

**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.
DECEMBER 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 6:30 p.m. by Mayor Batey in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Mayor Batey

INVOCATION - Pastor Moseis Rodriguez, Covenant Community Church

ROLL CALL

Council:

William H. Batey II	Mayor
Bonnie Flickinger	Council Member
Richard A. Stewart	Council Member

Absent

Frank West	Mayor Pro Tem
Charles White	Council Member

Staff:

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

Becky Guillan
Mike McCarty
Steve Chapman

Library Services Division Manager
Parks & Community Services Director
Finance Director

SPECIAL ORDER OF BUSINESS – 6:30 P.M.

Mayor Batey opened the agenda item for public comments, which were received from Gil Navarro, Elena Santa Cruz, Raul Wilson, and Deanna Reeder.

1. RESOLUTION CERTIFYING GENERAL MUNICIPAL ELECTION RESULTS (Report of: City Clerk's Department)

Recommendation: That the City Council adopt Resolution No. 2008-126 reciting the facts of the General Municipal Election held November 4, 2008, declaring the results and such other matters as provided by law.

Resolution No. 2008-126

A Resolution of the City Council of the City of Moreno Valley, California, Reciting the Facts of the General Municipal Election Held November 4, 2008 Declaring the Results and Such Other Matters as Provided by Law

Approved by a 3-0-2 vote. m/Flickinger, s/Stewart, West and White absent.

2. Swearing-in of Council Members Elect (Report of: City Clerk's Department)

City Clerk Jane Halstead swore in Council Member Jesse L. Molina, Council Member Robin N. Hastings and Mayor William H. Batey II each to serve a four-year term on the City Council.

3. City Council Reorganization - Selection of Mayor and Mayor Pro Tem (Report of: City Clerk's Department)

Recommendation: That the City Council conduct the reorganization of the City Council by selecting two Council Members to serve one-year terms respectively as Mayor and Mayor Pro Tem.

Council Member Flickinger made a motion, seconded by Council Member Stewart to conduct the selection process by voice vote. Approved by a 5-0 vote.

Mayor Batey made a motion to nominate Council Member Stewart as Mayor, seconded by Council Member Flickinger. There were no other motions. Approved by a 5-0 vote.

Mayor Batey made a motion to nominate Council Member Flickinger as Mayor Pro Tem, seconded by Council Member Hastings. There were no other motions. Approved by a 5-0 vote.

BREAK

RECONVENE

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.

A.2 MINUTES - REGULAR MEETING OF NOVEMBER 25, 2008 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

A.3 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 November 19 - December 2, 2008.

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

Recommendation:

Receive and file the informational report.

- A.5 TRACT MAP 22889 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MOONLIGHT DRIVE, HALF-MOON COURT, CONSTELLATION WAY AND THE PORTIONS OF ORION WAY, EMMA LANE, KRAMERIA AVENUE AND INDIAN STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM; DEVELOPER – WINDSTORM V, INC., UPLAND, CA 91786 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2008-127 authorizing the acceptance of the public improvements for Tract Map 22889 as complete and accepting Moonlight Drive, Half-Moon Court, Constellation Way and the portions of Orion Way, Emma Lane, Krameria Avenue and Indian Street associated with the project into the City's maintained street system; and

Resolution No. 2008-127

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements for Tract Map 22889 as Complete and Accepting Moonlight Drive, Half-Moon Court, Constellation Way and the Portions of Orion Way, Emma Lane, Krameria Avenue and Indian Street 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.6 APPROVAL OF CHECK REGISTER FOR OCTOBER, 2008 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2008-128, approving the Check Register for the month of October, 2008 in the amount of \$15,540,976.82.

Resolution No. 2008-128

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

A.7 ACCEPTANCE OF THE 2008 COPS TECHNOLOGY PROGRAM GRANT (Report of: Police Department)

Recommendation:

1. Adopt the proposed use of the 2008 COPS Technology Program Grant;
2. Approve acceptance of the 2008 COPS Technology Program Grant in the amount of \$140,295 from the U.S. Department of Justice, Community Oriented Policing Services, and;
3. Approve the purchase and installation of Automated License Plate Recognition equipment, digital wireless pole-mounted cameras, digital cameras, an electronic barcode equipment inventory system, 8 GB flash drives, and radio ear pieces.

A.8 SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE PROJECT NO. 11-41570125 (Report of: Public Works Department)

Recommendation:

1. Approve the Second Amendment to Agreement for Professional Consultant Services with LAN Engineering Corporation (LAN), 1887 Business Center Drive, Suite 6, San Bernardino, CA 92408 to provide Phase II - Plans, Specifications, and Estimates (PS&E) and Phase III - Construction Phase Services for the Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue;

2. Authorize the City Manager to execute the Second Amendment to Agreement for Professional Consultant Services with LAN; and
3. Authorize an increase to the Purchase Order with LAN in the amount of \$516,285 when the agreement has been signed by all parties (Account No. 415.70125).

