

**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.  
JULY 8, 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 Pro Tem West in the Council Chamber located at 14177 Frederick Street.

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

**INVOCATION** - [Pastor Ted Slattery, Valley Christian Church](#)

**ROLL CALL**

Council:

Frank West	Mayor Pro Tem
Bonnie Flickinger	Council Member
Richard A. Stewart	Council Member
Charles R. White	Council Member

Absent: William H. Batey II Mayor

Staff:

Jane Halstead	City Clerk
Julienne Clay	Administrative Assistant
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	Financial & Administrative Services Director
Chris Paxton	Human Resources Director

Becky Guillan  
Mike McCarty

Acting 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 Pro Tem West 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. MINUTES - REGULAR MEETING OF JUNE 24, 2008 (Report of: City Clerk's Department)

**Recommendation:** Approve as submitted.

A3. WARRANT REPORT – MAY 31, 2008 (Report of: Financial & Administrative Services Department)

**Recommendation:** Adopt No. 2008-89, approving the Warrant Report, dated May 31, 2008, in the total amount of \$21,068,274.22.

Resolution No. 2008-89

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

A4. CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

**Recommendation:** Receive and file.

A5. 2008 LEGISLATIVE UPDATE (Report of: Assistant City Manager)

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

A6. 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 BOX SPRINGS ROAD STREET IMPROVEMENTS PROJECT, FROM 500 FEET WEST OF CLARK STREET TO DAY STREET PROJECT NO. 10-41570027 (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) and Engineering services for the Box Springs Road Street Improvements Project, from 500 feet west of Clark Street to Day Street;
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; and
3. Authorize the Public Works Director/City Engineer to execute all amendments to the agreement to reimburse TUMF funds between WRCOG and the City of Moreno Valley for the Box Springs Road Street Improvements Project, from 500 Feet West of Clark Street to Day Street.

A7. 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 IRONWOOD AVENUE IMPROVEMENTS PROJECT, FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027 (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) and Engineering services for the Ironwood Avenue Improvements from Day Street to Barclay Drive;
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; and

3. Authorize the Public Works Director/City Engineer to execute all amendments to the agreement to reimburse TUMF funds between WRCOG and the City of Moreno Valley for the Ironwood Avenue Improvements from Day Street to Barclay Drive.

- A8. 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 IRONWOOD AVENUE IMPROVEMENTS PROJECT, FROM HEACOCK STREET TO PERRIS BOULEVARD PROJECT NO. 06-50182625 (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), engineering and right of way services for the Ironwood Avenue Improvements from Heacock Street to Perris Boulevard;
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; and
3. Authorize the Public Works Director/City Engineer to execute all amendments to the agreement to reimburse TUMF funds between WRCOG and the City of Moreno Valley for the Ironwood Avenue Improvements, from Heacock Street to Perris Boulevard.

- A9. APPROVE AND EXECUTE THE AGREEMENT FOR CONVEYANCE OF PROPERTY FOR THE PARTIAL ACQUISITION OF APN 291-171-005 FOR THE DAY STREET IMPROVEMENT PROJECT FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE AND AUTHORIZE THE FINANCIAL & ADMINISTRATIVE SERVICES DIRECTOR TO WIRE TRANSFER FUNDS INTO ESCROW (Report of: Public Works Department)

**Recommendation:**

1. Approve and execute the Agreement for Conveyance of Property for the partial acquisition of APN 291-171-005; and
2. Authorize the Financial & Administrative Services Director to wire transfer funds into escrow in the amount of \$5,000 for the partial acquisition of APN 291-171-005.

A10. APPROVE AND EXECUTE THE AGREEMENT FOR CONVEYANCE OF PROPERTY FOR THE PARTIAL ACQUISITION OF APN 291-171-001 FOR THE DAY STREET IMPROVEMENT PROJECT FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE AND AUTHORIZE THE FINANCIAL & ADMINISTRATIVE SERVICES DIRECTOR TO WIRE TRANSFER FUNDS INTO ESCROW (Report of: Public Works Department)

**Recommendation:**

1. Approve and execute the Agreement for Conveyance of Property for the partial acquisition of APN 291-171-001; and
2. Authorize the Financial & Administrative Services Director to wire transfer funds into escrow in the amount of \$4,350 for the partial acquisition of APN 291-171-001.

A11. PARCEL MAP 35150 – ACCEPT IMPROVEMENT CREDIT /REIMBURSEMENT AGREEMENT #T07-002 TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM, NORTHWEST CORNER OF INDIAN STREET AND NANDINA AVENUE, DEVELOPER – FR/CAL MORENO VALLEY, LLC, IRVINE, CA 92618 (Report of: Public Works Department)

**Recommendation:**

1. Accept the Improvement Credit / Reimbursement Agreement #T07-002 Transportation Uniform Mitigation Fee Program (TUMF Agreement) for Parcel Map 35150, pending concurrent approval of the Agreement for Public Improvements and bonds for Parcel Map 35150;
2. Authorize the Mayor to execute the Agreement; and
3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

- A12. TRACT MAP 29920-2 – EXECUTE A QUITCLAIM OF EASEMENT TRANSFERRING A PORTION OF THE CITY’S TITLE INTEREST IN A LANDSCAPE EASEMENT TO THE UNDERLYING FEE PROPERTY OWNER, EAST SIDE OF GRANDE VISTA DRIVE, SOUTH OF IRIS AVENUE, DEVELOPER – CHT INVESTMENT, LLC, NEWPORT BEACH, CA 92660 (Report of: Public Works Department)

**Recommendation:**

1. Authorize the Mayor to execute the Quitclaim of Easement transferring a portion of the City’s title interest in a landscape easement recorded on Tract Map 29920-2, filed on December 3, 2004, as Instrument No. 2004-0962735, in the Official Records of Riverside County, California, to the underlying fee property owner; and
2. Direct the City Clerk to forward the signed Quitclaim of Easement to the County Recorder’s Office for recordation.

