

**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.
APRIL 14, 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 6:34 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Mayor Stewart

INVOCATION - Pastor Willie Behrends, Crosswinds Church of Moreno Valley

ROLL CALL

Council:

Richard A. Stewart	Mayor
Bonnie Flickinger	Mayor Pro Tem
Robin N. Hastings	Council Member
Jesse L. Molina	Council Member

Absent	William H. Batey II	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
John Terell	Planning Official
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, which were received from Pete Bleckert (Items A11 and A19), Martha Spencer (Item A21) and Candy Christensen (Item A21).

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 APPROVAL OF CHECK REGISTER FOR FEBRUARY, 2009 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2009-28, approving the Check Register for the month of February, 2009 in the amount of \$40,967,052.33.

Resolution No. 2009-28

A Resolution of the City Council of the City of Moreno Valley, California, approving the Check Register for the Month of February, 2009.

A .3 RESOLUTION RESCINDING AND RE-STATING RESOLUTION NUMBER 2008-80 REGARDING THE TRANSPORTATION UNIFORM MITIGATION FEE (Report of: Public Works)

Recommendation:

Staff recommends that the City Council adopt Resolution No. 2009-29, approving the revised Traffic Uniform Mitigation Fee Schedule.

Resolution No. 2009-29

A Resolution of the City Council of the City of Moreno Valley, California, Amending the Transportation Uniform Mitigation Fee (TUMF) Applicable to All Developments in the City of Moreno Valley

- A .4 APPROVE RESOLUTION NO. 2009-30, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CALTRANS FOR FY 2009/2010 TRANSPORTATION PLANNING GRANTS (Report of: Public Works Department)

Recommendation:

Approve the proposed resolution authorizing the City Manager to enter into contract with the California Department of Transportation for Fiscal Year 2009/2010 Transportation Planning Grants, if the City of Moreno Valley is selected for such grant.

Resolution No. 2009-30

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the City Manager to Enter into a Contract with Caltrans for FY 2009/2010 Transportation Planning Grants

- A .5 INCREASE PURCHASE ORDER FOR ON-CALL AGREEMENT FOR RIGHT-OF-WAY SERVICES WITH OVERLAND, PACIFIC AND CUTLER, INC. (Report of: Public Works Department)

Recommendation:

1. Approve an increase to the purchase order (PO No. 36822, Account No. 897.91724.7200) for the On-Call Agreement with Overland, Pacific and Cutler, Inc. (OPC), 2280 Market Street, Suite 340, Riverside, CA 92501, to continue to provide Right-of-Way Consulting Services for various projects of the Capital Projects Division; and
2. Authorize the City Manager to execute the necessary change order to said purchase order in the amount of \$99,000.

- A .6 AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT FOR IRIS AVENUE STREET IMPROVEMENTS - PROJECT NO. 08-12272225 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Iris Avenue Improvements to Tyner Paving Company, 2005 North San Fernando Road, Los Angeles, CA 90065, the lowest responsible bidder;
2. Authorize the City Manager to execute a contract with Tyner Paving Company;
3. Authorize the issuance of a Purchase Order to Tyner Paving Company in the amount of \$199,002.67 (bid amount \$159,202.14 plus 25% contingency of \$39,800.53) when the contract has been signed by all parties; and
4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Tyner Paving Company, up to but not to exceed the Purchase Order contingency of \$39,800.53.

A .7 ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE ALESSANDRO BOULEVARD STREET IMPROVEMENTS FROM INTERSTATE 215 TO FREDERICK STREET - PROJECT NO. 10-41572627 (Report of: Public Works Department)

Recommendation:

Adopt a Mitigated Negative Declaration for the Alessandro Boulevard street improvements from Interstate 215 to Frederick Street.

A .8 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE SHEILA STREET SIDEWALK IMPROVEMENTS - PROJECT NO. 08-28268627 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Sheila Street Sidewalk Improvements to Contreras Construction Co., 81-149 Indio Boulevard, Indio, CA 92201, the lowest responsive and responsible bidder;
2. Authorize the City Manager to execute a contract with Contreras Construction Co.;

3. Authorize the issuance of a Purchase Order to Contreras Construction Co. in the amount of \$145,134.38 (\$116,107.50 base and additive bid amount plus 25% contingency of \$29,026.88) when the contract has been signed by all parties; and
4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Contreras Construction Co., up to but not to exceed the Purchase Order contingency of \$29,026.88.

