

**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.  
MAY 13, 2008**

**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 Batey in the Council Chamber located at 14177 Frederick Street.

**PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was led by Mayor Pro Tem West

**INVOCATION** - Dr. Dale Lacquement, Faith Baptist Church

**ROLL CALL**

Council:

William H. Batey II	Mayor
Frank West	Mayor Pro Tem
Bonnie Flickinger	Council Member (arrived at 6:37 p.m.)
Charles R. White	Council Member

Absent: Richard A. Stewart      Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Steve Chapman	Finance Director/City Treasurer
Robert Herrick	City Attorney
Robert Gutierrez	City Manager
Betsy Adams	Assistant City Manager
Rick Hartmann	Deputy City Manager
Rick Hall	Police Chief
John Clark	Fire Chief
Chris Vogt	Public Works Director/City Engineer
Kyle Kollar	Community Development Director
Barry Foster	Economic Development Director
Steve Elam	Administrative Services Director

Cynthia Pirtle  
Mike McCarty

Director of Library Services  
Parks & Community 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 Batey opened the agenda items for the Consent Calendars for public comments. Public comments were received from Pete Bleckert on Items A15 and A24.

**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 APRIL 22, 2008 (Report of: City Clerk's Department)

**Recommendation:** Approve as submitted.

- A3. TRACT MAP 30319 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING AVENIDA CLASSICA, CALLE DE AMIGOS, AVENIDA ESPALDAR, CALLE RIO VISTA, MAGNIFICA COURT, FUENTE COURT, HACIENDA COURT, AND AVENIDA DE PLATA INTO THE CITY'S MAINTAINED STREET SYSTEM; DEVELOPER - KB HOME GREATER LOS ANGELES, INC., WILDOMAR, CA 92595 (Report of: Public Works Department)

**Recommendation:**

- 1. Adopt Resolution No. 2008-44 authorizing the acceptance of the public improvements for Tract Map 30319 as complete and accepting Avenida Classica, Calle De Amigos, Avenida Espaldar, Calle Rio Vista, Magnifica Court, Fuente Court, Hacienda Court, and Avenida De Plata into the City's maintained street system; and

Resolution No. 2008-44

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 30319, and Accepting Avenida Classica, Calle De Amigos, Avenida Espaldar, Calle Rio Vista, Magnifica Court,

Fuente Court, Hacienda Court, and Avenida De Plata 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.
- A4. TRACT MAP 30320-1 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING CAMINO QUINTANA, CORTE ANTIGUA, CALLE ENSENADA, AND THE PORTIONS OF CALLE DE AMIGOS, AVENIDA CLASSICA, CAMINO SONRISA, AND CAMINO ROSADA ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM; DEVELOPER – WL HOMES LLC DBA JOHN LAING HOMES, CORONA, CA 92879 (Report of: Public Works Department)

**Recommendation:**

1. Adopt Resolution No. 2008-45 authorizing the acceptance of the public improvements for Tract Map 30320-1 as complete and accepting Camino Quintana, Corte Antigua, Calle Ensenada, and the portions of Calle de Amigos, Avenida Classica, Camino Sonrisa, and Camino Rosada associated with the project into the City's maintained street system; and

Resolution No. 2008-45

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 30320-1, and Accepting Camino Quintana, Corte Antigua, Calle Ensenada, and the Portions of Calle de Amigos, Avenida Classica, Camino Sonrisa, and Camino Rosada Associated with the Project 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.
- A5. 2008 LEGISLATIVE UPDATE (Report of: Assistant City Manager)

**Recommendation:** Receive and file the report.

- A6. PROJECT ASSISTANCE AGREEMENT FOR CITY INTERCHANGES (PUBLIC WORKS) AT SR-60/REDLANDS BOULEVARD, SR-60/THEODORE STREET, AND SR-60/GILMAN SPRINGS ROAD (Report of: Public Works Department)

**Recommendation:**

1. Approve the "Project Assistance Agreement for City Interchanges" with Highland Fairview Operating Co., 14225 Corporate Way, Moreno Valley, CA 92552, for reimbursement of City staff support and related expenses;
2. Authorize the City Manger to execute the "Project Assistance Agreement for City Interchanges" with Highland Fairview Operating Co.;
3. Authorize the Public Works Director/City Engineer to execute any subsequent amendments to the "Project Assistance Agreement for City Interchanges" subject to approval of the City Attorney;
4. Authorize the Finance Director to recognize deposits from Highland Fairview Operating Co. in a Revenue Trust Account (359.359.2240.26) and appropriate the initial \$50,000 to account for the cost of staff and related facility and support services (Fund 011.52913); and
5. Authorize the Finance Director to appropriate additional funds in the Expenditure Account (Fund 011.52913) as additional deposit monies are received from Highland Fairview Operating Co.

- A7. AUTHORIZATION TO ISSUE PURCHASE ORDER FOR CONSTRUCTION SURVEY SERVICES FOR PIGEON PASS ROAD STREET IMPROVEMENTS FROM IRONWOOD AVENUE TO NORTH CITY LIMITS - PROJECT NO. 06-41570324 (Report of: Public Works Department)

**Recommendation:**

1. Authorize the Finance Director to issue a Purchase Order to PSOMAS, 2110 Iowa Avenue, Suite 101, Riverside, CA 92507 in the amount of \$112,680 (\$93,900 plus 20% contingency) for construction survey services (Account No. 415.70324).