- A13. PA04-0183 – PARTIALLY REDUCE FAITHFUL PERFORMANCE IRREVOCABLE STANDBY LETTER OF CREDIT AND ACCEPT THE PARTIAL PUBLIC IMPROVEMENTS AS COMPLETE, DEVELOPER – INDIAN AVENUE LLC, NEWPORT BEACH, CA 92660 (Report of: Public Works Department)

**Recommendation:**

1. Accept the partial Public Improvements, as complete, but not into the City’s maintained street system; and
2. Authorize the Public Works Director/City Engineer to execute the partial reduction to the amount of the Faithful Performance Irrevocable Standby Letter of Credit, and exonerate the portion of the Material and Labor Irrevocable Standby Letter of Credit associated with the accepted improvements in 90 days if there are no stop notices or liens on file with the City Clerk.

- A14. TRACT MAP 35747 – APPROVE FINAL MAP, SOUTH OF ALESSANDRO BOULEVARD, BETWEEN ELSWORTH STREET AND VETERANS WAY, DEVELOPER – MORENO VALLEY LAND, LLC, GOLDEN, CO 80401 (Report of: Public Works Department)

**Recommendation:**

1. Approve Tract Map 35747; and
2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A15. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR TRAFFIC SIGNAL AND STREET IMPROVEMENTS AT GRAHAM STREET AND BAY AVENUE, PROJECT NO. 08-12566626 (Report of: Public Works Department)

**Recommendation:**

1. Award the construction contract for Traffic Signal and Street Improvements at Graham Street and Bay Avenue to DBX, Inc., 42066 Avenida Alvarado, Suite C, Temecula, CA 92590, the lowest responsible bidder;
2. Authorize the City Manager to execute a contract with DBX, Inc.;
3. Authorize the issuance of a Purchase Order to DBX, Inc. in the amount of \$327,800.00 (\$298,000.00 base 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 DBX, Inc., up to but not to exceed the Purchase Order contingency amount of \$29,800.00.

A16. PARCEL MAP 27732 TRAFFIC SIGNAL – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE TRAFFIC SIGNAL AT CACTUS AVENUE AND MARCH COMMERCE CENTER DRIVE AS COMPLETE, DEVELOPER – MARCH COMMERCE CENTER, L.P., RIVERSIDE, CA 92507 (Report of: Public Works Department)

**Recommendation:**

1. Accept the traffic signal at Cactus Avenue and March Commerce Center Drive for Parcel Map 27732 Traffic Signal as complete; and
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.

- A17. PARCEL MAP 35150 – INDUSTRIAL – ACCEPT FINAL MAP, AGREEMENT, AND BONDS FOR PUBLIC IMPROVEMENTS, NORTHWEST CORNER OF INDIAN STREET AND NANDINA AVENUE, DEVELOPER – FR/CAL MORENO VALLEY, LLC, IRVINE, CA 92618 (Report of: Public Works Department)

**Recommendation:**

1. Approve Parcel Map 35150, 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; and
5. 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.

- A18. ACCEPT AND APPROVE THE AMENDMENT TO AGREEMENT TO REIMBURSE TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) FUNDS BETWEEN WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG) AND CITY OF MORENO VALLEY FOR INTERSTATE 215/CACTUS AVENUE INTERCHANGE IMPROVEMENTS PROJECT NO. 09-41570425 (Report of: Public Works Department)

**Recommendation:**

1. Accept and approve the Amendment to Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between the Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for Interstate 215/Cactus Avenue Interchange Improvements;
2. Authorize the Public Works Director/City Engineer to execute the Amendment to Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between Western Riverside Council of Governments (WRCOG) and City of Moreno Valley for Interstate 215/Cactus Avenue Interchange Improvements; and



3. Authorize the Public Works Director/City Engineer to execute future amendments to the Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between the Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for Interstate 215/Cactus Avenue Interchange Improvements.

A19. APPROVE AND EXECUTE THE AGREEMENT FOR CONVEYANCE OF PROPERTY FOR THE PARTIAL ACQUISITION OF APN 291-171-006 FOR THE DAY STREET IMPROVEMENT PROJECT FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE AND AUTHORIZE THE FINANCIAL & ADMINISTRATIVE SERVICES DIRECTOR TO WIRE TRANSFER FUNDS INTO ESCROW (Report of: Public Works Department)

**Recommendation:**

1. Approve and execute the Agreement for Conveyance of Property for the partial acquisition of APN 291-171-006; and
2. Authorize the Financial & Administrative Services Director to wire transfer funds into escrow in the amount of \$9,300 for the partial acquisition of APN 291-171-006.

