

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY

DECEMBER 13, 2005

CALL TO ORDER

SPECIAL PRESENTATIONS - 6:00 p.m.

1. Fifteen Year Service Award presentation to Mayor Richard Stewart
2. Presentation of Proclamations to Gene Rogers by City Council and Supervisor Marion Ashley
3. Firefighter of the Quarter – Barry Owens, Fire Apparatus Engineer
4. Presentation of the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year Ended June 30, 2004
5. Holiday Carols by the Participants of the After School Program

**AGENDA
JOINT MEETING 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**

REGULAR MEETING - 6:30 P.M.

CALL TO ORDER (Joint Meeting 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 - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor John Milhouse, Calvary Chapel of Moreno Valley

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS **ON MATTERS ON THE AGENDA** WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.) Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

PUBLIC COMMENTS **ON MATTERS NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

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

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report/discussion will be heard after public hearing items.

A. CONSENT CALENDAR - CITY COUNCIL

- A1. ORDINANCES - FIRST READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinance Introductions and read by title only.
- A2. MINUTES - REGULAR MEETING OF NOVEMBER 22, 2005
(Report of: City Clerk's Department)
Recommendation: Approve as submitted.
- A3. WARRANT REPORT- OCTOBER 31, 2005 (Report of: Finance Department)
Recommendation: Adopt Resolution No. 2005-114, approving the Warrant Report, dated October, 2005 in the total amount of \$8,920,617.65.
- Resolution No. 2005-114
- A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report Dated October 31, 2005
- A4. RENTAL HOUSING INSPECTION PROGRAM BUDGET APPROPRIATION (CONTINUED FROM 10/18/2005) (Report of: Community Development Department)
Recommendation: Authorize an appropriation in the amount of \$86,455 to account 010.45210 to cover the salary, benefits and associated costs to hire a Code Compliance Officer II to implement the Rental Housing Inspection Program.
- A5. REQUEST FOR PURCHASE OF TWENTY-SIX (26) BATTERY BACKUP SYSTEM COMPONENTS – PROJECT NO. 05-12567322 (Report of: Public Works Department)

Recommendation: Authorize the issuance of a Purchase Order to JTB Supply Co., Inc. in the amount of \$130,046.00 which includes the purchase amount, plus 10% contingency (Account No. 125.67322.7400)

- A6. APPROVAL OF FINAL MAP 31257 - SINGLE FAMILY RESIDENTIAL PROJECT, AND ACCEPT BONDS & AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS – NORTHWEST CORNER OF PIGEON PASS ROAD AND SWAN STREET, SUBDIVIDER – MALTON CONSTRUCTION (Report of: Public Works Department)

Recommendation: Approve Final Map 31257, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation; accept the Bonds and Agreement for Public Improvements; authorize the Mayor to execute the Agreement; direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and authorize the City Engineer to execute any amendments to the agreement if the required street improvements are not completed within twenty-four (24) months.

- A7. PUBLIC MEETING REGARDING MAIL BALLOT PROCEEDINGS FOR: OUTBACK STEAKHOUSE RESTAURANT - APN 291-570-035 (AND ANY DIVISION THEREOF) FOR APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE, LOCATED NEAR THE NORTHEAST CORNER OF TOWNGATE CIRCLE AND CENTERPOINT DRIVE; MAIL BALLOT PROCEEDING FOR CACTUS COMMERCE, LLC - APN 297-130-050 (AND ANY DIVISION THEREOF) FOR APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE, LOCATED ON THE NORTHWEST CORNER OF GOLDENCREST DRIVE AND COMMERCE CENTER DRIVE; AND MAIL BALLOT PROCEEDING FOR SUNNYMEAD VILLAS, LLC - APNS 479-050-005, 479-050-006 AND 479-050-007 (AND ANY DIVISION THEREOF) FOR APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE, LOCATED ON THE SOUTH SIDE OF SUNNYMEAD BOULEVARD NEAR KITCHING STREET (Report of: Public Works Department)

Recommendation: Accept public comments regarding the mail ballot proceedings for: Outback Steakhouse Restaurant – APN 291-570-035, Cactus Commerce, LLC – APN 297-130-050 and Sunnymead Villas, LLC – APNs 479-050-005, 479-050-006 and 479-050-007 for approval of the National Pollutant Discharge

Elimination System (NPDES) regulatory rate schedule.