- A8. PARCEL MAP 35027 – APPROVE FINAL MAP, SOUTHWEST CORNER OF IRONWOOD AVENUE AND NASON STREET, DEVELOPER - DAVID LANTZ, MORENO VALLEY, CA 92555 (Report of: Public Works Department)

**Recommendation:**

1. Approve Parcel Map 35027; and
2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

- A9. PA04-0058 – REQUEST TO CONDUCT A FULL ROAD CLOSURE OF EUCALYPTUS AVENUE FROM PERRIS BOULEVARD TO APPROXIMATELY 600' EAST FOR THE CONSTRUCTION OF SUNNYMEAD MASTER DRAINAGE PLAN LINE P-6 AND CORRESPONDING STREET IMPROVEMENTS FROM MAY 19, 2008 - JULY 23, 2008, DEVELOPER: PERRIS ISLE LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP, MERCED, CA 95348 (Report of: Public Works Department)

**Recommendation:**

1. Authorize a full road closure of Eucalyptus Avenue from Perris Boulevard to approximately 600' east for the construction of Sunnymead Master Drainage Plan Line P-6 and corresponding street improvements from May 19, 2008 – July 23, 2008; and
2. Authorize the City Engineer to allow for an additional 30 day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

- A10. 2007 ANNUAL REPORT OF THE PLANNING COMMISSION (Report of: Community Development Department)

**Recommendation:**

1. Receive and file the 2007 Annual Report of the Planning Commission; and
2. Authorize transmittal to the California State Office of Planning and Research in accordance with the California Government Code Section 65040.5.

A11. AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR PART 1, PHASE 1 OF THE BOX SPRINGS ROAD IMPROVEMENTS PROJECT FROM 500 FEET WEST OF CLARK STREET TO DAY STREET, PROJECT NO. 10-41570027(Report of: Public Works Department)

**Recommendation:**

1. Approve the Agreement for Professional Consultant Services for Project Approval and Environmental Documentation (PA&ED), Part 1, Phase 1 only, of the Box Springs Road improvements project, from 500 feet west of Clark Street to Day Street, with AEI-CASC Engineering, Inc., 937 South Via Lata, Suite 500, Colton, California 92324;
2. Authorize the City Manager to execute said Agreement for Professional Consultant Services for Project Approval and Environmental Documentation (PA&ED), Part 1, Phase 1 only, of the Box Springs Road improvements project, from 500 feet west of Clark Street to Day Street, with AEI-CASC Engineering, Inc.;
3. Authorize the Finance Director to issue a Purchase Order to AEI-CASC Engineering, Inc. for the Box Spring Road improvements project from 500 feet west of Clark Street to Day Street in the amount of \$229,699.00 (\$191,391.00 proposal amount for Part 1, Phase 1, plus 20% contingency) when the Agreement has been signed by all parties (Account No. 415.70027); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent Amendments to the Agreement for Professional Consultant Services with AEI-CASC Engineering, Inc., up to but not to exceed the Purchase Order contingency amount of \$38,278.00, subject to the approval of the City Attorney.

A12. ACCEPT AND APPROVE THE TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) PROGRAM AGREEMENT BETWEEN THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG) AND THE CITY OF MORENO VALLEY FOR THE ALESSANDRO BOULEVARD STREET IMPROVEMENTS PROJECT, FROM THE WEST CITY LIMITS AT OLD 215 TO FREDERICK STREET, PROJECT NO. 10-41572627 (Report of: Public Works Department)

**Recommendation:**

1. Accept and approve the Transportation Uniform Mitigation Fee (TUMF) Program agreement between the Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for Project Approval and Environmental Documentation (PA&ED) services for the Alessandro Boulevard Street Improvements; and
2. Authorize the City Manager to execute the Transportation Uniform Mitigation Fee (TUMF) Program agreement between the Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley.

A13. WARRANT REPORT- MARCH 31, 2008 (Report of: Finance Department)

**Recommendation:** Adopt Resolution No. 2008-46, approving the Warrant Report, dated March 2008, in the total amount of \$20,515,792.16.

Resolution No. 2008-46

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report Dated March 31, 2008

A14. TELECOMMUNICATIONS LICENSE AGREEMENT WITH NEW CINGULAR WIRELESS, PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY (Report of: Public Works Department)

**Recommendation:**

1. Authorize the Mayor to execute a Telecommunications License Agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company, for approximately 1,248 square feet of ground space on the property known as Weston Park.

A15. APPROVE RESOLUTION AUTHORIZING THE ELECTRIC UTILITY MANAGER TO ESTABLISH GUIDELINES AND TARGETS FOR MORENO VALLEY ELECTRIC UTILITY RESOURCE ADEQUACY REQUIREMENTS (Report of: Public Works Department)

**Recommendation:** Approve Resolution No. 2008-47 which authorizes the Electric Utility Manager to establish guidelines and targets for Moreno Valley Electric Utility's compliance with the California Independent System Operator (CAISO) Tariff's Resources Adequacy Requirement applicable to electric loads that are under local jurisdiction.

