



**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
MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA),
MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION
(MVPFFC), AND THE MORENO VALLEY PUBLIC FINANCING AUTHORITY
(MVPFA)**

January 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.

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
CITY COUNCIL OF THE CITY OF MORENO VALLEY
January 27, 2009

CALL TO ORDER – 6:00 PM

SPECIAL PRESENTATIONS

1. Verizon Donation to the Moreno Valley Black Chamber of Commerce Literacy Program
2. Award for Excellence in Information Technology Practices to the City's Technology Services Division

**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, BOARD OF LIBRARY TRUSTEES, MORENO VALLEY INDUSTRIAL
DEVELOPMENT AUTHORITY (IDA), MORENO VALLEY PUBLIC FACILITIES
FINANCING CORPORATION (MVPFFC), AND THE MORENO VALLEY
PUBLIC FINANCING AUTHORITY (MVPFA)**

**REGULAR MEETING - 6:30 PM
JANUARY 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 - Dennis J. Krueger, Shepherd of the Valley Lutheran 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.)

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 JANUARY 13, 2009

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 January 7-20, 2009.

A .4 NOTICE OF COMPLETION AND ACCEPTANCE OF FIRE STATION NO. 58 PROJECT NO. 05-43472523 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for Fire Station #58, which was constructed by Tovey/Shultz Construction Inc. (Tovey/Shultz), 18261 Collier Avenue, Unit A, Lake Elsinore, CA 92530;
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 undisputed amount of retention to Tovey/Shultz 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 building system.

- A .5 TRACT 34487 - APPROVE FINAL MAP SOUTHWEST CORNER OF BAY AVENUE AND FREDERICK STREET, DEVELOPER: BAY AVENUE APARTMENTS, LLC, 9820 INDIANA AVENUE, SUITE 17, RIVERSIDE, CA 92503 (Report of: Public Works)

Recommendation:

1. Approve Final Map 34487; and
2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

- A .6 NOTICE OF COMPLETION AND ACCEPTANCE OF INDIAN STREET AND CACTUS AVENUE INTERSECTION AND STORM DRAIN IMPROVEMENTS PROJECT NO. 03-12567123 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for Indian Street and Cactus Avenue Intersection and Storm Drain Improvements, constructed by All American Asphalt, P.O. Box 2229, Corona, CA 92878;
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 and Administrative Services Director to release the retention to All American Asphalt 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 road system.

- A .7 FIRST AMENDMENT TO TRANSPORTATION UNIFORM MITIGATION FEE REIMBURSEMENT AGREEMENT FOR LASSELLE STREET WIDENING FROM JOHN F. KENNEDY DRIVE

TO ALESSANDRO BOULEVARD PROJECT NO. 06-50182725
(Report of: Public Works Department)

Recommendation:

1. Approve the First Amendment to Transportation Uniform Mitigation Fee Program Agreement between the Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard project;
2. Authorize the Public Works Director/City Engineer to execute the First Amendment to Transportation Uniform Mitigation Fee Program Agreement between WRCOG and the City of Moreno Valley for the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard project; and
3. Authorize the Public Works Director/City Engineer to execute any subsequent amendments to the Transportation Uniform Mitigation Fee Program Agreement between WRCOG and the City of Moreno Valley for the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard project.

A .8 TRACT MAP 31269-1 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING NOTTINGHAM AVENUE, SUFFOLK DOWNS WAY, SANTA ANITA AVENUE, LAUREL PARK WAY, LEXINGTON WAY, LOS ALAMITOS COURT, CANTERBURY DOWNS WAY, TRIPLE CROWN COURT, AND THE PORTION OF DRACAEA AVENUE, COTTONWOOD AVENUE, REDLANDS BOULEVARD, WILMOT STREET AND BAY MEADOWS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM AND AUTHORIZE AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION) - DEVELOPER - RICHMOND AMERICAN HOMES OF MARYLAND, INC., A MARYLAND CORPORATION, IRVINE, CA. 92617 (Report of: Public Works Development)

Recommendation:

1. Adopt Resolution No. 2009-04 authorizing the acceptance of the portion of the public improvements for Tract Map 31269-1 as complete as indicated by the City Engineer and accepting Nottingham Avenue, Suffolk Downs Way, Santa Anita Avenue, Laurel Park Way, Lexington Way, Los Alamitos Court, Canterbury Downs Way, Triple Crown Court, and the portion of