A .9 AUTHORIZATION TO ISSUE PURCHASE ORDER TO SOUTHERN CALIFORNIA EDISON FOR PIGEON PASS ROAD WIDENING (CLIMBING ROSE DRIVE TO NORTH CITY LIMITS) PROJECT NO. 06-41570324 (Report of: Public Works Department)

Recommendation:

1. Appropriate \$241,000 from the unencumbered Measure "A" fund balance (Fund 125) to Pigeon Pass Road Widening (Climbing Rose Drive to North City Limits) for installation of new street lights and modification of existing street lights;
2. Authorize the issuance of a Purchase Order to Southern California Edison (SCE) in the amount of \$240,170.00 (\$218,336.31 plus 10% contingency) for street lights for Pigeon Pass Road Widening Project from an account to be set up by Finance; and
3. Authorize payment to SCE in an amount up to \$240,170.00 for street lights for the Pigeon Pass Road Widening Project.

A .10 AGREEMENT WITH RIVERSIDE TRANSIT AGENCY (RTA) FOR A ONE-YEAR EXTENSION OF THE DEMONSTRATION GO-PASS PROGRAM FOR THE RIVERSIDE COMMUNITY COLLEGE DISTRICT (RCCD) SYSTEM (Report of: Public Works Department)

Recommendation:

1. Enter into an agreement between the City of Moreno Valley and RTA as an additional one-year of participation in the Go-Pass program for the RCCD system for \$28,075; and
2. Authorize the Financial and Administrative Services Director to appropriate \$28,075 from AQMD Fund 137 balance to Account No. 137.53710.6235.

A .11 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE 2009 PAVEMENT RESURFACING PROJECT - PROJECT NO. 08-12556330 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the 2009 Pavement Resurfacing Project to Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, the lowest responsible bidder;
2. Authorize the City Manager to execute a contract with Hardy & Harper, Inc. ;
3. Authorize the issuance of a Purchase Order to Hardy & Harper, Inc. in the amount of \$1,614,600 (bid amount \$1,404,000 plus 15% contingency of \$210,600) when the contract has been signed by all parties; and
4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hardy & Harper, Inc., up to but not to exceed the Purchase Order contingency of \$210,600.

A .12 AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES TO PROVIDE CONSTRUCTION SUPPORT SERVICES FOR THE AQUEDUCT BIKEWAY IMPROVEMENTS FROM INDIAN STREET TO FAY AVENUE - PROJECT NO. 05-12567524 (Report of: Public Works Department)

Recommendation:

1. Approve the "Agreement for Professional Consultant Services" with OMNIS, 375 South Main Street, Suite 204, Pomona, CA 91766, to provide construction support and as-built drawings for the Aqueduct Bikeway Improvements from Indian Street to Fay Avenue;
2. Authorize the City Manager to execute said "Agreement for Professional Consultant Services" with OMNIS;

3. Authorize the issuance of a Purchase Order to OMNIS in the amount of \$7,512 (\$6,260 proposal amount plus 20% contingency of \$1,252) when the Agreement has been signed by all parties (Account No. 125.67524); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the Agreement with OMNIS up to, but not to exceed, the 20% contingency amount of \$1,252, subject to the approval of the City Attorney.

A .13 NOTICE OF COMPLETION AND ACCEPTANCE OF THE CONSTRUCTION FOR THE ELECTRICAL SUBSTATION LANDSCAPE AND IRRIGATION IMPROVEMENTS FOR THE MORENO VALLEY SUBSTATION - PROJECT NO. 06-601611225 (Report of: Public Works)

Recommendation:

1. Ratify Contract Change Orders No. 1, 2, 3, 4, and 5 (Final);
2. Accept the work as complete for the Electrical Substation Landscape and Irrigation Improvements for the Moreno Valley Substation, Project No 06-601611225, which was constructed by Green It Up Landscape, Inc., Riverside, California;
3. Direct the City Clerk to record the Notice of Completion within ten (10) days, at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code; and
4. Authorize the Financial and Administrative Services Director to release the retention to Green It Up Landscape, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project.

A .14 ORDINANCE NO. 786 AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING SECTION 9.17, LANDSCAPE REQUIREMENTS AND THE LANDSCAPE STANDARDS (Received First Reading And Introduction On March 24, 2009 On A 5-0 Vote) (Report of: Community Development Department)

Recommendation:

Adopt Ordinance No. 786.

Ordinance No. 786

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code Regarding Section 9.17, Landscape Requirements and the Landscape Standards

- A .15 CONSIDERATION OF THE 11TH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT CREATING THE RIVERSIDE COUNTY HABITAT CONSERVATION AGENCY AND THE 1ST AMENDMENT TO THE IMPLEMENTATION AGREEMENT (Report of: City Manager's Office)

Recommendation:

1. Approve the restated and amended Joint Exercise of Powers Agreement creating Riverside County Habitat Conservation Agency and incorporating the 11th Amendment to said Agreement;
2. Approve the 1st Amendment to the Implementation Agreement, Riverside County Long Term Habitat Conservation Plan; and
3. Authorize the Mayor to execute the proposed Amendments.

