

MINUTES
CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY
February 19, 2019

CALL TO ORDER - 5:30 PM

SPECIAL PRESENTATIONS

1. Officer of the 3rd Quarter
2. Employee of the 4th Quarter
3. Coast Soccer League

**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
February 19, 2019**

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 6:05 p.m. by Mayor Gutierrez in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Rafael Brugueras.

INVOCATION

Pastor Dan Clement, Lighthouse Baptist Church

ROLL CALL

Council:	Dr. Yxstian A. Gutierrez	Mayor
	Victoria Baca	Mayor Pro Tem
	David Marquez	Council Member
	Dr. Carla J. Thornton	Council Member
	Ulises Cabrera	Council Member

INTRODUCTIONS

Staff:	Pat Jacquez-Nares	City Clerk
	Regina Flores	Senior Deputy 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
Dave Lelevier	Acting Police Chief
Mark League	Battalion Chief
Kathleen Sanchez	Human Resources Director
Patti Solano	Parks and Community Services Director
Michael Wolfe	Public Works Director/City Engineer

E.2. 3362: Conditional Use Permit PEN18-0016 ARCO Service Station (Report of: Community Development)

Associate Planner Diaz provided the report.

Mayor Gutierrez explained and City Attorney Koczanowicz confirmed that although the item was approved by the Planning Commission, the City Council, which took jurisdiction over the item, nullifies the Planning Commission's action, rendering the item brand new.

Council Member Cabrera inquired as to the location of the project in relation to the surrounding properties and whether any comments were submitted regarding the project.

Associate Planner Diaz provided the details.

Council Member Marquez requested the number of service stations in the surrounding area.

Associate Planner Diaz supplied the locations.

Mayor Gutierrez opened the Public Hearing at 6:17 p.m.

Ed Hale, representing the applicant, provided the project details.

Council Member Marquez inquired as to the sale of hard liquor and tobacco products, as well as security and alcohol sale hours.

Mr. Hale responded that beer, wine, and cigarettes would be available for purchase, explained the security measures in place for tobacco sales and affirmed that alcohol would be sold pursuant to the City's regulations.

Council Member Cabrera questioned if on-site security would be provided.

Mr. Hale replied that no on-site security would be available.

Mike Sater, owner of the property, addressed concerns relating to the project.

Council Member Cabrera expressed his unease with people purchasing alcohol and consuming it outside the gas station.

Mr. Sater explained the precautions taken to address open containers.

Council Member Thornton questioned what procedures are in place in address loitering.

Mr. Sater furnished the information.

Mayor Pro Tem Baca inquired if the adjoining car wash would be open 24 hours a day.

Mr. Sater replied in the negative.

Mayor Gutierrez inquired as to the hours beer would be available for sale.

Mr. Hale stated the alcohol operating hours.

Community Development Director Sandzimier clarified the car wash operating hours and beer and wine sale hours.

Dottie Smith, Graham Baldwin, Johnetta Brooks, Dennis Leon, Sanjay Patal Sanjay, Gerardo Rios, Carol Haffter, Sharon Thomas, Leo Gonzalez, and Pete Hurtado oppose Item No. E.2.

Alex Mucino, Hannah Fresquez, Abraham Sater, Roy Bleckert, Ali Taghipour, Jay Brun, Rafael Brugueras, Tamar Chapa, and Jennifer Gomez support Item No. E.2.

Mr. Hale addressed issues raised by the speakers.

There being no further comments in support or opposition, Mayor Gutierrez closed the Public Hearing at 7:28 p.m.

Council Member Cabrera indicated his reservations with the project.

Council Member Marquez expressed his support of the project.

Mayor Gutierrez communicated his apprehension with approving the project.

Council Member Thornton conveyed her approval of the project.

Mayor Pro Tem Baca concurred with the comments made by Mayor Gutierrez, Council Member Cabrera, and Council Member Thornton.

Recommendation: That the City Council:

1. **ADOPT**; A Resolution of the City Council of the City of Moreno Valley **CERTIFYING** that the Initial Study/Mitigation Negative Declaration

PEN18-0016 for the ARCO AM/PM gas station project on file with the Community Development Department, incorporated herein by this reference, has been completed in compliance with the California Environmental Quality Act, that the City Council reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration and that the Initial Study/Mitigated Negative Declaration reflects the City's independent judgment and analysis; and **ADOPTING** the Mitigation Monitoring and Reporting Program for the Initial Study/Mitigated Negative Declaration for the proposed project; and

2. **APPROVE:** A Resolution of the City Council of the City of Moreno Valley **APPROVING** Conditional Use Permit, PEN18-0016, for the development of a new 3,180 square foot ARCO AM/PM gas station with convenience store including Type-20 alcohol sales for beer and wine, and a car wash, located on the northwest corner of Iris Avenue and Oliver Street.