A20. SUBSEQUENT MITIGATED NEGATIVE DECLARATION (SMND) FOR LASSELLE STREET ROADWAY WIDENING – JOHN F. KENNEDY DRIVE TO ALESSANDRO BOULEVARD PROJECT NO. 06-50182725 (Report of: Public Works Department)

**Recommendation:** Adopt a Subsequent Mitigated Negative Declaration (SMND) for the Lasselle Street Widening – John F. Kennedy Drive to Alessandro Boulevard, Capital Improvement Project No. 06-50182725

A21. ADOPT A MITIGATED NEGATIVE DECLARATION (MND) FOR HEACOCK STREET ROADWAY IMPROVEMENTS FROM CACTUS AVENUE TO SAN MICHELE ROAD PROJECT NO. 07-41678825 (Report of: Public Works Department)

**Recommendation:** Adopt a Mitigated Negative Declaration (MND) for Heacock Street Roadway Improvements from Cactus Avenue to San Michele Road Project No. 07-41678825

A22. AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE INDIAN DETENTION BASIN, DRAINAGE IMPROVEMENTS, AND IRONWOOD STREET IMPROVEMENTS FROM HEACOCK STREET TO

NITA DRIVE PROJECT NO. 09-89791726 (Report of: Public Works Department)

**Recommendation:**

1. Approve the Agreement for Professional Consultant Services with Lim and Nascimento Engineering Corporation, 618 North Diamond Bar Boulevard, Diamond Bar, California 91765;
2. Authorize the City Manager to execute said Agreement for Professional Consultant Services with Lim and Nascimento Engineering Corporation;
3. Authorize the issuance of a Purchase Order to Lim and Nascimento Engineering Corporation, in the amount of \$346,830.00 (\$315,300.00 for the proposal amount, plus \$31,530.00 for the 10% contingency) for the Indian Detention Basin, Drainage Improvements, and Ironwood Street Improvements from Heacock Street to Nita Drive (Account No. 879.91726); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor Amendments to the Agreement for Professional Consultant Services with Lim and Nascimento Engineering Corporation, up to but not to exceed the Purchase Order contingency authorized amount of \$31,530.00 for the Indian Detention Basin, Drainage Improvements, and Ironwood Street Improvements from Heacock Street to Nita Drive.

A23. APPROVE AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR STREET IMPROVEMENTS FOR IRONWOOD AVENUE FROM HEACOCK STREET TO PERRIS BOULEVARD PROJECT NO. 06-50182625-2 (Report of: Public Works Department)

**Recommendation:**

1. Approve the Agreement for Professional Consultant Services with Lim and Nascimento Engineering Corporation (LAN), 618 North Diamond Bar Boulevard, Diamond Bar, California 91765;
2. Authorize the City Manager to execute said Agreement for Professional Consultant Services with LAN;
3. Authorize the issuance of a Purchase Order to LAN, in the amount of \$637,230.00 (\$579,300.00 for the proposal amount, plus \$57,930.00

for the 10% contingency) for Ironwood Avenue from Heacock Street to Perris Boulevard (Account No. 415.70227); and

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor Amendments to the Agreement for Professional Consultant Services with LAN, up to but not to exceed the Purchase Order contingency authorized amount of \$57,930.00 for Ironwood Avenue from Heacock Street to Perris Boulevard.

A24. NOTICE OF COMPLETION AND ACCEPTANCE OF THE CONSTRUCTION FOR THE MAINTENANCE AREA I ANNUAL SLURRY SEAL PROGRAM PROJECT NO. 07-12584830 (Report of: Public Works Department)

**Recommendation:**

1. Ratify Contract Change Order No. 1 and Contract Change Order No. 2 (Final);
2. Accept the work as complete for the construction of the Maintenance Area I Annual Slurry Seal Program by Roy Allen Slurry Seal, Inc., 11922 Bloomfield Avenue, Santa Fe Springs, CA 90670;
3. Direct the City Clerk to record the Notice of Completion within ten (10) days, at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;
4. Authorize the Financial & Administrative Services Director to release the retention to Roy Allen Slurry Seal, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project;
5. Authorize the increase in Purchase Order No. 34471 (Fund No. 125.84830) in the amount of \$8,975.13 to cover the additional work for the Auto Mall Drive; and
6. Accept the improvements into the City's maintained road system.

A25. PARCEL MAP 32326 PHASE II – PARTIALLY REDUCE SECURITY AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING JOY STREET, AND THE PORTION OF ALESSANDRO BOULEVARD, FREDERICK STREET, GRAHAM STREET, GILBERT STREET, HEACOCK STREET, BRODIAEA AVENUE, AND CACTUS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

AND AUTHORIZE AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION); DEVELOPER - RIDGE MORENO VALLEY, LLC, A DELAWARE LIMITED LIABILITY COMPANY, DOING BUSINESS IN CALIFORNIA AS RIDGE MORENO VALLEY PROPERTY, LLC, LONG BEACH, CA 90803 (Report of: Public Works Department)

**Recommendation:**

1. Adopt Resolution No. 2008-90 authorizing the acceptance of the portion of the public improvements for PM 32326 Phase II as complete as indicated by the City Engineer and accepting Joy Street, and the portion of Alessandro Boulevard, Frederick Street, Graham Street, Gilbert Street, Heacock Street, Brodiaea Avenue, and Cactus Avenue associated with the project into the City's maintained street system;

Resolution No. 2008-90

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Parcel Map 32326 Phase II, and Accepting Joy Street, and the Portion of Alessandro Boulevard, Frederick Street, Graham Street, Gilbert Street, Heacock Street, Brodiaea Avenue, and Cactus Avenue Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the partial reduction to the Faithful Performance security, exonerate the portion of the Material and Labor security associated with the completed improvements 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 security in one year when all clearances are received;
3. Authorize the City Engineer to execute the reduction of the remaining Faithful Performance security upon completion and approval of the remaining work, release of the remaining Material and Labor security if there are no stop notices or liens on file with the City Clerk, and the exoneration of the final 10% of the Faithful Performance security in one year when all clearances are received;
4. Authorize the City Engineer to execute the Amendment to Agreement for Public Improvements for Parcel Map 32326 Phase II;
5. Instruct the City Clerk to forward the completed Amendment to

Agreement for Public Improvements to the County Recorder's Office for recordation; and

6. 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.

