



## **AGENDA**

**NOTICE AND CALL OF SPECIAL 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**

**November 23, 2009**

**SPECIAL 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.*

Richard A. Stewart, Mayor

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

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

**AGENDA  
SPECIAL MEETING 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**

**SPECIAL MEETING - 6:30 PM  
NOVEMBER 23, 2009**

**NOTICE IS HEREBY GIVEN** that a special 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 and Board of Library Trustees will be held on November 23, 2009 commencing at 6:30 PM, in the City Council Chamber, City Hall, located at 14177 Frederick Street, Moreno Valley, California.

Said special meeting shall be for the purpose of:

Agenda

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**INVOCATION** - Pastor Maria Davis, Healing Streams Church

**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.)**

Those wishing to speak should submit a LAVENDER 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 - REGULAR MEETING OF NOVEMBER 10, 2009 (Report of: City Clerk's Department)**

**Recommendation:**

Approve as submitted.

### **A.3 APPROVAL OF CHECK REGISTER FOR SEPTEMBER, 2009 (Report of: Financial & Administrative Services Department)**

**Recommendation:**

Adopt Resolution No. 2009-110, approving the Check Register for the month of September, 2009 in the amount of \$16,078,310.78.

Resolution No. 2009-110

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

### **A.4 TRACT MAP 32834, TRACT MAP 32836, AND PARCEL MAP 34411 - EXECUTE QUITCLAIM DEEDS TRANSFERRING THE CITY'S TITLE INTEREST IN STORM DRAIN EASEMENTS 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 BEAZER HOMES HOLDING CORP., DEVELOPER - BEAZER HOMES HOLDING CORP., BREA, CA 92821 (Report of: Public Works Department)**

**Recommendation:**

1. Adopt Resolution No. 2009-111 authorizing the acceptance of the public storm drain easements per Irrevocable Offers of Dedications recorded as Instrument Numbers 2008-0143600, 2008-0143601, 2008-0355995, 2008-0143604, 2008-0143603, and 2008-0143602 in the Official Records of Riverside County, California.

Resolution No. 2009-111

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Storm Drain Easements per Irrevocable Offers of Dedications Recorded as Instrument Numbers 2008-0143600, 2008-0143601, 2008-0355995, 2008-0143604, 2008-0143603, and 2008-0143602 in the Official Records of Riverside County, California and According to the Cooperative Agreement Between the Riverside County Flood Control and Water Conservation District, the City Of Moreno Valley, and Beazer Homes Holding Corp.

2. Authorize the Mayor to execute the Quitclaim Deeds transferring all right, title and interest in and to the storm drain easements per Irrevocable Offers of Dedications recorded as Instrument Numbers 2008-0143600, 2008-0143601, 2008-0355995, 2008-0143604, 2008-0143603, and 2008-0143602 in the Official Records of Riverside County, California; and
3. Direct the City Clerk to forward the signed Quitclaim Deeds and Adopted Resolution No. 2009-111 to the Riverside County Flood Control and Water Conservation District for further processing and recordation.

A.5 AUTHORIZE THE SUBMISSION OF GRANT APPLICATIONS FOR THE 2010/2011 BICYCLE TRANSPORTATION ACCOUNT (BTA) PROGRAM AND ADOPT RESOLUTION NO. 2009-112 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 2010/2011 Bicycle Transportation Account (BTA) Program; and
2. Adopt Resolution No. 2009-112, committing to provide a minimum of 10 percent of the total project cost from local funds.

Resolution No. 2009-112

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 Costs From Local Funds

A.6 NOTICE OF COMPLETION AND ACCEPTANCE FOR THE PUBLIC

SAFETY FACILITY PARKING LOT EXPANSION PROJECT NO. 07-50182427 (Report of: Public Works Department)

**Recommendation:**

1. Accept the work as complete for the Public Safety Facility Parking Lot Expansion, constructed by IAC Engineering, Inc., 1870 West Ninth Street, Upland, CA 91786;
2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;
3. Authorize the Financial & Administrative Services Director to release the retention to IAC Engineering, Inc. thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and
4. Accept the improvements into the City's maintained system.