RESULT:	FAILED [2 TO 3]
MOVER:	Dr. Carla J. Thornton, Council Member
SECONDER:	David Marquez, Council Member
AYES:	David Marquez, Dr. Carla J. Thornton
NAYS:	Dr. Yxstian A. Gutierrez, Victoria Baca, Ulises Cabrera

Motion to deny via resolution RESO. NO. 2019-03

RESULT:	APPROVED [3 TO 2]
MOVER:	Ulises Cabrera, Council Member
SECONDER:	Dr. Yxstian A. Gutierrez, Mayor
AYES:	Dr. Yxstian A. Gutierrez, Victoria Baca, Ulises Cabrera
NAYS:	David Marquez, Dr. Carla J. Thornton

Mayor Gutierrez recessed the meeting at 7:51 p.m.

Mayor Gutierrez reconvened the meeting at 8:01 p.m.

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

John Denilofs

1. Criticized the City's requirements for staging a protest.

Roy Bleckert

1. Requested that the City Council review the January 13, 2009 meeting regarding the funding for the Cottonwood and Indian park.
2. Expressed his concern with the recruitment of a second consultant for the Police contract.

3. Stressed the need for a General Plan amendment.

Rafael Bruqueras

1. Grateful for the recognition of the Coast Soccer League.
2. Demonstrated his appreciation for the Recreation Center.
3. Applauded the Planning Commission for their approval of Item No. E.2.

Adolf Kruger

1. Accused the City of being corrupt.
2. Lambasted the Police Department for not curbing the street racing occurring near his home.

JOINT CONSENT CALENDARS (SECTIONS A-D)

Mayor Gutierrez opened the Consent Agenda items for public comments, which were received from Rafael Bruqueras (Supports Item Nos. A.7, A.8, A.10, and A.12).

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Victoria Baca, Mayor Pro Tem
SECONDER:	Dr. Carla J. Thornton, Council Member
AYES:	Gutierrez, Baca, Marquez, Cabrera, Thornton

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 - Feb 5, 2019 6:00 PM

Recommendation: Approve as submitted.

- A.3. Amended Joint Powers Agreement of the Western Riverside Council of Governments (Report of: City Clerk)

That the City Council:

1. Authorize the Mayor to execute the Amended Joint Powers Agreement for the Western Riverside Council of Governments.

- A.4. COUNCIL DISCRETIONARY EXPENDITURE REPORTS FOR FISCAL YEAR 2018/2019 AS OF JULY 1, 2018 THROUGH DECEMBER 31, 2018 (Report of: City Clerk)

Recommendation:

1. Receive and file the Fiscal Year 2018/2019 Council Discretionary

Expenditure Report for July 1, 2018 through December 31, 2018.

- A.5. TRACT 24203 – REQUEST TO CONDUCT A FULL ROAD CLOSURE OF LAWLESS ROAD FROM PIGEON PASS ROAD TO SHADOW MOUNTAIN DRIVE FROM FEBRUARY 27, 2019 - MAY 21, 2019 DEVELOPER: KB HOME COASTAL, INC (Report of: Public Works)

Recommendations:

1. Approve a full Road Closure of Lawless Road from Pigeon Pass Road to Shadow Mountain Drive for the reconstruction of Lawless Road from February 27, 2019 – May 21, 2019.
2. Authorize the Public Works Director/City Engineer to approve a one-time extension, if needed, of the road closure for a period not to exceed 14 calendar days.

- A.6. 2019-13: PURSUANT TO A LANDOWNER PETITION, ANNEX THREE PARCELS INTO COMMUNITY FACILITIES DISTRICT NO. 2014-01 RESO. NO. 2019-04 (Report of: Public Works)

Recommendation:

1. Acting as the legislative body of Community Facilities District No. 2014-01 (Maintenance Services), adopt Resolution No. 2019-___, 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.7. 2019-14: AGREEMENT WITH SOUTHERN CALIFORNIA EDISON FOR LS-1 OPTION E AGREEMENT AGMT. NO. 2019-89 (Report of: Public Works)

Recommendation:

1. Approve and Authorize the City Manager to execute the Schedule LS-1 Option E, Energy Efficiency-Light Emitting Diode (LED) Fixture Replacement Rate Agreement with Southern California Edison (SCE) (the "Agreement"), in substantially the form as attached hereto, subject to the approval of the City Attorney.