- A .16 LEGISLATIVE UPDATE (Report of: City Manager's Office)

Recommendation:

Receive and file this informational report.

- A .17 APPROVAL OF THREE-YEAR ENTERPRISE LICENSING AGREEMENT OF MICROSOFT LICENSES THROUGH COMPUCOM SYSTEMS, INC., UTILIZING THE COUNTY OF RIVERSIDE'S MICROSOFT ENTERPRISE AGREEMENT (Report of: Financial & Administrative Services Department)

Recommendation:

1. Waive formal bidding per Municipal Code Section 3.12.260 (Cooperative Purchasing);
2. Approve a three-year agreement with Microsoft Corporation for the Enterprise Agreement Software Licensing;
3. Authorize the City Manager to execute the Microsoft Enterprise Agreement; and
4. Authorize the Purchasing & Facilities Division Manager to issue a purchase order to CompuCom systems to maintain the current licensing level at an annual cost not-to-exceed \$139,357.05.

A .18 APPROVE COOPERATIVE AGREEMENT AND AGREEMENT FOR REAL PROPERTY EXCHANGE AGREEMENT WITH RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR KITCHING STREET IMPROVEMENTS - GENTIAN AVENUE TO ALESSANDRO BOULEVARD - PROJECT NO. 07-50182425 (Report of: Public Works Department)

Recommendation:

1. Approve the "Cooperative Agreement" and the "Agreement for Exchange of Real Property" with Riverside County Flood Control and Water Conservation District (RCFC & WCD) for the Kitching Street Improvements – Gentian Avenue to Alessandro Boulevard; and
2. Authorize the City Manager to execute the "Cooperative Agreement" and the "Agreement for Exchange of Real Property" upon concurrence by RCFC & WCD, and authorize the City Manager to approve any minor changes that may be requested by RCFC & WCD subject to the approval of the City Attorney.

A .19 AUTHORIZE THE TRANSFER OF PARCEL NUMBER 486-084-016 FOR CREATION OF A PUBLIC PARK (Report of: Economic Development Department)

Recommendation:

1. Authorize the purchase and transfer of the RDA parcel known as APN 486-084-016 to the Moreno Valley Community Services District (CSD) by adopting Resolution No. 2009-35.

Resolution No. 2009-35

Resolution of the City Council of the City of Moreno Valley Approving the Purchase of Property from the Community Redevelopment Agency of the City of Moreno Valley and Authorizing Execution of a Purchase and Sale Agreement with the Community Redevelopment Agency of the City of Moreno Valley, Making Certain Findings and Authorizing Certain Related Recommendation: in Connection Therewith

2. Authorize a journal entry to record the purchase and sale of parcel number APN 486-084-016.

- A .20 MINUTES - REGULAR MEETING OF MARCH 24, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

- A .21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, RESCINDING RESOLUTION NO. 2008-21 A RESOLUTION CONTAINING THE CITY COUNCIL'S FINDINGS OF FACT, ANALYSIS, CONCLUSIONS, AND STATEMENT OF DECISION CONCERNING THE REQUESTED PASS THROUGH COSTS OF THE CAPITAL REPLACEMENT TO THE RESIDENTS OF COUNTRY SQUIRE MOBILE ESTATES AND APPROVING THE JUNE 30, 2006 DECISION OF THE CITY MANAGER TO PARTIALLY GRANT COMMUNITY ASSET MANAGEMENT'S CAPITAL REPLACEMENT PASS THROUGH REQUEST (Report of: City Attorney's Office)

Recommendation:

Staff recommends that the City Council adopt Resolution 2009-39, per the Order of the Riverside Superior Court, thereby rescinding Resolution No. 2008-21, a Resolution of the City Council of Moreno Valley, California containing the City Council's Findings of Fact, Analysis, Conclusions, and Statement of Decision Concerning the Requested Pass Through Costs of the Capital Replacement to the Residents of Country Squire Mobile Estates and approving the June 30, 2006 Decision of the City Manager to Partially Grant Community Asset Management's Capital Replacement Pass Through Request

Resolution No. 2009-39

A Resolution of the City Council of the City of Moreno Valley, California, Rescinding Resolution No. 2008-21 a Resolution Containing the City Council's Findings of Fact, Analysis, Conclusions, and Statement of Decision Concerning the Requested Pass through Costs of the Capital Replacement to the Residents of Country Squire Mobile Estates and Approving the June 30, 2006 Decision of the City Manager to Partially Grant Community Asset Management's Capital Replacement Pass through Request

