

**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.
SEPTEMBER 26, 2006**

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 6:30 p.m. by Mayor Flickinger in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Council Member White

INVOCATION - Pastor Carl Dodd, Spiritual Uplift Church

ROLL CALL

Council:

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

Staff:

Alice Reed	City Clerk
Steve Chapman	Finance Director/City Treasurer
Robert Hansen	Assistant City Attorney
Robert Gutierrez	City Manager
Betsy Adams	Assistant City Manager
Rick Hartmann	Deputy City Manager
John Terell	Planning Official
Rick Hall	Police Chief
Stan Lake	Fire Chief
Chris Vogt	Public Works Director/City Engineer
George Guayante	Interim Parks and Recreation Director
Denese Wilson	Human Resources Director
Barry Foster	Economic Development Director
Steve Elam	Administrative Services Director

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 Flickinger opened the agenda items for the Consent Calendars for public comments, there being none, public comments were closed.

A. CONSENT CALENDAR - CITY COUNCIL

- A1. ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.
- A2. LEGISLATIVE UPDATE (Report of: Assistant City Manager)
Recommendation: Receive and file the informational report.
- A3. RESOLUTION READOPTING CONFLICT OF INTEREST CODE (Report of: City Clerk's Department)
Recommendation: Adopt Resolution No. 2006-107, readopting a Conflict of Interest Code to amend the list of designated employees having filing requirements, and repealing all prior enactments on the same subject;

Resolution No. 2006-107

A Resolution of the City Council of the City of Moreno Valley, California, Readopting a Conflict of Interest Code by Reference to the Fair Political Practices Commission's Standard Model Conflict of Interest Code, and Repealing All Prior Enactments on the Same Subject

- A4. REPLACEMENT VEHICLE PURCHASE FOR POLICE DEPARTMENT (Report of: Police Department)
Recommendation: Approve an appropriation of \$16,000.00 from the Equipment Replacement Reserve Account, 62410.6642.645, to replace the Police Department Evidence Van due to excessive repair costs resulting from a traffic collision.
- A5. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY AMENDING SUBSECTION 9.01.090A OF CHAPTER 9.01 RELATING TO ZONING DISTRICTS; SUBSECTION 9.03.020G – K OF CHAPTER 9.03 RELATING TO THRESHOLD DENSITIES; TABLE 9.03.040-

6 OF CHAPTER 9.03 RELATING TO THRESHOLD DENSITIES; SECTION 9.07.040 OF CHAPTER 9.07 RELATING TO MEDICAL USE OVERLAY DISTRICT; SUBSECTION 9.13.030A OF CHAPTER 9.13 RELATING TO THE PLANNED DEVELOPMENT DISTRICT; AND DELETING SECTION 9.07.010 OF CHAPTER 9.07 RELATING TO THE PLANNED DEVELOPMENT DISTRICT; AMENDING THE OFFICIAL ZONING ATLAS TO ADD THE MEDICAL OVERLAY ZONE; AND FINDING THE AMENDMENT (PA06-0121) IS EXEMPT UNDER SECTION 15061 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES (RECEIVED FIRST READING AND INTRODUCTION ON SEPTEMBER 12, 2006 ON A 5-0 VOTE) (Report of: Community Development Department)
Recommendation: Adopt Ordinance No. 726.

Ordinance No. 726

An Ordinance of the City Council of the City of Moreno Valley Amending Title 9 of the City of Moreno Valley Municipal Code by Amending Subsection 9.01.090A of Chapter 9.01 Relating to Zoning Districts; Subsection 9.03.020G – K of Chapter 9.03 Relating to Threshold Densities; Table 9.03.040-6 of Chapter 9.03 Relating to Threshold Densities; Section 9.07.040 of Chapter 9.07 Relating to Medical Use Overlay District; Subsection 9.13.030A of Chapter 9.13 Relating to the Planned Development District; and Deleting Section 9.07.010 of Chapter 9.07 Relating to the Planned Development District; Amending the Official Zoning Atlas to Add the Medical Overlay Zone; and Finding the Amendment (PA06-0121) is Exempt Under Section 15061 of the California Environmental Quality Act Guidelines

- A6. TRACT 31591 TRAFFIC SIGNAL – ACCEPT IMPROVEMENT CREDIT AGREEMENT – DEVELOPMENT IMPACT FEES FOR TRAFFIC SIGNALS, INTERSECTION OF EUCALYPTUS AVENUE AND MORRISON STREET, DEVELOPER – MVGH 2004, LLC, IRVINE, CA (Report of: Public Works Department)

Recommendation:

