

**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 AND SPECIAL MEETING OF THE MORENO
VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)**

**REGULAR MEETING – 6:30 P.M.
NOVEMBER 25, 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 Stewart

INVOCATION - Pastor Derek Harris, Power in Praise Christian Ministries

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
Steve Elam	Financial & Administrative Services Director
Robert Herrick	City Attorney
Robert Gutierrez	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
Chris Paxton	Human Resources Director

Becky Guillan
Mike McCarty
Steve Chapman

Library Services Division Manager
Parks & Community Services Director
Finance Director

Financial & Administrative Services Director Steve Elam introduced Steve Fries, Animal Services Division Manager.

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, which were received from Pete Bleckert (Item A20).

A. CONSENT CALENDAR - CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - SPECIAL MEETING OF NOVEMBER 12, 2008 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REGIONAL AND REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of November 5-18, 2008.

A.4 2008 LEGISLATIVE UPDATE (Report of: City Manager's Office)

Recommendation:
Receive and file the informational report

A.5 APPROVAL OF CHECK REGISTER (Report of: Finance and Administrative Services Department)

Recommendation:

Adopt Resolution No. 2008-125, approving the Check Register for the month of September, 2008 in the amount of \$14,170,986.45.

Resolution No. 2008-125

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

A.6 RESOLUTION FOR THE ABATEMENT OF PUBLIC NUISANCES
(Report of: Community Development Department)

Recommendation:

Adopt Resolution No. 2008-117 of the City of Moreno Valley, California, confirming assessments on certain real properties as outlined in the Property Assessment List in the staff report for the abatement of nuisances.

Resolution No. 2008-117

A Resolution of the City Council of the City of Moreno Valley, California, Confirming Statements of Costs Against Real Property Located in the City of Moreno Valley, for Abatements of Public Nuisances and Direction that Said Statements of Costs Constitute a Lien upon Said Properties

A.7 AGREEMENT FOR LAW ENFORCEMENT SERVICES BETWEEN THE
CITY OF MORENO VALLEY AND THE COUNTY OF
RIVERSIDE (Report of: Police Department)

Recommendation:

Adopt the Agreement for Law Enforcement Services and authorize the Mayor to sign the document.

A.8 AMENDMENT OF RESOLUTION ESTABLISHING SETTLEMENT
AUTHORITY FOR CLAIMS AND LITIGATION (Report of: Human
Resources)

Recommendation:

City Council adopt Resolution No. 2008-123, amending Resolution No. 2008-12, and authorize the Human Resources Director to settle claims and litigations between \$10,001 - \$25,000 pursuant to the California Government Code Sections 935.4 and 949.

Resolution No. 2008-123

A Resolution of the City Council of the City of Moreno Valley, California, Amending Resolution 2008-12, as Amended, Relating to Settlement Authority for Claims and Litigation Against the City

- A.9 TELECOMMUNICATIONS LICENSE AGREEMENT WITH ROYAL STREET COMMUNICATIONS, LLC, A DELAWARE LIMITED LIABILITY COMPANY (Report of: Public Works Department)

Recommendation:

Authorize the Mayor to execute a Telecommunications License Agreement with Royal Street Communications, LLC, a Delaware limited liability company, for approximately 216 square feet of ground space on the property known as Towngate Park.

- A.10 APPROVE THE APPROPRIATION OF FUNDS AND AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE PUBLIC SAFETY FACILITY PARKING LOT EXPANSION PROJECT NO. 07-50182427 (Report of: Public Works Department)

Recommendation:

1. Approve the appropriation of \$875,000.00 for the Public Safety Facility Parking Lot Expansion (Account No. 501.82427) from the Lasselle Street Improvements project (Account No. 501.82725);
2. Award the construction contract for the Public Safety Facility Parking Lot Expansion to IAC Engineering, Inc. (IAC), 1870 West Ninth Street, Upland, CA 91786, the lowest responsible bidder;
3. Authorize the City Manager to execute a contract with IAC;

4. Authorize the issuance of a Purchase Order to IAC in the amount of \$1,278,211.00 (\$1,111,487.83 bid amount plus 15% contingency) when the contract has been signed by all parties; and
5. Authorize the Public Works Director/City Engineer to execute any subsequent Change Orders to the contract with IAC up to but not to exceed the Purchase Order contingency authorization of \$166,723.17, subject to the approval of the City Attorney.

