

**MINUTES  
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**

**REGULAR MEETING – 6:30 P.M.  
MARCH 10, 2009**

**CALL TO ORDER** - The Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:31 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

**PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was led by Bonnie Flickinger.

**INVOCATION** - Elder Benjamin Banks from Greater Faith Christian Fellowship

**ROLL CALL**

Council:

Richard A. Stewart	Mayor
William H. Batey II	Council Member
Bonnie Flickinger	Mayor Pro Tem
Jesse L. Molina	Council Member

Absent: Robin N. Hastings      Council Member

Staff:

Jane Halstead	City Clerk
Julienne Clay	Administrative Assistant
Steve Elam	Financial & Administrative Services Director
Robert Herrick	City Attorney
Robert Gutierrez	City Manager
Betsy Adams	Assistant City Manager
Rick Hartmann	Deputy City Manager
John Anderson	Police Chief
John Clark	Fire Chief
Chris Vogt	Public Works Director/City Engineer
Kyle Kollar	Community Development Director
Barry Foster	Economic Development Director

Chris Paxton  
Becky Guillan  
Mike McCarty

Human Resources Director  
Library Services Division Manager  
Parks & Community Services Director

**JOINT CONSENT CALENDARS (SECTIONS A-D) 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**

Mayor Stewart opened the agenda items for the Consent Calendars for public comments; there being none, public comments were closed.

**A. CONSENT CALENDAR - CITY COUNCIL**

**A .1 ORDINANCES - FIRST READING BY TITLE ONLY**

Waived reading of all Ordinance Introductions and read by title only.

- 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.
5. Authorize the Public Works Director/City Engineer to approve a full road closure of Fir Avenue from approximately 100-feet east of Tulip Tree Road to Nason Street for a maximum thirty-day period between April 1, 2009 and July 1, 2009, if requested by EMWD.

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

**B .1 ORDINANCES - FIRST READING BY TITLE ONLY**

Waived reading of all Ordinance Introductions and read by title only.

**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 - FIRST READING BY TITLE ONLY  
Waived reading of all Ordinance Introductions and read by title only.

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 - FIRST READING BY TITLE ONLY  
Waived reading of all Ordinance Introductions and read by title only.

D .2 MINUTES - REGULAR MEETING OF FEBRUARY 24, 2009 (Report of: City Clerk's Department)

**Recommendation:**  
Approve as submitted.

**Joint Consent Calendar Items A1- D2 approved as amended to add Recommendation No. 5 to Item A15 (as listed in the staff report): "Authorize the Public Works Director/City Engineer to approve a full road closure of Fir Avenue from approximately 100-feet east of Tulip Tree Road to Nason Street for a maximum thirty-day period between April 1, 2009 and July 1, 2009, if requested by EMWD." Approved by a 4-0-1 vote. m/Flickinger, s/Batey, Hastings absent.**

**E. PUBLIC HEARINGS**

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.

Mayor Stewart opened the public testimony portion of the public hearing; there being none, public testimony was closed.

**Approved by a 4-0-1 vote. m/Flickinger, s/Batey, Hastings absent.**

**F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - None**

**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).

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder.

No action required.

G .2 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

City Manager announced the following:

1. Six additional Foreclosure Prevention Workshops will be offered in March and April
2. Code Compliance and Technology Services have developed an on-line complaint form to provide residents with an additional option to report code violations. The form is now available on the City's Web site. It is easy to complete and can be filed anonymously. After its completion, the report will be electronically forwarded to City staff for processing

**H. LEGISLATIVE ACTIONS**

ORDINANCES - 1ST READING AND INTRODUCTION – NONE

ORDINANCES - 2ND READING AND ADOPTION – NONE

ORDINANCES - URGENCY ORDINANCES – NONE

RESOLUTIONS – NONE

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL ARE AS FOLLOWS:

Deanna Reader

- 1) Planning Commission interviews
- 2) Increasing public participation and providing answers to public's inquiries

Tom Sterrett

- 1) Closing of the 9 hole golf course on Frederick Street; ideas to keep it open

Pastor James Belle

- 1) The Hope in the Community event will be held Saturday, March 21 between 10:00 a.m. and 2:00 p.m. at the Moreno Valley First Apostolic Faith church located at 24084 Postal Avenue. The event is designed to provide information about services to the community to improve quality of life. Council Member Molina will attend this event

Pete Bleckert

- 1) Improving of Ironwood and Perris intersection
- 2) Resurfacing on Alessandro Blvd.
- 3) Moreno Valley electric company

Tom Jerele, Sr.