- A8. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE IRIS AVENUE/INDIAN AVENUE 12 KV ELECTRICAL DISTRIBUTION SYSTEM (VAL VERDE MIDDLE SCHOOL) PROJECT NO. 05-00100 (Report of: Public Works Department)

Recommendation: Award the construction contract for the Iris Avenue/Indian Avenue 12 kV Electrical Distribution System (Val Verde Middle School) Project No. 05-00100 to Stronghold Engineering, Inc., 2000 Market Street, Riverside, California, 92501; authorize the Mayor to execute a contract with Stronghold Engineering, Inc., 2000 Market Street, Riverside, California, 92501; and authorize the issuance of a Purchase Order to Stronghold Engineering, Inc., 2000 Market Street, Riverside, California, 92501, in the amount of \$459,800.00 (the bid amount plus 10% contingency) for the Iris Avenue/Indian Avenue 12 kV Electrical Distribution System (Val Verde Middle School) Project No. 05-00100 when the contract has been signed by all parties.

- A9. RENAME OLEANDER AVENUE TO HARLEY KNOX BOULEVARD (Report of: Public Works Department)

Recommendation: Adopt Resolution No. 2005-117 to endorse the recommendation by the Riverside Board of Supervisors to work with the City of Perris and the Riverside County Transportation Department to determine the costs and impacts in renaming Oleander Avenue to Harley Knox Boulevard.

Resolution No. 2005-117

A Resolution of the City Council of the City of Moreno Valley, California, to Endorse the Recommendation by the Riverside Board of Supervisors to Work with the City of Perris and the Riverside County Transportation Department to Endorse Renaming Oleander Avenue to Harley Knox Boulevard if it is Found to be Financially Feasible

- A10. ORDINANCE NO. 703 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING SPECIFIC PLAN AMENDMENT P04-082, AN AMENDMENT TO SPECIFIC PLAN NO. 218 THE AQUABELLA SPECIFIC PLAN (FORMERLY KNOWN AS THE MORENO VALLEY FIELD STATION SPECIFIC PLAN), FOR 760 ACRES OF LAND GENERALLY BETWEEN BRODIAEA AND IRIS AVENUES, AND BETWEEN LASSELLE AND OLIVER STREETS (RECEIVED FIRST READING AND INTRODUCTION ON NOVEMBER 22,

2005) (Report of: Community Development Department)
Recommendation: Adopt Ordinance No. 703.

Ordinance No. 703

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Specific Plan Amendment P04-082, an Amendment to Specific Plan No. 218 the Aquabella Specific Plan (Formerly Known as the Moreno Valley Field Station Specific Plan), for 760 Acres of Land Generally between Brodiaea and Iris Avenues, and between Lasselle and Oliver Streets

- A11. ORDINANCE NO. 704 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE AQUABELLA DEVELOPMENT AGREEMENT (PA04-0005) FOR 685 ACRES OF LAND WITHIN THE AQUABELLA SPECIFIC PLAN, GENERALLY LOCATED BETWEEN BRODIAEA AND IRIS AVENUES, AND BETWEEN LASSELLE AND OLIVER STREETS RECEIVED FIRST READING AND INTRODUCTION ON NOVEMBER 22, 2005) (Report of: Community Development Department)
Recommendation: Adopt Ordinance No. 704.

Ordinance No. 704

An Ordinance of the City Council of the City of Moreno Valley, California, Approving the Aquabella Development Agreement (PA04-0005) for 685 Acres of Land Within the Aquabella Specific Plan, Generally Located between Brodiaea and Iris Avenues and between Lasselle and Oliver Streets

- A12. ADOPT RESOLUTION NO. 2005-118, RESCINDING RESOLUTION NO. 89-61 AND RESTATING THE DESIGNATION OF THE PUBLIC WORKS DIRECTOR AS CITY ENGINEER (Report of: Public Works Department)
Recommendation: Adopt Resolution No. 2005-118, rescinding Resolution No. 89-61 and restating the designation of the Public Works Director as City Engineer.

