



AGENDA

**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**

December 8, 2009

**SPECIAL PRESENTATIONS – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.**

City Council Closed Session

First Tuesday of each month – 6:00 p.m.

City Council Study Sessions

Third Tuesday of each month – 6:00 p.m.

City Council Meetings

Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's office at 951.413.3001 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Bonnie Flickinger, Mayor Pro Tem
Jesse L. Molina, Council Member

Richard A. Stewart, Mayor

Robin N. Hastings, Council Member
William H. Batey II, Council Member

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
December 8, 2009

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Child Care Grant /STARS Children Holiday Singers
2. Officer of the Quarter - Officer Carlos Leon
3. Proclamation Recognizing Moreno Valley's 25th Birthday - December 3, 2009
4. Recognition of Moreno Valley's 25th Birthday Poster Contest Winners
5. Recognition of Moreno Valley's 25th Birthday Lighting of "M" Volunteers

**AGENDA
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 AND THE BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING - 6:30 PM
DECEMBER 8, 2009**

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION - Reverend Roy Riggs

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

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 23, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

A.3 PA07-0139 & PA07-0140 COMMERCIAL BUILDINGS - REDUCE FAITHFUL PERFORMANCE CASH SECURITY AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF PERRIS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: PERRIS ALESSANDRO LLC, LOS ANGELES, CA 90025 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-114 authorizing the acceptance of the public improvements within PA07-0139 & PA07-0140 as complete and accepting the portion of Perris Boulevard associated with the project into the City's maintained street system; and

Resolution No. 2009-114

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within PA07-0139 & PA07-0140, and Accepting the Portion of Perris 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 cash security, exonerate the Material and Labor cash security 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 cash security in one year when all clearances are received.

A.4 APPROVE AGREEMENTS WITH EASTERN MUNICIPAL WATER DISTRICT (EMWD) FOR THE SR-60/NASON INTERCHANGE IMPROVEMENT PROJECT - PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement – Relocation of Waterline Valves" with Eastern Municipal Water District (EMWD) for the relocation of two water valve clusters located along the right shoulder of East Bound SR-60 by EMWD for the SR-60/Nason Street Interchange Improvement project;
2. Approve "Utility Agreement No. 08-UT-21011" with EMWD to relocate utilities for the SR-60/Nason Street Interchange Improvement project;
3. Authorize the City Manager to execute the "Reimbursement Agreement – Relocation of Waterline Valves" and "Utility Agreement No. 08-UT-21011" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested by EMWD or the City, subject to the approval of the City Attorney;
4. Authorize a Change Order to increase Purchase Order No. 37223 by \$368,000 (\$320,000 plus 15% contingency) (Account No. 125.89720); and
5. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the agreements with EMWD up to, but not to exceed the contingency amount of \$48,000, subject to the approval of the City Attorney.

A.5 APPROVE AGREEMENT WITH SOUTHERN CALIFORNIA EDISON FOR REPLACEMENT OF OVERHEAD WITH UNDERGROUND DISTRIBUTION FACILITIES FOR DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE - PROJECT NO. 02-89266920 (Report of: Public Works Department)

Recommendation:

1. Approve the "Agreement for Replacement of Overhead with Underground Distribution Facilities" with Southern California Edison (SCE) to replace existing overhead distribution facilities located along the east side of Day Street from Alessandro Boulevard to Sherman Avenue with underground distribution facilities;
2. Authorize the City Manager to execute the "Agreement for Replacement of Overhead with Underground Distribution Facilities" with SCE;

3. Authorize the issuance of a Purchase Order to SCE in the amount of \$142,618.30 (\$118,848.58 plus 20% contingency for SCE improvements for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue (Account No. 897.91724);
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the agreement with SCE up to, but not exceeding, the total purchase order contingency amount of \$23,769.72, subject to the approval of the City Attorney;
5. Authorize a full road closure on Day Street from Alessandro Boulevard to Sherman Avenue and minor street closures up to 30 days maximum to facilitate smooth construction operations as authorized by the Public Works Director between April 1, 2010 and January 31, 2011; and
6. Authorize the Public Works Director to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen issues.

A.6 ADOPT A MITIGATED NEGATIVE DECLARATION (MND) FOR HEACOCK STREET BRIDGE REPLACEMENT OVER PERRIS VALLEY STORM DRAIN LATERAL "A" - PROJECT NO. 06-12566825 (Report of: Public Works Department)

Recommendation:

Adopt a Mitigated Negative Declaration (MND) for Heacock Street Bridge over Perris Valley Storm Drain Lateral A, Project No. 06-12566825.