- A.8. LIST OF PERSONNEL CHANGES (Report of: Human Resources)

Recommendation:

1. Ratify the list of personnel changes as described.

- A.9. 2019-16: APPROVE FIRST AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL SERVICES AGMT. NO. 2018-279-01 (Report of: Human Resources)

Recommendations:

1. Approve the First Amendment to the Agreement for Professional Services (2018-279) with Apple One Employment Services (Apple One), 16371 Beach Blvd., Suite 240 Huntington Beach, CA 92647 to provide additional professional temporary employment services.
2. Authorize the City Manager to execute the First Amendment to Agreement for Professional Consultant Services with Apple One in the form attached hereto.
3. Authorize the increase of the "Not to Exceed" limit to \$100,000.

- A.10. PAYMENT REGISTER - DECEMBER 2018 (Report of: Financial & Management Services)

Recommendation:

1. Receive and file the Payment Register.

- A.11. 2019-18: APPROVE FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH S BADGETT CONSULTING AGMT. NO. 2018-454-01 (Report of: Financial & Management Services)

Recommendation:

1. Approve First Amendment to Agreement for Professional Services with Stephen H Badgett Consulting for strategic planning services for Moreno Valley Utility.

- A.12. 2019-19: AWARD OF AGREEMENTS FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED AMERICANS WITH DISABILITIES AGMT. NOS. 2019-90 and 91 (Report of: Financial & Management Services)

Recommendations:

1. Award a construction contract to RS Construction & Development, 1042 N. Mountain Ave. Suite B # 552, Upland, CA 91786, for \$196,200, for the Interior ADA Improvements Project at Moreno Valley Animal Shelter and authorize the City Manager to execute a contract with RS Construction & Development in substantial conformance with the attached contract.
2. Award a construction contract to RS Construction & Development,

1042 N. Mountain Ave. Suite B # 552, Upland, CA 91786, for \$186,650, for the Interior ADA Improvements Project at Moreno Valley Conference & Recreation Center and authorize the City Manager to execute a contract with RS Construction & Development in substantial conformance with the attached contract.

3. Authorize the City Manager to execute any subsequent related change orders to the contracts, but not exceeding the approved budget and subject to the approval of the City Attorney.

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 FEB 5, 2019 6:00 PM (See A.2)

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 - REGULAR MEETING OF FEB 5, 2019 6:00 PM (See A.2)

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 FEB 5, 2019 6:00 PM (See A.2)

Recommendation: Approve as submitted.

E. PUBLIC HEARINGS

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

Public Works Director/City Engineer Wolfe provide the report.

Mayor Gutierrez opened the Public Hearing at 8:22 p.m.

There being no comments in support or opposition, Mayor Gutierrez closed the Public Hearing at 8:22 p.m.

Recommend 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) Common Interest, Commercial, Industrial, and Quasi-Public Use maximum Regulatory Rate to be applied to three property tax bill(s);
2. Direct the City Clerk to open and count the returned NPDES ballot(s);

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dr. Carla J. Thornton, Council Member
SECONDER:	Victoria Baca, Mayor Pro Tem
AYES:	Gutierrez, Baca, Marquez, Cabrera, Thornton

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; and,
5. If approved, set the rate and impose the NPDES Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate on the Assessor's Parcel Number(s) as mentioned.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Victoria Baca, Mayor Pro Tem
SECONDER:	Ulises Cabrera, Council Member
AYES:	Gutierrez, Baca, Marquez, Cabrera, Thornton

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - NONE

G. GENERAL BUSINESS

- G.1. 3428: Streamlining the Transportation Uniform Mitigation Fee (TUMF) Calculation and Collection Process ORD. NO. 950 (Report of: Community Development)

Community Development Director Sandzimier provided the report.

City Manager DeSantis noted that the proposed change is following a precedent in which all agencies levy and collect their own fees.

Recommendations: That the City Council:

1. Introduce and conduct the first reading of Ordinance No. 950 amending Chapter 3.44 of Title 3 of the City of Moreno Valley Municipal Code to include a process for Western Riverside County Council of Governments to perform calculations for and collection of fees under the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program.
2. Schedule the second reading and adoption of Ordinance No. 950 for the next regular Council meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Marquez, Council Member
SECONDER:	Ulises Cabrera, Council Member
AYES:	Gutierrez, Baca, Marquez, Cabrera, Thornton

Rafael Bruqueras

1. Supports the item as it relieves the burden for three of the City's departments.
2. The onus is on WRCOG to calculate the correct amount due.

