

**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.
OCTOBER 14, 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 Council Member White

INVOCATION - City Attorney Robert Herrick

ROLL CALL

Council:

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

Absent: Bonnie Flickinger Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Steve Elam	Financial & Administrative Services Director
Robert Herrick	City Attorney
Robert Gutierrez	City Manager
Betsy Adams	Assistant City Manager
Rick Hartmann	Deputy City Manager
John Anderson	Police Chief
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
Becky Guillan
Mike McCarty
Steve Chapman

Human Resources Director
Library Services Division Manager
Parks & Community Services Director
Finance 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; 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 SEPTEMBER 23, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

- A3. APPROVAL OF CHECK REGISTER FOR AUGUST 2008 (Report of: Financial & Administrative Services Department)

Recommendation: Adopt Resolution No. 2008-112, approving the Check Register for the month of August 2008 in the amount of \$15,901,771.54

Resolution No. 2008-112

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

- A4. 2008 LEGISLATIVE UPDATE (Report of: Assistant City Manager)

Recommendation: Receive and file the informational report.

- A5. AWARD OF INDEPENDENT CONTRACTOR AGREEMENT AND AUTHORIZATION TO ISSUE PURCHASE ORDERS FOR JANITORIAL SERVICES (Report of: Financial & Administrative Services Department)

Recommendation: Award the Independent Contractor Agreement to Wurm's Janitorial Services, Inc. and authorize the Purchasing Division Manager to issue Purchase Orders in the collective amount not to exceed

\$325,360 for base and optional janitorial services required through June 30, 2009.

- A6. TRACT MAP 31269-1 – EXECUTE A QUITCLAIM DEED TRANSFERRING A PORTION OF THE CITY'S TITLE INTEREST IN A STORM DRAIN EASEMENT TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT PER THE COOPERATIVE AGREEMENT BETWEEN CITY OF MORENO VALLEY, RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, AND RICHMOND AMERICAN HOMES OF CALIFORNIA, INC. (Report of: Public Works Department)

Recommendation:

1. Authorize the Mayor to execute the Quitclaim Deed transferring all right, title and interest in and to the storm drain easement recorded on Tract Map 31269-1, recorded in Map Book 389, Pages 42 through 49 inclusive, in the Official Records of Riverside County, California, to the Riverside County Flood Control and Water Conservation District; and
2. Direct the City Clerk to forward the signed Quitclaim Deed to the Riverside County Flood Control and Water Conservation District for further processing and recordation.

- A7. PARCEL MAP 35150 – APPROVAL OF COOPERATIVE AGREEMENT FOR PERRIS VALLEY MASTER DRAINAGE PLAN LATERAL B-3, STAGE 2 AND LATERAL B-3.2, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND FR/CAL MORENO VALLEY, LLC; 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 the Cooperative Agreement between the Riverside County Flood Control and Water Conservation District, City of Moreno Valley, and FR/CAL Moreno Valley, LLC for Perris Valley Master Drainage Plan Lateral B-3, Stage 2 And Lateral B-3.2;
2. Authorize the Mayor to execute the Cooperative Agreement; and
3. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

- A8. TRACT MAP 31284 - ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE. REDUCE FAITHFUL PERFORMANCE BOND FOR MULTI-USE TRAIL, EXECUTE A GRANT DEED TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR LOT "A" (QUINCY CHANNEL), AND ACCEPT AN EASEMENT OVER A PORTION OF LOT "A" FOR MULTI-USE TRAIL AND MAINTENANCES PURPOSES; DEVELOPER: MERITAGE HOMES OF CALIFORNIA, INC., IRVINE, CA 92617 (Report of: Public Works Department) **(Also listed as Item B3)**

Recommendation:

1. Accept the public improvements for Lot "A" for Tract Map 31284 as complete;
2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond for Tract 31284 Trail, 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; and
3. Authorize the execution of the Grant Deed for Lot "A" of Tract 31284, thereby, transferring the City's fee-title interest to the Riverside County Flood Control and Water Conservation District (the District).

- A9. 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 September 17 – October 7, 2008.