A.11 SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR PERRIS BOULEVARD WIDENING IMPROVEMENTS FROM IRONWOOD AVENUE TO MANZANITA AVENUE PROJECT NO. 11-41570225 (Report of: Public Works Department)

Recommendation:

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with Boyle Engineering Corporation (Boyle), 1501 Quail Street, Newport Beach, CA 92660-2726 for Phase 2 work which includes preparation of Plans, Specifications and Estimates (PS&E), and Right-of-Way Engineering;
2. Authorize the City Manager to execute said "Second Amendment to Agreement for Professional Consultant Services" with Boyle;
3. Authorize a Change Order to increase the Purchase Order with Boyle for \$527,094 (\$479,176 proposal amount plus 10% contingency amount of \$47,918) for Phase 2 (PS&E and Right-of-Way Engineering) when the Second Amendment to Agreement for Professional Consultant Services has been signed by all parties (Account Nos. 415.70225, 415.78726, and 417.79226); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendment(s) to the agreement with Boyle, up to but not exceeding, the 10% contingency amount of \$47,918, subject to the approval of the City Attorney.

- A.12 APPROVE AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR BICYCLE TRANSPORTATION ACCOUNT (BTA) PROJECTS AQUEDUCT BIKE TRAIL GAP CLOSURES (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute the agreement with the State of California; and
2. Authorize an increase of \$135,000 to the Measure "A" State Grant Revenue budget (account 125.1250.4611).

- A.13 THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT DESIGN SERVICES FOR DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920 (Report of: Public Works Department)

Recommendation:

1. Approve the "Third Amendment to Agreement for Professional Consultant Services" with AEI-CASC Engineering (AEI-CASC), 937 South Via Lata, Suite 500, Colton, California 92324 to provide additional engineering services for street improvements;
2. Authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with AEI-CASC;
3. Authorize a Change Order to increase the Purchase Order with AEI-CASC, in the amount of \$24,600 when the "Third Amendment to Agreement for Professional Consultant Services" has been signed by parties (Account No. 897.91724); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the Agreement for Professional Consultant Services with AEI-CASC, up to but not to exceed the Purchase Order authorization, subject to the approval of the City Attorney.

- A.14 PA99-0033 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF SUNNYMEAD BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY’S MAINTAINED STREET SYSTEM, DEVELOPER - S.J. WEAVER AND ASSOCIATES, SIGNAL HILL, CA 90806 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2008-118, authorizing the acceptance of the public improvements for PA99-0033 as complete and accepting the portion of Sunnymead Boulevard associated with the project into the City's maintained street system; and

Resolution No. 2008-118

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within PA99-0033, and Accepting the Portion of Sunnymead Boulevard Associated with the Project into the City's Maintained Street System

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

- A.15 TRACT MAP 32018 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING CHARITY STREET, HENRY COURT, DRAKE DRIVE, MICHELE LANE, PATRICIA STREET, KYLE DRIVE, CRAPE MYRTLE DRIVE, AND THE PORTION OF DRACAEA AVENUE, AND COTTONWOOD AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY’S MAINTAINED STREET SYSTEM, DEVELOPER - YH COTTONWOOD LLC, RANCHO CUCAMONGA, CA 92557 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution 2008-119, authorizing the acceptance of the public improvements for Tract Map 32018 as complete and accepting Charity Street, Henry Court, Drake Drive, Michele Lane, Patricia Street, Kyle Drive, Crape Myrtle Drive, and the portion of Dracaea Avenue, and Cottonwood Avenue associated with the project into the City's maintained street system; and

Resolution No. 2008 -119

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 32018, and Accepting the Portion of Charity Street, Henry Court, Drake Drive, Michele Lane, Patricia Street, Kyle Drive, Crape Myrtle Drive, and the Portion of Dracaea Avenue, and Cottonwood Avenue Associated with the Project into the City's Maintained Street System

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

A.16 PA06-0162 – APPROVAL OF PROPOSED RESOLUTION, SUMMARY VACATION OF A PORTION OF ALESSANDRO BOULEVARD EAST OF MORENO BEACH DRIVE, SOUTHEAST CORNER OF ALESSANDRO BOULEVARD AND MORENO BEACH DRIVE, DEVELOPER - TOPAZ-MORENO VALLEY, LLC, NEWPORT BEACH, CA 92660 (Report of: Public Works Department)

Recommendation:

1. Approve and adopt Resolution No. 2008-120, summarily vacating a portion of Alessandro Boulevard located on the south side of Alessandro Boulevard just east of Moreno Beach Drive for PA06-0162; and

Resolution No. 2008-120

A Resolution of the City Council of the City of Moreno Valley, Ordering the Summary Vacation of a Portion of Alessandro Boulevard East of Moreno Beach Drive for PA-06-0162

2. Instruct the City Clerk to certify said resolution and transmit a copy of the resolution to Land Development Division for further processing to the County Recorder's office for recording.

