

**MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING – 6:30 P.M.
SEPTEMBER 9, 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 6:49 p.m. by Mayor Batey in the Council Chamber located at 14177 Frederick Street.

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

INVOCATION - Pastor Barry Knight, Celebration Worship Church

ROLL CALL

Council:

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

Staff:

Jane Halstead	City Clerk
Julienne Clay	Administrative Assistant
Steve Elam	Financial & Administrative Services Director
Robert Hansen	Assistant City Attorney
Robert Gutierrez	City Manager
Betsy Adams	Assistant City Manager
John Clark	Fire Chief
Chris Vogt	Public Works Director/City Engineer
Kyle Kollar	Community Development Director
Barry Foster	Economic Development Director
Angela Rushen	Assistant to the City Manager
Chris Paxton	Human Resources Director
Steve Chapman	Finance Director

Becky Guillan
Mike McCarty

Acting Library Services Division Manager
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, which were received from Pete Bleckert (Item A3).

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 AUGUST 26, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

- A3. APPROVE MASTER POWER PURCHASE AND SALE AGREEMENTS WITH SHELL ENERGY NORTH AMERICA, LP, AND BARCLAYS BANK PLC, APPROVE POWER PURCHASE LIMITS FOR MORENO VALLEY ELECTRIC UTILITY, AND APPROVE RESOLUTION NO. 2008-105 AUTHORIZING THE ELECTRIC UTILITY MANAGER TO EXECUTE CONFIRMATIONS UNDER THE MASTER POWER PURCHASES AND SALES AGREEMENTS (Report of: Public Works Department)

Recommendation:

- 1. Approve Master Power Purchase and Sale Agreement with Shell Energy North America, LP, and authorize the Public Works Director/City Engineer to execute the Agreement;
- 2. Approve Master Power Purchase and Sale Agreement with Barclays Bank, PLC, and authorize the Public Works Director/City Engineer to execute the Agreement;
- 3. Approve Power Purchase Limits for fiscal years 2008/09 of \$7,507,775, 2009/10 of \$12,650,000, 2010/11 of \$14,000,000, 2011/12 of \$16,000,000, 2012/13 of \$18,000,000, and 2013/14 of \$20,000,000; and
- 4. Adopt Resolution No. 2008-105 which authorizes the Electric Utility Manager to execute confirmation agreements for specific power purchases under approved Master Power Purchase and Sale

Agreements with respect to City Council approved power purchase limits for respective fiscal years.

Resolution No. 2008-105

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Electric Utility Manager to Execute Confirmation Agreements for Specific Power Purchases Under City Council Approved Master Power Purchase and Sale Agreements; and Establishing Fiscal Year Limits for Wholesale Power Purchases

- A4. PA07-0036 – ACCEPT AGREEMENT AND IRREVOCABLE LETTERS OF CREDIT FOR PUBLIC IMPROVEMENTS; SOUTHWEST CORNER OF COTTONWOOD AVENUE AND FREDERICK STREET - DEVELOPER: FRESH & EASY NEIGHBORHOOD MARKET, INC., EL SEGUNDO, CA 90245 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Irrevocable Letters of Credit for Public Improvements for PA07-0036;
2. Authorize the Mayor to execute the agreement;
3. Direct the City Clerk to forward the signed agreement to the County Recorder's office for recordation; and
4. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

- A5. TRACT 31089 – PARTIALLY REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PARTIAL IMPROVEMENTS AS COMPLETE - DEVELOPER: DH MORENO VALLEY I, LLC, ANAHEIM HILLS, CA 92808 (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 security.

- A6. MITIGATED NEGATIVE DECLARATION (MND) FOR PERRIS

BOULEVARD WIDENING - IRONWOOD AVENUE TO MANZANITA AVENUE, PROJECT NO. 11-41570225 (Report of: Public Works Department)

Recommendation:

1. Adopt a Mitigated Negative Declaration (MND) for the widening of Perris Boulevard from Ironwood Avenue to Manzanita Avenue, Capital Improvement Project No. 11-41570225.

