement for the project and affirmed that no Brown Act violations are occurring.

Recommendations:

1. Approve the Civic Center Amphitheater and Park project and add the project to the City's current Capital Improvement Plan.

2. Approve the proposed funding plan and budget amendment, as contained in the Fiscal Impact section of this report.

RESULT:	APPROVED [3 TO 1]
MOVER:	Ulises Cabrera, Council Member
SECONDER:	Victoria Baca, Mayor Pro Tem
AYES:	Dr. Yxstian A. Gutierrez, Victoria Baca, Ulises Cabrera
NAYS:	Jeffrey J. Giba
ABSENT:	David Marquez

Mayor Gutierrez recessed the City Council meeting at 8:00 p.m.

Mayor Gutierrez reconvened the City Council meeting at 8:12 p.m.

E. PUBLIC HEARINGS

E.1. PUBLIC HEARING FOR TWO NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MAIL BALLOT PROCEEDINGS (Report of: Public Works)

Special Districts Division Manager Cassel provided the report.

Mayor Gutierrez opened the Public Hearing at 8:14 p.m.

There being no comments in support or opposition, Mayor Gutierrez closed the Public Hearing at 8:14 p.m.

Recommendations: That the City Council:

1. Conduct the Public Hearing and accept public testimony for the mail ballot proceeding(s) for the National Pollutant Discharge Elimination System (NPDES) maximum Commercial/Industrial Regulatory Rate to be applied to two property tax bill(s).
2. Direct the City Clerk to open and count the returned NPDES ballot(s).
3. Verify and accept the results of the mail ballot proceeding(s) as maintained by the City Clerk on the Official Tally Sheet.
4. Receive and file the Official Tally Sheet with the City Clerk's office.
5. If approved, set the rate and impose the NPDES Commercial/Industrial Regulatory Rate to the Assessor's Parcel Number(s) as mentioned.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Victoria Baca, Mayor Pro Tem
SECONDER:	Ulises Cabrera, Council Member
AYES:	Dr. Yxstian A. Gutierrez, Victoria Baca, Ulises Cabrera, Jeffrey J. Giba
ABSENT:	David Marquez

E.2. PROPOSED ZONE CHANGE AND CONDITIONAL USE PERMIT FOR MORENO VALLEY STORAGE, A PROPOSED 538 UNIT MINI-STORAGE FACILITY WITH A CARETAKER'S RESIDENCE (Report of: Community Development)

Associate Planner Bradshaw provided the report.

Mayor Gutierrez opened the Public Hearing at 8:19 p.m.

Roy Bleckert

1. Pleased with the project.
2. Requested that the City Council review projects comprehensively in order to determine their effects on the City.

Rafael Bruqueras

1. The applicant has a successful storage unit business and has put forward a plan that addresses resident's concerns.
2. Happy to see another lot in the City getting developed.

There being no further comments in support or opposition, Mayor Gutierrez closed the Public Hearing at 8:25 p.m.

Council Member Cabrera stated that storage units are ideal for the location.

Recommendations: That the City Council:

1. **ADOPT** Resolution No. 2018-69: A Resolution of the City Council of the City of Moreno Valley **CERTIFYING** the Mitigated Negative Declaration prepared for the Moreno Valley Storage project, inclusive of all related applications on file with the Community Development Department, incorporated herein by this reference, whereby the Mitigated Negative Declaration has been completed in compliance with the California Environmental Quality Act, and the information and findings contained in the Mitigated Negative Declaration reflects the City's independent judgment and analysis; and **ADOPTING** the Mitigation Monitoring and Reporting Program prepared for the Moreno Valley Storage project; and
3. **ADOPT** Resolution No. 2018-70: A Resolution of the City Council of the City of Moreno Valley approving Conditional Use Permit PEN17-0135 for a 538 unit mini-storage facility subject to the Conditions of Approval included as Exhibit A; and

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

2. **INTRODUCE** and conduct the first reading by title only of Ordinance No. 941 approving a Zone Change from Neighborhood Commercial (NC) to Community Commercial (CC) for the areas described in the Ordinance, based on the findings in the Ordinance, and the revised Zoning Atlas; and
4. **SCHEDULE** the introduced Ordinance for second reading and final action for the next regular City Council meeting.

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

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

Raychele Sterling

1. Remarked that her motivation for attending the City Council meeting was to expose corruption.
2. Is alarmed by the accusations from residents which may warrant referral to the District Attorney.