A26. AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES FOR 2008 PAVEMENT RESURFACING PROJECT NO. 08-12556330 (Report of: Public Works Department)

**Recommendation:**

1. Approve the Agreement for Professional Consultant Services to VA Consulting, Inc. (VAC), 255 E. Rincon Street, Suite 323, Corona, CA 92879, to provide design services for the 2008 Pavement Resurfacing Project;
2. Authorize the City Manager to execute the Agreement for Professional Consultant Services with VAC;
3. Authorize the issuance of a Purchase Order to VAC, in the amount of \$299,670.00 (\$272,427.00 for the proposal amount plus \$27,243.00 for the 10% contingency) when the agreement has been signed by all parties; and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the Agreement for Professional Consultant Services with VAC, up to but not exceeding the Purchase Order contingency authorization in the amount of \$27,243.00, subject to approval of City Attorney.

A27. NOTICE OF COMPLETION AND ACCEPTANCE OF THE STREET IMPROVEMENT PROGRAM BENCLIFF AVENUE, TACOMA DRIVE, KIMBERLY AVENUE, MALTBY AVENUE, AND CAMPBELL AVENUE PROJECT NO. 02-12185520 (Report of: Public Works Department)

**Recommendation:**

1. Accept the work as complete for the Street Improvement Program Bencliff Avenue, Tacoma Drive, Kimberly Avenue, Maltby Avenue and Campbell Avenue, constructed by Grand Pacific Contractors Inc., 680 N. Cota Street, Corona, CA 92880;

2. Direct the City Clerk to record the Notice 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;
3. Authorize the Financial & Administrative Services Director to release the retention to Grand Pacific Contractors Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and
4. Accept the improvements into the City's maintained road system.

A28. AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH NORRIS-REPKE, INC. (Report of: Public Works Department)

**Recommendation:**

1. Approve the "Agreement for Professional Consultant Services" with Norris-Repke, Inc. (Norris-Repke), 400 North Tustin Avenue, Suite 230, Santa Ana, CA 92705 to provide Professional Consultant Services;
2. Authorize the City Manager to execute the "Agreement for Professional Consultant Services" with Norris-Repke; and
3. Authorize a Purchase Order to Norris-Repke in the amount of \$350,000.00 when the "Agreement for Professional Consultant Services" has been signed by all parties (Account No. 125.67423).

A29. AUTHORIZATION TO AWARD AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES FOR HEACOCK STREET BRIDGE REPLACEMENT AT PERRIS VALLEY STORM DRAIN LATERAL "A". PROJECT NO. 06-12566825 (Report of: Public Works Department)

**Recommendation:**

1. Approve the "Agreement for Design Professional Consultant Services" to provide Project Approval/Environmental Document (PA/ED), preparation of Plans, Specifications and Estimates (PS&E) for final design, and provide construction support services for the Heacock Street Bridge Replacement at Perris Valley Storm Drain Lateral "A", with VA Consulting, Inc. (VAC), Inland Empire Division, 255 E. Rincon Street, Suite 323, Corona, CA;

2. Authorize the City Manager to execute said Agreement with VAC;
3. Authorize the issuance of a Purchase Order to VAC in the amount of \$432,786 (\$393,442 proposal amount plus 10% contingency amount of \$39,344) funded from Account No. 125.66825 when the agreement has been signed by all parties; and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the "Agreement for Design Professional Consultant Services" with VAC, up to but not to exceed the Purchase Order contingency amount of \$39,344, subject to approval of City Attorney.

A30. TRACTS 27251 AND 27251-1 – SINGLE FAMILY RESIDENTIAL – ACCEPT SUBSTITUTION AGREEMENTS AND BONDS FOR PUBLIC IMPROVEMENTS, EAST SIDE OF MORRISON STREET BETWEEN FIR AVENUE AND EUCALYPTUS AVENUE, SUBDIVIDER - RICHLAND PALMDALE DEVELOPERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, 4100 NEWPORT PLACE, SUITE 800, NEWPORT BEACH, CA 92660 (Report of: Public Works Department)

**Recommendation:**

1. Accept the substitution of the Agreements for Public Improvements and bonds for Tracts 27251 and 27251-1;
2. Authorize the Mayor to execute the agreements;
3. Direct the City Clerk to forward the signed agreements to the County Recorder's Office for recordation;
4. Authorize the City Engineer to exonerate the Faithful Performance Bonds and Material and Labor Bonds previously submitted by Richmond American Homes of California, Inc., upon acceptance of the substitution agreements and bonds; and
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.

A31. ADOPTION OF RESOLUTION APPROVING THE CITY OF MORENO VALLEY AS A PARTICIPANT IN THE RIVERSIDE COUNTY MORTGAGE CREDIT CERTIFICATE (MCC) PROGRAM (Report of: Economic

Development Department)

**Recommendation:** Adopt Resolution 2008-91 authorizing the city's participation in Riverside County's Mortgage Credit Certificate Program.

Resolution No. 2008-91

A Resolution of the City Council of the City of Moreno Valley, California, Approving the City of Moreno Valley as a Participant in the Riverside County Mortgage Credit Certificate Program.

- A32. THE ECONOMIC RECOVERY COALITION LEGISLATIVE POLICY AGENDA (Report of: Economic Development Department)

**Recommendation:** That the City Council of the City of Moreno Valley adopt Resolution No. 2008-92 supporting the Economic Recovery Coalition Legislative Policy Agenda.