Resolution No. 2008-47

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Electric Utility Manager to Establish Guidelines and Targets for Moreno Valley Electric Utility (MVU) Resource Adequacy Requirements

- A16. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR INDIAN STREET AND CACTUS AVENUE INTERSECTION AND STORM DRAIN IMPROVEMENTS - PROJECT NO. 03-12567123 (Report of: Public Works Department)

**Recommendation:**

1. Award the construction contract for Indian Street and Cactus Avenue Intersection and Storm Drain Improvements to All American Asphalt, P.O. Box 2229, Corona, CA, 92878, the lowest responsible bidder;
2. Authorize the City Manager to execute a contract with All American Asphalt;
3. Authorize the issuance of a Purchase Order for All American Asphalt, in the amount of \$690,000 (the bid amount plus 10% contingency) when the contract has been signed by all parties; and
4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with All American Asphalt, up to, but not exceeding, the Purchase Order contingency amount of \$63,000, subject to the approval of the City Attorney.

- A17. REVISED CITY COUNCIL EMERGENCY NOTIFICATION POLICY (Report of: Assistant City Manager)

**Recommendation:** Approve the revised City Council Emergency Notification Policy.

- A18. REPLACEMENT OF THE MORENO VALLEY POLICE DEPARTMENT SPECIAL ENFORCEMENT TEAM RAPID DEPLOYMENT VEHICLE (RAID VAN) (Report of: Police Department)

**Recommendation:**

1. Approve the replacement of the raid van that was re-deployed in 2005;



2. Find that it is in the best interest of the City to purchase a Sprinter van from the single-source provider, Moss Bros. Dodge of San Bernardino, rather than require a competitive-purchasing process. The Sprinter van, currently available at Moss Bros. Dodge, is one of few available in the United States. Ordering and delivery of a similar van will take approximately eight months with no set price available at this time;
3. Approve the use of approximately \$61,058.47 of the \$71,368.98 in available asset forfeiture monies to purchase a multi-personnel raid van;
4. Approve the purchase of (1) Dodge Sprinter extended cargo van with 170" wheelbase and high roof, for use by the Moreno Valley Police Department special teams as a raid van from the single-source provider Moss Bros. Dodge of San Bernardino for \$52,058.47;
5. Award a second purchase requisition for the rear interior conversion of the van; with insulation, rear seating benches/storage and safety rails from the sole-source vendor ThunderWorks in San Diego, CA at a cost of about \$9,000.00; and
6. Appropriate \$61,059 in account #010.62710.6641.645 for the purchase of a multi-personnel rapid-deployment vehicle (raid van) with special equipment.

A19. PROFESSIONAL CONSULTANT SERVICES AGREEMENT FOR SR-60/MORENO BEACH DRIVE INTERCHANGE AND NASON STREET OVERCROSSING IMPROVEMENTS, PROJECT NO. 07-41570024 (Report of: Public Works Department)

**Recommendation:**

1. Authorize the "Agreement for Professional Consultant Services" with Parsons Transportation Group Inc., 1133 Fifteenth Street NW, Washington, DC 20005-2701, to provide design and construction support services for a total contract not to exceed \$3,387,611;
2. Authorize the City Manager to execute the "Agreement for Professional Consultant Services" with Parsons Transportation Group Inc.;
3. Authorize the issuance of two purchase orders with Parsons Transportation Group Inc. totaling \$3,051,393 (\$2,773,994 plus 10%

contingency) to be funded from Account Nos. 415.70024 (\$2,451,393) and 415.70327 (\$600,000) when the agreement has been signed by all parties;

4. Authorize an increase to the purchase order with Parsons Transportation Group for \$674,979 (\$613,617 plus 10% contingency), pending City Council approval of the Fiscal Year 08/09 budget (Account 415.70327); and
5. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the "Agreement for Professional Consultant Services" with Parsons Transportation Group Inc., up to but not to exceed the 10% contingency amount of \$338,761 subject to approval by the City Attorney.

A20. REQUEST SUPPLEMENTAL APPROPRIATION TO COMPLETE CONSTRUCTION OF FIRE STATION #58 -- PROJECT NO. 05-43472523 (Report of: Public Works Department)

**Recommendation:**

1. Appropriate an additional \$164,000 in Account #501.82025 to complete construction of Fire Station #58 and authorize a transfer from the General Fund Capital Reserve to fund this appropriation; and
2. Authorize an increase to Purchase Order No. 31320 with Tovey/Schultz Construction for \$58,000 for additional costs associated with unanticipated utility installation work.

A21. AUTHORIZE INCREASE TO PURCHASE ORDER WITH VALI COOPER & ASSOCIATES, INC. FOR FIRE STATION #58; PROJECT NO. 05-43472523 (Report of: Public Works Department)

**Recommendation:** Authorize an increase to the Purchase order with Vali Cooper & Associates, Inc. in the amount of \$17,000 for additional inspection services.

A22. APPROVE THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH STK ARCHITECTURE FOR FIRE STATION #58; PROJECT NO. 05-43472523 (Report of: Public Works Department)

**Recommendation:**

1. Approve the "Third Amendment to Agreement for Professional Consultant Services" with STK Architecture (STK), Inc., 2575 South Jacinto Avenue, San Jacinto, California 92583-5318 and authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services"; and
2. Authorize an increase to the Purchase Order with STK Architecture, Inc., in the amount of \$54,000 when the Third Amendment has been signed by all parties.

