



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

October 27, 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
October 27, 2009

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Officer of the Quarter - Officer William Davis and K-9, Max
2. American Public Works Association (APWA) 2009 Honorable Mention Award - Pigeon Pass Road Street Improvements
3. Proclamation Recognizing October as Dyslexia Awareness Month
4. Frank Chelbana Memorial Community Service Award

**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
OCTOBER 27, 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 - Pastor Cathy Coiozzo, Renewed Life Fellowship

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 - REGULAR MEETING OF OCTOBER 13, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

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

Recommendation:

Adopt Resolution No. 2009-102, approving the Check Register for the month of August, 2009 in the amount of \$24,723,550.90.

Resolution No. 2009-102

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

A.4 TRACT MAP 31213 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING BARBADOS LANE, SEQUOIA STREET, DOMINICAN AVENUE, WARHOL COURT, MONET STREET, DANUBE WAY AND THE PORTION OF DARWIN DRIVE, ALESSANDRO BOULEVARD, AND MORRISON STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: WESTERN PACIFIC HOUSING, INC., IRVINE, CA 92606 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-103 authorizing the acceptance of the public improvements within Tract Map 31213 as complete and accepting Barbados Lane, Sequoia Street, Dominican Avenue, Warhol Court, Monet Street, Danube Way and the portion of Darwin Drive, Alessandro Boulevard, and Morrison Street associated with the project into the City's maintained street system; and

Resolution No. 2009-103

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 31213 and accepting Barbados Lane, Sequoia Street, Dominican Avenue, Warhol Court, Monet Street, Danube Way, and the portion of Darwin Drive, Alessandro Boulevard, and Morrison 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.5 APPROVE THE APPROPRIATION OF FUNDS AND AUTHORIZATION TO AWARD THE RETROFIT OF EMISSION CONTROL DEVICES ON CITY VEHICLES (Report of: Public Works Department)

Recommendation:

1. Approve the appropriation of \$32,841.58 from the Air Quality Grant Fund (Fund 137) fund balance for the retrofit of Emission Control Devices for nine (9) heavy-duty City vehicles;
2. Award to Ironman Parts & Service of Corona, CA, the Retrofit of Emission Control Devices on nine (9) existing, heavy-duty diesel City vehicles to conform to California Air Resources Board (ARB) Regulations; and
3. Authorize the Purchasing & Facilities Division Manager to issue a purchase order to Ironman Parts & Service in the amount of \$132,841.58.

A.6 NOTICE OF COMPLETION AND ACCEPTANCE OF THE AQUEDUCT BIKEWAY IMPROVEMENTS FROM INDIAN STREET TO FAY AVENUE - PROJECT NO. 05-12567524 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Aqueduct Bikeway Improvements from Indian Street to Fay Avenue, constructed by Rialto Construction Inc. dba L.R. Johnson Construction, Inc. (L.R. Johnson Construction), 340 N. Riverside Avenue, Rialto, CA 92376;
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 3090 of the California Civil Code; and

3. Authorize the Financial and Administrative Services Director to release the retention to L.R. Johnson Construction thirty five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project.

- A.7 ADOPT A MITIGATED NEGATIVE DECLARATION (MND) FOR THE BOX SPRINGS ROAD IMPROVEMENTS PROJECT FROM APPROXIMATELY 500 FEET WEST OF CLARK STREET TO DAY STREET - PROJECT NO. 10-41570027 (Report of: Public Works Department)

Recommendation:

Adopt a Mitigated Negative Declaration (MND) for the Box Springs Road improvements project from approximately 500 feet west of Clark Street to Day Street, Project No. 10-41570027, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level.

- A.8 ADOPT A MITIGATED NEGATIVE DECLARATION (MND) FOR THE IRONWOOD AVENUE IMPROVEMENTS PROJECT FROM DAY STREET TO BARCLAY DRIVE, A PORTION OF BOX SPRINGS ROAD WEST OF THE DAY STREET INTERSECTION, AND IMPROVEMENTS ON DAY STREET NORTH OF STATE ROUTE 60 - PROJECT NO. 10-41570027 (Report of: Public Works Department)

Recommendation:

Adopt a Mitigated Negative Declaration (MND) for the Ironwood Avenue improvements project from Day Street to Barclay Drive, a portion of Box Springs Road west of the Day Street intersection, and improvements on Day Street north of State Route 60, Project No. 10-41570027, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level.