- A .22 APPROVE AND ADOPT THE PROPOSED RESOLUTION ACCEPTING PORTIONS OF VIA VON BATSCH, LASSELLE STREET, MERWIN STREET, BAY AVENUE, GIFFORD AVENUE, WILLIAMS AVENUE, STEVENS AVENUE, GERALD LANE, MORREY LANE, AND STODDARD STREET INTO THE CITY'S MAINTAINED ROAD SYSTEM - PROJECT NO. 02-12585523 (Report of: Public Works Department)

Recommendation:

Approve and adopt Resolution 2009-40 accepting the following portions of streets, which were part of the Street Improvement Program, into the City's maintained road system: the southerly side of Via Von Batsch from Perris Boulevard to 516.25' easterly, Lasselle Street from Kalmia Street to 152.30' south of Bercaw Court, Merwin Street from Bay Avenue to Alessandro Boulevard, Bay Avenue from Redlands Boulevard to Merwin Street, Bay Avenue from Wilmot Street to Redlands Boulevard, Gifford Avenue from Wilmot Street to Redlands Boulevard, Gifford Avenue from Redlands Boulevard to 180.50' easterly, Williams Avenue from Redlands Boulevard to 120.00' easterly, and Stevens Avenue from Redlands Boulevard to 270.00' easterly, Gerald Lane from Carrie Lane to Pettit Street, Morrey Lane from Carrie Lane to Pettit Street, and Stoddard Street from Bay Avenue to McAbee Avenue.

Resolution No. 2009-40

A Resolution of the City Council of the City of Moreno Valley, California, Accepting the Following Portions of Streets into the City Maintained Road System: Portions of Via Von Batsch, Lasselle Street, Merwin Street, Bay Avenue, Gifford Avenue, Williams Avenue, Stevens Avenue, Gerald Lane, Morrey Lane, and Stoddard Street.

A .23 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 March 18 – April 7, 2009.

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 AUTHORIZE THE TRANSFER OF PARCEL NUMBER 486-084-016 FOR CREATION OF A PUBLIC PARK (See Item A19) (Report of: Economic Development Department)

Recommendation:

Accept the transfer of the RDA parcel known as APN 486-084-016 to the CSD.

- B .3 MINUTES - REGULAR MEETING OF MARCH 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 AUTHORIZE THE TRANSFER OF PARCEL NUMBER 486-084-016 FOR CREATION OF A PUBLIC PARK (See Item A19) (Report of: Economic Development Department)

Recommendation:

1. Authorize the sale of the Community Redevelopment Agency (RDA) parcel known as Assessor Parcel Number (APN) 486-084-016 by adopting Resolution No. RDA 2009-03.

Resolution No. RDA 2009-03

Resolution of the City Council of the City of Moreno Valley Approving the Purchase of Property from the Community Redevelopment Agency of the City of Moreno Valley and Authorizing Execution of a Purchase and Sale Agreement with the Community Redevelopment Agency of the City of Moreno Valley, Making Certain Findings and Authorizing Certain Related Recommendation: in Connection Therewith

2. Authorize the Executive Director to execute the Purchase and Sale Agreement (including Deeds) and Resolutions related to the sale of the RDA parcel known as APN 486-084-016.

- C .3 MINUTES - REGULAR MEETING OF MARCH 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 MARCH 24, 2009 (Report of:
City Clerk's Department)

Recommendation:
Approve as submitted.

Joint Consent Calendar Items A1- D2 approved by a 4-0-1 vote. m/Flickinger, s/Hastings, Batey absent.

Council Member Flickinger made a motion to reconsider an item approved at the March 24, 2009 Council meeting: Resolution to Amend the Policy for Conducting Mail Ballot Proceedings and Resolution to Amend Street Lighting Policy (Item A13 and Item B3) and place it on the next regular meeting agenda, seconded by Council Member Molina. Approved by a 4-0-1 vote, Batey absent.

E. PUBLIC HEARINGS

- E .1 PUBLIC HEARING REGARDING A MAIL BALLOT PROCEEDING FOR PARKCREST CARWASH - APN 292-250-015 BALLOTING FOR NPDES (Report of: Public Works Department)

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

Recommendation:

a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballot for Parkcrest Carwash - Assessor Parcel Number (APN) 292-250-015;

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

City Clerk announced the results as follows:

Parkcrest Carwash, APN 292-250-015 - Passes

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and attached APN listing;

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to APN 292-250-015.