Lindsay Robinson

1. Accused City staff of keeping constituents away from Council Member Giba.
2. Claimed the City Manager promised that he would place an item on the agenda to expand the districts.
3. Alleged that procedures are not being followed.

Donovan Saadiq

1. Purported that the premature skate park sign announcing its arrival is an indication that illegal activity is taking place at the City.
2. Requested that a bathroom be installed at Adrienne Mitchell Park.

Shauntae Wilder-Gonzalez

1. Embarrassed by the lack of decorum displayed at the City Council meeting.

Roy Bleckert

1. Government regulation stymies projects.
2. Centralized improvements generate greater returns than piecemeal projects.
3. Concerned that a developer wasn't properly vetted.
4. Long term impacts should be taken into consideration when voting on a project.

Marina Smiley

1. Discussed the volcano eruption in Hawaii.

Andrew Rodriguez

1. Claimed that the City's sign ordinance is not being enforced.

City Attorney Koczanowicz stated that removal or limitation of political signs based on their content is not permitted, but signs that create a visual hazard within the right of ways will be removed.

Jennifer Dean

1. Introduced the programs provided by Pacific View Charter School.

Sandra Murphy

1. Progress requires change, which while not always welcome, must be accepted.
2. The youth are relying on those in power to move them forward.

Rafael Bruqueras

1. Exclaimed that the political signs he erects never create a hazard.
2. Excited to see new construction in the City.

Frank Wright

1. Agreed with the previous speaker who called for decorum.
2. Disagreed with the methods employed by others who denigrated the City Council.

Louise Palomarez

1. Agreed with the previous speaker's comments.
2. Suggested that a preceding speaker return to her own City to address the problems there.
3. Accused Council Member Giba of pushing a pair of projects through without proper review.

H. REPORTS

H.1. CITY COUNCIL REPORTS

(Informational Oral Presentation - not for Council action)

March Joint Powers Commission (JPC) - Mayor Pro Tem Baca

Mayor Pro Tem Baca reported the following:

The Commission recently approved an ordinance prohibiting cannabis dispensaries, manufacturing, cultivation, and deliveries, consistent with the County of Riverside's ordinance, to facilitate enforcement by County Sheriffs or County Code Enforcement offices.

We also approved a sublease of the existing DHL facility for air cargo operations by Amazon's Prime Air, as well as operating contracts with three Amazon air cargo carriers for up to five flights per day (with no night time flights). We're very excited that these actions will create up to 525 new jobs!

Riverside County Habitat Conservation Agency (RCHCA) - None

Riverside County Transportation Commission (RCTC) - Mayor Pro Tem Baca

Mayor Pro Tem Baca reported the following:

RCTC celebrated the 25th Anniversary for providing Freeway Service Patrol (FSP) in Riverside County. FSP is a roving team of tow trucks traveling selected Riverside County freeways to provide aid to motorists with car trouble. The operators can assist with flat tires, dead batteries, and vehicles that run out of fuel.

Riverside Transit Agency (RTA) - None

Western Riverside Council of Governments (WRCOG) - Mayor Gutierrez

Mayor Gutierrez reported the following:

- WRCOG anticipates annual jurisdictional meetings on TUMF Program fee collections/disbursements to occur from August through October, with final reports issued in December.
- Moreno Valley approved an amendment to purchase SCE-owned streetlights on September 19, 2017, with full approval granted on June 19, 2018. In all, eleven jurisdictions have now approved agreements to acquire SCE-owned streetlights.
- The 5th annual LED Holiday Light Exchange and Energy Efficiently Kit Giveaway will provide residents with new LED lights and energy efficiency kits in late 2018. The four-year program to date has allowed area wide public exchange of over 2,300 holiday lights and the distribution of 150 energy efficiency starter kits.

Western Riverside County Regional Conservation Authority (RCA) - None

School District/City Joint Task Force - Mayor Pro Tem Baca

Mayor Pro Tem Baca reported the following:

The Joint Task Force met earlier today. In addition to the City, representatives from Lake Perris State Recreation Area, Moreno Valley Unified School District, and Val Verde Unified School District attended the meeting.