- 1) Sunnymead Blvd. project
- 2) Asked for an update on RDA repayment by the Riverside County hospital
- 3) Golf club

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

Council Member Batey

- 1) Visited a few schools to encourage the kids to participate in the reading program; kids are very excited and are reading a lot of books
- 2) On Saturday, March 14, the Martin Luther King and Black Heritage celebration parade will be held followed by a carnival at TownGate Center

Mayor Pro Tem Flickinger

- 1) Thanked Tom Sterret for offering to volunteer at Moreno Valley Golf Club; the government no longer has the money to spend on nonessential projects
- 2) The Rancho Belago Wind Symphony had an excellent "Where No Band Has Gone Before" concert with standing room only. The next concert called Macho Macho Band is scheduled on April 23, at 7:00 p.m. at the Conference and Recreation Center
- 3) The Arts group of Moreno Valley is moving next to Anna's Linens at the mall. There will be no exhibits in March due to the move
- 4) Free disposal of household hazardous waste products events are scheduled on March 20 and 21 between 9:00 a.m. and 2:00 p.m. at the City Yard on Perris Blvd.
- 5) Foreclosure Prevention Workshop for District 4 will be held on April 6, at 7:00 p.m. at Red Maple Elementary School

Council Member Hastings - absent

Council Member Molina

- 1) Thanked residents offering to volunteer to keep the golf course open; will look into it
- 2) Thanked Pastor James Belle for announcing the Hope in the Community event; will contact him regarding this event
- 3) Thanked Tom Jerele for his comments
- 4) Regarding Ironwood and Perris project mentioned by Pete Bleckert – will talk to staff about the feasibility of purchasing the house and tearing it down

Mayor Stewart

- 1) Apologized to the Sierra Club for saying at the last Council meeting that Highland lawsuit filed in 1992 was handled by the Sierra Club; it was the San Bernardino Audubon Society and the Friends of the Northern San Jacinto
- 2) Retired Colonel Leonard Hardtke, a veteran of over 30 years in the United States military, passed away last Tuesday night. Our thoughts and prayers go out to his family
- 3) Commented on the difficult job market
- 4) Asked staff about the status on the RDA money repayment from the County hospital
- 5) Clarified his comments at the last Council meeting – stated that the employees' association is working very hard to protect employees and their jobs and is advocating to fill positions in-house before hiring from outside; the Council supports this approach. The Council is working with the union when the budget reduction and employees lay-offs are involved. It is done in an open and fair way
- 6) Twenty three out of 42 applicants were selected for the Planning Commission interviews held last Tuesday and Thursday. Seven applicants were selected for a ballot. The Council will vote by ballot at the April 24, 2009 Council meeting to fill four positions. To be appointed, a candidate needs three Council's votes. Was impressed with quality of all candidates. Few candidates expressed interest to serve on other boards or commissions. Right now we have one opening on the Library Commission
- 7) Stated that the golf course is loosing about \$400,000 a year and we can't lay off employees and subsidize golf course operations. Will look into possibility of involving volunteers. Will look into working with the other golf courses in town to assist the members of this golf course when faced with phasing out this golf course
- 8) Attended the opening day of the Canyon Springs Little League at Sunnymead Park and threw out the first baseball. It is fantastic to see all the families involved in youth sports in the City

Adjourned to Closed Session at 7:22 p.m.

**CLOSED SESSION**

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

None

## ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 7:40 p.m. by unanimous informal consent.

Submitted by:

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Jane Halstead, City Clerk, CMC  
Secretary, Moreno Valley Community Services District  
Secretary, Community Redevelopment Agency of the City of Moreno Valley  
Secretary, Board of Library Trustees

Approved by:

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Richard A. Stewart, Mayor  
President, Moreno Valley Community Services District  
Chairperson, Community Redevelopment Agency of the City of Moreno Valley  
Chairperson, Board of Library Trustees

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