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

- E .2 A PUBLIC HEARING ON THE FOLLOWING PROPOSALS: PROJECT A: GENERAL PLAN AMENDMENTS TO COMMERCIAL AND CHANGE OF ZONE TO NEIGHBORHOOD COMMERCIAL AS FOLLOWS: PROPERTY: 1 - 0.60 ACRES, SEC VALLEY SPRINGS AND EUCALYPTUS (PA08-0029/30) PROPERTY: 2 - 0.25 ACRES, NWC DRACAEA AND GINA (PA08-0027/28) PROPERTY: 3 - 0.53 ACRES, NWC EDMONT AND COTTONWOOD (PA08-0025/ 26) PROPERTY: 4 - 9 ACRES, SWC LASSELLE AND ALESSANDRO (PA08-0023/24) APPLICANT: CITY OF MORENO VALLEY PROJECT B: GENERAL PLAN AMENDMENT (PA06-0027) AND ZONE CHANGE (PA06-0026) TO COMMERCIAL AND COMMUNITY COMMERCIAL; CONDITIONAL USE PERMIT (PA06-0025) TO DEVELOP A 631 UNIT SELF-STORAGE FACILITY ON 5.85 ACRES AT SEC EUCALYPTUS AND EDMONT AND MUNICIPAL CODE AMENDMENT (PA08-0006) TO SECTION 9.09.140, TO ALLOW EXCEPTIONS TO DESIGN AND SCREENING REQUIREMENTS FOR SELF-STORAGE WAREHOUSES LOCATED ALONG MAJOR ARTERIALS. APPLICANT: ATTIC II MINISTORAGE, LLC (Report of: Community Development Department)

Recommendation: That the City Council:

1. CONDUCT a public hearing for review of Project A and defer taking action on Project A until after the public hearing for Project B;

Mayor Stewart opened the public testimony portion of the public hearing for Project A. The public testimony was received from Dennis Devermont (Project No. 2, supports), and Arnold Graham (Project No. 4, supports).

2. CONDUCT a public hearing for review of Project B;

Mayor Stewart opened the public testimony portion of the public hearing for Project B. The public testimony was received from Pete Bleckert (City should buy the house).

3. APPROVE Resolution No. 2009-31 ADOPTING a Negative Declaration for Project A, including applications PA08-0023 through PA08-0030 (General Plan Amendments and Change of Zones) for four (4) individual properties Citywide. The applications, individually and cumulatively, will not result in a significant effect on the environment;

Resolution No. 2009-31

A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Negative Declaration for a General Plan Amendment and Change of Zone Proposal for Four (4) Infill Properties in the City of Moreno Valley as Follows: Property 1 – General Plan Amendment from Residential/Office (R/O) to Commercial (C) and Change of Zone from Office Commercial (OC) to Neighborhood Commercial (NC) on a 0.60 Acre Parcel. Property 2 – General Plan Amendment from Residential /Office (R/O) to Commercial (C) and Change of Zone from Office Commercial (OC) to Neighborhood Commercial (NC) on a 0.25 Acre Parcel. Property 3 – General Plan Amendment from Business Park (BP) to Commercial (C) and a Change of Zone from Business Park to Neighborhood Commercial (NC) on a 0.53 Acre Parcel. Property 4 – General Plan Amendment from Residential/Office (R/O) to Commercial (C) and Change of Zone from Office Commercial (OC) to Neighborhood Commercial (NC) on a Nine Acre Parcel

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

4. APPROVE Resolution No. 2009-32 ADOPTING a Negative Declaration for Project B, including applications PA06-0027 (General Plan Amendment), PA06-0026 (Zone Change), and PA06-0025 (Conditional Use Permit), and recognizing that PA08-0006 (Municipal Code Amendment) is exempt from the provisions of the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15305, as a Class 5 Categorical Exemption;

Resolution No. 2009-32

A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Negative Declaration for a General Plan Amendment (PA06-0027), a Zone Change (PA06-0026), and a Conditional Use Permit (PA06-0025) to Change the Land Use for 5.85 Acres Located within Assessor's Parcel Numbers 263-120-020, and -021 from Office Commercial to Community Commercial in order to Develop a 631 Unit Self-Storage Warehouse Facility and Recognizing that the Related Municipal Code Amendment (PA08-0006) will not Have a Significant Effect on the Environment and is Exempt from the Provisions of the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15305, as a Class 5 Categorical Exemption

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

5. APPROVE Resolution No. 2009-33 DENYING PA08-0029 and a General Plan request from Residential/Office (R/O) to Commercial (C) for the property located on the SE corner of Valley Springs Parkway and Eucalyptus Avenue and APPROVING PA08-0027, PA08-0025, PA08-0023 and PA06-0027, thereby establishing General Plan Land Use Map designations for Projects A and B as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibits A, B, C, and D;