A.7 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR TEMCO STREET, VOUGHT STREET, BOEING STREET AND MCDONNELL STREET SIDEWALK IMPROVEMENTS - PROJECT NOS. 08-28368428, 08-28368528 AND 08-28368728 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Temco Street, Vought Street, Boeing Street and McDonnell Street Sidewalk Improvements projects to FS Construction, 13368 Aldergrove Street, Sylmar, CA 91342, the lowest responsible bidder;
2. Authorize the City Manager to execute a contract with FS Construction;

3. Authorize the issuance of Purchase Orders to FS Construction for a total amount of \$503,600.00 (\$402,880.00 base bid amount plus 25% 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 FS Construction, up to but not to exceed the Purchase Order's total contingency of \$100,720.00.

A.8 AUTHORIZE PURCHASE ORDER FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENT PROJECT -- PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Authorize the issuance of a purchase order to the San Jacinto Basin Resource Conservation District (SJBRC D) for \$345,000 (\$300,000 plus 15% contingency) for the SR-60/Nason Street Interchange Improvement project to fund conservation easement activities associated with the project (Account No. 125.89720);
2. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the Conservation Easement Deed with SJBRC D up to, but not exceeding, the contingency amount of \$45,000, subject to the approval of the City Attorney; and
3. Authorize the Public Works Director/City Engineer to execute a Memorandum of Understanding (MOU) or similar agreement indicating the City's intent to execute a Conservation Easement Deed with the San Jacinto Basin Resource Conservation District, if needed.

A.9 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE INSTALLATION AND ENERGIZING OF 750KCMIL 12KV ELECTRICAL CABLE AND REMOVAL & INSTALLATION OF #2 AWG 12KV ELECTRICAL CABLE ON IRIS AVE – PERRIS BLVD TO LASSELLE STREET, PROJECT NO. MVU-0006; THE INSTALLATION OF ELECTRICAL CONDUIT AND VAULTS ON ELSWORTH STREET – GOLDENCREST DRIVE TO CORPORATE CENTER DRIVE, PROJECT NO. MVU-0007; THE INSTALLATION OF ELECTRICAL CONDUIT AND VAULTS, AND THE INSTALLATION AND ENERGIZING OF 750KCMIL 12KV ELECTRICAL CABLE ON PERRIS BLVD – IRIS AVE TO JFK DRIVE, PROJECT NO. MVU-0009; AND THE INSTALLATION OF ELECTRICAL CONDUIT AND VAULTS, AND THE INSTALLATION AND ENERGIZING OF 750KCMIL 12KV ELECTRICAL CABLE ON PERRIS BLVD – RED MAPLE TO GROVEVIEW, PROJECT NO. MVU-0014 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Installation and Energizing of 750KCMIL 12kV Electrical Cable and Removal & Installation of #2 AWG 12KV Electrical Cable on Iris Ave – Perris Blvd to Lasselle Street, Project No. MVU-0006; the Installation of Electrical Conduit and Vaults on Elsworth Street – Goldencrest Drive to Corporate Center Drive, Project No. MVU-0007; the Installation of Electrical Conduit and Vaults, and the Installation and Energizing of 750KCMIL 12kV Electrical Cable on Perris Blvd – Iris Ave. to JFK Drive, Project No. MVU-0009; and the Installation of Electrical Conduit and Vaults, and the Installation and Energizing of 750KCMIL 12kV Electrical Cable on Perris Blvd – Red Maple to Groveview, Project No. MVU-0014, to Richard Lopez Construction, the lowest responsible bidder;
2. Authorize the Mayor to execute a contract with Richard Lopez Construction;
3. Authorize the Financial and Administrative Services Director to issue a Purchase Order to Richard Lopez Construction, in the amount of \$2,057,295.63 (the base bid amount plus 10% contingency) for the Installation and Energizing of 750KCMIL 12kV Electrical Cable and Removal & Installation of #2 AWG 12KV Electrical Cable on Iris Ave – Perris Blvd to Lasselle Street, Project No. MVU-0006; the Installation of Electrical Conduit and Vaults on Elsworth Street – Goldencrest Drive to Corporate Center Drive, Project No. MVU-0007; the Installation of Electrical Conduit and Vaults, and the Installation and Energizing of 750KCMIL 12kV Electrical Cable on Perris Blvd – Iris Ave. to JFK Drive, Project No. MVU-0009; and the Installation of Electrical Conduit and Vaults, and the Installation and Energizing of 750KCMIL 12kV Electrical Cable on Perris Blvd – Red Maple to Groveview, Project No. MVU-0014, when the contract has been signed by all parties. (Account Nos. 602.61832, 602.61833, 602.61834 and 602.61839); and
4. Authorize the Director of Public Works/City Engineer to execute any subsequent change orders to the contract with Richard Lopez Construction up to, but not to exceed the Purchase Order Contingency authorized for the base bid amount of \$ 1,870,268.75