1. Accept the Improvement Credit Agreement – Development Impact Fees for Traffic Signals (DIF Agreement) for Tract 31591 Traffic Signal.
2. Authorize the Mayor to execute the Agreement.
3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

A7. TRACT MAP 22180-3 – SINGLE FAMILY RESIDENTIAL – ACCEPT AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, NORTH OF GENTIAN AVENUE, BETWEEN INDIAN STREET AND PERRIS BOULEVARD, SUBDIVIDER – PJRJ IRIS INVESTMENT LLC, RANCHO CUCAMONGA, CA (Report of: Public Works Department)

Recommendation:

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

A8. PA05-0049 – APPROVAL OF COOPERATIVE AGREEMENT FOR PERRIS VALLEY MASTER DRAINAGE PLAN – LATERAL B-3, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND INDIAN STREET LLC, WEST SIDE OF INDIAN STREET AND NORTH SIDE OF PERRIS VALLEY STORM DRAIN, SUBDIVIDER – INDIAN STREET LLC, WALNUT, CA (Report of: Public Works Department)

Recommendation:

1. Approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, City of Moreno Valley, and Indian Street LLC for Perris Valley Master Drainage Plan – Lateral B-3.
2. Authorize the Mayor to execute the cooperative agreement.
3. Direct the City Clerk to forward the signed agreement to Riverside County Flood Control and Water Conservation District.

A9. TRACT MAP 22180 AQUEDUCT GREENBELT – ACCEPT AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, NORTH OF GENTIAN AVENUE, BETWEEN INDIAN STREET AND PERRIS BOULEVARD, SUBDIVIDER – PJRJ IRIS INVESTMENT LLC, RANCHO CUCAMONGA, CA (Report of: Public Works Department)

Recommendation:

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

A10. TRACT 30286 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING FIRE ROCK LANE, SILVERADO COURT, HORSESHOE STREET, PRAIRIE LANE, LARIAT LANE, THOROUGHbred LANE, AND BUCKBOARD LANE INTO THE CITY'S MAINTAINED STREET SYSTEM, SUBDIVIDER – K. HOVNANIAN FORECAST HOMES, INC., ONTARIO, CA (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2006-108 authorizing the acceptance of the public improvements for Tract 30286 as complete and accepting Fire Rock Lane, Silverado Court, Horseshoe Street, Prairie Lane, Lariat Lane, Thoroughbred Lane, and Buckboard Lane into the City's maintained street system.

Resolution No. 2006-108

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract 30286, and Accepting Fire Rock Lane, Silverado Court, Horseshoe Street, Prairie Lane, Lariat Lane, Thoroughbred Lane, and Buckboard Lane into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

- A11. TRACT 21461 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING VIA PORTO, VIA PESCADERO, VIA INDIGO, AND VIA ARBOL INTO THE CITY'S MAINTAINED STREET SYSTEM, SUBDIVIDER – SUNNYMEAD RANCH, LLC, NEWPORT BEACH, CA (Report of: Public Works Department)
Recommendation:

1. Adopt Resolution No. 2006- 109 authorizing the acceptance of the public improvements for Tract 21461 as complete and accepting Via Porto, Via Pescadero, Via Indigo, and Via Arbol into the City's maintained street system.

Resolution No. 2006-109

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within Tract 21461, and Accepting Via Porto, Via Pescadero, Via Indigo, and Via Arbol into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

- A12. TRACT 30286-1 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING COACHLIGHT COURT, THOROUGHbred LANE, SAGE COURT, OLD ANVIL LANE, HITCHING POST STREET, PRAIRIE LANE, AND PONDEROSA STREET INTO THE CITY'S MAINTAINED STREET SYSTEM, SUBDIVIDER – THE FORECAST GROUP, L.P., ONTARIO, CA (Report of: Public Works Department)
Recommendation:

1. Adopt Resolution No. 2006-110 authorizing the acceptance of the public improvements for Tract 30286-1 as complete and accepting Coachlight Court, Thoroughbred Lane, Sage Court, Old Anvil Lane, Hitching Post Street, Prairie Lane, and Ponderosa Street into the City's maintained street system

Resolution No. 2006-110

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within Tract 30286-1, and Accepting Coachlight Court, Thoroughbred Lane, Sage Court, Old Anvil Lane, Hitching Post Street, Prairie Lane, and Ponderosa Street into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A13. PA03-0161 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THOSE PORTIONS OF CALLE SAN JUAN DE LOS LAGOS AND CORPORATE WAY ALONG PROJECT FRONTAGE INTO THE CITY'S MAINTAINED STREET SYSTEM, SUBDIVIDER – MSSA LLC, WESTLAKE VILLAGE, CA (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2006-111 authorizing the acceptance of the public improvements for PA03-0161 as complete and accepting those portions of Calle San Juan De Los Lagos and Corporate Way along project frontage into the City's maintained street system.