Resolution No. 2009-33

A Resolution of the City Council of the City of Moreno Valley, California, Denying a General Plan Amendment (PA08-0029) to Change the Land Use from Residential Office (R/O) to Commercial (C) on a 0.60 Acre Parcel Located Within County Assessor Parcel Number 263-111-029 on the Southeast Corner of Valley Springs Parkway and Eucalyptus Avenue, Approving a General Plan Amendment (PA08-0027) to Change the Land Use from Residential Office (R/O) to Commercial (C) on a 0.25 Acre Parcel Located Within County Assessor Parcel Number 263-131-009 on the Northwest Corner of Gina Avenue and Dracaea Avenue, Approving a General Plan Amendment (PA08-0025) to Change the Land Use from Business Park (BP) to Commercial (C) on a 0.53 Acre Parcel Located Within County Assessor Parcel Number 263-160-037 on the Northwest Corner of Edgemont Street and Cottonwood Avenue, Approving a General Plan Amendment (PA08-0023) to Change the Land Use from Residential Office (R/O) to Commercial (C) on a Nine (9) Acre Parcel Located Within County Assessor Parcel Number 484-030-016 on the Southwest Corner of Lasselle Avenue and Alessandro Boulevard, and Approving a General Plan Amendment (PA06-0027) From Residential Office to Commercial for 5.85 Net Acres Located Within Assessor's Parcel Numbers 478-060-005, -263-120-020, and -021, on the Southeast Corner of Eucalyptus Avenue and Edgemont Street, Thereby Establishing General Plan Land Use Map Designations for Certain Properties as Described in the Resolution, and the Revised General Plan Maps Attached to the Resolution as Exhibits A, B, C, and D

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

6. INTRODUCE Ordinance No. 787 for Project A thereby APPROVING a change of zone from Office Commercial (OC) to Neighborhood Commercial (NC) for a 0.25 acre parcel on northwest corner of Gina Ave. and Dracaea Avenue (PA08-0028), a change of zone from Business Park (BP) to Neighborhood Commercial (NC) for a 0.53 acre parcel located on the northwest corner of Edgemont Street and Cottonwood Ave (PA08-0026) and a change of zone from Office Commercial (OC) to Neighborhood Commercial (NC) for a nine (9) acre parcel on the southwest corner of Lasselle Street and Alessandro Blvd. (PA08-0024), based on the findings in the City Council Ordinance;

Ordinance No. 787

An Ordinance of the City Council of the City of Moreno Valley, California, Amending the Official Zoning Atlas of Said City, to include a Change of Zone for Three Properties Citywide including a 0.25 Acre Parcel (PA08-0028) from Office Commercial (OC) to Neighborhood Commercial (NC) on the Northwest Corner of Gina Avenue and Dracaea Avenue, a 0.53 Acre Parcel (PA08-0026) from Business Park (BP) to Neighborhood Commercial (NC) on the Northwest Corner of Edgemont Street and Cottonwood Avenue, and a Nine (9) Acre Parcel (PA08-0024) from Office Commercial (OC) to Neighborhood Commercial (NC) on the Southwest Corner of Lasselle Street and Alessandro Boulevard

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

7. INTRODUCE Ordinance No. 788 for Project B thereby APPROVING a change of zone (PA06-0026) from Office Commercial (OC) to Community Commercial (CC) for a 5.85 acre parcel at the southeast corner of Eucalyptus Avenue and Edgemont Street, based on the findings in the City Council Ordinance;

Ordinance No. 788

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA06-0027 (Zone Change) to Change the Land Use for 5.85 Acres Located Within Assessor's Parcel Numbers 263-120-020, and -021 from Office Commercial to Community Commercial in Order to Develop A 631 Unit Self-Storage Warehouse Facility Located at the Southeast Corner of Eucalyptus Avenue and Edgemont Street

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

8. INTRODUCE Ordinance No. 789 for Project B thereby APPROVING a Municipal Code Amendment (PA08-0006) to Section 9.09.140 Self-storage warehouses, allowing for exceptions to current design and screening requirements for self-storage warehouses located along major arterials, based on the findings in the City Council Ordinance; and

Ordinance No. 789

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Municipal Code Section 9.09.140 Self-Storage Warehouses, to Allow for Exceptions to Current Design and Screening Requirements for Self-Storage Warehouses Located along Major Arterials

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

9. APPROVE Resolution No. 2009-34 for Project B thereby APPROVING a Conditional Use Permit (PA06-0015) for development of a 631-unit self-storage warehouse facility comprised of 19 buildings totaling 106,590 square feet and an office/manager's residence of 1,369 square feet on a 5.85 acre parcel located at the southeast corner of Eucalyptus Avenue and Edgemont Street

Resolution No. 2009-34

A Resolution of the City Council of the City of Moreno Valley, California, Approving Conditional Use Permit (PA06-0025) to Develop a 631 Unit Self-Storage Warehouse Facility on 5.85 Net Acres Located at the Southeast Corner of Eucalyptus Avenue and Edgemont Street, within Assessor's Parcel Numbers 263-120-020, and -021