A.7 AGREEMENT FOR FIRE PROTECTION SERVICES BETWEEN THE CITY OF MORENO VALLEY AND THE COUNTY OF RIVERSIDE (Report of: Fire Department)

**Recommendation:**

Approve and authorize the Mayor to sign the Fire Services Cooperative Agreement between the Riverside County Fire Department and the City of Moreno Valley for Fire Protection Services.

A.8 PARTICIPATION AGREEMENT WITH MVP EV, INC. (Report of: Economic Development Department)

**Recommendation:**

Adopt Resolution No. 2009-113, a resolution of the City of Moreno Valley approving and authorizing a Participation Agreement with MVP EV, Inc.

Resolution No. 2009-113

A Resolution of the City Council of the City of Moreno Valley Authorizing a Participation Agreement with MVP EV, Inc.

A.9 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 4-17, 2009.

- A.10 AGREEMENT BETWEEN THE CITY OF MORENO VALLEY AND ROBERT G. GUTIERREZ, CITY MANAGER, PROVIDING FOR THE TRANSITION OF MANAGEMENT RESPONSIBILITIES (Report of: City Attorney)

**Recommendation:**

Approve the Agreement between the City and Robert G. Gutierrez, City Manager, providing for the transition of management responsibilities from Mr. Gutierrez to his successor.

- A.11 APPROVAL OF THE INTERIM CITY MANAGER CONTRACT (TO BE PROVIDED UNDER SEPARATE COVER) (Report of: Human Resources Department)

**Recommendation:**

Approve the Interim City Manager Contract.

**B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT**

- B.1 ORDINANCES - READING BY TITLE ONLY

**Recommendation:** Waive reading of all Ordinances.

- B.2 MINUTES - REGULAR MEETING OF NOVEMBER 10, 2009 (Report of: City Clerk's Department)

**Recommendation:**

Approve as submitted.

**C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY**

- C.1 ORDINANCES - READING BY TITLE ONLY

**Recommendation:** Waive reading of all Ordinances.

- C.2 MINUTES - REGULAR MEETING OF NOVEMBER 10, 2009 (Report of: City Clerk's Department)

**Recommendation:**

Approve as submitted.

- C.3 AMENDED AND RESTATED NEGOTIATION AGREEMENT FOR AN AFFORDABLE HOUSING DEVELOPMENT AT THE NORTHEAST CORNER OF ALESSANDRO BOULEVARD AND DAY STREET (Report of: Economic Development Department)

**Recommendation:**

Approve the Amended and Restated Negotiation Agreement to extend the term of the existing Negotiation Agreement between the Community Redevelopment Agency Board of the City of Moreno Valley (RDA) and Palm Desert Development Company (PDDC) for an affordable housing development project to be situated at the northeast corner of Alessandro Boulevard and Day Street.

**D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES**

**D.1 ORDINANCES - READING BY TITLE ONLY**

**Recommendation:** Waive reading of all Ordinances.

**D.2 MINUTES - REGULAR MEETING OF NOVEMBER 10, 2009 (Report of: City Clerk's Department)**

**Recommendation:**

Approve as submitted.

**E. PUBLIC HEARINGS - NONE**

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.

**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)

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

**Recommendation: That the City Council:**

1. Appoint Capri Jefferson to the Parks and Recreation Commission as a teenage member for a term expiring November 25, 2012, or until high school graduation, whichever comes first;



2. If an appointment is not made, declare the position vacant and authorize the City Clerk to re-notice the position as vacant.

**G.3 PUBLIC MEETING 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:**

Accept public comments regarding the mail ballot proceeding for Moreno Valley Disposal—Assessor Parcel Number (APN) 316-210-056 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate.

**G.4 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

**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 LAVENDER 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(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

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

## **ADJOURNMENT**