A7. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE TRAFFIC SIGNAL IMPROVEMENTS ON KRAMERIA AVENUE AT CALLE AURORA/VISTA CONEJO DRIVE, PROJECT NO. 08-13768126 (Report of: Public Works Department)

1. Award the construction contract for the Traffic Signal Improvements on Krameria Avenue at Calle Aurora/Vista Conejo Drive 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 \$221,766.00 (\$192,840 bid amount plus 15% 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 authorization of \$28,926.00.

A8. APPROVAL OF CHECK REGISTER FOR JULY, 2008 (Report of: Financial and Administrative Services Director)

Recommendation: Adopt Resolution No. 2008-106, approving the Check Register for the month of July, 2008 in the amount of \$24,640,272.59.

Resolution No. 2008-106

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of July 1, 2008

A9. 2009 LEGISLATIVE UPDATE (Report of: Assistant City Manager)

Recommendation: That the City Council receive and file the informational

report.

- A10. APPROVE AGREEMENT WITH THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) FOR TRANSIMS DEPLOYMENT CASE STUDIES PROGRAM (FEDERAL SOLICITATION DTFH61-08-R-00020) (Report of: Public Works Department)

Recommendation:

1. Approve an agreement with the Federal Highway Administration that is, in form and content, acceptable to the City Attorney and the Public Works Director. The Public Works Director will sign the agreement; and
2. Direct staff to establish a fund for the purposed of tracking expenditures related to the TRANSIMS model deployment and cost recovery.

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 AUGUST 26, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

- B3. TRACT 32018 – AUTHORIZE THE ACCEPTANCE AND EXECUTION OF THE ACCEPTANCE CERTIFICATION TO ACCEPT THE LANDSCAPE EASEMENT DEED FROM ROSETTA B. SMITH; NORTH SIDE OF COTTONWOOD AVENUE, WEST OF CRAPE MYRTLE DRIVE; OWNER – ROSETTA B. SMITH, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the President of the Board of Directors of the Community Services District to accept the landscape Easement Deed; and
2. Authorize the City Clerk in her capacity as Secretary of the Moreno Valley Community Services to execute the Acceptance Certification to accept the landscape Easement Deed from Rosetta B. Smith, subject to completion of the improvements, and to direct the City Clerk to forward the signed Easement Deed to the County Recorder's Office for recordation.

B4. EXTENSION OF CONTRACT - PROJECT NO. TTPM-07/08 – PARKWAY AND MEDIAN TREE TRIMMING (Report of: Public Works Department)

Recommendation:

1. Approve the Extension Agreement for MVCSD Project TTPM-07/08 to extend the term of the contract for a one-year period;
2. Authorize the President of the MVCSD Board to execute said Amendment with George Salinas Tree Preservation of Yorba Linda, California; and
3. Authorize the Purchasing Manager, at the start of Fiscal Year 2008/09, to issue an open purchase order to George Salinas Tree Preservation in the amount of ONE HUNDRED SIX THOUSAND SEVENTY AND 92/100 DOLLARS (\$106,070.92) for annual Parkway and Median Tree Trimming Services.

B5. RECOMMENDATION TO APPROVE AMENDMENT TO CONTRACT MOWING OF PARKS, ANNUAL MOWING CONTRACT OF ZONE A PARKS AND CITY CORPORATE YARD AND CFD #1 PARKS - DLS LANDSCAPE, INC. (Report of: Parks and Community Services)

Recommendation:

1. Approve the Amendment to Contract Mowing of Parks, annual mowing contract of Zone A Parks and City Corporate Yard and CFD #1 Parks to DLS Landscape, Inc., 32398 Dunlap Boulevard, Yucaipa, California, 92399, in the total amount of \$197,035.00 (\$163,938.00 for Zone A and \$33,097.00 for CFD #1);
2. Authorize the Mayor to execute the Amendment to Contract Mowing of Parks with the above-mentioned contractor; and
3. Authorize the Financial & Administrative Services Director to issue a purchase order upon execution of the Amendment to Contract Mowing of Parks to the above-mentioned contractor not to exceed \$197,035.00. Funds are available in CSD Zone A account 161.76310.6261 and CFD #1 account 184.18410.6261.