A.17 TRACT MAP 31431 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF DRACAEA AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM, DEVELOPER - DRESCH, CHAN & ZHOU PARTNERSHIP, CHINO HILLS, CA 91709 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2008-121, authorizing the acceptance of the public improvements for Tract Map 31431 as complete and accepting the portion of Dracaea Avenue associated with the project into the City's maintained street system; and

Resolution No. 2008-121

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 31431, and Accepting the Portion of Dracaea Avenue Associated with the Project into the City's Maintained Street System

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

A.18 AUTHORIZE THE SUBMISSION OF GRANT APPLICATIONS FOR THE 2009/2010 BICYCLE TRANSPORTATION ACCOUNT (BTA) PROGRAM AND ADOPT RESOLUTION NO. 2008-122 COMMITTING TO PROVIDE A MINIMUM OF 10 PERCENT OF THE TOTAL PROJECT COST FROM LOCAL FUNDS (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to submit the grant applications to the California Department of Transportation for the Fiscal Year 2009/2010 Bicycle Transportation Account (BTA) Program; and
2. Adopt the proposed Resolution No. 2008-122, committing to provide a minimum of 10 percent of the total project cost from local funds.

Resolution No. 2008 - 122

A Resolution of the City Council of the City of Moreno Valley, California, Committing to Provide a Minimum of Ten Percent (10%) of the Bicycle Transportation Account Project Cost from Local Funds

A.19 FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR SUNNYMEAD BOULEVARD REVITALIZATION FROM FREDERICK STREET TO PERRIS BOULEVARD PROJECT NO. 04-89280221 (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Harris & Associates, Inc., 9445 Fairway View Place, Suite 215, Rancho Cucamonga, CA 91730, to provide additional construction management and inspection services for the Sunnymead Boulevard Revitalization Project;
2. Authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with Harris & Associates, Inc.;
3. Authorize an increase in the Purchase Order to Harris & Associates, Inc. (Account No. 501.82125) in the amount of \$265,000 (\$240,900 proposal amount plus 10% contingency) when the "First Amendment to Agreement for Professional Consultant Services" has been signed by all parties; and

4. Authorize the City Engineer/Public Works Director to execute any subsequent related minor amendments to the "Agreement for Professional Consultant Services" with Harris & Associates, Inc., up to exceed the contingency, subject to approval by the City Attorney.

A.20 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR SUNNYMEAD BOULEVARD BEAUTIFICATION AND ENHANCEMENT PROJECT FROM FREDERICK STREET TO PERRIS BOULEVARD PROJECT NO. 04-89280221-2 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Sunnymead Boulevard Beautification and Enhancement from Frederick Street to Perris Boulevard to PALP Inc. dba Excel Paving Company, 2230 Lemon Avenue, Long Beach, CA 90806, the lowest responsible bidder;
2. Authorize the City Manager to execute a contract with PALP Inc. dba Excel Paving Company;
3. Authorize the issuance Purchase Orders to PALP Inc. dba Excel Paving Company in the amount of \$2,702,636.90 (\$2,456,942.70 bid amount plus 10% contingency) when the contract has been signed by all parties (\$1,416,000.00 for Account No. 125.67128, \$530,000 for Account No. 501.82125, and \$756,636.90 for Account No. 892.80221); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with PALP Inc. dba Excel Paving Company, up to but not to exceed the Purchase Order contingency authorization of \$245,694.27, subject to approval of the City Attorney.

A.21 RESOLUTION APPROVING AN AMENDMENT TO THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION TRANSPORTATION EXPENDITURE PLAN AND RETAIL TRANSACTION USE TAX ORDINANCE ("MEASURE A") (Report of: Public Works Department)

Recommendation:

1. Adopt proposed Resolution No. 2008-124, and;

Resolution No. 124

A Resolution of the City Council of the City of Moreno Valley, California, Approving and Authorizing an Amendment to the Riverside County Transportation Commission Transportation Expenditure Plan and Retail Transaction and Use Tax Ordinance (Ordinance No. 88-1)

2. Authorize and direct staff to submit a Notice of Exemption with the County Clerk of Riverside County within five days after adoption of this resolution.