Dracaea Avenue, Cottonwood Avenue, Redlands Boulevard, Wilmot Street and Bay Meadows Avenue associated with the project into the City's maintained street system;

Resolution No. 2009-04

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 31269-1, and Accepting Nottingham Avenue, Suffolk Downs Way, Santa Anita Avenue, Laurel Park Way, Lexington Way, Los Alamitos Court, Canterbury Downs Way, Triple Crown Court, and the Portion of Dracaea Avenue, Cottonwood Avenue, Redlands Boulevard, Wilmot Street and Bay Meadows Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the partial reduction to the Faithful Performance security, exonerate the portion of the Material and Labor security associated with the completed improvements 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 security in one year when all clearances are received;
3. Authorize the City Engineer to execute the reduction of the remaining Faithful Performance security upon completion and approval of the remaining work, release of the remaining Material and Labor security in 90 days if there are no stop notices or liens on file with the City Clerk, and the exoneration of the final 10% of the Faithful Performance security in one year when all clearances are received;
4. Authorize the Mayor to execute the Amendment to Agreement for Public Improvements for Tract Map 31269-1; and
5. Instruct the City Clerk to forward the completed Amendment to Agreement for Public Improvements to the County Recorder's Office for recordation.

A .9 FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR REALIGNMENT OF RECHE VISTA DRIVE FROM THE INTERSECTION OF PERRIS BOULEVARD / HEACOCK STREET TO 200 FEET NORTH OF THE NORTH CITY LIMITS PROJECT NO. 01-12566722 (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with KOA Corporation (KOA), 3190 C Shelby Street, Ontario, CA 91764 for Phase II work which includes preparation of Plans, Specifications and Estimates (PS&E), and Right-of-Way Engineering;
2. Authorize the City Manager to execute said "First Amendment to Agreement for Professional Consultant Services" with KOA;
3. Authorize a Change Order to increase the Purchase Order with KOA for \$240,900 (\$219,000 proposal amount plus 10% contingency amount of \$21,900) for Phase II (PS&E and Right-of-Way Engineering) when the First Amendment to Agreement for Professional Consultant Services has been signed by all parties (Account No. 416.78626);
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendment(s) to the agreement with KOA, up to but not to exceed the Purchase Order contingency amount authorized, subject to the approval of the City Attorney; and
5. Appropriate \$111,000 from the unencumbered Measure "A" fund balance to Reche Vista Realignment, Account No. 125.66722 to provide sufficient funding for Phase II.

A .10 UPDATED STATE AND FEDERAL LEGISLATIVE ADVOCACY PRIORITIES FOR 2009 (Report of: City Manager's Office)

Recommendation:

Review and adopt the proposed State and Federal Legislative Advocacy Priorities for 2009.

A .11 RESOLUTION AND ORDINANCE RELATING TO AMENDMENT TO CALPERS CONTRACT (Report of: Human Resources Department)

Recommendation:

1. Adopt Resolution No. 2009-05 noticing its intention to approve an amendment to contract between the Board of Administration of the California Public Employee's Retirement System (CalPERS) and the City of Moreno Valley regarding the change in benefits of the proposed contract;

Resolution No. 2009-05

A Resolution noticing its intention to approve an amendment to contract between the Board of Administration of the California Public Employee's Retirement System (CalPERS) and the City of Moreno Valley regarding the change in benefits of the proposed contract

2. Introduce Ordinance No. 784 authorizing an amendment to the City's CalPERS contract with the California Public Employees' Retirement System to include Section 20903, Two Years of Additional Service Credit.

Ordinance No. 784

An Ordinance of the City Council of the City of Moreno Valley, California, Authorizing an Amendment to the Contract Between the City Council of the City of Moreno Valley and the Board of Administration of the California Public Employees' Retirement System;

3. Approve Form PERS-CON-12, Certification of Governing Body's Action;
4. Approve Form PERS-CON-12A, Certification of Compliance with Government Code Section 7507;
5. Approve the Certification of Compliance with Government Code Section 20903;
6. Authorize the Mayor to execute the amendment to the contract authorizing two years additional service credit all miscellaneous employees who retire between March 28, 2009 and June 26, 2009; and
7. Direct the City Clerk, upon adoption of said Resolution, to forward to CalPERS a certified copy of: Resolution of Intention, Certification of Governing Body's Action and Certification of Compliance with Gov. Code. Sec. 7507 and 20903.