Resolution No. 2005-118

A Resolution of the City Council of the City of Moreno Valley, California, Rescinding Resolution No. 86-91 and Restating the Designation of the Designation of the Director of Public Works as City Engineer

- A13. APPROVE AND ADOPT RESOLUTION NO. 2005-119 ACCEPTING PUBLIC RIGHT-OF-WAY FOR A PORTION OF STODDARD STREET, GERALD LANE, AND MORREY LANE, WHICH ARE PART OF THE STREET IMPROVEMENT PROGRAM, PROJECT NO. 02-12185520 (Report of: Public Works Department)
Recommendation: Approve and adopt Resolution 2005-119 accepting dedication of property for public right-of-way, but not accepting these portions of street into the City-maintained road system; and direct the City Clerk to certify the acceptance of said dedication and cause said certification to be recorded in the office of the Recorder of the County of Riverside together with said Resolution.

Resolution No. 2005-119

A Resolution of the City Council of the City of Moreno Valley, California, Accepting Public Right-of-Way for Portions of Gerald Lane from Carrie Lane to Pettit Street; Morrey Lane from Carrie Lane to Pettit Street; and Stoddard Street from Bay Avenue to Mc Abee Avenue Accepting Dedication of Easements over Certain Property for Public Road Purposes

- A14. LETTER OF COMMITMENT FOR FLOOD CONTROL CHANNEL IMPROVEMENTS ON HEACOCK STREET AND CACTUS AVENUE (Report of: Public Works Department)
Recommendation: Authorize the Mayor to execute the Letter of Commitment to Riverside County Flood Control and Water Conservation District for the City to jointly participate in the funding of improvements necessary for the Heacock Street and Cactus Avenue Flood Control Channels.
- A15. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE AQUEDUCT BIKE TRAIL AND LANDSCAPING IMPROVEMENTS FROM JOHN F. KENNEDY DRIVE TO PAN AM BOULEVARD, PROJECT NOS. 02-46165321 AND 98-92492 (Report of: Public Works Department)
Recommendation: Award the construction contract for the construction for the Construction of the Aqueduct Bike Trail and Landscaping Improvements from John F. Kennedy Drive to Pan Am Boulevard to Pacific Hydrotech Corporation, 314 E. 3rd Street, Perris, California 92570 as the lowest responsible bidder; authorize a transfer totaling \$193,090 from the Annual Pavement Rehabilitation, Measure "A" (Account No. 125.56330) to the Aqueduct Bike Trail Account No. 125.67424 to provide funding for the construction and construction-related survey, inspection, and

administration for the Aqueduct Bike Trail and Landscaping Improvements from John F. Kennedy Drive to Bay Avenue; authorize the appropriation of \$400,000 from unencumbered Measure "A" (Fund 125) fund balance to the Aqueduct Bike Trail Account No. 125.67424 to provide funding for the construction and construction-related survey, inspection, and administration for the Bike Trail and Landscaping Improvements from John F. Kennedy Drive and Bay Avenue; authorize the appropriation of \$76,055 from unencumbered Redevelopment Agency (Fund 895) fund balance to the Aqueduct Bike Trail and Landscaping Improvements Account No. 892.92492 to provide funding for construction and construction-related survey, inspection, and administration costs for the Bike Trail and Landscaping Improvements from Cottonwood Avenue to Pan Am Boulevard; authorize the Mayor to execute a contract with Pacific Hydrotech Corporation; and authorize the issuance of three (3) purchase orders for Pacific Hydrotech Corporation totaling \$1,560,081 (both Base Bids, Additive Bids "A", "B", and "C", plus 10% contingency for the entire bid amount). The three (3) purchase orders are in the amounts of \$885,811 from Account No. 461.65321, \$325,656 from Fund 125.67424 for a total of \$1,211,467 for Bike Trail Improvements from John F. Kennedy Drive to Bay Avenue; and \$348,614 from Fund 892.92492, for the Aqueduct Bike Trail Improvements from Cottonwood Avenue to Pan Am Boulevard; the aforesaid purchase orders to be issued upon final execution of the subject Construction Contract by all parties.