A23. AUTHORIZATION TO APPROVE THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH HDR ENGINEERING AND AUTHORIZATION TO INCREASE PURCHASE ORDER WITH HDR ENGINEERING, FOR PIGEON PASS ROAD STREET IMPROVEMENTS FROM IRONWOOD AVENUE TO NORTH CITY LIMITS; PROJECT NO. 06-41570324 (Report of: Public Works Department)

**Recommendation:**

1. Approve the "Third Amendment to Agreement for Professional Consultant Services" with HDR Engineering, Inc., 3230 El Camino Real, Suite 200, Irvine, CA 92602 for construction design support services, and authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with HDR Engineering, Inc.;
2. Authorize an increase to the Purchase Order with HDR Engineering, Inc., in the amount of \$57,840 (\$48,200 plus 20% contingency) when the Third Amendment has been signed by all parties (Account No. 415.70324); and
3. Authorize the City Engineer to execute any subsequent amendments to the Agreement for the 20% contingency amount of \$9,640, subject to the approval of the City Attorney.

A24. APPROVE THE CITY OF MORENO VALLEY'S FISCAL YEAR 2009-2013 MEASURE "A" LOCAL STREETS AND ROADS CAPITAL IMPROVEMENT PLAN AND MAINTENANCE OF EFFORT CERTIFICATION STATEMENT (Report of: Public Works Department)

**Recommendation:**

1. Approve the City of Moreno Valley's Fiscal Year (FY) 2009-2013 Measure "A" Local Streets and Roads Capital Improvement Plan

(CIP) and the Maintenance of Effort (MOE) Certification Statement.

A25. AUTHORIZATION FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR PIGEON PASS ROAD STREET IMPROVEMENTS FROM IRONWOOD AVENUE TO NORTH CITY LIMITS; PROJECT NO. 06-41570324 (Report of: Public Works Department)

**Recommendation:**

1. Approve the Agreement for Construction Management and Inspection Consultant Services with Berg and Associates, Inc., 112 S. Euclid Avenue, Suite 210, Ontario, CA 91762 to provide construction management and inspection services and authorize the City Manager to execute said Agreement;
2. Authorize issuance of a Purchase Order to Berg & Associates in the amount of \$366,809 (\$305,674 plus 20% contingency from Account No. 415-70324) for construction management and inspection services; and
3. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with Berg and Associates, Inc. up to but not exceeding the contingency amount of \$61,135, subject to the approval of the City Attorney.

A26. ORDINANCE NO. 773, AMENDING TITLE 9, CHAPTER 9.03 (SECTION 9.03.040) OF THE MORENO VALLEY MUNICIPAL CODE ENTITLED "RESIDENTIAL SITE DEVELOPMENT STANDARDS" FOR RURAL AND HILLSIDE RESIDENTIAL DEVELOPMENT AND CHAPTER 9.16, ARTICLE IV "APPLICATIONS FOR HILLSIDE DEVELOPMENT" RELATING TO MINOR MODIFICATIONS OF GENERAL AND DESIGN GUIDELINES FOR RURAL AND HILLSIDE RESIDENTIAL DEVELOPMENT CITYWIDE AND FINDING THAT THE AMENDMENT (PA06-0053) IS EXEMPT UNDER SECTION 15061 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES (RECEIVED FIRST READING AND INTRODUCTION ON APRIL 22, 2008 ON A 5-0 VOTE) (Report of: Community Development Department)

**Recommendation:** Adopt Ordinance No. 773.

Ordinance No. 773

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9, Chapter 9.03 (Section 9.03.040) of the Moreno Valley

Municipal Code Entitled “Residential Site Development Standards” for Rural and Hillside Residential Development and Chapter 9.16, Article IV “Applications for Hillside Development” Relating to Minor Modifications of General and Design Guidelines for Rural and Hillside Residential Development Citywide and Finding that the Amendment (PA06-0053) is Exempt under Section 15061 of the California Environmental Quality Act (CEQA) Guidelines

- A27. ORDINANCE NO. 774, APPROVING A ZONE CHANGE (PA07-0095) TO CHANGE THE LAND USE FROM RESIDENTIAL 5 TO PUBLIC AT MARCH MIDDLE SCHOOL, FROM RESIDENTIAL 5 TO RESIDENTIAL 15 AND FROM RESIDENTIAL 20 TO RESIDENTIAL 15 FOR THE PROPERTIES LOCATED WITHIN ASSESSOR’S PARCEL NUMBERS 485-220-006, -007, -008, -009, -012, -014, -015, -016, AND -017, LOCATED EAST OF INDIAN STREET, SOUTH OF SANTIAGO DRIVE, NORTH OF IRIS AVENUE, AND WEST OF PERRIS BOULEVARD (RECEIVED FIRST READING AND INTRODUCTION ON APRIL 22, 2008 ON A 5-0 VOTE) (Report of: Community Development Department)

**Recommendation:** Adopt Ordinance No. 774

Ordinance No. 774

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Zone Change (PA07-0095) to Change the Land Use from Residential 5 to Public at March Middle School, From Residential 5 to Residential 15 and from Residential 20 to Residential 15 for the Properties Located within Assessor’s Parcel Numbers 485-220-006, -007, -008, -009, -012, -014, -015, -016, and -017, Located East of Indian Street, South of Santiago Drive, North of Iris Avenue, and West of Perris Boulevard

