



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

March 10, 2009

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
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
MARCH 10, 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 - Elder Benjamin Banks, Greater Faith Christian 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 PA04-0183 – REDUCE FAITHFUL PERFORMANCE IRREVOCABLE STANDBY LETTER OF CREDIT AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PORTION OF INDIAN STREET, SAN MICHELE ROAD, PERRIS BOULEVARD AND SUBURBAN LANE ASSOCIATED WITH THE PROJECT INTO THE CITY’S MAINTAINED STREET SYSTEM - DEVELOPER - INDIAN AVENUE LLC., NEWPORT BEACH, CA. 92660 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-18 authorizing the acceptance of the public improvements for PA 04-0183 as complete and accepting the portion of Indian Street, San Michele Road, Perris Boulevard, and Suburban Lane associated with the project into the City’s maintained street system; and

Resolution No. 2009-18

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within PA04-0183, and Accepting the Portion of Indian Street, San Michele Road, Perris Boulevard and Suburban Lane Associated with the Project into the City’s Maintained Street System

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

- A .3 P08-146 – INDUSTRIAL - ACCEPT AGREEMENT AND IRREVOCABLE LETTERS OF CREDIT FOR PUBLIC IMPROVEMENTS - NORTHEAST CORNER OF INDIAN STREET AND SAN MICHELE ROAD - DEVELOPER - INDIAN AVENUE LLC., NEWPORT BEACH, CA. 92660 (Report of: Public Works)

Recommendation:

1. Accept the Agreement and Irrevocable Letters of Credit for Public Improvements for P08-146;
2. Authorize the Mayor to execute the agreement;
3. Direct the City Clerk to forward the signed agreement to the County Recorder's office for recordation; and
4. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

- A .4 PA99-0033 – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE - DEVELOPER - SHIVALIK, INC., MORENO VALLEY, CA. 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the traffic signal at the intersection of Sunnymead Boulevard and State Route 60 off-ramp for PA99-0033 as complete; and
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 PARCEL MAP 34411 – RELEASE THE FAITHFUL PERFORMANCE IRREVOCABLE LETTER OF CREDIT AND THE MATERIAL AND LABOR IRREVOCABLE LETTER OF CREDIT - DEVELOPER -

STONERIDGE CENTER PARTNERS, L.P., ENCINITAS, CA.
92024 (Report of: Public Works Department)

Recommendation:

Authorize the City Engineer to execute the release of the Faithful Performance Irrevocable Letter of Credit and the Material and Labor Irrevocable Letter of Credit.

- A .6 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR TRAFFIC SIGNAL AND STREET IMPROVEMENTS AT LASSELLE STREET AND COTTONWOOD AVENUE PROJECT NO. 08-41779126 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for Traffic Signal and Street Improvements at Lasselle Street and Cottonwood Avenue to All American Asphalt, PO Box 2229, Corona, CA 92787, the lowest responsive bidder;
2. Authorize the City Manager to execute a construction contract with All American Asphalt;
3. Authorize the issuance of a Purchase Order for All American Asphalt in the amount of \$325,450 (\$283,000 for the Base Bid plus 15% contingency of \$42,450) when the contract has been signed by all parties (\$143,577.50 from Account No. 416.83227 and \$181,872.50 from 417.79126); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the construction contract with All American Asphalt, up to but not exceeding the Purchase Order contingency amount of \$42,450, subject to the approval of the City Attorney.

- A .7 RECEIPT OF QUARTERLY INVESTMENT REPORT - QUARTER ENDED DECEMBER 31, 2008 (Report of: Financial & Administrative Services Department)

Recommendation:

Receive and file the Quarterly Investment Report, in compliance with

the City's Investment Policy.

A .8 APPROVAL OF CHECK REGISTER FOR JANUARY, 2009 (Report of: Financial & Administrative Services)

Recommendation:

Adopt Resolution No. 2009-21, approving the Check Register for the month of January, 2009 in the amount of \$15,447,417.17.

Resolution No. 2009-21

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

A .9 SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES FOR THE LASSELLE STREET ROADWAY WIDENING FROM JOHN F. KENNEDY DRIVE TO ALESSANDRO BOULEVARD PROJECT - PROJECT NO. 06-50182725 (Report of: Public Works Department)

Recommendation:

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with PSOMAS, 3187 Red Hill Avenue, Suite 250, Costa Mesa, CA 92626, Newport Beach, CA 92626 to provide construction phase support services;
2. Authorize the City Manager to execute said "Second Amendment to Agreement for Professional Consultant Services" with PSOMAS;
3. Authorize a Change Order to increase Purchase Order No. 31023 with PSOMAS, in the amount of \$56,794 (\$47,328 proposed additional fees plus 20% contingency amount of \$9,466) when the "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties (Account No. 501.82725); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendment(s) to the agreement with PSOMAS, up to but not exceeding the Purchase Order contingency authorization, subject to the approval of the City Attorney.

- A .10 MINUTES - REGULAR MEETING OF FEBRUARY 24, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

- A .11 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 February 18 – March 3, 2009.