- A16. REQUEST REJECTION OF ALL BIDS AND RE-EVALUATE PROJECT FUNDING DURING THE NEXT BUDGET CYCLE FOR CONSTRUCTION OF THE BOEING STREET AND MCDONNELL STREET SIDEWALK IMPROVEMENTS FROM ADRIENNE AVENUE TO BAY AVENUE, PROJECT NO. 05-14768524 (Report of: Public Works Department)

Recommendation: Reject all bids opened on November 17, 2005 for the construction of the Boeing Street and McDonel Street Sidewalk Improvements from Adrienne Avenue to Bay Avenue; direct staff to re-evaluate project funding during the next budget cycle; and authorize the City Clerk to return the 10% bid bond to Grand Pacific Contractor's Inc., 11405 Geysler Drive, Mira Loma, California.

- A17. APPROVE, ACCEPT AND EXECUTE THE AGREEMENT FOR CONVEYANCE OF EASEMENT FOR THE NORTHEAST AND NORTHWEST CORNERS OF ALESSANDRO BOULEVARD AND PEPPER STREET INTERSECTION; APPROVE THE WAIVER RELEASE AND HOLD HARMLESS AGREEMENT WITH THE MILLER FAMILY TRUST; AUTHORIZE THE AWARD OF THE CONSTRUCTION CONTRACT FOR THE PEPPER STREET IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO SHERMAN AVENUE, PROJECT NO. 03-14668523 (Report of: Public Works Department)

Recommendation: Accept, approve and execute the Agreement for Conveyance of Easement for the northeast and northwest corner properties located at the Alessandro Boulevard and Pepper Street intersection, utilizing funds from Redevelopment Agency (RDA) Account No. 892.80223; approve the Waiver, Release and Hold Harmless Agreement between the City of Moreno Valley and the Miller Family Trust, and authorize the Mayor to execute the agreement; authorize an appropriation of \$275,000 to the General Fund Account No. 010.66025; award the construction contract for the Pepper Street Improvements base bid items and additive bid "A" & "B" items to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, California 92865, the lowest responsible bidder; authorize the Finance Director to issue a purchase order to R.J. Noble Company in the amount of \$619,768.00 (the amount of the base bid and additive bid "A" & "B" [\$563,425.00] plus 10% contingency) when both parties have signed the contract (Account No. 146.68523.7200 and Account No. 010.66025); and authorize the Mayor to execute a contract agreement with R.J. Noble Company.

- A18. AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE MORENO VALLEY PUBLIC LIBRARY, PROJECT NO. 01-41276320 (Report of: Public Works Department)

Recommendation: Approve the Amendment to Agreement for Professional Consultant Services with LPA, Inc., 5161 California Avenue, Suite 100, Irvine, California 92612 to provide preliminary and final architectural and engineering design services as well as construction management services for the design and construction of the proposed Moreno Valley Public Library; authorize the Mayor to execute the Amendment to Agreement for Professional Consultant Services with LPA, Inc.; and authorize an increase in the Purchase Order to LPA, Inc., in the not-to-exceed amount of \$2,559,700 (proposal amount plus 10% contingency) for Account No. 412.76320 when the Amendment has been signed by all parties.

- A19. ACCEPT AND APPROVE AGREEMENT TO REIMBURSE TRANSPORTATION UNIFORM MITIGATION FEE FUNDS BETWEEN THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS AND CITY OF MORENO VALLEY FOR THE TRAFFIC SIGNAL AT IRONWOOD AVENUE AND NASON STREET, PROJECT NO. 03-12566923 (Report of: Public Works Department)

Recommendation: Accept and approve the Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between the Western Riverside Council of Governments (WRCOG) and City of Moreno Valley for the Traffic Signal at Ironwood Avenue and Nason Street; authorize the Mayor to execute the Agreement to Reimburse TUMF Funds between WRCOG and City of Moreno Valley for the Traffic Signal at Ironwood Avenue and Nason Street; and authorize the appropriation of \$40,000 from the unencumbered Measure "A" (Fund 125) fund balance into Ironwood Avenue and Nason Street Traffic Signal Account No. 125.66923 to cover the additional construction costs in excess of the TUMF share allocation.

