

**MINUTES
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
BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING – 6:30 P.M.
DECEMBER 13, 2005**

CALL TO ORDER - The Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:43 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Mayor Stewart

INVOCATION - Pastor John Milhouse, Calvary Chapel of Moreno Valley

ROLL CALL

Council:

Richard A. Stewart	Mayor
Bonnie Flickinger	Mayor Pro Tem
William H. Batey, II	Council Member
Charles R. White	Council Member
Frank West	Council Member

Staff:

Alice Reed	City Clerk
Steve Chapman	Finance Director/City Treasurer
Robert Herrick	City Attorney
Gene Rogers	City Manager
Betsy Adams	Interim Assistant City Manager
Linda Guillis	Community Development Director
William Di Yorio	Police Chief
Stan Lake	Fire Chief
Tom Breitkruez	Enterprise Services Manager
Cynthia Pirtle	Director of Library Services
Karen Reams	Recreation Operations Manager
Barry Foster	Economic Development Director
Angela Rushen	Interim Administrative Services Director

City Manager Gene Rogers announced the following new interim staff members:

Terry Nielsen, Interim Parks and Recreation Director, will be joining the City on December 27, 2005 and George Guayante, Interim Public Works Director, will be joining the City on January 3, 2006.

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Stewart opened the agenda items for the Consent Calendars for public comments. Public comment was received from Daryl Terrell (Item A23).

A. CONSENT CALENDAR - CITY COUNCIL

- A1. ORDINANCES - FIRST READING BY TITLE ONLY
Waived 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 MCDONNEL 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 Geyser 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
Waived 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
Waived 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
Waived 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.

Joint Consent Calendar Items A2 – D2 approved by a 5-0 vote, with item B5 to reflect the acceptance of work is for the Moreno Valley Conference and Recreation Center. m/Flickinger, s/Batey.

E. PUBLIC HEARINGS

- 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:

President Stewart turned the meeting over to Vice President Flickinger and left the Council Chamber due to a financial interest in the item.

Vice President Flickinger opened the public testimony portion of the public hearing. Public testimony was received from Tom Jerele, Sr.

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;

Approved by a 4-0-1 vote, President Stewart absent. m/White, s/Batey.

Item continued to later in the meeting to allow for tabulation of the ballots.

President Stewart returned to the Council Chamber.

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

G. REPORTS

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

Mayor Pro Tem Flickinger displayed a plaque presented to the City on behalf of the Southern California Association of Governments in celebration of their 40th Anniversary and as a thank you for the City being a member of SCAG.

Mayor Stewart announced he attended the loading of the Christmas trees for "Trees for the Troops" to be sent to Iraq at the DHL facility yesterday. There were more trees and ornaments than the plane could hold and there were also a great deal of monetary donations for the cause. Nothing to report on the flight path investigation that is being conducted – the preliminary report has not been made available yet.

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.

Mayor Stewart opened the agenda item for public comments. Public comments were received from Daryl Terrell.

Approved by a 5-0 vote. m/White, s/West.

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.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Approved by a 5-0 vote to appoint Brenda Y. Jackson to the Recreational Trails Board for a term expiring June 30, 2006, and to appoint Brittney Carrio 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. m/West, s/Flickinger.

- 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

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Approved by a 5-0 vote. m/White, s/Batey.

- 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.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Approved by a 5-0 vote. m/White, s/Flickinger.

- 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.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Approved by a 3-2 vote (Batey and West dissenting) to approve with the following change to page 3 of the Legislative Policy – first bullet point to read “Support efforts to reduce the administrative process and costs of dealing with disciplinary actions/Track any expansion of Peace Officer Bill of Rights and the expansion of due process rights of employees/Oppose State legislation imposing mandatory binding arbitration on Cities.” Delete sentence that reads “Oppose mandatory binding arbitration for personnel grievances.” m/White, s/Flickinger.

Motion for reconsideration approved by a 5-0 vote. m/Stewart, s/Flickinger.

Approved by a 5-0 vote to adopt the updated 2006 State/Federal Legislative Advocacy Priorities with the exception of the separate action. m/Flickinger, s/White.

- G7. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

City Manager Rogers thanked City Council and City Staff.

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.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Approved by a 5-0 vote to approve the policy and appropriate \$4,000 from the General Fund. m/Batey, s/Flickinger.

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL ARE AS FOLLOWS:

Daryl Terrell

- 1) Thanked the Police Department for its service
- 2) Police Department needs more technology

E1. (CONTINUATION OF) 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:

President Stewart turned the meeting over to Vice President Flickinger and left the Council Chamber due to a financial interest in the item.

The Secretary announced the results as follows:

Zone S – “Yes” – 7,690, “No” – 4,122, “Invalid” - 475

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;

Approved by a 4-0-1 vote, President Stewart absent. m/White, s/West.