Continued to September 23, 2008.

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 AUGUST 26, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

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 AUGUST 26, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

Council Member Stewart made a motion, seconded by Council Member Flickinger to continue Item B5 to the next meeting. Approved by a 5-0 vote.

Joint Consent Calendar items A1– D2 approved by a 5-0 vote, with the exception of Item B5, which was continued to the next Council meeting. m/West, s/Flickinger.

E. PUBLIC HEARINGS

- E1. PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDINGS FOR TRACT 30268 FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE B (RESIDENTIAL STREET LIGHTING) (Report of: Public Works Department)

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

Recommendation: That the President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board"), after conducting the public hearing to accept public comment:

- a. Direct the City Clerk to tabulate the CSD Zone B ballots for Tract 30268 (and all affected phases);

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

City Clerk announced the result as follows:

MV Homes - the vote is "Yes"

CHT INV - the vote is "Yes"

- b. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and Assessor Parcel Number (APN) listing;
- 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 B (Residential Street Lighting) annual charge to parcels in Tract 30268.

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

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

None

G. REPORTS

G1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

- a) Report on March Joint Powers Commission (MJPA) by Council Member Stewart

Council Member Stewart reported the following:

1. The airport consultants presented a very detailed report regarding impacts of accepting the FAA's grants to improve the airport; need to comply with federal restrictions
2. Switched to airplanes with quieter engines - the number of noise complaints went down
3. Unsure what is going to happen with DHL getting approval from the federal government to enter into contract with UPS to provide domestic package delivery service
4. Some DHL flights were reduced due to economic reasons

G2. PUBLIC MEETING REGARDING MAIL BALLOT PROCEEDINGS FOR 1) AYRES HOTEL BALLOTTED ITEM: NPDES; 2) FAMOUS DAVE'S RESTAURANT BALLOTTED ITEM: NPDES; 3) TWO-STORY OFFICE

BUILDING BALLOTTED ITEM: NPDES; AND 4) RITE AID PHARMACY BALLOTTED ITEMS: NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation:

1. That the Mayor and Members of the Moreno Valley City Council accept public comments regarding the mail ballot proceedings for:
 - a. Ayres Hotel – APNs 291-660-014 and 291-660-019 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate;
 - b. Famous Dave’s Restaurant – APN 291-660-004 for approval of the NPDES maximum commercial/industrial regulatory rate;
 - c. Two-Story Office Building – APN 481-200-024 for approval of the NPDES maximum commercial/industrial regulatory rate; and
 - d. Rite Aid Pharmacy – APN 478-070-025 for approval of the NPDES maximum commercial/industrial regulatory rate.
2. Staff recommends that the Members of the Board of Directors of the Moreno Valley Community Services District (“CSD Board”) accept public comments regarding the mail ballot proceeding for the Rite Aid Pharmacy – APN 478-070-025 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

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

No action required.

- G3. RESPONSE TO COUNCIL QUESTIONS REGARDING UTILITY USER’S TAX (Report of: Finance Director)

Recommendation: That the City Council receive and file the staff report which provides a response to City Councilmember questions asked about the utility user’s tax (UUT) on August 5, 2008 based on discussion of the UUT ordinance ballot measure for November 4, 2008.

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

No action required.

G4 . CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

City Manager reported the following:

1. The City is receiving strong interest for the Second Mayor's Cup Golf Tournament that will be held on Thursday, November 6. Anybody interested in sponsoring or golfing can contact Cathy Parada at 413.3018
2. Philips Electronics is expanding after being at its new location for less than six months. It's situated at the north east corner of Perris and Globe Street
3. The Arts Commission will be presenting its first event at the "Artober Fest" on October 18 at the Conference and Recreation Center. The event is open to the public and will provide artists and performers the opportunity to showcase their talents to the community
4. The Save the Date reminders: the State of the City Luncheon is scheduled on September 11 at the Conference and Recreation Center; Youth Fest - September 13 at Community Park; Veteran's Day recognition - November 11 at the Veterans Memorial; Mayor's Gala - December 6 at the Conference and Recreation Center