A.10 ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY (Report of: Public Works Department)

Recommendation:

Adopt Resolution No. 2009-115 amending the Electric Rates for Moreno Valley Utility

Resolution 2009-115

A Resolution Of The City Council Of The City Of Moreno Valley, California, To Amend The Electric Rates, And Electric Service Rules, Fees, And Charges For Moreno Valley Utility

- A.11 ACCEPTANCE OF GRANT AWARD FROM THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) OF CONSULTANT SERVICES FOR THE COMPASS BLUEPRINT STRATEGY STUDY ENTITLED "ALESSANDRO BOULEVARD CORRIDOR – RECOMMENDATIONS AND CONCEPTS FOR THE CITY OF MORENO VALLEY" AND ADOPTION OF THE RESOLUTION FOR PARTICIPATION WITH SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) AS A COMPASS BLUEPRINT DEMONSTRATION COMMUNITY (Report of: Community Development Department)

Recommendation:

1. AUTHORIZE the acceptance of the Compass Blueprint Demonstration Project Grant Award from the Southern California Association of Governments (SCAG) of consultant services for the Compass Blueprint Strategy study entitled "Alessandro Boulevard Corridor – Recommendations and Concepts for the City of Moreno Valley"; and
2. ADOPT Resolution No. 2009-116 to certify the approval of the City of Moreno Valley's support of and participation with the Southern California Association of Governments (SCAG) as a Compass Blueprint Demonstration Community.

Resolution No. 2009-116

A Resolution of the City Council of the City of Moreno Valley, California, in Support of and Participation with the Southern California Association of Governments as a Compass Blueprint Strategy Demonstration Community

- A.12 AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT FOR PUBLIC SAFETY BUILDING (PSB) RENOVATION - PROJECT NO. 08-50182327 (Report of: Public Works Department)

Recommendation:

1. Award a construction contract for \$477,000 to AVI-CON Inc. dba CA Construction (CA Construction), 981 Iowa Avenue, Suite A, Riverside, CA 92507, the lowest responsible bidder, for renovation of the Public Safety Building (PSB) Women's Locker Room and Training Center;

2. Authorize the City Manager to execute the Agreement with CA Construction;
3. Authorize the issuance of a Purchase Order to CA Construction totaling \$572,400 (\$477,000 bid plus 20% contingency) from Account No. 501.82327;
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with CA Construction, up to, but not exceeding, the contingency amount of \$95,400, subject to the approval of the City Attorney; and
5. Authorize the Public Works Director/City Engineer to incrementally accept completed portions of work and pay retainage based on the acceptance of said work in accordance with the Public Contract Code, Section 7107.

A.13 APPROVE PROPERTY CONVEYANCE AGREEMENT WITH MORENO VALLEY FESTIVAL, LTD. TO CONVEY A PORTION OF APN 481-020-024 TO THE CITY FOR LINE H FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (Report of: Public Works Department)

Recommendation:

1. Approve the "Property Conveyance Agreement" with Moreno Valley Festival, Ltd., for the right-of-way dedication along Ironwood Avenue necessary for the construction of storm drain Line H from Heacock Street to Indian Basin; and
2. Authorize the City Manager to execute the "Property Conveyance Agreement" and authorize the City Manager to approve any changes, subject to the approval of the City Attorney.

A.14 CONSIDERATION OF AN ORDINANCE EXTENDING ORDINANCE NO. 791 WHICH EXTENDED THE EXPIRATION DATE OF CERTAIN DISCRETIONARY PERMITS OR ENTITLEMENTS APPROVED BY THE CITY ON OR AFTER JANUARY 1, 2006, AN ADDITIONAL TWELVE MONTHS (Report of: City Manager's Office)

Recommendation:

Adopt Ordinance No. 803, extending Ordinance No. 791 extending expiration date of certain discretionary permits or entitlements approved by the City on or after January 1, 2006, by an additional twelve months.