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

Approved by a 4-0-1 vote, President Stewart absent. m/White, s/West.

4. If approved, authorize and impose the applicable CSD Zone S charge to the participating parcels.

Approved by a 4-0-1 vote, President Stewart absent. m/White, s/West.

President Stewart returned to the Council Chamber.

- 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.

Mayor Stewart opened the agenda item for public comments. Public comment was received from Daryl Terell.

Approved by a 5-0 vote to conduct the election by voice vote. m/West, s/White.

Council Member White made a motion to nominate Mayor Pro Tem Flickinger as Mayor, seconded by Council Member West. There were no other motions. Approved by a 5-0 vote.

Council Member West made a motion to nominate Council Member White as Mayor Pro Tem, seconded by Mayor Pro Tem Flickinger. There were no other motions. Approved by a 5-0 vote.

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

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Approved by a 5-0 vote. m/White, s/Flickinger.

- 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

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Approved by a 5-0 vote. m/White, s/West.

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

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Approved by a 5-0 vote. m/Batey, s/West.

ORDINANCES - URGENCY ORDINANCES – NONE

RESOLUTIONS – NONE

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL ARE AS FOLLOWS:

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

Council Member Batey

- 1) Announced next month's Public Safety Subcommittee meeting will be noticed as a Special City Council meeting – the committee will be discussing the study pertaining to the Public Safety building and will also try to establish some budgetary priorities for the upcoming budget year for police, fire and animal services
- 2) Wished all a Happy Holiday
- 3) Wished the City Manager well in his retirement – thanked him for his service over the years

Mayor Pro Tem Flickinger

- 1) Represented the City at the Hispanic Chamber of Commerce Installation and Awards Dinner –the City received the “Partner of the Year” award from the Chamber
- 2) Congratulated the business owners on Sunnymead Boulevard on voting to improve their area
- 3) Thanked the Council for selecting her as Mayor
- 4) City is currently addressing the used car lot on North side of Alessandro between Perris and Indian – there will be “2 Hour Parking” signs posted in front of the commercial businesses to discourage
- 5) Announced the Citrus Wind Ensemble gave an outstanding performance in the Grand Valley Ballroom of the Conference and Recreation Center – beautiful music which was free to all – decorations were beautiful – elevated the culture of the City of Moreno Valley
- 6) Announced that paramedics are on board in all of our fire stations
- 7) Reminded the public there will be free bus rides on RTA on New Year’s Eve starting at 6 p.m.
- 8) 21st Birthday Committee did an excellent job on the wonderful event last weekend – very proud to be part of Moreno Valley – there will be an update at next week’s Study Session on the status of the Committee
- 9) Merry Christmas and Happy New Year

Council Member West

- 1) Congratulated City Manager Rogers and stated he was a great City Manager and he has great admiration for him
- 2) Spoke with the City Traffic Engineer regarding the facilities that will be needed along the 60 freeway and Moreno Beach with the new Wal-Mart opening – would like to prevent cars from lining up on freeway to exit – would like to look at recent developmental models – needs a 2nd to agendaize at a future Study Session – Council Member White seconded
- 3) Inquired of staff as to who is the agency that will deal with the possibility of a flu epidemic – staff will research this
- 4) Merry Christmas to everyone and have a safe holiday

Council Member White

- 1) Used car lot starting to form on Sunnymead Boulevard on the weekends – steadily progressing
- 2) Would like to suggest “No Parking Anytime” signs on Alessandro Boulevard and Cactus Avenue in the commercial area – would like staff to examine this
- 3) Time to start thinking about a trip to Sacramento regarding a new library
- 4) Congratulated Mayor Pro Tem Flickinger on her efforts on the 21st Birthday Celebration
- 5) Congratulated City Manager Rogers on his retirement
- 6) Merry Christmas

Mayor Stewart

- 1) Thanks to the 21st Birthday Committee for a great job done – everything went wonderfully
- 2) Thanks to the Citrus Wind Ensemble for the opportunity to participate in the Christmas festivities at the Conference and Recreation Center
- 3) Picture with Santa for “Moreno Valley Live” – really enjoyed introducing Santa
- 4) Attended the “Blue Light” event at the Riverside Sheriff’s Department honoring those officers killed in the line of duty – very touching and somber event
- 5) Inquired as to the status of the Center Divider and Daytime Curfew Ordinances – Center Divider will be coming soon and Daytime Curfew coming in January
- 6) Inquired of the Police Chief as to directing traffic at the intersection of Frederick and Centerpointe – urged residents to be patient

CLOSED SESSION – Continued to the Study Session of December 20, 2005, by unanimous consent. m/West, s/Batey,

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY - NONE

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:42 p.m. in honor of Gene Rogers by unanimous informal consent.

Submitted by:

Alice Reed, City Clerk
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

Richard Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

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