Resolution No. 2008-92

A Resolution of the City Council of the City of Moreno Valley, California, Supporting the Economic Recovery Coalition Legislative Policy Agenda.

- A33. CALIFORNIA OFFICE OF TRAFFIC SAFETY "SOBRIETY CHECKPOINT MINI-GRANT PROGRAM FOR LOCAL LAW ENFORCEMENT AGENCIES" GRANT (Report of: Police Department)

**Recommendation:** Approve the grant application and authorize acceptance (if granted) of the California Office of Traffic Safety (OTS) "Sobriety Checkpoint Mini-Grant Program for Local Law Enforcement Agencies" in the amount of \$115,092.88 for a twelve-month period beginning October 1, 2008, and ending September 8, 2009.

- A34. AFTER-THE-FACT RATIFICATION TO RESCIND THE AWARD TO THUNDER/WORKS ENGINEERING FOR THE INTERIOR BUILD-OUT OF THE RAID VAN AND SUBSEQUENTLY AWARD TO WOODCREST VEHICLE CENTER (Report of: Police Department)

**Recommendation:**

1. Rescind the award to ThunderWorks Mobile Engineering of Santee, CA. in the amount of \$9,000; and
2. Ratify the award and purchase order in the amount of \$8,577.12 to



Woodcrest Vehicle Center of Riverside, CA. for the rear interior build-out of the RAID Van.

- A35. RELOCATION OF EXISTING SOUTHERN CALIFORNIA GAS COMPANY (SCG) FACILITIES FOR LASSELLE STREET ROADWAY WIDENING – JOHN F. KENNEDY DRIVE TO ALESSANDRO BOULEVARD, PROJECT NO. 06-50182725 (Report of: Public Works Department)

**Recommendation:**

1. Authorize the City Manager to execute an agreement with Southern California Gas Company (SCG) related to relocation of existing SCG Facilities for the widening of Lasselle Street from John F. Kennedy Drive to Alessandro Boulevard, Capital Improvement Project No. 06-50182725, subject to approval of the City Attorney; and
2. Authorize a Purchase Order to Southern California Gas Company (SCG) in the amount of \$505,066 from Fund 501.82725 when the agreement with Southern California Gas Company (SCG) related to relocation of existing SCG Facilities for the widening of Lasselle Street from John F. Kennedy Drive to Alessandro Boulevard, Capital Improvement Project No. 06-50182725, has been signed by all parties.

- A36. 2<sup>nd</sup> ANNUAL REVIEW (P08-049) OF THE AQUABELLA DEVELOPMENT AGREEMENT, A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MORENO VALLEY AND MORENO VALLEY PROPERTIES, LP (Report of: Community Development Department)

**Recommendation:** That the City Council determine that the property owner has complied in good faith with the terms, obligations and conditions of the Aquabella Development Agreement.

- A37. AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES (Report of: Public Works Department)

**Recommendation:**

1. Approve the “Agreement for Professional Consultant Services” with SA Associates, 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services;
2. Authorize the City Manager to execute the “Agreement for Professional Consultant Services” with SA Associates; and

3. Authorize a Purchase Order to SA Associates in the amount of \$350,000.00 when the "Agreement for Professional Consultant Services" has been signed by all parties (Account No. 501.82527).

**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 JUNE 24, 2008 (Report of: City Clerk's Department)

**Recommendation:** Approve as submitted.

- B3. APPROVE RESOLUTION AND FILING OF GRANT APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM, 2008 GRANT CYCLE (Report of: Parks & Community Services Department)

**Recommendation:**

1. Approve the filing of an application for grant funds in the amount of SIX HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$650,000.00) to be funded from the Recreational Trails Program, 2008 grant cycle; and
2. Adopt Resolution No. CSD 2008-19 to certify the approval of the governing board to enter into this transaction with the California Department of Parks and Recreation for the purpose of applying for grant funding from the Recreational Trails Program, 2008 grant cycle and to authorize the designated personnel, as shown on the Resolution, to sign contract documents for Fiscal Years 2008/2009 through 2009/2010.

Resolution No. CSD 2008-19

A Resolution of the Community Services District of the City of Moreno Valley, California, Approving the Application for Grant Funds from the Recreational Trails Program

- B4. ACCEPTANCE OF 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 and Community Services Department)

**Recommendation:**

1. Authorize the acceptance of grant money in the amount of \$755,308 for Fiscal Year (FY) 2008/2009 from the California Department of Education, Child Development Division, for the purpose of providing school age child care and development services; and
2. Adopt Resolution No. CSD 2008-20 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 2008/2009.

Resolution No. CSD 2008-20

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 2008/09

**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 JUNE 24, 2008 (Report of: City Clerk's Department)

**Recommendation:** Approve as submitted.

- C3. RANCHO DORADO APARTMENTS (PHASES 1 AND 2) RESOLUTIONS FOR CONDITIONAL FINANCING ASSISTANCE (Report of: Economic Development Department)

**Recommendation:**

1. The Redevelopment Agency Board adopts Resolution RDA 2008-11,

a resolution of the Community Redevelopment Agency of the City of Moreno Valley regarding assistance to Phase 1 of the Rancho Dorado Apartments proposed by Palm Desert Development Company, Inc.; and

Resolution No. RDA 2008-11

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Supporting the Phase I of the Rancho Dorado Apartments Housing Development and Affirming its Intention to Provide Assistance to MV Rancho Dorado Limited Partnership, a Subsidiary of Palm Desert Development Company, Inc.