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 - REGULAR MEETING OF NOVEMBER 25, 2008 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

- B.3 AWARD OF CONTRACT – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-1/09 – MAINTENANCE OF HIGH-SERVICE-LEVEL PARKWAY LANDSCAPING AND IRRIGATION – TOWNGATE (Report of: Public Works Department)

Recommendation:

Acting in their capacity as the Board of Directors of the Moreno Valley Community Services District (MVCSD):

1. Approve the Agreement for MVCSD Project E-1/09 (the "Agreement") with Spectrum Care Landscape and Irrigation Management, Inc., Foothill Ranch, California;
2. Authorize the President of the MVCSD Board to execute said Agreement with Spectrum Care Landscape and Irrigation Management, Inc., and;

3. Authorize the Purchasing Division Manager on July 1, 2009, to issue purchase orders to Spectrum Care Landscape and Irrigation Management, Inc. in the amounts of:
 - a. ONE HUNDRED FORTY-EIGHT THOUSAND AND 00/100 (\$148,000.00) DOLLARS for twelve (12) months of base maintenance services; and
 - b. NINE THOUSAND SIX HUNDRED FIFTEEN AND 00/100 (\$9,615.00) DOLLARS for anticipated Additional Work, per Section 2. Paragraph e. of Agreement Exhibit C.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

- C1. ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.
- C.2 MINUTES - REGULAR MEETING OF NOVEMBER 25, 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.
- D.2 MINUTES - REGULAR MEETING OF NOVEMBER 25, 2008 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

Joint Consent Calendar Items A1 – D2, except Items A2, B2, C2 and D2 (Minutes), approved by a 5-0 vote. m/Flickinger, s/Hastings.

Council Member Flickinger made a motion to approve Items A2, B2, C2 and D2 (Minutes), seconded by Council Member Stewart. Approved by a 3-0-2 vote, Hastings and Molina abstained.

E. PUBLIC HEARINGS

- E1. A PUBLIC HEARING REGARDING PA08-0071 AND P08-089, A GENERAL PLAN AMENDMENT AND SPECIFIC PLAN AMENDMENT TO CHANGE THE LAND USE OF FOUR PARCELS FROM COMMUNITY COMMERCIAL (CC) TO RESIDENTIAL/OFFICE (R/O) AND VILLAGE OFFICE/RESIDENTIAL (VOR) UNDER THE VILLAGE SPECIFIC PLAN (SP 204). THE PARCELS ARE LOCATED AT 12411, 12425, 12437 AND 12449 LORAIN TERRACE AND ALL HAVE EXISTING SINGLE FAMILY RESIDENCES. (Report of: Community Development Department)

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

1. Recognize that PA08-0071 (General Plan Amendment) and P08-089 (Specific Plan Amendment) qualify as exemptions in accordance with CEQA Guidelines, Section 15305 (Minor Alterations in Land Use Limitation);

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

2. Introduce Ordinance No. 783 approving a Specific Plan Amendment (P08-089) to change the land use from Community Commercial (CC) to Village Office/Residential (VOR) within the Village Specific Plan (SP 204) based on the findings in the Ordinance; and

Ordinance No. 783

An Ordinance of the City Council of the City of Moreno Valley, California, Approving P08-089 (Specific Plan Amendment) to Change the Land Use District from Community Commercial (CC) to Village Office/Residential (VOR) within the Village Specific Plan (SP 204) for Four Parcels Located at 12411, 12425, 12437 and 12449 Loraine Terrace.

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

3. Approve Resolution No. 2008-129 approving PA08-0071, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibit A.

Resolution No. 2008-129

A Resolution of the City Council of the City of Moreno Valley Recommending that the City Council Approve Application Numbers PA08-0071 (General Plan Amendment) and P08-089 (Specific Plan Amendment) to Change the Land Use From Community Commercial (CC) to Residential/Office (R/O) in the General Plan and Village Office/Residential (VOR) within the Village Specific Plan (SP 204) for 12411, 12425, 12437 and 12449 Loraine Terrace.

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

- E2. PUBLIC HEARING 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)

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

- Staff recommends that the Mayor and Members of the City of Moreno Valley City Council, after conducting the public hearing and accepting public testimony:
1.
 - a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for Park Place Realty — Assessor Parcel Map (APN) 479-030-048, Tentative Parcel Map (TPM) 33152, Two-Building Commercial Center - APN 484-020-007, and Rite Aid Pharmacy - APN 478-070-025;

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

City Clerk announced results as follows:

Park Place Realty, NPDES – passes

TPM 33152, NPDES – passes

Two-Building Commercial Center (NPDES) – passes

Rite Aid Pharmacy (NPDES) - passes

- b. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet and attached 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 Park Place Realty, TPM 33152, Two-Building Commercial Center, and Rite Aid Pharmacy.

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

2. Staff recommends 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 TPM 33152, Two-Building Commercial Center, and Rite Aid Pharmacy;

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

City Clerk announced the results as follows:

TPM 33152 (CSD Zone M) – passes

Two-Building Commercial Center (CSD Zone M) – passes

Rite Aid Pharmacy (CSD Zone M) - passes

- b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and attached 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 TPM 33152, Two-Building Commercial Center, and Rite Aid Pharmacy.