- A20. ACCEPT AND APPROVE AGREEMENT TO REIMBURSE TRANSPORTATION UNIFORM MITIGATION FEE FUNDS BETWEEN THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS AND CITY OF MORENO VALLEY FOR THE TRAFFIC SIGNAL AT IRONWOOD AVENUE AND MORENO BEACH DRIVE, PROJECT NO. 03-12566723 (Report of: Public Works Department)

Recommendation: Accept and approve the Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between Western Riverside Council of Governments (WRCOG) and City of Moreno Valley for the Traffic Signal at Ironwood Avenue and Moreno Beach Drive; authorize the Mayor to execute the Agreement to Reimburse TUMF Funds between WRCOG and City of Moreno Valley for the Traffic Signal at Ironwood Avenue and Moreno Beach Drive; and authorize the appropriation of \$128,500 from the unencumbered Measure "A" (Fund 125) fund balance into Ironwood Avenue and Moreno Beach Drive Traffic Signal Account No. 125.66723 to cover the additional construction costs in excess of the TUMF share allocation.

- A21. ACCEPT AND APPROVE AGREEMENT TO REIMBURSE TRANSPORTATION UNIFORM MITIGATION FEE FUNDS BETWEEN THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS AND CITY OF MORENO VALLEY FOR PIGEON PASS ROAD/CLIMBING ROSE DRIVE TO HIDDEN SPRINGS DRIVE (NORTHERLY CITY LIMIT), PROJECT NO. 06-41570324

(Report of: Public Works Department)

Recommendation: Accept and approve the Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between Western Riverside Council of Governments (WRCOG) and City of Moreno Valley for the Pigeon Pass Road/Climbing Rose Drive to Hidden Springs Drive (Northerly City Limit); and authorize the Mayor to execute the Agreement to Reimburse TUMF Funds between WRCOG and City of Moreno Valley for Pigeon Pass Road/Climbing Rose Drive to Hidden Springs Drive (Northerly City Limit).

- A22. REQUEST ADOPTION OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR THE TRAFFIC SIGNAL AT STATE ROUTE 60 AND MORENO BEACH DRIVE, PROJECT NO. 05-41779224 (Report of: Public Works Department)

Recommendation: Adopt the plans and specifications that are on file in the office of the City Engineer; and authorize the City Clerk to advertise the project for construction bids upon receipt of Caltrans Encroachment Permit.

- A23. AUTHORIZATION TO NOTIFY CITY COUNCIL ABOUT MORENO VALLEY UTILITIES' RATE ADJUSTMENTS (Report of: Public Works Department)

Recommendation: Authorize the staff to notify the Council about rate changes by placing a report on the next available Council agenda.

- A24. RESOLUTION MODIFYING THE CITY MANAGER'S COMPENSATION PACKAGE (Report of: City Clerk's Department)

Recommendation: Adopt Resolution No. 2005-120, modifying the City Manger's compensation package pursuant to the employment agreement with Robert Gutierrez approved by the City Council on October 25, 2005.

- A25. LEASE OF SPACE AT MORENO VALLEY PLAZA (Report of: Director of Library Services)

Recommendation: Authorize the lease of office space at Moreno Valley Plaza in the amount of \$7,800 monthly with anticipated lease to run six months.

B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

- B1. ORDINANCES - FIRST READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinance Introductions and read by title only.

- B2. MINUTES - REGULAR MEETING OF NOVEMBER 22, 2005
(Report of: City Clerk's Department)
Recommendation: Approve as submitted.
- B3. ACCEPTANCE OF AMENDMENT 01 GRANT MONIES FROM THE CALIFORNIA DEPARTMENT OF EDUCATION, CHILD DEVELOPMENT SERVICES, FOR CHILD CARE SERVICES AND ADOPTION OF THE RESOLUTION TO CERTIFY THE APPROVAL OF THE GOVERNING BOARD (Report of: Parks & Recreation Department)
Recommendation: Authorize the acceptance of grant money in the amended amount of \$661,410 for Fiscal Year (FY) 2005/2006 from the California Department of Education, Child Development Division for the purpose of providing school age child care and development services; and adopt Resolution No. CSD 2005-20 to certify the approval of the governing board to enter into this transaction with the California Department of Education for the purpose of providing child care and development services and to authorize the designated personnel, as shown on the resolution, to sign contract documents for FY 2005/2006.