A.22 AUTHORIZATION TO AWARD AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES FOR: STAGE I CACTUS AVENUE WIDENING FROM INTERSTATE 215 EASTBOUND OFF-RAMP TO VETERANS WAY PROJECT NO. 07-41678527, AND STAGE II CACTUS AVENUE WIDENING FROM VETERANS WAY TO HEACOCK STREET PROJECT NO. 07- 41683328 (Report of: Public Works Department)

Recommendation:

1. Re-Appropriate \$79,000 from Account No. 416.78527 Stage I Cactus Avenue widening to Account No. 416.83328 Stage II Cactus Avenue widening to provide sufficient funding for both Stages I and II of the design phase for the street widening improvements along Cactus Avenue between Interstate 215 eastbound off-ramp and Heacock Street;
2. Approve the "Agreement for Design Professional Consultant Services" with ProActive Engineering Consultant, Inc. (ProActive), 1875 California Avenue, Corona CA 92881;
3. Authorize the City Manager to execute the "Agreement for Design Professional Consultant Services" with ProActive;

4. Authorize the issuance of a Purchase Order to ProActive, in the amount of \$282,845.20 (\$257,132.00 proposal amount plus 10% contingency) for Stage I Cactus Avenue widening (Account No. 416.78527), when the agreement has been signed by all parties;
5. Authorize the issuance of a Purchase Order to ProActive, in the amount of \$460,013.20 (\$419,012.00 proposal amount plus 10% contingency) for Stage II Cactus Avenue widening (Account No. 416.83328), when the agreement has been signed by all parties; and
6. Authorize the Public Works Director/City Engineer to execute any subsequent related minor Amendments to the "Agreement for Design Professional Consultant Services" with ProActive, up to but not exceeding the Purchase Order contingency authorized amounts of \$25,713.20 for Stage I, and \$41,901.20 for Stage II, subject to approval of the City Attorney.

A.23 DAY STREET SEWER IMPROVEMENTS - REQUEST TO CONDUCT A FULL ROAD CLOSURE OF DAY STREET BETWEEN ALESSANDRO BOULEVARD AND BAY AVENUE FOR THE CONSTRUCTION OF SEWER IMPROVEMENTS FROM DECEMBER 1, 2008 - JANUARY 24, 2009, CONTRACTOR - BONADIMAN-MCCAIN, INC., SAN BERNARDINO, CA 92408 (Report of: Public Works Department)

Recommendation:

1. Authorize a full road closure of Day Street from Alessandro Boulevard to Bay Avenue for the construction of sewer improvements from December 1, 2008 - January 24, 2009; and
2. Authorize the City Engineer to allow for an additional 30 day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

B1. ORDINANCES - FIRST READING BY TITLE ONLY

Waived reading of all Ordinance Introductions and read by title only.

B.2 MINUTES - SPECIAL MEETING OF NOVEMBER 12, 2008 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

B.3 AWARD OF CONTRACT – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-2/09 – MAINTENANCE OF HIGH-SERVICE-LEVEL PARKWAY & OPEN SPACE LANDSCAPING AND IRRIGATION – HIDDEN SPRINGS (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for MVCSD Project E-2/09 (the "Agreement") with Tropical Plaza Nursery, Inc., Villa Park, California;
2. Authorize the President of the MVCSD Board to execute said Agreement with Tropical Plaza Nursery, Inc.; and
3. Authorize the Purchasing Division Manager on July 1, 2009, to issue purchase orders to Tropical Plaza Nursery, Inc. in the amounts of:
 - a. One Hundred Eighty-Eight Thousand Four Hundred and 00/100 (\$188,400.00) Dollars for twelve (12) months of base maintenance services and;
 - b. Thirty Thousand Five Hundred and 00/100 (\$30,500.00) Dollars for anticipated Additional Work, per Section 2. Paragraph e. of Agreement Exhibit C.

B.4 AMENDMENT OF RESOLUTION ESTABLISHING SETTLEMENT AUTHORITY FOR CLAIMS AND LITIGATION (Report of: Human Resources Department)

Recommendation:

Adopt Resolution No. CSD 2008-23, amending Resolution 2008-01, and authorize the Human Resources Director to settle claims and litigations between \$10,001 - \$25,000 pursuant to the California Government Code Sections 935.4 and 949.