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 ARE AS FOLLOWS:

Raul Wilson (representing Mexican Political Association)

- 1) Stated that it's time for a change and new leadership; the city is a city of commuters and consumers

Daryl Terrell

- 1) Quality of life; submitted a plan "Putting our Residents Back to Work"

Pete Bleckert

- 1) Utility User's Tax
- 2) Flood Control

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

Mayor Batey

- 1) Apologized for the last Council meeting - as a Mayor, will ensure that the same rules of decorum apply to the speakers at the podium and to the Council members
- 2) On September 2, Congresswoman Mary Bono Mack hosted a kick-off event at the Conference and Recreation Center for the Riverside County Shake Out Regional Associates Group. The group is comprised of local leaders working together to encourage residents of Riverside County to prepare for earthquakes and to participate in the Great Southern California ShakeOut event scheduled for November 13. More information is available at www.shakeout.org
- 3) Will meet with the new general manager of the Moreno Valley mall to ensure the progress will continue to occur
- 4) Received e-mails regarding the new soccer fields being not accessible to the public - Parks & Community Services Director responded that soccer fields are open to the public, but a reservation has to be made first
- 5) The Master Plan process for March Air Force Field should be completed in November
- 6) Meeting with the Riverside City Council and key staff members held on September 3 - very good discussion; agreement was reached to work together on development of corridors between the cities and to work jointly on state and federal issues

Council Member White

- 1) Attended California Department of Forestry Firefighters bowling tournament on Saturday; was a very well attended event; had many local sponsors; proceeds from bowling tournament will go to help families of fallen firefighters
- 2) Inland Southern California New Home Directory is not listing Rancho Belago any longer
- 3) Thanked Pete Bleckert for all flood control channels in the City of Moreno Valley

Council Member Flickinger

- 1) The Eastern Municipal Water District anti-waste of water ordinance took effect September 1; anybody receiving water from EMWD is allowed to water lawn only between 9 p.m. - 6 a.m.
- 2) Last week, attended a public hearing by the United States Senate presided over by

Senator Barbara Boxer regarding the reauthorization of the surface transportation bill - federal money to build freeways and bridges; the Riverside County needs were presented during this hearing

- 3) Attended a reception at the Moreno Valley College campus for the new president Dr. Monte Perez; very pleased to have him here; he is very dedicated to the campus and Moreno Valley
- 4) Responded to Pete Bleckert - always makes notes of his concerns to see what can be done about it
- 5) Asked to recognize good news about the economy - on tonight's agenda, we had a public hearing requiring businesses to tax themselves to provide the necessary services. Businesses are bringing new jobs and are providing new services that improve the quality of life of the residents
- 6) The Great Southern California ShakeOut event is important because San Andreas Fault runs through Moreno Valley; FEMA announced that we should have enough supplies for two weeks in the case of a major disaster
- 7) Asked staff regarding MoVan stopping taking senior citizens and disabled residents to the commissary - what might be done about it

Council Member Stewart

- 1) New technology - time for UTT ordinance to be modernized
- 2) Traffic caused by construction on Sunnymead and Frederick (pavement reconstruction that has been needed for a long time); anticipated completion date - the first week of November
- 3) Fortunate to have a meeting with the City Council of Riverside
- 4) New businesses are coming to Moreno Valley, restaurants, retail stores, medical facilities; need to bring high-tech and office jobs to reduce need for commuting; City Manager and staff are going to attend ICSC conference in San Diego to present information to attract businesses to Moreno Valley

Mayor Pro Tem West

- 1) District 3 Crime Prevention Committee will meet on September 10 at the Moreno Valley Ranch Homeowners Association Club House. Staff will present information about code enforcement and some programs adopted by the Council, including foreclosures
- 2) Flyers are distraction and contain false information. Asked to focus on real issues. Surveyed constituents; constituents are overwhelmingly against the possibility of building large warehouses south of the Freeway 60. There will be opportunities for constituents to get involved

CLOSED SESSION - Canceled

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 7:58 p.m. by unanimous informal consent.

Submitted by:

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:

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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