Resolution No. CSD 2005-20

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Certifying the Approval of the Governing Board to Enter into a Transaction with the California Department of Education for the Purpose of Providing Child Care and Development Services and to Authorize Designated Personnel to Sign Contract Documents for FY 2005/06

- B4. PUBLIC MEETING REGARDING MAIL BALLOT PROCEEDINGS FOR ASSESSOR PARCEL NUMBERS (APNS) 478-165-062, 478-165-063, 478-165-064 AND 478-165-065 (AND ANY DIVISION THEREOF) FOR INCLUSION INTO COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY/MEDIAN LANDSCAPE MAINTENANCE), LOCATED ON THE NORTHWEST CORNER OF REDLANDS BOULEVARD AND MALTBY AVENUE (Report of: Public Works Department)
Recommendation: Accept public comments regarding the mail ballot proceedings for: 4 custom homes – APNs 478-165-062, 478-165-063, 478-165-064 and 478-165-065 for inclusion into CSD Zone D (Parkway/Median Landscape Maintenance)
- B5. RECOMMEND ACCEPTANCE OF WORK COMPLETED BY SOUTHERN CALIFORNIA GRADING, INC., KINCAID PLUMBING CO., AMERICA WEST LANDSCAPE, PRIZIO CONSTRUCTION,

INC., KCB TOWERS, INC., ARROWWOODS WORKS, INC., VANCE & ASSOCIATES ROOFING, INC., WEISS SHEET METAL, PERFECTION GLASS, SUPERIOR WALL SYSTEMS, ELLJAY ACOUSTICS, ANGELES CONTRACTOR, HUR HARDWOOD FLOORING, DM HOOVER CO., ROBERT V. HOPPE CO., INC., INLAND ARCHITECTURAL SPECIALITIES, INC., KITCOR CORPORATION, HERK EDWARDS, INC., CONTROL AIR CONDITIONING CORP, AND SHASTA ELECTRIC, LP (Report of: Parks & Recreation Department)

Recommendation: Accept as complete: site clearing, earthwork and paving by Southern California Grading, Inc.; site utilities and building plumbing by Kincaid Plumbing Co.; landscaping and irrigation by America West Landscaping; structural concrete, site concrete and reinforcing steel by Prizio Construction, Inc.; structural steel, misc. steel, stairs, metal decking, gratings and ornamental iron by KCB Towers Inc.; architectural woodwork, laminated wood, cabinets, countertops and plastic wall panels by Arrowwoods Works, Inc.; built-up roofing and waterproofing by Vance & Associates Roofing, Inc.; flashing, sheet metal, metal panels, roof hatches and metal louvers by Weiss Sheet Metal; glass and glazing by Perfection Glass; drywall, plaster, rough carpentry, doors, frames and hardware, and insulation by Superior Wall Systems; acoustical ceiling and fabric panels by Elljay Acoustics; ceramic tile by Angeles Contractor; resilient wood flooring systems by Hur Hardwood Flooring; resilient tile flooring and carpet by DM Hoover Co.; painting by Robert V Hoppe Co., Inc.; miscellaneous specialties by Inland Empire Architectural Specialties, Inc.; food services equipment and residential appliances by Kitcor Corporation; gymnasium equipment and bleachers by Herk Edwards, Inc.; heating, ventilating and air conditioning by Control Air Conditioning Corp. and electrical by Shasta Electric, LP.

1. Direct the City Clerk to record the Notices of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code.
2. Authorize the Director of Finance to release the retention to Southern California Grading, Inc., Kincaid Plumbing Co., America West Landscaping, Prizio Construction, Inc., KCB Towers Inc., Arrowwoods Works, Inc., Vance & Associates Roofing Inc., Weiss Sheet Metal, Perfection Glass, Superior Wall Systems, Elljay Acoustics, Angeles Contractor, Hur Hardwood Flooring, DM Hoover Co., Robert V Hoppe Co., Inc., Inland Empire Architectural Specialties, Inc., Kitcor Corporation, Herk Edwards, Inc., Control Air Conditioning

Corp. and Shasta Electric, LP thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

- C1. ORDINANCES - FIRST READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinance Introductions and read by title only.
- C2. MINUTES - REGULAR MEETING OF NOVEMBER 22, 2005
(Report of: City Clerk's Department)
Recommendation: Approve as submitted.
- C3. ACCEPTANCE OF THE REDEVELOPMENT AGENCY'S FISCAL YEAR 2004-2005 ANNUAL REPORT TO THE STATE CONTROLLER AND RESOLUTION FOR THE LOW AND MODERATE INCOME HOUSING FUND (Report of: Economic Development Department)
Recommendation: Accept the Redevelopment Agency's Annual Report for fiscal Year 2004-2005 and approve its submittal to the California State Controller; and adopt Resolution No. RDA 2005-11, verifying the establishment and appropriate use of the Low and Moderate Income Housing Fund in accordance with Section 33334.3 (d) of the Health and Safety Code.