Resolution No. CSD 2008-23

A Resolution of the Moreno Valley Community Services District, Amending Resolution 2008-01, as amended relating to settlement authority for claims and litigation against the Moreno Valley Community Services District

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY

Waive reading of all Ordinances.

C.2 MINUTES - SPECIAL MEETING OF NOVEMBER 12, 2008 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

C.3 AMENDMENT OF RESOLUTION ESTABLISHING SETTLEMENT AUTHORITY FOR CLAIMS AND LITIGATION (Report of: Human Resources Department)

Recommendation: Adopt Resolution No. RDA 2008-15, amending Resolution 2008-03, and authorize the Human Resources Director to settle claims and litigations between \$10,001 - \$25,000 pursuant to the California Government Code Sections 935.4 and 949.

Resolution No. RDA 2008-15

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, Amending Resolution 2008-03, as Amended Relating to Settlement Authority for Claims and Litigation Against the Community Redevelopment Agency of the City of Moreno Valley

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY

Waive reading of all Ordinances Introductions and read by title only.

D.2 MINUTES - SPECIAL MEETING OF NOVEMBER 12, 2008 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

Joint Consent Calendar Items A1 through D2, except Item A24 which was pulled for separate discussion/action, approved by a 4-0-1 vote. m/Stewart, s/Flickinger, Batey absent.

ADJOURNED CITY COUNCIL MEETING TO SPECIAL MEETING OF THE MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)

Special Meeting of the Moreno Valley Industrial Development Authority (IDA) was called to order at 6:40 p.m.

ROLL CALL

Frank West	Vice Chairperson
Bonnie Flickinger	Board Member
Richard A. Stewart	Board Member
Charles R. White	Board Member

Absent: William H. Batey II Chairperson

1. AMENDMENT OF RESOLUTION ESTABLISHING SETTLEMENT AUTHORITY FOR CLAIMS AND LITIGATION

Recommendation:

City Council, acting in its capacity as Board of Directors of the Moreno Valley Industrial Development Authority, adopt Resolution No. IDA 2008-02, amending Resolution No. 2008-01, and authorize the Human Resources Director to settle claims and litigations between \$10,001 - \$25,000 pursuant to the California Government Code Sections 935.4 and 949

Resolution No. IDA 2008-02

Resolution of the Moreno Valley Industrial Development Authority, Amending Resolution 2008-01, as Amended, Relating to Settlement Authority for Claims and Litigation against the Moreno Valley Industrial Development Authority

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

ADJOURNED SPECIAL MEETING OF THE INDUSTRIAL DEVELOPMENT AUTHORITY

RECONVENED JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AT 6:46 P.M.

E. PUBLIC HEARINGS

- E.1 PUBLIC HEARING REGARDING MAIL BALLOT PROCEEDINGS FOR: TENTATIVE PARCEL MAP 35672 - 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)

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:

After conducting the public hearing and accepting public testimony:

- a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for Tentative Parcel Map

(TPM) 35672 (Indian Business Park) and Shepherd of the Valley Lutheran Church Sunnymead - Assessor Parcel Number (APN) 474-120-037;

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

The City Clerk announced the results as follows:

TPM 35672 (Indian Business Park) - "Passes"

Shepherd of the Valley Lutheran Church (APN 474-120-037) – "Passes"

- b. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet and 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 NPDES maximum commercial/industrial regulatory rate to TPM 35672 and Shepherd of the Valley Lutheran Church Sunnymead.

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

Recommendation:

That the President and Members of the Board of Directors of the Moreno Valley CSD (CSD Board), after conducting the public hearing and accepting public testimony:

- a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for Shepherd of the Valley Lutheran Church Sunnymead;

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

The City Clerk announced the results as follows:

Shepherd of the Valley Lutheran Church (APN 474-120-037) – "Passes"

- b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and 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 M (Commercial, Industrial, and Multifamily Improved Median Maintenance) annual charge for Shepherd of the Valley Lutheran Church Sunnymeade.

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

E.2 PUBLIC HEARING TO ADOPT FY 2008-09 ANNUAL ACTION PLAN, SUBSTANTIAL AMENDMENT #1, THE NEIGHBORHOOD STABILIZATION PROGRAM (Report of: Economic Development Department)

Mayor Pro Tem West opened the public testimony portion of the public hearing. Public testimony was received from Meli Van Natta and Ryan Smith.