- Lake Perris reported that they are expected 10,000 to 13,000 people for the upcoming holiday weekend. In addition, their concert series will be held on the following weekends: September 22-23 (2,000 expected) October 11-14 (7,000 expected), and November 1-4 (4,000 expected).
- Val Verde Unified School District has developed the Val Verde Educational Foundation. Its goal is to promote academic excellence, champion innovation in teaching, and provide sustained financial support for student scholarships. It actively seeks donations from the entire Val Verde community - families, staff, businesses and community organizations.
- The California Community College Chancellor's Office announced the expansion of the NextUp program to 15 additional California community colleges, including the three Riverside Community College District colleges of Norco, Moreno Valley and Riverside. NextUp, known as CAFYES (Cooperating Agencies Foster Youth Educational Support), gives current and former California foster youth extra support when pursuing their higher education goals at a local community college.
- Canyon Springs High School and the Moreno Valley Unified School District are starting the first football season at the new Canyon Springs High School Athletic Complex with a day of events, leading into a special Saturday evening game against inter-city rival Moreno Valley. The game on Saturday, August 25, will kick off at 7 p.m. In addition to the game, the school will host junior-level community football games beginning at 2 p.m., a carnival from 3 to 6 p.m. and a special opening ceremony including former athletes at 6:15 p.m. Fans are invited to stay after the game for a fireworks show and presentation of the Butterfield Cup trophy to the winning team.
- Moreno Valley Unified School District is looking for community members to participate in the District Walkthrough on September 5. Contact the District to sign up.

H.2. CITY MANAGER'S REPORT

(Informational Oral Presentation - not for Council action)

City Manager DeSantis expressed his appreciation to a majority of the City Council for approving projects which will benefit the residents. Confirmed that CIP budgets do not require review by the Finance Subcommittee. Stated that invitations for a groundbreaking event were not sent. Asserted that all actions taken in preparation of the items which appeared on the agenda were fully within the appropriation authority statutorily granted to the City Manager.

Praised the City staff for their work in preparation of the meeting. Heralded City staff on the numerous successful events which occurred over the summer. Thanked firefighter Patrick Odell for his role in saving the homes of Moreno Valley residents.

H.3. CITY ATTORNEY'S REPORT

(Informational Oral Presentation - not for Council action)

City Attorney Koczanowicz repeated the statement that CIP budgets are not required to go to the Finance Subcommittee. In response to a previous comment, he noted that the budget for one of the approved items contains a line item for an environmental review. He explained that the City Manager has the authority to spend \$75,000 without prior approval. Asserted that corruption had not occurred. Read a section of the code enumerating the powers of the City Manager.

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

Council Member Cabrera

1. Welcomed everyone back from summer recess and back to school.
2. After discovering that not everyone is aware of the Homeless to Work program, he plans on distributing more fliers throughout the community.
3. Attended Rising Stars Business Academy ribbon cutting.
4. Excited about the passage of the skate park and the amphitheater.
5. Expressed his gratitude to Chief Ahmad and all the other firefighters for battling the wildfires.
6. Asked for patience as the City Council is working to improve more and more roads in the City.
7. Reminded residents to reach out to him should they know anyone in need of the food pantry.

Mayor Pro Tem Baca

1. Announced that the City Council as a whole approved the skate park and amphitheater, not individually.
2. She views political signs as free speech.
3. It is her opinion that City Manager DeSantis is the best in the nation.
4. Communicated her pleasure with the police force on a successful National Night Out.

5. Pleased with the turnout at the recent Coffee With a Cop.
6. Moreno Valley College will host a Welcome Day on Saturday, August 25, 2018.
7. Moreno Valley Hispanic Chamber of Commerce, Moreno Valley College, and the City of Moreno Valley will hold their 2nd Annual El Grito event on September 15, 2018.
8. Student banners for Val Verde Unified School District have been completed.
9. The 4th of July Parade and Fun Fest was well attended.

Mayor Gutierrez

1. Commended City Manager DeSantis.
2. Announced that the City of Moreno Valley was selected for participation in the Mayor's Institute.
3. Mentioned that the amphitheater and skate park are part of the Strategic Plan.
4. Invited everyone to the State of the City.
5. As a Champion City, Moreno Valley submitted an application for the Bloomberg Challenge in the hopes of winning \$5 million for MoVal Learns. The winners will be notified in October.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Gutierrez adjourned the meeting at 9:35 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

Approved by:

Dr. Yxstian A. Gutierrez
Mayor
City of Moreno Valley
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