- A .12 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR TRAFFIC SIGNAL AND STREET IMPROVEMENTS AT LASSELLE STREET AND BAY AVENUE PROJECT NO. 08-41779426 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for Traffic Signal and Street Improvements at Lasselle Street and Bay Avenue to Pouk & Steinle, Inc., 2520 Rubidoux Boulevard, Riverside, CA 92519, the lowest responsive bidder and waive any and all minor irregularities in the bidder's proposal documents;
2. Authorize the City Manager to execute a construction contract with Pouk & Steinle, Inc.;
3. Authorize the issuance of a Purchase Order for Pouk & Steinle, Inc. in the amount of \$235,503 (\$204,785 for the Base Bid plus 15% contingency of \$30,718) when the contract has been signed by all parties (\$83,019 from Account No. 416.83127 and \$152,484 from 417.79426); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the construction contract with Pouk & Steinle, Inc, up to but not exceeding the Purchase Order contingency amount of \$30,718, subject to the approval of the City Attorney.

- A .13 AUTHORIZATION TO AWARD AGREEMENT FOR PROFESSIONAL

CONSULTANT GEOTECHNICAL SERVICES FOR THE LASSELLE STREET WIDENING FROM JOHN F. KENNEDY DRIVE TO ALESSANDRO BOULEVARD IMPROVEMENTS PROJECT NO. 06-50182725 (Report of: Public Works Department)

Recommendation:

1. Authorize the "Agreement for Professional Consultant Services" with Leighton Consulting, Inc., 41715 Enterprise Circle N, Suite 103 Temecula, CA 92590 to provide professional geotechnical testing and inspection services during construction of the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard Improvements for a total agreement amount not to exceed \$123,290.50;
2. Authorize the City Manager to execute said "Agreement for Professional Consultant Services" with Leighton Consulting, Inc.;
3. Authorize the issuance of a Purchase Order to Leighton Consulting, Inc., in the amount of \$147,948.50 (\$123,290.50 proposal amount plus 20% contingency amount of \$24,658) when the Agreement has been signed by all parties (Account 501.82725); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the agreement with Leighton Consulting, Inc., up to but not exceeding the Purchase Order contingency authorized amount of \$24,658, subject to approval of City Attorney.

A .14 AGREEMENT FOR CONVEYANCE OF PROPERTY FOR THE PARTIAL ACQUISITION OF APN 484-030-001 FOR THE KITCHING STREET IMPROVEMENT PROJECT FROM ALESSANDRO BOULEVARD TO GENTIAN AVENUE PROJECT NO. 06-50182425 (Report of: Public Works Department)

Recommendation:

1. Approve and execute the Agreement for Conveyance of Property for the partial acquisition of APN 484-030-001;
2. Authorize a purchase order in the amount of \$167,556 when the

agreement has been signed by all parties; and

3. Authorize the Financial and Administrative Services Director to wire transfer funds into escrow in the amount of \$164,056.00 for the purchase price and an additional amount of \$3,500 for escrow fees for the partial acquisition of APN 484-030-001;

A .15 APPROVE REIMBURSEMENT AGREEMENT FOR INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT (EMWD) IMPROVEMENTS FOR SR-60/NASON INTERCHANGE IMPROVEMENTS PROJECT - PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement" with Eastern Municipal Water District (EMWD) for installation of a water mainline located within Fir Avenue and abandonment of an existing water mainline located along the right shoulder of the East Bound SR-60 by EMWD for the SR-60/Nason Street Interchange Improvements Project;
2. Authorize the City Manager to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any minor changes that may be requested by EMWD, subject to the approval of the City Attorney;
3. Authorize the issuance of a Purchase Order to EMWD in the amount of \$177,120 (\$147,600 plus 20% contingency) for EMWD improvements for the SR-60/Nason Interchange Improvements Project (Account No. 125.89720); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the agreement with EMWD up to, but not exceeding, the contingency amount of \$29,520, subject to the approval of the City Attorney.

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 FEBRUARY 24, 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 FEBRUARY 24, 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 FEBRUARY 24, 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 PUBLIC HEARING TO ADOPT FISCAL YEAR 2008-09 ANNUAL ACTION PLAN AMENDMENT #2 (Report of: Economic Development Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to allow the public an opportunity to comment on the proposed 2008-09 Annual Action Plan Amendment #2;
2. Adopt the proposed Amendment #2 ; and

3. Authorize the transfer of \$7,500 from account #283.73918.6837 (Parks After School Transportation Program) to a new 283.XXXXX (Community Foreclosure Prevention Workshops) account to be established.

F ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPERATE ACTION

G REPORTS

- G .1 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDING FOR IDENTIFIED PROPERTIES WITHIN TPM 35629 - BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:

1. Staff recommends that the Mayor and Members of the Moreno Valley City Council accept public comments regarding the mail ballot proceeding for identified properties within Tentative Parcel Map (TPM) 35629 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate.
2. Staff recommends that the President and Members of the Board of Directors of the Moreno Valley Community Services District ("CSD Board") accept public comments regarding the mail ballot proceeding for identified properties within TPM 35629 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

- G .2 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