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

**RECESS;
RECONVENE**

- E .3 PUBLIC HEARING FOR FISCAL YEAR 2009, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FUNDING ALLOCATION, APPLICATION AND ACCEPTANCE OF APPROVED JAG FUNDING, AND PURCHASE OF APPROVED TECHNOLOGY AND STAFFING WITH JAG FUNDS (Report of: Police Department)

Recommendation: That the City Council:

1. HOLD a public hearing to allow public comments on the proposed use of the 2009 Justice Assistance Grant, and;

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

2. CONSIDER the comments or views received by the public, and;
3. ADOPT the proposed use of the 2009 Justice Assistance Grant funding, as appropriate, to address public Council comments;

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

4. APPROVE application for the 2009 Justice Assistance Grant in the amount of \$435,672 from the U.S. Department of Justice, Bureau of Justice Assistance;

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

5. ACCEPT the Justice Assistance Grant funds when awarded, and:

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

6. APPROVE the purchase/funding of Forensic 3D Laser Scanner, PSB surveillance equipment, bar code inventory system, electronic training equipment, cellular forensic equipment, safety equipment, upgrade Data Command Post, night vision equipment, GPS tracking device, SET training, digital video recorder, Citizens Patrol overtime officer, motor unit GPS devices, wearable video cameras, security badging system, anti-graffiti program.

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

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

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a) Report by Mayor Pro Tem Bonnie Flickinger on the Riverside Transit Agency (RTA)

Mayor Pro Tem Flickinger reported the following:

1. Ridership continues to climb, as more people are discovering that this is an easier, safer and cleaner way to get from one place to another
2. On Earth Day, April 22, RTA will give away a bike and 3 months of free rides through a drawing. More information is available at RiversideTransit.com
3. New fares will take effect June 28
4. GO Pass Program for the RCC districts, which includes Moreno Valley college students, will continue for another year (students can ride any bus for free)

b) Report by Council Member Jesse L. Molina on the Riverside County Transportation Commission (RCTC)

Council Member Molina reported the following:

1. The Commission received and filed Omnibus Appropriation Act of 2009, adopted Perris Valley Line and Alameda Corridor East Grade Separations in Riverside County as the priorities for the FY 2010 federal appropriations cycle, reviewed and discussed the American Recovery and Reinvestment Act
2. Reported on allocation of stimulus money. 62.5% of the stimulus money went to our local region

c) Report by Council Member Robin N. Hastings on the Western Riverside Council of Governments (WRCOG)

Council Member Hastings reported the following:

1. Riverside County Center for Demographic Research developed a uniform forecast of population, employment and housing. It is a viable planning tool
2. SB 375, sustainable growth bill, has a lot of companion legislations, which will make more difficult to determine how to implement sustainable growth. Each of the assembly and senate bills will be presented to WRCOG Executive Committee during the next few months, so WRCOG can develop a position and recommend it to the member cities
3. A comprehensive annual report is coming out that will provide detailed review of the TUMF program, highlight completed projects and pending projects. Committee is working on a five-year expenditure report
4. Upcoming activities: 18th Annual General Assembly on June 25, 6th Annual Water Symposium on May 28 and Goods Movement Workshop; encouraged City staff to participate

- G .2 PUBLIC MEETING REGARDING A MAIL BALLOT PROCEEDING FOR TENTATIVE PARCEL MAP 35386 BALLOTING FOR NPDES (Report of: Public Works Department)

Recommendation: That the City Council:

Accept public comments regarding the mail ballot proceeding for Tentative Parcel Map (TPM) 35386 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum residential regulatory rate.

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

No action required.

- G .3 APPOINTMENT TO THE ARTS COMMISSION AND TO THE LIBRARY COMMISSION (Report of: City Clerk's Office)

Recommendation: That the City Council:

1. Appoint one member to the Arts Commission with a term expiring June 30, 2009;
2. Appoint one member to the Arts Commission with a term expiring June 30, 2011;
3. Appoint Kristina Dixon to the Library Commission for a term expiring June 30, 2011; or
4. If appointments are not made, declare the positions vacant and authorize the City Clerk to re-notice the positions as vacant.

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

Mayor Pro Tem Flickinger made a motion, seconded by Council Member Hastings to appoint Carlos Castillo to the Arts Commission for a term expiring June 30, 2009, Lorna Kendrick to the Arts Commission for a term expiring June 30, 2011, and Kristina Dixon to the Library Commission for a term expiring June 30, 2011. Approved by a 4-0-1 vote, Batey absent.