2. The Redevelopment Agency Board adopts Resolution RDA 2008-12, a resolution of the Community Redevelopment Agency of the City of Moreno Valley regarding assistance to Phase 2 of the Rancho Dorado Apartments proposed by Palm Desert Development Company, Inc.

Resolution No. RDA 2008-12

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Supporting the Phase 2 of the Rancho Dorado Apartments Housing Development and Affirming its Intention to Provide Assistance to MV Rancho Dorado II Limited Partnership, a Subsidiary of Palm Desert Development Company, Inc.

**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 JUNE 24, 2008 (Report of: City Clerk's Department)**

**Recommendation:** Approve as submitted.

**Joint Consent Calendar items A1 – D2 approved by a 4-0-1 vote, as amended, with the exception of items A2, B2, C2, & D2, which were pulled for separate action. m/Flickinger, s/White, Batey absent.**

**Items A2, B2, C2 & D2 approved by a 3-1-1 vote. m/Stewart, s/White, Flickinger abstaining, Batey absent.**

**E. PUBLIC HEARINGS**

- E1. PUBLIC HEARING REGARDING MAIL BALLOT PROCEEDING FOR CSD ZONE B TO INCLUDE IVY AND VALLEY VIEW LANES INTO THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) PROGRAM (Report of: Public Works Department)

**Recommendation:** That the Mayor and Members of the City of Moreno Valley City Council, in their respective capacities as President and Members of the Board of Directors of the Moreno Valley CSD (“Board”), after conducting the public hearing to accept public comment:

Vice President West opened the public testimony portion of the public hearing; there being none, public testimony was closed.

1. Tabulate the CSD Zone B ballots for Ivy and Valley View Lanes;

**Approved by a 4-0-1 vote, m/White, s/Flickinger, (Batey absent)**

The Secretary announced the results as follows:

15 – “yes”, 6 – “no”, 1 – “invalid” – Zone B passes

2. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;

**Approved by a 4-0-1 vote, m/White, s/Stewart, (Batey absent)**

3. Receive and file with the City Clerk’s office the accepted Official Tally Sheet and APN listing; and
4. If approved, authorize the installation of eight (8) mast arm streetlights as proposed along Ivy Lane and portions of Valley View Lane and impose the CSD Zone B (Residential Street Lighting) program annual parcel charge.

**Approved by a 4-0-1 vote, m/White, s/Stewart, (Batey absent)**

- E2. PUBLIC HEARING REGARDING MAIL BALLOT PROCEEDINGS FOR HAMPTON INN AND SUITES – APN 291-660-021 – BALLOTTED ITEM: NPDES COMMERCIAL/INDUSTRIAL REGULATORY RATE; AND PALM DESERT DEVELOPMENT APARTMENTS – APN 486-070-007 – BALLOTTED ITEMS: NPDES MAXIMUM COMMERCIAL/INDUSTRIAL

REGULATORY RATE AND CSD ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) (Report of: Public Works Department)

**Recommendation:** That the Mayor and Members of the City of Moreno Valley City Council, after conducting the public hearing:

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

- a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for Hampton Inn and Suites – APN 291-660-021 and Palm Desert Development Apartments – APN 486-070-007;

**Approved by a 4-0-1 vote, m/White, s/Stewart, (Batey absent)**

The City Clerk announced the results as follows:

Hampton Inn & Suites – “yes” - passes

Palm Desert Development Apartments – “yes” - passes

- b. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet and APN listing;

**Approved by a 4-0-1 vote, m/White, s/Stewart, (Batey absent)**

- c. Receive and file with the City Clerk’s office the accepted Official Tally Sheet and APN listing; and
- d. If approved, authorize and impose the applicable NPDES maximum regulatory rate to Hampton Inn and Suites and Palm Desert Development Apartments.

**Approved by a 4-0-1 vote, m/White, s/Stewart, (Batey absent)**

2. That the President and Members of the Board of Directors of the Moreno Valley CSD (“CSD Board”), after conducting the public hearing:

Vice President West opened the public testimony portion of the public hearing; there being none, public testimony was closed.

- a. Direct the Secretary to the CSD Board (“City Clerk”) to tabulate the CSD Zone M ballots for Palm Desert Development Apartments – APN 486-070-007;

**Approved by a 4-0-1 vote, m/White, s/Flickinger, (Batey absent)**

The Secretary announced the results as follows:

Palm Desert Development Apartments – “yes”

- b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;

**Approved by a 4-0-1 vote, m/White, s/Flickinger, (Batey absent)**

- c. Receive and file with the City Clerk’s office the accepted Official Tally Sheet and APN listing; and
- d. If approved, authorize and impose the CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) annual charge for Palm Desert Development Apartments.

**Approved by a 4-0-1 vote, m/White, s/Flickinger, (Batey absent)**

- E3. A PUBLIC HEARING FOR A CHANGE OF ZONE (PA08-0046) FROM BUSINESS PARK MIXED TO INDUSTRIAL ON 3 ACRES LOCATED ON THE NORTH WEST CORNER OF CACTUS AVENUE AND COMMERCE CENTER DRIVE (Report of: Community Development Department)

A presentation was made by the applicant.

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

**Recommendation:** That the City Council

1. Adopt a Negative Declaration for application PA08-0046 (Change of Zone). The project will not result in a significant effect on the environment; and

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

2. Introduce Ordinance No. 779 approving a Zone Change (PA08-0046) from Business Park Mixed (BPX) Use to Industrial (I), based on the findings in the Ordinance, and the revised Zoning Atlas page to the ordinance as Exhibit A.