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

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

None

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

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

Council Member Stewart reported on the presentation made by the State Parole Department during the last JPA meeting. The reported number of parolees living in Moreno Valley was incorrect. This mistake has been corrected. Is against building a residential facility treating parolees at March. Will make sure that the interest of the City of Moreno Valley is protected.

G.2 APPOINTMENT TO THE PARKS AND RECREATION COMMISSION (Report of: City Clerk's Department)

Recommendation that the City Council

1. Appoint one member to the Parks and Recreation Commission with a term expiring June 30, 2010;
2. If appointment is not made, declare the position vacant and authorize the City Clerk to re-notice the position as vacant.

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

Approved to appoint Virgil L. Chancy by a 5-0 vote. m/Flickinger, s/Batey.

G.3 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

City Manager announced the following:

1. Mayor's Cup Golf Tournament raised just under \$62,000 for the MV Community Foundation for the benefit of the new main library building. Over the last two years, a total of approximately \$244,000 has been raised for the new library
2. The City employees raised over \$45,000 during the 2008 Employee

Giving Campaign for the benefit of the United Way of the Inland Valleys and Community Health Charities

3. The MV Animal Shelter is participating in "Home 4 the Holidays" pet adoption campaign since October 1, 2008. The shelter placed 264 dogs and 73 cats. The adoption campaign will continue until January 5, 2009
4. Steve Chapman is retiring after serving as Moreno Valley's Finance Director for more than 11 years. Wished him good luck

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

- 1) Transparency of Council meetings
- 2) Need for new businesses and jobs

William Arsenault

- 1) Warehouses on the east side of Moreno Valley

Steven Crews

- 1) Distribution centers on the east end of the City

Deanna Reeder

- 1) Environmental Impact Review for Skechers – ten days is not enough time to review it

Mike Rios

- 1) Congratulated newly elected Council members
- 2) Looking forward to having an open dialogue with council members
- 3) Need to revise banner/advertising rules to keep the small businesses in the City

Pete Bleckert

- 1) Congratulated newly elected Council members
- 2) Road issues

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

Council Member Molina

- 1) Thanked constituents for electing him
- 2) Stated that he has an open door policy and will work together with the community
- 3) Pledged to clean up District 1; asked for the records of fines on Bank of America property (trash problem)

Council Member Hastings

- 1) Thanked everyone for support
- 2) Stated that the Council has to work together, be innovative and creative in this economic downturn and keep the City sustainable

Council Member Stewart

- 1) Stated that the City's banner ordinance is based on the small business owners' recommendations; a small business owners task force can be activated again to look into this issue
- 2) The issue of trash on the Bank of America property – staff is working on this issue (the ownership was changed); stated that clean up is a high priority issue
- 3) Welcomed the new Council members
- 4) Announced that a free Christmas concert performed by the Rancho Belago Wind Symphony is scheduled on December 11 at the Conference and Recreation Center

Council Member Flickinger

- 1) Welcomed the new Council members; looks forward to working together
- 2) Looks forward to meeting with Mike Rios to discuss small business issues
- 3) Excited about election – 75% of the voters in Riverside County voted – outstanding turnout; hopes this trend will continue
- 4) Encouraged residents to watch children singing Holidays songs during the Special Presentation of tonight's meeting

Mayor Batey

- 1) Congratulated and welcomed new Council members
- 2) The election season was unusual and contested; 2009 is the time for healing and focusing on current issues
- 3) Regarding the sign ordinance – the Chamber is going to be leading the efforts to help small businesses
- 4) Regarding crime– had a meeting with the Chief of Police, representatives from School Districts and Cops and Clergy; working to bring forward a resolution to memorialize the commitment and dedication to take the neighborhoods back; will have meetings with communities to identify problems and to focus resources better; will hold criminals accountable for their actions

- 5) Talked to principals about the after school programs; these programs are vital for communities and are at no cost to the families, the City and school districts
- 6) Wished everyone a very safe holiday season
- 7) Mayor's Gala was held last Saturday; staff did an excellent job
- 8) On Sunday, the Police Department organized a Christmas reception for 38 families with catered meals, gifts for children and with meals for Christmas dinner; it was a very special event
- 9) Firefighters are collecting toys to be given out to children the last week prior to Christmas; encouraged everyone to extend the helping hand to others

CLOSED SESSION

The City Attorney announced that the following item needs to be added to the Closed Session agenda as the need to take action came to the attention after the agenda was posted:

- 1) SECTION 54956.9(a) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
 - a) Case: Tovey/Schultz Construction, Inc.
 Court: Riverside Superior Court
 Case No.: RIC500198

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

The Closed Session was held in the City's Manager's Conference Room pursuant to Government Code:

- 1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION
 Number of Cases: 2
- 2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
 Number of Cases: 2
- 3 SECTION 54957.6 - LABOR NEGOTIATIONS
 - a) Agency Representative: Robert G. Gutierrez
 Employee Organization: MVCEA

- b) Agency Representative: Robert G. Gutierrez
Employee Organization: MVMA

- c) Agency Representative: Robert G. Gutierrez
Employee Organization: Moreno Valley Confidential
Management Employees

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 9:42 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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