Recommendation that the City Council

- 1. Conduct a Public Hearing to allow public comment on the proposed 2008-09 Annual Action Plan, Substantial Amendment #1, the Neighborhood Stabilization Program; and
- 2. Review and adopt the proposed 2008-09 Annual Action Plan Substantial Amendment #1, Neighborhood Stabilization Program.

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

E.3 AFFORDABLE HOUSING AGREEMENT WITH HABITAT FOR HUMANITY RIVERSIDE AND PUBLIC HEARING TO CONSIDER THE TRANSFER OF TITLE OF TWO LOTS (Report of: Economic Development Department)

Recommendation: That the City Council and the Redevelopment Agency

1. Conduct a joint public hearing pursuant to the California Community Redevelopment Law (California Health and Safety Code, Section 33000 et seq.) at which it will hear and consider information concerning the transfer of title of Assessor's Parcels 292-202-044 and 045 and the Affordable Housing Agreement by and between the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley and Habitat for Humanity Riverside.

Adopt Resolution 2008-116, approving an Affordable Housing Agreement with the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and Habitat for Humanity Riverside, Inc. for the conveyance and development of land, making certain findings, and approving the use of funds.

Resolution No. 2008-116

A Resolution of the City Council of the City of Moreno Valley, California, approving an affordable housing agreement with the Redevelopment Agency of the City of Moreno Valley and Habitat for Humanity Riverside, Inc. for the conveyance and development of land, making certain findings, and approving the use of funds.

Adopt Resolution RDA 2008-14, approving an Affordable Housing Agreement with the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley and Habitat for Humanity Riverside, Inc. for the conveyance and development of land, making certain findings, and approving the use funds.

Resolution No. RDA 2008-14

A Resolution of the City Council of the City of Moreno Valley, California, approving an affordable housing agreement with the Redevelopment Agency of the City of Moreno Valley and Habitat for Humanity Riverside, Inc. for the conveyance and development of land, making certain findings, and approving the use of funds.

Motion to continue this item to January 27, 2009 City Council Meeting.
Approved by a 4-0-1 vote. m/Stewart, s/White, Batey absent.

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

A.24 RIVERSIDE COUNTY TRANSPORTATION COMMISSION
APPOINTMENT (Report of: City Clerk's Department)

Recommendation:

Appoint Council Member Bonnie Flickinger as the primary representative and Mayor William H. Batey II as the alternate representative to the Riverside County Transportation Commission effective December 9, 2008.

Motion to appoint Council Member Flickinger as the primary representative to RCTC and Mayor William H. Batey II as the alternate representative until the realignment of the Council and the new committee assignments are approved by the Council. Approved by a 4-0-1 vote. m/West, s/White, Batey absent.

G. REPORTS

G.1 PUBLIC MEETING REGARDING MAIL BALLOT PROCEEDINGS FOR:
PARK PLACE REALTY (APN 479-030-048) - BALLOTING FOR
NPDES; TPM 33152 - BALLOTING FOR NPDES AND CSD ZONE M;
TWO-BUILDING COMMERCIAL CENTER (APN 484-020-007) -
BALLOTING FOR NPDES AND CSD ZONE M; AND RITE AID
PHARMACY (APN 478-070-025) - BALLOTING FOR NPDES AND CSD
ZONE M (Report of: Public Works Department)

Recommendation that the City Council

Accept public comments regarding the mail ballot proceedings for:

- a. Park Place Realty - Assessor Parcel Number (APN) 479-030-048 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate;
- b. Tentative Parcel Map (TPM) 33152 for approval of the NPDES maximum commercial/industrial regulatory rate;
- c. Two-Building Commercial Center - APN 484-020-007 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.

Recommendation:

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:

- a. TPM 33152 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance);
- b. Two-Building Commercial Center - APN 484-020-007 for inclusion into, and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance); and
- c. 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 Pro Tem West opened the agenda item for public comments; there being none, public comments were closed.

Motion to receive and file. Approved by a 4-0-1 vote. m/White, s/Stewart, Batey absent.

- G.2 PROPOSED AMENDMENTS TO THE CITY COUNCIL'S POLICY ON SPONSORING OR CO-SPONSORING CITY EVENT ACTIVITIES, INDIVIDUALS, OR GROUPS (Report of: City Manager's Office)

Recommendation that the City Council

Approve the proposed amendments to the City Council's Policy on Sponsoring or Co-Sponsoring City Events, Activities, Individuals, or Groups (City Council Policy 2.36).