Resolution No. RDA 2005-11

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Verifying the Establishment and Appropriate Use of the Low and Moderate Income Housing Fund Pursuant to California Health and Safety Code 33334.3 (d) for Fiscal Year 2004-2005

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D1. ORDINANCES - FIRST READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinance Introductions and read by title only.
- D2. MINUTES - REGULAR MEETING OF NOVEMBER 22, 2005
(Report of: City Clerk's Department)
Recommendation: Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration.

Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E1. PUBLIC HEARING REGARDING MAIL BALLOT PROCEEDING FOR INCLUSION INTO THE PROPOSED COMMUNITY SERVICES DISTRICT ZONE S (SUNNYMEAD BOULEVARD MAINTENANCE) AND AUTHORIZATION OF THE ANNUAL CHARGE (Report of: Public Works Department)

Recommendation: That the Members of the Board of Directors of the Moreno Valley Community Services District (CSD), after conducting the public hearing:

1. Tabulate the mail ballots for the participating parcels along Sunnymead Boulevard from Frederick Street to Perris Boulevard for inclusion into CSD Zone S and authorization of the annual charge;
2. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and the Assessor Parcel Number (APN) listing;
3. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
4. If approved, authorize and impose the applicable CSD Zone S charge to the participating parcels.

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

G. REPORTS

G1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Oral Presentation)

- a) Report on March Joint Powers Authority by Mayor Stewart

G2. 2005 CITIZEN OPINION SURVEY RESULTS (Report of: Interim Administrative Services Director)

Recommendation: That the City Council receive and file the findings of the 2005 Citizen Opinion Survey.

G3. APPOINTMENTS TO THE RECREATIONAL TRAILS BOARD AND PARKS & RECREATION COMMISSION (TEENAGE MEMBER)
(Report of: City Clerk's Department)

Recommendation: That the City Council, after reviewing the ballots provided by the City Clerk:

1. Appoint one member to the Recreational Trails Board for a term expiring June 30, 2006;
2. Appoint one member to the Parks and Recreation Commission as a teenage member for a term expiring November 25, 2006, or until high school graduation, whichever comes first;
3. If appointments are not made, declare the positions vacant and authorize the City Clerk to re-notice the positions as vacant.

G4. RESOLUTION AMENDING RESOLUTION NO. 2004-55 AND ORDINANCE AMENDING CHAPTER 3.44 OF THE MUNICIPAL CODE (TRANSPORTATION UNIFORM MITIGATION FEE ("TUMF") PROGRAM) REGARDING CLASS "A" OFFICE (Report of: Community Development Department)

Recommendation: That the City Council:

1. Adopt Resolution No. 2005-115, amending Resolution No. 2004-55, adding a subcategory fee for Class "A" Office to the Transportation Uniform Mitigation Fee (TUMF) Program; and

Resolution No. 2005-115

A Resolution of the City Council of the City of Moreno Valley, California, Amending the Fee Schedule of Resolution No. 20054-55 by Adding a Subcategory Fee for Class "A" Office to the Development Impact Fees Related to the Transportation Uniform Mitigation Fee Program

2. Introduce Ordinance No. 705, amending Chapter 3.44 of the Municipal Code (TUMF Program) to add a definition for Class "A" Office.

Ordinance No. 705

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 3.44.040 of Chapter 3.44 of Title 3 of the City Municipal Code (Transportation Mitigation Fee Program) by Adding a Definition of a Class "A" Office