- A.9 ORDINANCE 801 - AN ORDINANCE AMENDING CHAPTER 2.12 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING MODIFICATIONS TO THE TITLE OF THE FINANCE DEPARTMENT AND FINANCE DIRECTOR (RECEIVED FIRST READING AND INTRODUCTION ON OCTOBER 13, 2009 BY A 5-0 VOTE) (Report of: City Clerk's Department)

Recommendation:

Adopt Ordinance 801.

Ordinance No. 801

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Chapter 2.12 of the City of Moreno Valley Municipal Code Regarding Modifications to the Title of the Finance Department and Finance Director

- A.10 ACCEPTANCE OF THE FBI'S INVITATION TO JOIN ICEP (OVERTIME REIMBURSEMENT OF \$50,668.00 PER YEAR) (Report of: Police Department)

Recommendation:

Accept the Federal Bureau of Investigation's (FBI) invitation for the Moreno Valley Police Department to join ICEP (Inland Empire Child Exploitation and Prostitution) Task Force.

- A.11 RESOLUTION FOR THE ABATEMENT OF PUBLIC NUISANCES (Report of: Community Development Department)

Recommendation:

Adopt Resolution No. 2009-104 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. 2009-104

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.12 TENTATIVE PARCEL MAP 33532 LINE F – RELEASE THE FAITHFUL PERFORMANCE BONDS AND THE MATERIAL AND LABOR BONDS, RESCIND THE AGREEMENT FOR PUBLIC IMPROVEMENTS AND THE COOPERATIVE AGREEMENT FOR MORENO MASTER DRAINAGE PLAN LINE F, STAGE 2, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND MORENO VALLEY PROPERTIES, L.P., A DELAWARE LIMITED PARTNERSHIP, SOUTH OF DELPHINIUM AVENUE TO NORTH OF IRIS AVENUE, AND FROM WEST OF THE FUTURE NASON STREET TO WEST OF OLIVER STREET - DEVELOPER: MORENO VALLEY PROPERTIES, L.P., A DELAWARE LIMITED PARTNERSHIP, MORENO VALLEY, CA. 92553 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-105 rescinding the Agreement for Public Improvements and rescinding the Cooperative Agreement between the Riverside County Flood Control and Water Conservation District (District), City of Moreno Valley, and Moreno Valley Properties, L.P., a Delaware limited partnership for Moreno Master Drainage Plan Line F, Stage 2 associated with Tentative Parcel Map 33532;

Resolution No. 2009-105

A Resolution of the City Council of the City Of Moreno Valley, California, Rescinding the Agreement for Public Improvements and the Cooperative Agreement for Moreno Master Drainage Plan Line F, Stage 2, between the Riverside County Flood Control and Water Conservation District, City of Moreno Valley, and Moreno Valley Properties, L.P., A Delaware Limited Partnership Associated with Tentative Parcel Map 33532

2. Authorize the City Engineer to execute the release of 100% of the Faithful Performance Bonds and 100% of the Material and Labor Bonds; and
3. Direct the City Clerk to forward the adopted Resolution to the Riverside County Recorder's office for recordation and send a copy of the adopted Resolution to Riverside County Flood Control and Water Conservation District.

A.13 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 October 7–20, 2009.

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 OCTOBER 13, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

B.3 A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE

AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. CSD 2009-20 approving the form of and authorizing the execution and delivery of a Purchase and Sale Agreement and related documents with respect to the sale of the seller's Proposition 1A receivable from the State; and directing and authorizing certain other actions in connection therewith.