Resolution No. 2006-111

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Associated with PA03-0161, and Accepting those Portions of Calle San Juan De Los Lagos and Corporate Way Along Project Frontage into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A14. TRACT MAP 22180-2 – SINGLE FAMILY RESIDENTIAL – ACCEPT AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, NORTH OF GENTIAN AVENUE, BETWEEN INDIAN STREET AND PERRIS BOULEVARD, SUBDIVIDER – PJRJ IRIS INVESTMENT LLC, RANCHO CUCAMONGA, CA (Report of: Public Works Department)

Recommendation:

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

A15. TRACT MAP 30268 – ACCEPT FINAL MAP, AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, SOUTH OF IRIS BOULEVARD AND WEST OF OLIVER STREET, SUBDIVIDER – CHT INVESTMENT, LLC, NEWPORT BEACH, CA (Report of: Public Works Department)

Recommendation:

1. Approve Final Map 30268, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.
2. Accept the Agreement and Bonds for Public Improvements.
3. Authorize the Mayor to execute the Agreement.
4. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.
5. Authorize the City Engineer to execute any future amendments to the agreement if the required street improvements are not completed within said timeframe.

A16. APPROVE TRACT MAP 31269 – SINGLE FAMILY RESIDENTIAL – ACCEPT AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS FOR TRACT 31269, TRACT 31269 STORM DRAIN, AND TRACT 31269 PARKS AND RECREATION, NORTH OF COTTONWOOD AVENUE, SOUTH OF DRACAEA AVENUE, EAST OF QUINCY STREET, AND WEST OF

REDLANDS BOULEVARD, SUBDIVIDER – PINNACLE MORENO VALLEY 72, LLC, ALISO VIEJO, CA (Report of: Public Works Department)
Recommendation:

1. Approve Tract 31269, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.
2. Accept the Agreements and Bonds for Public Improvements.
3. Authorize the Mayor to execute the Agreements.
4. Direct the City Clerk to forward the signed Agreements to the County Recorder's Office for recordation.
5. Authorize the City Engineer to execute any future time extension amendments to the agreements, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

A17. AUTHORIZATION TO INCREASE FY 06/07 PURCHASE ORDER FOR "ON-CALL" INSPECTION SERVICES WITH VALI COOPER & ASSOCIATES (VCA) (Report of: Public Works Department)
Recommendation: Authorize the City Manager to execute the \$90,000 change order to the existing FY 06/07 purchase order with VCA for "On-Call" inspection services.

A18. RIVERSIDE COUNTY HOUSEHOLD HAZARDOUS WASTE AGREEMENT (Report of: Public Works Department)
Recommendation:

1. Approve the agreement, prepared by the Riverside County Waste Management Department, Planning and Recycling Division, to continue the Household Hazardous Waste Mobile Collection Program at the City of Moreno Valley Corporate Yard from July 1, 2006 through June 30, 2007; and
2. Authorize the Mayor to execute this agreement.

A19. RESOLUTION AMENDING MORENO VALLEY UTILITIES ELECTRICAL RATES AND IMPLEMENTING A SCHEDULE OF THE PROPOSED AMENDED RATES (Report of: Public Works Department)
Recommendation: Adopt Resolution No. 2006-112:

1. Amending the Moreno Valley Utilities electrical rates in Exhibit B (Rate

Adjustments); and

2. Implementing a schedule to adjust the Moreno Valley Utilities electrical rates to reflect the same schedule as Southern California Edison.

Resolution No. 2006-112

A Resolution of the City Council of the City of Moreno Valley, California, to Amend the Electric Rates for Moreno Valley Utilities and to Implement a Schedule of the Amended Rates

- A20. MINUTES – REGULAR MEETING OF SEPTEMBER 12, 2006 (Report of: City Clerk’s Department)
Recommendation: Approve as submitted.

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 SEPTEMBER 12, 2006 (Report of City Clerk’s Department)
Recommendation: Approve as submitted.
- B3. RESOLUTION READOPTING A CONFLICT OF INTEREST CODE (Report of: City Clerk’s Department)
Recommendation: Find that no change in the Conflict of Interest Code for the District is needed.
- B4. PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDINGS (REBALLOT) FOR A PROPOSED PARCEL CHARGE INCREASE FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) FOR TRACTS 18784/20906, 19912, AND 21616 (Report of: Public Works Department)
Recommendation: Accept public comments regarding the mail ballot proceedings for the proposed increase in the CSD Zone D annual parcel charge for Tracts 18784/20906, 19912, and 21616.