- G5. RESOLUTION AMENDING RESOLUTION NO. 2005-102 REGARDING THE FEE STRUCTURES FOR RESIDENTIAL AND COMMERCIAL AND INDUSTRIAL IMPACT FEES (Report of: Economic Development Department)
Recommendation: That the City Council adopt Resolution No. 2005-116, amending Resolution No. 2005-102 by adding several new provisions including (1) creating a fee category for affordable residential housing projects; (2) amending the fee structure for Commercial and Industrial Impact Fees to freeze the impact fees for Regional Commercial Retail Projects; and (3) creating a DIF category and definition for Class A office development.
- G6. 2006 STATE/FEDERAL LEGISLATIVE ADVOCACY PRIORITIES (Report of: Interim Assistant City Manager)
Recommendation: Review and adopt the updated 2006 State/Federal Legislative Advocacy Priorities.
- G7. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)
- G8. PROPOSED POLICY SUPPORTING "OFFICIAL CITY GROUPS" (Report of: City Manager)
Recommendation: That the City Council:
1. Approve the policy; and
 2. Consider \$4,000 to account #00161.77210 from Zone A fund balance.
- G9. CITY COUNCIL REORGANIZATION – SELECTION OF MAYOR AND MAYOR PRO TEM (Report of: City Clerk's Department)
Recommendation: That the City Council conduct the reorganization of the City Council by selecting two Council Members to serve one-year terms respectively as Mayor and Mayor Pro Tem.

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION

- H1. ORDINANCE AMENDING TITLE 8 OF THE MORENO VALLEY MUNICIPAL CODE BY ADDING A NEW CHAPTER 8.80, RELATING TO RECYCLING AND DIVERSION OF CONSTRUCTION AND DEMOLITION WASTE (Report of: Public Works Department)

Recommendation: That the City Council introduce Ordinance No. 706 amending Title 8, of the City of Moreno Valley Municipal Code by adding a new Chapter 8.80, relating to recycling and diversion of construction and demolition waste. (Roll call required)

Ordinance No. 706

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 8 of the Moreno Valley Municipal Code by Adding a New Chapter 8.80, Relating to Recycling and Diversion of Construction and Demolition Waste

- H2. INTRODUCE ORDINANCE NO. 707, AMENDING CHAPTER 9.02 BY PROVIDING FOR THE INDEMNIFICATION OF THE CITY FOR ANY LEGAL PROCEEDINGS ARISING OUT OF DISCRETIONARY LAND USE APPROVALS (Report of: City Attorney's Office)

Recommendation: That the City Council introduce Ordinance No. 707, amending Chapter 9.02 of the Moreno Valley Municipal Code by providing for the indemnification of the City for any legal proceedings arising out of discretionary land use approvals.

Ordinance No. 707

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Chapter 9.02 by Providing for the Indemnification of the City for any Legal Proceedings Arising out of Discretionary Land Use Approvals

ORDINANCES - 2ND READING AND ADOPTION

- H3. ORDINANCE NO. CSD 49, AS AMENDED, - AN ORDINANCE OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING REVISED FEES FOR RECREATIONAL ACTIVITIES, PARKS, THE USE OF THE TOWNGATE COMMUNITY CENTER, THE USE OF THE VALLEY SKATE PARK, THE USE OF THE MORENO VALLEY SENIOR COMMUNITY CENTER, THE MORENO VALLEY CONFERENCE AND RECREATION CENTER, THE EQUESTRIAN PARK AND NATURE CENTER, THE USE OF THE

MOBILE STAGE UNIT, AND RESCINDING CERTAIN PRIOR ENACTMENTS (RECEIVED FIRST READING AND INTRODUCTION ON NOVEMBER 22, 2005) (Report of: Parks & Recreation Department)
Recommendation: Adopt Ordinance No. CSD 49.

Ordinance No. CSD 49

An Ordinance of the Moreno Valley Community Services District of the City of Moreno Valley, California, Increasing and Establishing Specified Fees for Recreational Activities, Parks, the Use of the TownGate Community Center, the Use of the Valley Skate Park, the Use of the Moreno Valley Senior Community Center, the Moreno Valley Conference and Recreation Center, the Equestrian Park and Nature Center, the Use of the Mobile Stage Unit, and Rescinding Certain Prior Enactments

ORDINANCES - URGENCY ORDINANCES - NONE

RESOLUTIONS – NONE

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

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the Finance Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

- **PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL**

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

- 1) SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION
Number of Cases: -2-
- 2) SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
Number of Cases: -2-
- 3) SECTION 54957 – PERSONNEL MATTER - PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
- 4) SECTION 54957 – PERSONNEL MATTER

Employee Performance Evaluation: City Clerk

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

ADJOURNMENT