Roy Bleckert

1. Requested information on whether the City either is back owed money or owes money to WRCOG.
2. Questioned the motives precipitating the proposed change.

H. REPORTS

H.1. CITY COUNCIL REPORTS

(Informational Oral Presentation - not for Council action)

March Joint Powers Commission (JPC)

Mayor Pro Tem Baca reported the following:

Tonight, I'm providing an update from the March Joint Powers Commission meeting held on February 13th.

The Commission heard an update on the JPA's Legislative Agenda and upcoming trip to Washington DC. With the rain we've seen this winter, we were happy to confirm the JPA's intent to continue seeking funding for the Cactus Flood Control Channel improvements between the I-215 and Heacock. There are four property owners along the channel. So far, we have funding commitments from all except the US Department of Agriculture. JPA representatives will be meeting with the USDA in Washington to request their support.

We also heard an update on activity at our airport - March Inland Port. They're experiencing substantial growth - over 700 jobs have been created there. I was also very pleased to hear they've had NO noise complaints related to the Amazon Prime Air flights.

Riverside County Habitat Conservation Agency (RCHCA) - NONE

Riverside County Transportation Commission (RCTC) - NONE

Riverside Transit Agency (RTA)

Council Member Marquez reported the following:

Beginning March 4, RTA will host the first of nine community meetings to gather feedback on proposed fare changes, the first in more than 10 years. If approved, the first round of changes would go into effect July 2019 and a second round of changes in July 2021. Please visit www.riversidetransit.com <<http://www.riversidetransit.com>> for more details.

Western Riverside Council of Governments (WRCOG) - NONE

Western Riverside County Regional Conservation Authority (RCA) - NONE

School District/City Joint Task Force

Mayor Pro Tem Baca reported the following:

The Joint Task Force met earlier today. In addition to the City, representatives from Moreno Valley Police Department, State of California Lake Perris, Moreno Valley Community College, and Moreno Valley and Val Verde Unified School Districts attended the meeting.

ATP Cycle 4 grant application was successful, and the California Transportation Commission approved the State's recommendations to fund the remaining Juan Bautista De Anza Trail from the Moreno Valley Mall to Lake Perris through the city of Perris to the city of Menifee. This was an \$8.33 million award.

The Val Verde Unified School District Police Department is growing fast and currently has five officers. Within the next few weeks, the department will be bringing on an evidence clerk and a canine unit. In addition to the Chief, the goal is to have ten reserve officers, five sworn officers, and one sergeant.

The California State Parks Lake Perris reported that the lake is expected to be at full capacity by the fall and is only six feet below ideal levels.

Moreno Valley Community College is in the process of updating the Comprehensive Master Plan to include an education master plan and facility master plan. A community forum is scheduled for February 28 to obtain community input. Input can also be submitted online. In addition, community and campus sessions on March 25 and April 25 will be held to present the ideas about strategies and provide the draft plan for input.

H.2. CITY MANAGER'S REPORT

Addressed issues brought up during Public Comments.

H.3. CITY ATTORNEY'S REPORT - NONE

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 Thornton

1. Thanked Public Works Director/City Engineer Wolfe for the tour of the City Yard as well as his briefing on pavement management.
2. Commended the residents for attending the City Council meeting.
3. Expressed her support for the development of programs which benefit Veterans.

Mayor Gutierrez indicated his support of Council Member Thornton's proposal involving Veterans.

Council Member Marquez

1. Thanked the residents who attended the City Council meeting.
2. Announced the upcoming Veteran's Suicide March taking place in April.

Council Member Cabrera

1. Conveyed his understanding that the General Plan necessitates an update.
2. Encouraged people to visit Lake Perris.
3. Reminded everyone of upcoming events including Race on the Base, the Public Safety Expo, and Springtastic.
4. Congratulated staff for securing the funding to improve the San Juan Bautista trail.

Mayor Pro Tem Baca

1. Reported that visitors have the option to ride a bicycle around Lake Perris.
2. Announced the 8th Annual Veterans and Small Business Summit at the Conference and Recreation Center.

Mayor Gutierrez

1. Reminded the public about the 2019 Mayors' Cyber Cup at Moreno Valley Community College.
2. Explained the importance of thorough community outreach by developers.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Gutierrez adjourned the meeting in memory of Amanda Briones and a recent teen victim of a hit and run at 8:54 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