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 SEPTEMBER 12, 2006 (Report of City Clerk’s Department)
Recommendation: Approve as submitted.
- C3. RESOLUTION READOPTING A CONFLICT OF INTEREST CODE (Report of: City Clerk’s Department)
Recommendation: Find that no change in the Conflict of Interest Code for the Agency is needed.

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 SEPTEMBER 12, 2006 (Report of City Clerk’s Department)
Recommendation: Approve as submitted.

Joint Consent Calendar Items A2 – D2 approved by a 5-0 vote with the exception of item A15 which was pulled from the agenda. m/White, s/Stewart.

E. PUBLIC HEARINGS - NONE

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

G. REPORTS

- G1. CITY COUNCIL REPORTS ON REGIONAL AND REIMBURSABLE ACTIVITIES
 - a. Report on March Joint Powers Commission by Council Member Stewart

Council Member Stewart gave an update on the proposed passenger service from March Air Reserve Base

Council Member Stewart, Mayor Pro Tem White and Mayor Flickinger reported on their reimbursable activities.

- G2. APPOINTMENTS TO THE PARKS AND RECREATION COMMISSION AND THE RECREATIONAL TRAILS BOARD (Report of: City Clerk's Department)
Recommendation: That the City Council, after reviewing the ballots provided by the City Clerk:

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

1. Appoint one member to the Parks and Recreation Commission for a term expiring June 30, 2007;
2. Appoint one member to the Recreational Trails Board for a term expiring June 30, 2009;
3. If appointments are not made, declare the positions vacant and authorize the City Clerk to re-notice the positions as vacant.

Option number 3 approved by a 5-0 vote. m/Flickinger, s/White.

- G3. APPROVE AN AGREEMENT BETWEEN THE CITY OF MORENO VALLEY AND THE WESTERN SYSTEMS POWER POOL (WSPP) TO FACILITATE THE PURCHASE OF ELECTRICAL ENERGY FOR MORENO VALLEY UTILITIES (MVU) (Report of: Public Works Department)

Recommendation:

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

1. Approve an agreement between the City of Moreno Valley and Western Systems Power Pool;
2. Submit an Application Letter with a \$25,000 fee to Western Systems Power Pool; and
3. Authorize the Mayor to sign the agreement on behalf of the City of Moreno Valley.

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

G4. OWNER PARTICIPATION AGREEMENT WITH ROBERTSON'S READY MIX (Report of: Economic Development Department)

Recommendation:

Mayor Flickinger opened the agenda item for public comments. Public comment was received from Kathi Palmer.

1. The Mayor and City Council adopt Resolution No. 2006-114, a resolution of the City of Moreno Valley approving and authorizing an Owner Participation Agreement with Robertson's Ready Mix; and

Resolution No. 2006-114

A Resolution of the City Council of the City of Moreno Valley Approving an Owner Participation Agreement by and among the City, the Community Redevelopment Agency of the City of Moreno Valley and Robertson's Ready Mix, Inc.

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

2. The Chairperson and Members of the Board of Directors of the Community Redevelopment Agency of Moreno Valley adopt Resolution No. RDA 2006-07, a resolution of the Community Redevelopment Agency of Moreno Valley approving and authorizing an Owner Participation Agreement with Robertson's Ready Mix.

Resolution No. RDA 2006-07

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving an Owner Participation Agreement by and among the Agency, the City of Moreno Valley and Robertson's Ready Mix, Inc.

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

- G5. APPROVE AN AGREEMENT WITH ABB, INC. FOR THE DESIGN AND CONSTRUCTION OF THE MORENO VALLEY UTILITIES (MVU) 115 KILOVOLT (kV) SUBSTATION AND SWITCHYARD FACILITY ON AN EMERGENCY BASIS AND RESOLUTION MAKING FINDINGS OF AN EMERGENCY AND AUTHORIZING THE EXECUTION OF THE AGREEMENT AND ADOPTING A NEGATIVE DECLARATION FOR THE SUBSTATION AND SWITCHYARD PROJECT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (Report of: Public Works

Department)
Recommendation:

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

1. Adopt a Negative Declaration for the Substation and Switchyard Project and the Design-Build Agreement;

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

2. Adopt, by four-fifths vote, Resolution 2006-113 Making Findings of an Emergency and Authorizing the Execution of the Design-Build Agreement for the Moreno Valley Utilities Substation and Switchyard Project between the City of Moreno Valley, as Owner, and ABB, Inc., a Delaware Corporation, as Design-Builder, in Accordance with Public Contracts Code Sections 20168, 22050, and 5956 and Adopting a Negative Declaration for the Substation and Switchyard Project Pursuant to the California Environmental Quality Act;