- A28. ORDINANCE NO. 775, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA07-0135 (ZONE CHANGE) TO CHANGE THE LAND USE FOR 5.87 – NET ACRES LOCATED WITHIN PORTIONS OF ASSESSOR’S PARCEL NUMBERS 487-060-005, -006, AND -008 FROM R3 TO COMMUNITY COMMERCIAL IN ORDER TO DEVELOP A 176,112 SQUARE FOOT RETAIL CENTER ON 14.2 NET ACRES (RECEIVED FIRST READING AND INTRODUCTION ON APRIL 22, 2008 ON A 5-0 VOTE) (Report of: Community Development Department)

**Recommendation:** Adopt Ordinance No. 775.

Ordinance No. 775

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA07-0135 (Zone Change) to Change the Land Use for 5.87 – Net Acres Located within Portions of Assessor’s Parcel Numbers 487-060-005, -006, and -008 from R3 to Community Commercial in Order to Develop a 176,112 Square Foot Retail Center on 14.2 Net Acres

A29. CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk’s Department)

Recommendation: Receive and file the Reports on Reimbursable Activities for the period of April 16 – May 6, 2008.

City Attorney Herrick advised that Consent Calendar item number B3 should be moved to the City Council Consent Calendar. It was added as item number A30.

A30. AUTHORIZATION TO CLOSE PUBLIC STREETS FOR THE INDEPENDENCE DAY FESTIVITIES ON FRIDAY, JULY 4, 2008 (Report of: Parks and Community Services Department)

**Recommendation:**

1. Authorize the closure of the following streets between the hours of 7:00 a.m. and 12:00 noon for the purpose of conducting the Fourth of July Parade scheduled to take place on July 4, 2008.
  - a. TownGate Boulevard between Frederick Street, Eucalyptus Avenue and Memorial Way;
  - b. Frederick Street between Centerpointe Drive and Cactus Avenue;
  - c. Cottonwood Avenue between Pan Am Boulevard and Dunhill Drive;
  - d. Eucalyptus Avenue between Pan Am Boulevard and Kochi Drive;
  - e. Dracaea Avenue between Pan Am Boulevard and Kochi Drive;
  - f. Atlantic Circle east of Frederick Street;
  - g. Brabham Street between Frederick Street and Andretti Street;
  - h. TownGate Boulevard between Frederick Street and Heritage Way;
  - i. Bay Avenue between Kristina Court and Courage Street;
  - j. Alessandro Boulevard between Chagall Court and Elsworth Street;
  - k. Resource Way between Frederick Street and Corporate Way;

- l. Corporate Way between Calle San Juan de Los Lagos and Resource Way;
  - m. Calle San Juan de Los Lagos between Frederick Street and Veterans Way;
  - n. Veterans Way between Cactus Avenue and Alessandro Boulevard;
  - o. New Hope between Veterans Way and Elsworth; and
  - p. Heritage Way between TownGate Boulevard and Town Circle.
2. Authorize the closure of the following streets to through traffic, to remain open only to residents, between the hours of 11:00 a.m. and 9:00 p.m. for the purpose of conducting the Fourth of July Festival and Fireworks Program scheduled to take place on July 4, 2008.
- a. Petaluma Avenue between Napa Valley and Morrison Street;
  - b. Napa Valley between Dracaea Avenue and Petaluma Avenue;
  - c. Lakeport Drive at Cottonwood Avenue;
  - d. Burney Pass Drive between Cottonwood Avenue and Dracaea Avenue;
  - e. Rockport Drive between Yuba Pass Road and Morrison Street;
  - f. Dracaea Avenue between Morrison Street and Nason Street;
  - g. Letterman Street at Cottonwood Avenue;
  - h. Athletics Drive at Cottonwood Avenue; and
  - i. Mascot Lane at Dracaea Avenue.

**B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT**

- B1. ORDINANCES - READING BY TITLE ONLY  
Waived reading of all Ordinances Introductions and read by title only.
- B2. MINUTES - REGULAR MEETING OF APRIL 22, 2008 (Report of: City Clerk's Department)

**Recommendation:** Approve as submitted.

**C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY**

- C1. ORDINANCES - READING BY TITLE ONLY  
Waived reading of all Ordinances Introductions and read by title only.
- C2. MINUTES - REGULAR MEETING OF APRIL 22, 2008 (Report of: City Clerk's Department)

**Recommendation:** Approve as submitted.

- C3. ADOPT THE RESOLUTION APPROVING THE RELOCATION PLAN FOR ELIGIBLE TENANTS FOR THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF ALESSANDRO BOULEVARD AND DAY STREET (Report of: Economic Development Department)

**Recommendation:** Adopt Resolution No. RDA 2008-08 approving the Relocation Plan for Eligible Tenants.

Resolution No. RDA 2008-08

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, California, Approving the Relocation Plan for the Alessandro and Day Street Project

**D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES**

- D1. ORDINANCES - READING BY TITLE ONLY  
Waived reading of all Ordinances Introductions and read by title only.
- D2. MINUTES - REGULAR MEETING OF APRIL 22, 2008 (Report of: City Clerk's Department)

**Recommendation:** Approve as submitted.

**Joint Consent Calendar Items A1-D2 approved by a 4-0-1 vote. m/White, s/Flickinger.**

**E. PUBLIC HEARINGS**

- E1. PUBLIC HEARING REGARDING THE COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) MAIL BALLOT PROCEEDINGS FOR TWENTY-ONE TRACTS (Report of: Public Works Department)

Mayor Batey opened the public testimony portion of the public hearing; there being none, public testimony was closed.