Ordinance No. 803

An Ordinance of the City Council of the City of Moreno Valley, California, Extending Ordinance No. 791, Extending the Expiration Date of Certain Discretionary Permits or Entitlements Approved by the City on or After January 1, 2006, by an Additional Twelve Months

- A.15 ORDINANCE NO. 804, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTER 36 OF TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY ADDING A NEW SECTION 095 PROHIBITING THE STORAGE, USE, SALE, POSSESSION, AND HANDLING OF SAFE AND SANE FIREWORKS AND AMENDING SECTION 20 OF CHAPTER 36 OF TITLE 8 OF THE MORENO VALLEY MUNICIPAL CODE TO ADOPT APPENDIX CHAPTER 1 FROM THE 2007 CALIFORNIA FIRE CODE AS AMENDED BY THE CITY OF MORENO VALLEY (Report of: Fire Department)

Recommendation:

Adopt Ordinance No. 804.

Ordinance No. 804

An Ordinance Of The City Council Of The City Of Moreno Valley, California, Amending Chapter 36 Of Title 8 Of The City Of Moreno Valley Municipal Code By Adding A New Section 095 Prohibiting The Storage, Use, Sale, Possession, And Handling Of Safe And Sane Fireworks And Amending Section 20 Of Chapter 36 Of Title 8 Of The Moreno Valley Municipal Code To Adopt Appendix Chapter 1 From The 2007 California Fire Code In Its Entirety As Amended By The City Of Moreno Valley

- A.16 APPROVE PARTICIPATION IN WESTERN RIVERSIDE COUNTY COUNCIL OF GOVERNMENTS' (WRCOG) PROPOSED REGIONAL ENERGY EFFICIENCY AND WATER CONSERVATION PROGRAM, AB 811 (Report of: Public Works Department)

Recommendation:

1. Authorize the Mayor to execute the Implementation Agreement between the Western Riverside Council of Governments and the City of Moreno Valley to implement AB 811; and
2. Adopt Resolution 2009-117 consenting to inclusion of properties within the City's incorporated area in WRCOG's contractual assessment program to finance distributed generation renewable energy sources and energy efficiency improvements.

Resolution No. 2009-117

A Resolution of the City Council of the City of Moreno Valley, California, Consenting to Inclusion of Properties within the City's Unincorporated Area in the Western Riverside Council of Governments Contractual Assessment Program to Finance Distributed Generation Renewable Energy Sources and Energy Efficiency Improvements

A.17 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND EXPENDITURE PLAN FOR FY 2009-10 (Report of: Financial & Administrative Services Department)

Recommendation:

1. Approve the Supplemental Law Enforcement Services Fund (SLESF) Expenditure Plan for FY 2009-10;
2. Approve an increase of \$23,729 to the SLESF Grant Fund FY 2009-10 revenue budget (account 130.1300.4611) to reflect the FY 2009-10 allocation of \$275,851; and
3. Approve an increase of \$23,729 to the SLESF Grant Fund FY 2009-10 expenditure budget (account 130.62890.6251.252) to reflect the FY 2009-10 planned expenditure of \$275,851.

A.18 PARTICIPATION AGREEMENT WITH FRAZEE INDUSTRIES, INC. (Report of: Economic Development Department)

Recommendation:

Adopt Resolution No. 2009-118, a resolution of the City of Moreno Valley approving and authorizing a Participation Agreement with Frazee Industries, Inc.

Resolution No. 2009-118

Resolution of the City Council of the City of Moreno Valley Authorizing a Participation Agreement with Frazee Industries, Inc.

A.19 RESOLUTION ACKNOWLEDGING THE MORENO VALLEY MANAGEMENT ASSOCIATION AS THE EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION REPRESENTING CERTAIN CITY EMPLOYEES (Report of: Human Resources Department)

Recommendation:

Adopt Resolution No. 2009-119 which recognizes the Moreno Valley Management Association (MVMA) as the exclusively recognized employee organization representing those employees designated as

Professional/Administrative Management (PAM) and Division Manager (DM).