Ordinance No. 779

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA08-0046 (Zone Change) to Change the Land Use District for Approximately 3.0 Acres Consisting of Assessor Parcel Number 297-130-060, 297-130-061, 297-130-062 from the Business Park Mixed (BPX) Land Use District to the Industrial (1)

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

- E4. A PUBLIC HEARING FOR AN INDUSTRIAL COMPLEX (PA07-0079 AND PA07-0093) WITH TWO BUILDINGS (796,171 SQ FT AND 679,554 SQ FT) ON APPROXIMATELY 72.4 ACRES. THE TENTATIVE PARCEL MAP 35672 (PA07-0080) WILL CREATE ONE PARCEL. THE SPECIFIC PLAN AMENDMENT (PO7-121) WILL INCREASE THE LANDSCAPE SETBACKS AND REDUCE BUILDING SETBACKS IN THE RESIDENTIAL BUFFER ZONE (AREA NORTH OF THE INDIAN STREET CHANNEL) IN THE MORENO VALLEY INDUSTRIAL SPECIFIC PLAN (SP 208). AN ALTERNATIVE PLAN WITH ONE 1,560,046 SQ FT BUILDING (PA08-0018) IS ALSO PROPOSED. (Report of: Community Development Department)

A presentation was made by John Grace on behalf of the applicant, First Industrial.

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

**Recommendation:**

1. Adopt a Mitigated Negative Declaration for PA07-0079 and PA07-0093 (Plot Plans for Option 1 – 2 Buildings), PA07-0080 (Tentative Parcel Map 35672), PA08-0018 (Plot Plan for Option 2 – 1 Building) and P07-121 (Specific Plan Amendment). The projects, individually and cumulatively, will not result in a significant effect on the environment;

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



2. Introduce Ordinance No. 780 approving a Specific Plan Amendment (P07-121) to increase the landscape setbacks and reduce building setbacks in the residential buffer zone (area north of the Indian Street channel) in the Moreno Valley Industrial Specific Plan (SP 208) based on the findings in the Ordinance; and

Ordinance No. 780

An Ordinance of the City Council of the City of Moreno Valley, California, Approving P07-121 (Specific Plan Amendment) to Increase the Landscape Setbacks and Reduce Building Setbacks in the Residential Buffer Zone (Area North of the Indian Street Channel Up to Iris Avenue) in the Moreno Valley Industrial Specific Plan (SP 208)

**Approved by a 4-0-1 vote, Ordinance amended to read "...in the Residential Buffer Zone (Area Along Indian Street, North of Krameria Avenue up to Iris Avenue) in the Moreno Valley Industrial Specific Plan (SP 208)". m/Flickinger, s/Stewart, Batey absent.**

3. Approve Resolution No. 2008-94 approving PA07-0079 and PA07-0093 (Plot Plans for Option 1 – 2 Buildings), PA07-0080 (Tentative Parcel Map 35672), PA08-0018 (Plot Plan for Option 2 – 1 Building), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A and Exhibit B.

Resolution No. 2008-94

A Resolution of the City Council of the City of Moreno Valley to Adopt a Mitigated Negative Declaration Pursuant to the California Environmental Quality Act (CEQA) Guidelines, and Approve Plot Plan Applications PA07-0079, PA07-0093 and PA08-0018 and Tentative Parcel Map 35672 (PA07-0080). The Project is Located at the Southwest Corner of Iris Avenue and Indian Street

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

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

## G. REPORTS

### G1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

- a) Riverside County Transportation Commission (RCTC) by Mayor Pro Tem West – no report given
- b) Mobile Source Air Pollution Reduction Review Committee (MSRC) by Mayor Pro Tem West – no report given

### G2. APPROVAL AND ADOPTION OF A RESOLUTION AUTHORIZING THE LEVY OF SPECIAL TAXES FOR COMMUNITY FACILITIES DISTRICT NO. 4-INFRASTRUCTURE FOR FISCAL YEAR 2008/09 (Report of: Public Works Department)

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

**Recommendation:** That the City Council approve and adopt Resolution No. 2008-93; a Resolution of the City Council of the City of Moreno Valley, acting as the Legislative Body of the Community Facilities District No. 4-Infrastructure of the City of Moreno Valley (“CFD No. 4-I” or “District”) authorizing the Levy of Special Taxes for Fiscal Year (FY) 2008/09.

Resolution No. 2008-93

A Resolution of the City Council of the City of Moreno Valley, Acting as the Legislative Body of the Community Facilities District No. 4-Infrastructure of the City of Moreno Valley (“CFD No. 4-I” or “District”) Authorizing the Levy of Special Taxes for Fiscal Year (FY) 2008/09

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

### G3. REVIEW OF THE CITY COUNCIL’S POLICY ON SPONSORING OR CO-SPONSORING CITY EVENTS, ACTIVITIES, INDIVIDUALS, OR GROUPS (Report of: Deputy City Manager)

**Recommendation:** That the City Council provide direction to staff as it deems appropriate.

**Approved by a 4-0-1 vote to continue to August 26, 2008. m/Stewart, s/White, Batey absent.**

- G4. DEVELOPMENT IMPACT FEE CREDIT AND REIMBURSEMENT POLICY  
(Report of: Deputy City Manager)

**Recommendation:** That the City Council adopt the proposed Development Impact Fee Credit and Reimbursement Policy and concur with Staff's interpretation of Resolution 2006-19 setting aside ten percent of gross annual Development Impact Fees for developer reimbursements.