Resolution No. 2006-113

A Resolution of the City Council of the City of Moreno Valley Making Findings of an Emergency and Authorizing the Execution of the Design-Build Agreement for the Moreno Valley Utilities Substation and Switchyard Project between the City of Moreno Valley, as Owner, and ABB, Inc., a Delaware Corporation, as Design-Builder, in Accordance with Public Contracts Code Sections 20168, 22050, and Government Code §5956 and Adopting a Negative Declaration for the Substation/Switchyard Project Pursuant to the California Environmental Quality Act

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

3. Approve the Design-Build Agreement for the Moreno Valley Utilities Substation and Switchyard Project between the City of Moreno Valley, as Owner, and ABB, Inc., a Delaware Corporation, as Design-Builder; and
4. Authorize the Mayor to sign the Agreement on behalf of the City of Moreno Valley.

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

G6. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION - NONE

ORDINANCES - 2ND READING AND ADOPTION

H1. ORDINANCE NO. 725 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING CHANGE OF ZONE PA06-0120 FOR VARIOUS LOCATIONS WITHIN THE CITY OF MORENO VALLEY CONSISTENT WITH THE COMPREHENSIVE UPDATE TO THE CITY'S GENERAL PLAN LAND USE MAP AND FINDING THAT THE APPLICATION IS CONSISTENT WITH THE PREVIOUSLY CERTIFIED FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH#200091075) (RECEIVED FIRST READING AND INTRODUCTION ON SEPTEMBER 12, 2006 ON A 4-0-1 VOTE, WEST ABSTAINING) (Report of: Community Development Department)
Recommendation: Adopt Ordinance No. 725

Ordinance No. 725

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Change of Zone PA06-0120 for Various Locations within the City of Moreno Valley Consistent with the Comprehensive Update to the City's General Plan Land Use Map and Finding that the Application is Consistent with the Previously Certified Final Program Environmental Impact Report (SCH#200091075)

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

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:

Daryl Terrell

- 1) Eminent domain powers –must only be used in demonstrated cases of public necessity – not to take private property
- 2) City should reform ordinance to amend Municipal Code (submitted discourse for the public record)

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

Council Member Batey

- 1) Thanked Barry Foster, City Manager Gutierrez and staff for many hours spent on relocation of Robertson’s Redi-Mix – great job bringing all the parties to the table

Council Member Stewart

- 1) Stated the Traffic Engineer had informed him the Pigeon Pass Widening is moving along very fast – construction may begin in January of 2007 – asked staff to give a briefing to Council before the construction so the residents will be advised
- 2) Project at Old Lake and Pigeon Pass will be a Senior Gated Community
- 3) Fencing at Old Lake will be upgraded to something more compatible with Sunnymead Ranch – there was an incident with a car at Poorman’s Reservoir – inquired of the Police Chief regarding the details
- 4) Attended the opening of the WinCo food store – they are open 24 hours a day
- 5) St. Patrick’s Church purchased 6 ½ acres on the south end of their property from the people who planned to build the crematorium – so the crematorium will not be built
- 6) Received a fax regarding a fire at a Senior Citizen’s facility – asked the Fire Chief to give an update – Eucalyptus Tower fire was contained by in-house sprinklers – one resident suffered burns and four residents were displaced

Mayor Pro Tem White

- 1) Thanked staff regarding all the hard work on Robertson’s Redi Mix
- 2) Stated this Council has never considered using eminent domain against private properties for benefit and don’t think they ever would – believes there is a policy, not sure if it is written – that eminent domain is a “dirty word”

Mayor Flickinger

- 1) Stated the City does not use eminent domain to take property against the owner’s will and even when it is taken for public purposes we do not use eminent domain – buy it at market value from willing sellers
- 2) Kudos to Council Member Batey regarding his efforts with Robertson’s and Towngate – congratulations to him!
- 3) This week the YMCA Steering Committee met and moved forward on building the first of four buildings
- 4) Attended the Moreno Valley & Riverside Chambers of Commerce Military Appreciation Picnic - held at March Air Reserve Base – exciting event

- 5) Today was the first meeting of the “Child Safety Commission” that will be the Ad Hoc Commission to define Jessica’s Law once it is implemented

Council Member West – no comments

CLOSED SESSION

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 7:45 p.m. 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:

Bonnie Flickinger, 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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