Resolution No. 2009-119

A Resolution of the City Council of the City of Moreno Valley, California, Recognizing the Moreno Valley Management Association as the Exclusively Recognized Employee Organization Representing those Employees Designated as Professional/Administrative Management (PAM) and Division Managers (DM)

A.20 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 18 – December 1, 2009

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - SPECIAL MEETING OF NOVEMBER 23, 2009 (Report of: City Clerk's Department)

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - SPECIAL MEETING OF NOVEMBER 23, 2009 (Report of: City Clerk's Department)

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - SPECIAL MEETING OF NOVEMBER 23, 2009 (Report of: City Clerk's Department)

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration.

Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E.1 PUBLIC HEARING REGARDING A MAIL BALLOT PROCEEDING FOR MORENO VALLEY DISPOSAL - ASSESSOR PARCEL NUMBER 316-210-056 BALLOTING FOR NPDES (Report of: Public Works Department)

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) ballot for Moreno Valley Disposal — Assessor Parcel Number (APN) 316-210-056;

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 NPDES maximum commercial/industrial regulatory rate to APN 316-210-056.

E.2 A PUBLIC HEARING REGARDING PA09-0029, A MINOR UPDATE TO THE MORENO VALLEY MUNICIPAL CODE 9.17 (LANDSCAPE REQUIREMENTS) AND LANDSCAPE STANDARDS. THE AMENDMENT PRIMARILY COVERS THE POST INSTALLATION MONITORING OF WATER USAGE AND WATER EFFICIENCY REQUIREMENTS TO ENSURE COMPLIANCE WITH STATE OF CALIFORNIA REQUIREMENTS (Report of: Community Development Department)

Recommendation: That the City Council:

1. RECOGNIZE that PA09-0029 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines; and

2. Introduce Ordinance No. 806 approving PA09-0029, amending section 9.17 of Title 9 of the City of Moreno Valley Municipal Code.

Ordinance No. 806

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9, Moreno Valley Municipal Code Regulations regarding Landscape Requirements and Landscape Standards including Water Efficiency Requirements and Monitoring of

Water Usage.

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

G. REPORTS

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

a) Report by Mayor Richard A. Stewart on March Joint Powers Commission (MJPC)

b) Report by Mayor Pro Tem Flickinger on Southern California Association of Governments (SCAG)

G.2 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.

G.3 APPOINTMENT TO THE ARTS COMMISSION (Report of: City Clerk's Department)

Recommendation: That the City Council:

1. Appoint one member to the Arts Commission with a term expiring June 30, 2011;
2. If appointment is not made, declare the position vacant and authorize the City Clerk to re-notice the position as vacant.

G.4 INTRODUCTION OF ORDINANCE REGARDING THE TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM AMENDMENT AND IMPLEMENTATION OF A ONE-YEAR TEMPORARY REDUCTION (Report of: Public Works Department)

Recommendation: That the City Council:

Introduce the proposed Ordinance No. 807, repealing and re-enacting Chapter 3.44 of the City of Moreno Valley Municipal Code authorizing participation in the Western Riverside County Transportation Uniform Mitigation Fee program, allowing for a temporary reduction in TUMF.

Ordinance No. 807

An Ordinance of the City of Moreno Valley, California, Repealing and Re-enacting Chapter 3.44 of Title 3 of the City of Moreno Valley Municipal Code, Authorizing Participation in the Western Riverside County Transportation Uniform Mitigation Fee Program and Adopting a Temporary Fee Reduction

- G.5 APPROVAL OF CHECK REGISTER FOR OCTOBER, 2009; AND CONSIDERATION OF PROPOSED DESCRIPTION REVISION ON FUTURE CHECK REGISTERS (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Adopt Resolution No. 2009-120, approving the Check Register for the month of October, 2009 in the amount of \$24,188,442.50; and

Resolution No. 2009-120

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of October, 2009

2. Authorize staff to prepare future Check Registers such that the "Description/Purpose of Payment" information is generated from the chart of accounts rather than being entered manually by staff.

- G.6 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any

individual Council member, staff member or other person.

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

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(a) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

- a Case: *Moreno Valley Unified School District v. County of Riverside, a public entity; Robert E. Byrd as Auditor-Controller for the County of Riverside; Does 1-50, inclusive; City of Moreno Valley Redevelopment Agency, a California Redevelopment Agency; and Does 51-100, inclusive Real Parties in interest*
- Court: Riverside Superior Court
Case No: RIC502670

2 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 2

3 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 2

4 SECTION 54957 - PUBLIC EMPLOYEE APPOINTMENT/ PUBLIC EMPLOYMENT

a) City Manager Recruitment

b) City Attorney Recruitment

**REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY
ADJOURNMENT**