- A10. AGREEMENT FOR PROGRAM MANAGEMENT AND CONSTRUCTION MANAGEMENT SERVICES FOR SR- 60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Approve the "Agreement for Professional Consultant Services" in the amount \$823,894 with TCM Group (TCM), 8676 Wheeler Avenue, Fontana, CA 92335, for program management and construction management services for SR-60/Nason Street Interchange

Improvements;

2. Authorize the City Manager to execute said "Agreement for Professional Consultant Services" with TCM;
3. Authorize the issuance of a purchase order to TCM for \$381,660 (\$346,964 plus 10% contingency) for Phase 1 (program management) when the Agreement has been signed by all parties (Account 125.89720);
4. Authorize an increase to the purchase order with TCM, upon successful completion of Phase I work and availability of funds for \$524,623 (\$476,930 plus 10% contingency) for Phase 2 (utility relocation) (Account 125.89720); and
5. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendment(s) to the agreement with TCM, up to but not exceeding, the 10% contingency amount of \$82,389 subject to the approval of the City Attorney.

A11. SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE STATE ROUTE 60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Approve the Second Amendment to Agreement for Professional Consultant Services with PB (previously Parsons Brinckerhoff Quade & Douglas, Inc.), 685 East Carnegie Drive, Suite 210, San Bernardino, California 92408-3507 to provide design services;
2. Authorize the City Manager to execute said Second Amendment to Agreement for Professional Consultant Services with PB;
3. Authorize a Change Order to increase the Purchase Order with PB, in the amount of \$413,323 (\$375,748 plus 10% contingency) when the agreement has been signed by all parties (Account No. 125.89720); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with PB up to, but not exceeding, the contingency amount of \$37,575, subject to the approval of the City Attorney.

A12. SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH VAS ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide Professional Consultant Services;
2. Authorize the City Manager to execute the "Second Amendment to Agreement for Professional Consultant Services" with VAS; and
3. Authorize a Purchase Order to VAS in the amount of \$275,000.00, when the "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties (Account No. 501.82425).

A13. AUTHORIZATION TO AWARD AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES FOR THE MORENO BEACH DRIVE WIDENING FROM CACTUS AVENUE TO AUTO MALL DRIVE PROJECT NO. 11-41683428 (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for Design Professional Consultant Services with Willdan Engineering, 650 East Hospitality Lane, Suite 400, San Bernardino, CA 92408;
2. Authorize the City Manager to execute the Agreement for Design Professional Consultant Services with Willdan Engineering;
3. Authorize the issuance of a Purchase Order to Willdan Engineering, in the amount of \$332,673 (\$302,430 for the proposal amount plus \$30,243 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 Design Professional Consultant Services with Willdan Engineering, up to but not exceeding the Purchase Order contingency authorized amount of \$30,243, subject to approval of the City Attorney.

B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

- B1. ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.

- B2. MINUTES - REGULAR MEETING OF SEPTEMBER 23, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

- B3. TRACT MAP 31284 - ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE. REDUCE FAITHFUL PERFORMANCE BOND FOR MULTI-USE TRAIL, EXECUTE A GRANT DEED TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR LOT "A" (QUINCY CHANNEL), AND ACCEPT AN EASEMENT OVER A PORTION OF LOT "A" FOR MULTI-USE TRAIL AND MAINTENANCES PURPOSES; DEVELOPER: MERITAGE HOMES OF CALIFORNIA, INC., IRVINE, CA (Report of: Public Works Department) **(Also listed as Item A8)**

Recommendation: Accept easement over a portion of Lot "A" for multi-use trail purposes, including maintenance, and authorize the City Clerk to execute the Acceptance Certificate for multi-use trail and maintenance purposes.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

- C1. ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.

- C2. MINUTES - REGULAR MEETING OF SEPTEMBER 23, 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 SEPTEMBER 23, 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/Stewart, Flickinger absent.

E. PUBLIC HEARINGS - None

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

None

G. REPORTS

G1. PUBLIC MEETING REGARDING MAIL BALLOT PROCEEDINGS FOR: TENTATIVE PARCEL MAP 35672 (INDIAN BUSINESS PARK) - BALLOTING FOR NPDES; AND SHEPHERD OF THE VALLEY LUTHERAN CHURCH SUNNYMEAD - BALLOTING FOR NPDES AND COMMUNITY SERVICES DISTRICT 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. Tentative Parcel Map (TPM) 35672 (Indian Business Park) for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate; and
 - b. Shepherd of the Valley Lutheran Church Sunnymead – APN 474-120-037 for approval of the NPDES maximum commercial/industrial regulatory rate.
2. That the Members of the Board of Directors of the Moreno Valley CSD (“CSD Board”) accept public comments regarding the mail ballot proceeding for Shepherd of the Valley Lutheran Church Sunnymead – APN 474-120-037 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 comments were closed.

No action required.

G2. U.S. DEPARTMENT OF LABOR JOB TRAINING GRANT PROGRAM
(Report of: Economic Development Department)

Recommendation: That the City Council approve the U.S. Department of Labor job training grant program and appropriate \$118,886 in the FY 08/09 Budget to fund the program subject to final Federal approval.