**Recommendation:** That the City Council, acting in their respective capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District (the "CSD Board"), after conducting the public hearing:

1. Direct the City Clerk to tabulate the returned ballots for the proposed



increase in the CSD Zone D parcel charge for Tracts 11848, 12773, 16769, 16770, 17387, 17457, 17867, 19141, 19496, 19500, 19509, 19551, 19685, 20301, 20525, 20660, 20869, 24721, 27526, 29038, and 30027;

**Approved 4-0-1. m/White, s/Flickinger.**

**ITEM CONTINUED UNTIL LATER IN THE MEETING TO ALLOW FOR TABULATION OF THE BALLOTS.**

- E2. PUBLIC HEARING FOR THE CDBG AND HOME PROGRAMS TO ADOPT THE CONSOLIDATED PLAN FOR FISCAL YEARS 2008-2013, THE ANNUAL ACTION PLAN FOR FISCAL YEAR 2008-2009 AND THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE AND FAIR HOUSING ACTION PLAN (Report of: Economic Development Department)

**Recommendation:**

1. Conduct a Public Hearing for the Community Development Block Grant (CDBG) and HOME programs to allow the public an opportunity to comment on the proposed FY 2008-2013 Consolidated Plan, the FY 2008-09 Annual Action Plan and the Analysis of Impediments to Fair Housing Choice and Fair Housing Action Plan; and

Mayor Batey opened the public testimony portion of the public hearing; there being none, public testimony was closed.

2. Adopt the FY 2008-2013 Consolidated Plan, the FY 2008-09 Annual Action Plan and the Analysis of Impediments to Fair Housing Choice and Fair Housing Action Plan.

**Approved by a 4-0-1 vote. m/White, s/West.**

- E3. ADOPTION OF FY 2008-09 FEE RESOLUTION AND FEE SCHEDULE (Report of: Finance Department)

**Recommendation:** That the City Council:

1. Conduct a Public Hearing to receive public input on the Proposed FY 2008-09 Fee Schedule; and

Mayor Batey opened the public testimony portion of the public hearing; there being none, public testimony was closed.

2. Adopt Resolution No. 2008-48, approving the Fee Schedule for FY 2008-09.

Resolution No. 2008-48

A Resolution of the City Council of the City of Moreno Valley, California, Increasing and Establishing Specified Fees for Various Services; Maintaining the Present Level of Certain Fees; Reducing the Level of Certain Fees; and Incorporating Certain Prior Enactments

**Motion to continue Item E3 to the meeting of May 27, 2008. Approved by a 4-0-1 vote. m/Flickinger, s/White.**

- E4. PUBLIC HEARING TO DISCUSS THE REDEVELOPMENT AGENCY'S 2005-2010 MID-CYCLE REVIEW OF THE IMPLEMENTATION PLAN AND TO REVIEW AND APPROVE THE SECOND AMENDMENT TO THE 2005-2010 IMPLEMENTATION PLAN (Report of: Economic Development Director)

**Recommendation:** That the Chairperson and Members of the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley:

1. Conduct a Public Hearing to review and discuss the 2005-2010 Mid-Cycle Review of the Implementation Plan;

Mayor Batey opened the public testimony portion of the public hearing; there being none, public testimony was closed.

2. Conduct a Public Hearing to review and discuss the second amendment to the 2005-2010 Implementation Plan; and

Mayor Batey opened the public testimony portion of the public hearing; there being none, public testimony was closed.

3. Approve the second amendment to the 2005-2010 Implementation Plan to incorporate additional projects and improved development projections as applicable to the Redevelopment Project Area.

**Approved by a 4-0-1 vote. m/White, s/West.**

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

None

## G. REPORTS

### G1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

- a) Report on Riverside Transit Authority (RTA) by Council Member Flickinger

Council Member Flickinger reported that in Riverside Transit Authority's continuing efforts to improve bus service; they are changing service times at Valley View High School to accommodate the student's class schedules so students will be on time to class and have plenty of time to get to the bus when school ends.

- b) Report on Riverside County Transportation Commission (RCTC) by Mayor Pro Tem West

Mayor Pro Tem West reported that the Federal Government authorized \$50 million to help the City establish a Metrolink station at the 215 Freeway and Allesandro Boulevard; with another station planned in the city of Perris. The station will be a great convenience for citizens as the population grows and will provide an alternative transportation method. He hopes to see everything working within a year.

Mayor Pro Tem West reported that at the Mobile Source Reduction Committee, it was his honor to approve two compressed natural gas school buses for the Moreno Valley Unified School District. With the great relationship the City has with the school district, it was his pleasure to make the motion to approve the buses.

### G2. SPECIAL DISTRICT FINANCING POLICY AMENDMENTS (Report of: Public Works Department)

Mayor Batey opened the agenda item for public comments; there being none, public testimony was closed.

**Recommendation:** That the City Council approve and adopt Resolution No. 2008-49 to amend the Special District Financing Policy (the "Policy"). The proposed changes shall ensure stronger credit and security of the City's Special District bond issues, ensure special assessments or taxes are reasonable and equitable to future residents/taxpayers and address other minor changes and updates to reflect changes in the real estate market and industry best practices.

Resolution No. 2008-49

A Resolution of the City Council of the City of Moreno Valley, California, Adopting an Amended Special District Financing Policy for the Public Financing of Public Facilities through the Establishment of Assessment Districts or Community Facilities Districts

**Approved by a 4-0-1 vote. m/White, s/West.**

G3. FORMATION PROCEEDINGS FOR COMMUNITY FACILITIES DISTRICT (CFD) NO. 7 (Report of: Public Works Department)

Mayor Batey opened the agenda item for public comments; there being none, public testimony was closed.