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

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

- G.3 CONSIDERATION OF A REQUEST FROM THE MORENO VALLEY BLACK CHAMBER OF COMMERCE COMMUNITY FOUNDATION TO SPONSOR ITS 7TH ANNUAL MARTIN LUTHER KING JR. CELEBRATION (Report of: City Manager's Office)

Recommendation that the City Council

Consider the request of the Moreno Valley Black Chamber of Commerce Community Foundation to sponsor in part, its 7th Annual Martin Luther King Jr. Celebration.

Mayor Pro Tem West opened the agenda item for public comments, which were received from Linda Wright.

Request from Council to place this item as a line item in the next year budget

Motion to sponsor the event in part to the extent the current policy allows. Approved by a 4-0-1 vote. m/Stewart, s/West, Batey absent.

- G.4 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action) (Report of: City Manager's Office)

The City Manager reported as follows:

- 1) Progress continues toward the opening of the new Sports Authority store at TownGate Crossing. Store is scheduled to be open by the end of February or early in March
- 2) Wal-Mart store on Moreno Beach Drive held a grand re-opening on November 12. The Supercenter is offering a full line of groceries, fresh produce, full-service bakery, deli and meat counters
- 3) Will report at the next Council meeting the final accounting for the very successful Second Annual Mayor's Cup Golf Tournament

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:

Britt Holmstrom

- 1) Street crime
- 2) Absence of Mayor at Council meetings

Mike Rios

- 1) Election
- 2) Warehouses

Jose Chavez

- 1) Water leak
- 2) Shopping centers, businesses in the City

Deanna Reader

- 1) City's rules and policies
- 2) Resolution for abatement of public nuisances

Sue Gilchrist

- 1) Warehouses

Pete Bleckert

- 1) Congratulations to newly elected Council members
- 2) Selection of Mayor

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

Council Member White

- 1) Thanked constituents for their support during the past 12 years
- 2) Thanked constituents for passing utility tax ordinance
- 3) Reflected on people he met during his terms; thanked City's staff for the wonderful job
- 4) Stated that for the past 12 years, the City Council worked for the betterment of the community; commented on self interest groups putting their interest before the community welfare

Council Member Flickinger

- 1) Water leaks in the middle of the street are not City's responsibility; it's the responsibility of EMWD
- 2) The ridership on RTA buses increased by 28% over the last year

- 3) Two weeks ago, the City participated in the statewide disaster exercise based on a simulated earthquake. Two weeks before that she participated in CERT training course that teaches what to do in case of disaster. Recommended this ongoing program to everyone. More information can be obtained by calling 413.3800
- 4) The City's antigraffiti program, initiated in 1992, is highly successful, won many awards and serves as an example for other jurisdictions. Moreno Valley is a virtually graffiti-free city
- 5) The City has a new Web site address: www.moval.org
- 6) Reminded everyone that businesses on the east side of Day Street pay taxes to the City of Moreno Valley and support services provided by the City; Michael's store is located in the City of Riverside, not in Moreno Valley as the newspaper ad states
- 7) Received a traffic ticket for speeding in the construction zone - praised police department for diligence and advised residents to be careful and not to speed; traffic fines are doubled in construction zones
- 8) Addressed departing council members - proud what council members accomplished over the past 12 years; Mayor Pro Tem West and Council Member White were significant participants in the decisions that were made; wished good luck and happy memories of the service to the City

Council Member Stewart

- 1) Addressed accomplishments of Council Member White and Mayor Pro Tem West
- 2) Few businesses are closing at the TownGate Center; the City is working hard to attract new retailers
- 3) Commended Economic Development staff for facilitating the very fast relocation of Boompa's Pizza from Sunnymead Ranch
- 4) Commended Gary Kyle for assisting a citizen in reconstruction of his house after fire damage
- 5) Addressed crime issues and statistics - working very hard to keep up patrols, special teams, increasing the police force
- 6) Referred to comments made by one of the speakers: resolution abating public nuisances is not controversial; it's needed
- 7) Encouraged residents to be involved; it's beneficial to the community
- 8) Thanked Council Member White and Mayor Pro Tem West for the service done for the betterment of the City

CLOSED SESSION

Canceled

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 8:26 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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