**Approved by a 4-0-1 vote to continue to a future date. m/Stewart, s/White, Batey absent.**

- G5. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

City Manager Gutierrez gave an update on the former Juniors Market & Car Wash site that is currently serving as a satellite office for the Police Department located at Perris Boulevard/Filaree/Bay Streets. The building will be demolished in late July or early August and the site will be fenced off and a sign will be placed announcing the site as a future park. Construction should begin in spring 2009.

The City Manager announced that due to increased attendance the Library will implement new story time hours. The new hours will be Monday – Thursday at 10:00 a.m., with the Thursday session being presented in both English and Spanish. Commended the Acting Library Services Director and her staff for a job well done.

## H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION – NONE

ORDINANCES - 2ND READING AND ADOPTION

- H1. ORDINANCE NO. 777, ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 7 OF THE CITY OF MORENO VALLEY, AUTHORIZING THE LEVY OF A SPECIAL TAX IN IMPROVEMENT AREA NOS. 1, 2 AND 3 OF SUCH COMMUNITY FACILITIES DISTRICT (Received First Reading and Introduction on June 24, 2008 on a 4-0-1 Vote, Flickinger absent) (Report of: Public Works Department)

**Recommendation:**

1. Adopt Ordinance 777, an Ordinance of the City Council of the City of Moreno Valley, California, acting as the Legislative Body of Community Facilities District No. 7 of the City of Moreno Valley, authorizing the Levy of a Special Tax in Improvement Area Nos. 1, 2 and 3 of such Community Facilities District.

Ordinance No. 777

An Ordinance of the City Council of the City of Moreno Valley, California, Acting as the Legislative Body of Community Facilities District No. 7 of the City of Moreno Valley, Authorizing the Levy of a Special Tax in Improvement Area Nos. 1, 2 and 3 of such Community Facilities District

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

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:

Susan Gilchrist

- 1) Rancho Belago

Meli Van Natta

- 1) Rancho Belago initiative

Raul Wilson

- 1) Advocate for the disabled – need to accommodate
- 2) Hiring practices of the City

Tranquil Calley

- 1) Rancho Belago
- 2) Price of gas & housing foreclosures

Joe Kmudosky

- 1) Rancho Belago

Lewis Gibson

- 1) New warehouses

Francisco Sanchez

- 1) City needs local jobs
- 2) Council Members need to concentrate on local issues

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

Council Member Stewart

- 1) Discussions going on - taking time to look at issues is healthy and very positive thing
- 2) Stated he is voting member of the March Joint Powers Authority along with Council Member White – look at the new buildings that have been built on the other side of the 215 freeway on the Joint Powers property – jobs are coming to this area and are very important to our economy
- 3) All of the Council Members sit on a committee that benefits the community
- 4) Name calling and rowdiness are not proper
- 5) Rancho Belago conceived to attract businesses to the area
- 6) Intelligent dialogue is important
- 7) TUMF funds being used to widen roads in the Box Springs area
- 8) Welcomes his constituents to come and meet with him

Mayor Pro Tem West

- 1) Stated there will be 25,000 jobs coming to the South end of town in the next five years according to the Economic Development Director
- 2) Train station is coming to Alessandro and the I215
- 3) Recently received many emails asking not to bring distribution centers to town due to fumes from diesel truck being dangerous – need to protect the residents – asked the residents to send more emails to him so they can fight these big developers and the rich
- 4) On July 28<sup>th</sup> at Hidden Springs Elementary School there will be a hike sponsored by the Trails Committee
- 5) According to RCTC (Riverside County Transportation Commission) the East Junction project has received State funding and will start construction by the end of next year on the flyover carpool lane

Council Member White

- 1) During the public speaker portion of the meeting the speaker mentioned the areas of Sunnymead & Edgemont but did not mention Moreno – these areas were incorporated into the City of Moreno Valley by choice because the residents voted on it - the City is made up of people who were here and voted for the name
- 2) Stated that the City is not spending one red cent on this initiative issue – it is being self-funded along with donors – stated this issue is very important to him because of his passion for getting his vote taken away from him – felt his vote was taken away

from him and is taking the route he took due to the fact that he tried to bring this issue to the Council time and again with no result

- 3) Responded to a letter from Planning Commissioner Michael Geller of the Moreno Valley Taxpayers Association dated June 30, 2008 lamenting the addition of red light cameras to the City of Moreno Valley's "tool box" of safety enhancing devices – Mr. Geller states the reason for installing red light cameras is not to stop red light runners, not to reduce traffic accidents or to save lives but to make money – how ludicrous can he get – this is a two-year pilot program to determine their effectiveness – the city is not spending thousands of dollars as stated by Mr. Geller – the vendor is footing the bill – when the pilot program is complete Council Member White feels the cameras will have proven effective in saving lives – that is the goal of installing the cameras – not the money – In his postscript on the letter Mr. Geller asked him as well as other citizens to contribute to his cause to fight against red light cameras – Council Member White feels violators should pay for public safety – suggests the committee should provide the community with truth and facts

Council Member Flickinger – no comments

Mayor Batey – no comments

**Approved by a 4-0-1 vote. m/Stewart, s/White, Batey absent, finding it is necessary to add the following Closed Session item as the item arose after the posting of the agenda:**

## **CLOSED SESSION**

### SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

- a) Property: 60 acres of property on Nason Street between Cottonwood & Alessandro  
City Negotiator: Kyle Kollar  
Owner: Bruno Farms, Inc.  
Under Negotiation: Price & terms of payment

**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 8:42 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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