**Recommendation:** That the City Council:

1. Approve and adopt Resolution No. 2008-50: approving a boundary map showing the boundaries of the territory proposed to be included in proposed Community Facilities District No. 7 of the City of Moreno Valley and the improvement areas proposed to be designated therein;

Resolution No. 2008-50

A Resolution of the City Council of the City of Moreno Valley, California, Approving a Boundary Map Showing the Boundaries of the Territory Proposed to be Included in Proposed Community Facilities District No. 7 of the City of Moreno Valley and the Improvement Areas Proposed to be Designated therein

**Approved by a 4-0-1 vote. m/Flickinger, s/White.**

2. Approve and adopt Resolution No. 2008-51: declaring its intention to establish Community Facilities District No. 7 of the City of Moreno Valley, to designate three improvement areas therein and to authorize the levy of a separate special tax within each such improvement area to finance the acquisition or construction of certain public facilities;

Resolution No. 2008-51

A Resolution of the City Council of the City of Moreno Valley, California, Declaring its Intention to Establish Community Facilities District No. 7 of the City of Moreno Valley, to Designate Three

Improvement Areas therein and to Authorize the Levy of a Separate Special Tax within Each Such Improvement Area to Finance the Acquisition or Construction of Certain Public Facilities

**Approved by a 4-0-1 vote. m/Flickinger, s/White.**

3. Approve and adopt Resolution No. 2008-52: a Resolution of the City Council of the City of Moreno Valley, California, declaring the necessity of Community Facilities District No. 7 of the City of Moreno Valley to incur a bonded indebtedness to be secured by special taxes levied within such district to pay for the acquisition or construction of certain public facilities;

Resolution No. 2008-52

A Resolution of the City Council of the City of Moreno Valley, California, Declaring the Necessity of Community Facilities District No. 7 of the City of Moreno Valley to Incur a Bonded Indebtedness to be Secured by Special Taxes Levied within Such District to Pay for the Acquisition or Construction of Certain Public Facilities

**Approved by a 4-0-1 vote. m/Flickinger, s/White.**

4. Approve and adopt Resolution No. 2008-53: a Resolution of the City Council of the City of Moreno Valley, California, adopting a map showing the boundaries of territory proposed to be annexed in the future to Community Facilities District No. 7 of the City of Moreno Valley; and

Resolution No. 2008-53

A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Map Showing the Boundaries of Territory Proposed to be Annexed in the Future to Community Facilities District No. 7 of the City of Moreno Valley

**Approved by a 4-0-1 vote. m/Flickinger, s/White.**

5. Approve and adopt Resolution No. 2008-54: a Resolution of the City Council of the City of Moreno Valley, California, declaring intention to provide for future annexation of territory to Community Facilities District No. 7 of the City of Moreno Valley.

Resolution No. 2008-54

A Resolution of the City Council of the City of Moreno Valley, California, Declaring Intention to Provide for Future Annexation of Territory to Community Facilities District No. 7 of the City of Moreno Valley

**Approved by a 4-0-1 vote. m/Flickinger, s/White.**

- G4. PUBLIC MEETING REGARDING A MAIL BALLOT PROCEEDING FOR THE WEBSTER APARTMENTS - ASSESSOR PARCEL NUMBER (APN) 481-140-021 FOR APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE (Report of: Public Works Department)

Mayor Batey opened the public testimony portion of the public meeting; there being none, public testimony was closed.

**Recommendation:** That the Mayor and Members of the City of Moreno Valley City Council accept public comments regarding the mail ballot proceeding for the Webster Apartments – APN 481-140-021 for the approval of the NPDES maximum commercial/industrial regulatory rate.

No action required.

- G5. STAFF PRESENTATION ON FY 2008-09 PROPOSED BUDGET SUMMARY (Report of: Finance Department)

Mayor Batey opened the agenda item for public comments. Public comments were received from Pete Bleckert.

**Recommendation:** That the City Council receive and file the FY 2008-09 Proposed Budget Summary.

**Approved by a 4-0-1 vote. m/White, s/West.**

- G6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOGNIZING COMMUNITY AND NEIGHBORHOOD DESIGNATIONS WITHIN THE CITY OF MORENO VALLEY (Report of: City Attorney Department)

Mayor Batey opened the agenda item for public comments; there being none, public testimony was closed.

**Recommendation:** This item was requested by the City Council at a prior meeting.

Resolution No. 2008-55

A Resolution of the City Council of the City of Moreno Valley, California, Recognizing Community and Neighborhood Designations within the City of Moreno Valley

**Motion to continue Item G6 to Study Session meeting of June 17, 2008. Approved by a 4-0-1 vote. m/White, s/West.**

- G7. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)
- E1. **(CONTINUED FROM EARLIER IN THE MEETING)**  
PUBLIC HEARING REGARDING THE COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) MAIL BALLOT PROCEEDINGS FOR TWENTY-ONE TRACTS (Report of: Public Works Department)

The Secretary announced the results as follows:

- Tract 11848 – “Fails”
- Tract 12773 – “Passes”
- Tract 16769 – “Passes”
- Tract 16770 – “Fails”
- Tract 17387 – “Fails”
- Tract 17457 – “Fails”
- Tract 17867 – “Fails”
- Tract 19141 – “Passes”
- Tract 19496 – “Passes”
- Tract 19500 – “Fails”
- Tract 19509 – “Fails”
- Tract 19551 – “Fails”
- Tract 19685 – “Passes”
- Tract 20301 – “Fails”
- Tract 20525 – “Fails”
- Tract 20660 – “Fails”
- Tract 20869 – “Fails”
- Tract 24721 – “Fails”
- Tract 27526 – “Fails”
- Tract 29038 – “Fails”
- Tract 30027 – “Fails”

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet and Assessor’s Parcel Number (APN) listing;

**Approved by a 4-0-1 vote. m/White, s/Flickinger.**

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

**Approved by 4-0-1 vote. m/White, s/Flickinger.**

4. If approved, authorize and impose the proposed increase in the CSD Zone D annual parcel charge for Tracts 11848, 12773, 16769, 16770, 17387, 17457, 17867, 19141, 19496, 19500, 19509, 19551, 19685, 20301, 20525, 20660, 20869, 24721, 27526, 29038, and 30027.

**Approved by 4-0-1 vote. m/Batey, s/Flickinger.**

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION - NONE

ORDINANCES - 2ND READING AND ADOPTION - NONE

ORDINANCES - URGENCY ORDINANCES - NONE

RESOLUTIONS – NONE

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

Mohamed Hassan, DDS

- 1) Worried about the construction of the new median on Perris Boulevard and Eucalyptus Avenue, in front of his dental practice. Discussed hazardous driving conditions and concern that it will be difficult to access his building which will have a negative financial impact on his dental practice.

Merv Ellstrom, DDS

- 1) Expressed concern about construction of the new median on Perris Boulevard and Eucalyptus Avenue, the building he owns and has his dental practice in. Talked about how difficult it will be for patients to access the building and concerns about traffic safety. Attended Planning Commission when this item was agendaized, and said Planning Commission directed staff to find another alternative, which they had not done. Is also concerned with emergency vehicle access to his building.

Sonnie Kenney

- 1) Is disappointed in Council's conduct toward Council Member White and his petition.



- 2) Discussed disapproval of the flyer distributed targeting Mayor Pro Tem West and Council Member White.
- 3) Would like to see the Rancho Belago issue placed on the ballot so the community can exercise their rights to vote and decide for themselves if the city should be divided.

Marty Chenier

- 1) Spoke in support of Dr. Ellstrom's concerns over the construction of the new median at Perris Boulevard and Eucalyptus Avenue. He said this will create hazardous driving conditions for the seniors living in the senior apartment facility.

Pete Bleckert

- 1) Discussed flyers distributed to the community concerning Mayor Pro Tem West and Council Member White and said he did not have a position on the material contained in the flyer. Provided suggestions on cutting funding to organizations supporting material contained in the flyers.

Susan Gilchrist

- 1) Discussed the flyers distributed to the community concerning Mayor Pro Tem West and Council Member White.
- 2) Discussed issues related to the Rancho Belago community.

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

Mayor Pro Tem West

- 1) Commented on the flyer distributed to the community concerning he and Council Member White. Discussed his disappointment in accusations concerning crime statistics and said the 2007 crime rate was one of the lowest in the city's history. Commended the Police Department for their hard work and efforts in reducing crime. Reminded the community not to lose sight of the fact the flyer represented a land use issue which he and Council Member White have a firm position on. He will continue to do what is best for his District and work together for the betterment of the community.

Council Member White

- 1) Concurred with Mayor Pro Tem West's assessment of material contained in the flyer.
- 2) Said when it came time to run his campaign he would file his papers and run an honest campaign without mud-slinging.
- 3) Discussed an article contained in Sunday's perspective editorial by Jonathan Turner from UCI Riverside. He said the article urged Inland Empire residents to shed meaningless pride and take collective pride in the unique quality of their Inland

cities. He said we should take pride in our community and the city should not be bifurcated.

Council Member Flickinger

- 1) Questioned staff concerning public comments regarding construction of the new median on Perris Boulevard and Eucalyptus Avenue.
- 2) Advised resident when he sees sprinklers on the medians over-flowing onto city streets, to call City Hall and report it.
- 3) Said she was honored to serve on the YMCA Leadership Team and is pleased that plans to build a new YMCA in Moreno Valley have been approved.
- 4) Reminded community that May 19, 2008 is the deadline to register for the June 2008 Primary Election and urged everyone to exercise their right to vote.
- 5) Would like to make sure that there are speed limit signs posted in conjunction with the electronic traffic signs so the community is aware of the speed limit.
- 6) Asked for and received consensus to include in study sessions: 1) Discussion of obtaining injunctions against businesses outside the city limits who claim to be within the city limits; and 2) the status of the anti-graffiti system.

Mayor Batey

- 1) Thanked Recreation staff for their work on the reading contest and said the reading program is a great asset and component to success for students. Additionally thanked Vistera Credit Union for donating savings bonds to the winners of the reading contest.

**CLOSED SESSION**

None

**ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 8:56 p.m. by unanimous informal consent.

Submitted by:

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Jane Halstead, City Clerk, CMC  
Secretary, Moreno Valley Community Services District  
Secretary, Community Redevelopment Agency of the City of Moreno Valley  
Secretary, Board of Library Trustees

Approved by:

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William H. Batey II, 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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