Resolution No. CSD 2009-20

A Resolution Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller's Proposition 1A Receivable from the State; and Directing and Authorizing Certain Other actions in Connection Therewith

- B.4 NOTICE OF COMPLETION AND ACCEPTANCE OF THE AQUEDUCT BIKEWAY IMPROVEMENTS FROM INDIAN STREET TO FAY AVENUE - PROJECT NO. 05-12567524 (Report of: Public Works Department)

Recommendation:

Authorize the President of the Board of Directors of the Community Services District (CSD) to accept the improvements into the CSD's maintained system.

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 OCTOBER 13, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

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 OCTOBER 13, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

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 AMENDMENT NO. 5 TO THE AUTO MALL SPECIFIC PLAN (SP NO. 209) TO MODIFY AN EXISTING FREEWAY PYLON SIGN AND ENTRY/TENANT MONUMENT SIGNS, VACATE A PORTION OF MOTOR WAY, ADD LANDSCAPE PARKWAYS, POP-OUTS AND SIDEWALKS, AND DRIVEWAYS FOR A NEW VEHICLE DISPLAY AREA ON MOTOR WAY AND FROM NORTHBOUND MORENO BEACH DRIVE AS WELL AS OTHER MINOR TEXT CHANGES AND CLEAN-UP ITEMS TO PHASES 1 AND 2 OF THE SPECIFIC PLAN AND SIGN PROGRAM. THE PROPOSED PROJECT SITE IS LOCATED PRIMARILY ON THE EAST SIDE OF MORENO BEACH DRIVE, IMMEDIATELY SOUTH OF HIGHWAY 60. THE APPLICANT IS THE CITY OF MORENO VALLEY REDEVELOPMENT AGENCY AND THE OWNER IS MORENO VALLEY AUTO MALL (Report of: Community Development Department)

Recommendation: That the City Council:

1. RECOGNIZE that the proposed specific plan amendment qualifies for a categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guideline Sections 15311, "Accessory Structures" and 15301, "Existing Facilities"

2. INTRODUCE Ordinance No. 802 for the fifth amendment to the Auto Mall Specific Plan No. 209 (P09-052) to modify an existing freeway pylon sign and various monument signs, vacate a portion of Motor Way, modify the existing streetscape to include landscape parkway pop-outs, sidewalks, and new driveways for a proposed vehicle display area along Motor Way and from Moreno Beach Drive as well as other minor text change and clean-up items to Specific Plan No. 209, attached as Exhibit A through C of this ordinance; and

Ordinance No. 802

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Specific Plan Amendment No. 5 (P09-052) of

the Moreno Valley Auto Mall Specific Plan No. 209 to Include modification of an existing freeway Pylon Sign and Entry/Tenant Monument Signs, vacation of a portion of Motor Way, addition of Landscape Parkways, Pop-outs and Sidewalks, New driveways for a proposed vehicle display area on Motor Way and from Northbound Moreno Beach Drive as well as other minor clean-up and text changes to the Specific Plan and an approved Sign Program

3. APPROVE Resolution No. 2009-106, to allow design modification of an existing pylon sign to a height of 85 feet above freeway grade, the modification of entry monument signs and addition of tenant monument signs, as well as other minor text changes to the approved sign program (P09-0343), attached as Exhibit A and B to the resolution.

Resolution No. 2009-106

A Resolution of the City Council of the City of Moreno Valley, California, Approving P09-0343 (Sign Program Amendment), to modify an existing Pylon Sign and, Tennant/Entry Monument Signs within Phase 1 of the Moreno Valley Auto Mall Specific Plan No. 209 on approximately 57.84 acres of a 73.76 acre Specific Plan generally located on the east side of Moreno Beach Drive, just south of Highway 60

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

G. REPORTS

- G.1 DUI CHECKPOINT POWERPOINT PRESENTATION (INFORMATIONAL ORAL PRESENTATION - NOT FOR COUNCIL ACTION) (Report of: Police Department)
- G.2 MORENO VALLEY CERT POWERPOINT PRESENTATION (INFORMATIONAL ORAL PRESENTATION - NOT FOR COUNCIL ACTION) (Report of: Human Resources Department/Emergency Operations & Volunteer Services Division)
- G.3 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(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