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

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

G3. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

City Manager announced the following:

- 1) Angela Rushen is joining SCAG as the Manager of Media and Public Affairs; wished her all the best in her new position
- 2) Made two operational changes which eliminated two executive level positions effective October 20: Assistant to the City Manager and Library Services Director
- 3) The Code & Neighborhood Services Division in cooperation with the PD POP Team conducted a sweep of illegal residential trash scavengers on September 29; two sweeps have been scheduled in the coming weeks
- 4) As part of City's foreclosure team efforts, 150 residential properties have been brought into compliance with City's property maintenance regulations; staff is working with responsible parties to achieve voluntary compliance
- 5) On October 18, the Art Commission will be holding its first Artober Fest at the Conference and Recreation Center
- 6) On October 25, the second annual Business Breakthrough event will be held at the Conference and Recreation Center – this program is a partnership between the City, the Moreno Valley Chamber of Commerce and the Moreno Valley Hispanic Chamber of Commerce
- 7) The library will be closed to the public on October 28 and 29 as Riverside County implements a major upgrade to the library automation system

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:

Mike Rios, Council Candidate for District 3

- 1) Concerns of Moreno Valley residents

Adolf Kruger

- 1) Crime
- 2) Enforcing of Ordinance No. 740

Gary Baugh

- 1) State Proposition 8

Diane Perkins

- 1) State Proposition 8

Pete Bleckert

- 1) Utility tax

Daryl Terrell

- 1) Presented major components of his “Plan to Put Residents Back to Work”
- 2) Encouraged everybody to work together to create more economic opportunities

Susan Gilchrist

- 1) Proposed warehouses on the east end of the City
- 2) Campaign contributions to Council candidates

Tom Jerelle Sr.

- 1) Pervasive problem of candidates’ signs disappearing

John Rupert

- 1) Unwarranted political attacks

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

Mayor Pro Tem West

- 1) During the last District 3 Crime Prevention Committee meeting, Deputy City Attorney Paul Early gave an outstanding presentation about code violations enforcement
- 2) Important election issues could change his District forever; the proposed huge distribution center could contribute to a significant increase in diesel truck trips and pollution; stated that residents of his District are against it
- 3) Commented on negative campaign flyers and large contributions from developers

Council Member White

- 1) Menifee is the 26th city in Western Riverside County; wished success on behalf of the Moreno Valley residents
- 2) The City has received a HUD allocation of over \$11 million for the neighborhood foreclosure stabilization; the City is working on the action plan that must be presented to HUD by December 1
- 3) Over the six months period ending in August, red light cameras at Frederick and Gateway have recorded 6,707 violations, and the recently installed cameras at Perris and Alessandro, 266 violations; cameras are catching violators
- 4) Unlicensed contractors are preying on homeowners. Building and Safety Department and California Contractors State License Board set up an operation to fair-out unlicensed contractors; several unlicensed contractors were arrested and issued citations
- 5) Last Tuesday, attended a ribbon cutting ceremony for Kia Motors, which relocated to Moreno Valley from Chino
- 6) Offered suggestions to relieve financial pressures and reduce operating cost
- 7) Commented on campaign flyers financed by his opponents and developers

Council Member Stewart

- 1) Referred to his comments made during the last Council meeting regarding Middle School After School Sport Program – received a call from the Moreno Valley School District explaining the financial challenges and priorities; will try to find a way to keep this program going
- 2) Commented on political signs being placed on electric and wooden power poles – it is against the law and it creates hazard for workers
- 3) Despite the overall economy slowing down, projects are still coming to Moreno Valley; new jobs are created
- 4) Commended outgoing Chief Rick Hall for changes he made in crime enforcement, including implementing zone policing, and attacking gang and burglary problem
- 5) Commented on campaign contributions/donations to candidates and incumbents
- 6) Utility tax supports general fund, police and fire; Proposition P is designed to lower the tax slightly and modernize the language to comply with the new laws

- 7) Emphasized the importance of cooperation between Council members to get the things done and of running the campaigns honestly

Mayor Batey

- 1) Commented on campaign contributions/donations
- 2) Supports Council Member White's recommendations for dealing with current financial situation
- 3) Thanked the Towngate Center and Pastor Triplett for organizing the fundraising car show for the cops and clergy; the event was very well attended
- 4) Thanked Council Member Stewart for his efforts to keep the after school sport program

Council Member Flickinger - absent

CLOSED SESSION - canceled

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 7:51 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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