A .12 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF)
EXPENDITURE PLAN FOR FY 2008-09 (Report of: Financial &

Administrative Services Department)

Recommendation:

1. Approve the Supplemental Law Enforcement Services Fund (SLESF) Expenditure Plan for FY 2008-09;
2. Approve a reduction of \$61,854 to the SLESF Grant Fund FY 2008-09 revenue budget (account 130.1300.4611) to reflect the FY 2008-09 allocation of \$293,165;
3. Approve a reduction of \$200,809 to the SLESF Grant Fund FY 2008-09 expenditure budget (account 130.62890.6251.252) to reflect the FY 2008-09 planned expenditure of \$293,165; and
4. Approve an increase of \$57,554 to the General Fund Special Enforcement Team (SET) expenditure budget (account 010.62710.6251.252) to reflect the additional funding needed as a result of the decreased SLESF allocation.

A .13 RESOLUTION IN SUPPORT OF RIVERSIDE COUNTY DETENTION CENTER (Report of: City Clerk's Department)

Recommendation:

Adopt Resolution No. 2009-06 in support of the Riverside County Detention Center near the community of Whitewater.

Resolution No. 2009-06

Resolution in Support of the Riverside County Detention Center near the Community of Whitewater

A .14 APPROVAL OF CHECK REGISTER FOR DECEMBER, 2008 (Report of: Financial & Administrative Services Department)

Recommendation:

That the City Council adopt Resolution No. 2009-07, approving the Check Register for the month of December, 2008 in the amount of \$20,623,479.51.

Resolution No. 2009-07

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

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 JANUARY 13, 2009

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 JANUARY 13, 2009

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 JANUARY 13, 2009

Recommendation:

Approve as submitted.

ADJOURNMENT OF CITY COUNCIL MEETING TO ANNUAL/REGULAR MEETING OF THE MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)

ANNUAL/REGULAR MEETING OF THE MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS ON MATTERS UNDER THE JURISDICTION OF THE AUTHORITY - Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute 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.

1. MINUTES – SPECIAL MEETING OF FEBRUARY 12, 2008 (Report of: City Clerk’s Department)
2. MINUTES – SPECIAL MEETING OF NOVEMBER 25, 2008 (Report of: City Clerk’s Department)

Recommendation: Approve as submitted.

ADJOURNMENT OF MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA) TO ANNUAL/REGULAR MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

ANNUAL/REGULAR MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS ON MATTERS UNDER THE JURISDICTION OF THE CORPORATION - Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute 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.

There are no reports or issues before the Corporation to be addressed

ADJOURNMENT OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC) TO ANNUAL/REGULAR MEETING OF THE MORENO VALLEY PUBLIC FINANCING AUTHORITY (MVPFA)

ANNUAL/REGULAR MEETING OF THE MORENO VALLEY PUBLIC FINANCING AUTHORITY (MVPFA)

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS ON MATTERS UNDER THE JURISDICTION OF THE AUTHORITY - Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute 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.

There are no reports or issues before the Authority to be addressed

ADJOURNMENT

RECONVENE JOINT 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

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 AFFORDABLE HOUSING AGREEMENT WITH HABITAT FOR HUMANITY RIVERSIDE AND PUBLIC HEARING TO CONSIDER THE TRANSFER OF TITLE OF TWO LOTS (CONTINUED FROM NOVEMBER 25, 2008) (Report of: Economic Development Department)

Recommendation that the City Council
Continue the item until February 24, 2009.

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 on March Joint Powers Commission (MJPA) by Mayor Stewart
 - b. Report on Riverside Transit Agency by Mayor Pro Tem Flickinger
 - c. Report on Riverside County Transportation Commission (RCTC) by Council Member Molina
- G .2 ANNUAL REPORT OF BOARDS AND COMMISSIONS (Informational Oral Presentation) (Report of: City Clerk's Department)

- 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(a) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

a Case: *Community Asset Management/Country Squire Mobile Estates v. City of Moreno Valley*
Court: Riverside Superior Court
Case No: RIC 465600

b Case: *Tovey/Schultz Construction v. City of Moreno Valley*
Court: Riverside Superior Court
Case No: RIC 500198

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

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

ADJOURNMENT