- G .4 PERRIS ISLE, LP (PERRIS ISLE SENIOR APARTMENTS), AFFORDABLE HOUSING AGREEMENT (Report of: Economic Development Department)

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

Recommendation: That the City Council and RDA

Adopt the resolutions approving the Affordable Housing Agreement between the RDA and Perris Isle, LP, providing \$1,100,000 in gap financing assistance using the RDA's Affordable Housing Set-aside funds.

Resolution No. 2009-36

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley of an Affordable Housing Agreement by and Between the Agency and Perris Isle, L.P., A California Limited Partnership

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

Resolution No. RDA 2009-04

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and Perris Isle, L.P., A California Limited Partnership

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

- G .5 INTRODUCTION OF ORDINANCE AMENDING CHAPTER 3.12 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO THE CITY'S PURCHASING REGULATIONS. (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

Approve the introduction of Ordinance No. 790, amending Title 3 of the City of Moreno Valley Municipal Code by repealing and reenacting Chapter 3.12, regarding purchasing regulations.

Ordinance No. 790

An Ordinance of the City Council of the City of Moreno Valley, California Amending Title 3 of the City of Moreno Valley Municipal Code by Repealing and Reenacting Chapter 3.12, Purchasing

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

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

G .6 RESOLUTIONS PROPOSING TO TEMPORARILY DELAY THE COLLECTION OF TRANSPORTATION UNIFORM MITIGATION FEES (TUMF) AND DEVELOPMENT IMPACT FEES (DIF) TO CERTIFICATE OF OCCUPANCY (Report of: City Manager's Office)

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

Recommendation: That the City Council:

1. Approve and adopt Resolution No. 2009-38, temporarily delaying the collection of Transportation Uniform Mitigation Fees (TUMF) until Certificate of Occupancy.

Resolution No. 2009-38

A Resolution of the City Council of the City of Moreno Valley, California, Temporarily Delaying the Collection of Transportation Uniform Mitigation Fees (TUMF) Until Certificate of Occupancy

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

2. Approve and adopt Resolution No. 2009-37, temporarily delaying the collection of commercial, industrial and non-class A office Development Impact Fees (DIF) until Certificate of Occupancy.

Resolution No. 2009-37

A Resolution of the City Council of the City of Moreno Valley, California, Temporarily Delaying the Collection of Commercial Industrial and Non-Class A Office Development Impact Fees (DIF) Until Certificate of Occupancy

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

AGENDA ORDER

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

Mike Rios

- 1) Influence of a local developer

Pete Bleckert

- 1) Budget

AGENDA ORDER

- G .7 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

City Manager announced the following:

- 1) On April 17, 2009, the Special Districts Division of Public Works Department will be sending out mail ballot information to all property owners in Moreno Valley to consider an increase in the parcel fee for street lights maintenance
- 2) From the City's Web site, residents can access new Parks and Communities Services' on-line class registration system, which went live on April 9, 2009
- 3) The City's final two foreclosure prevention workshops will be held on April 15 and April 22
- 4) The City's two community forums on the Library Facilities Master Plan will be held on April 23
- 5) A City's ceremony to establish a Peace Garden is scheduled for April 23, 2009 in front of the Conference and Recreation Center

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION – NONE

ORDINANCES - 2ND READING AND ADOPTION – NONE

ORDINANCES - URGENCY ORDINANCES – NONE

RESOLUTIONS – NONE

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

Council Member Batey - absent

Mayor Pro Tem Flickinger

- 1) Responded to a speaker's comments regarding postponing fee collection – it applies to all developers, not just one
- 2) Responded to a speaker's comments regarding a directly elected mayor –the advisory ballot measure only seeks input from the voters if they would like to vote on whether or not to have a directly elected mayor

- 3) The Moreno Valley Police Department conducted another minor decoy program, and nine of the ten businesses checked did not serve alcohol to a minor; commended the businesses for obeying the law and protecting the kids
- 4) Announced openings on various boards and commissions. More information can be obtained from the City's Web site or from the City Clerk's office by calling 951.413.3001
- 5) Attended a foreclosure prevention workshop in her district; it was well attended and well received. Congratulated people who organized the events

Council Member Hastings

- 1) Echoed Mayor Pro Tem Flickinger's comments on the foreclosure workshops – is getting a lot of positive feedback from residents. The second workshop in her district will be held April 22
- 2) Together with Mayor Pro Tem Flickinger and Chief Anderson, attended the Sheriff's Annual Awards Dinner on April 1. It was terrific to see all the Moreno Valley officers being recognized – it is a wonderful and extremely well trained force. Chief Anderson is to be commended

Council Member Molina

- 1) Reiterated the need to stimulate the local economy and the need of being business friendly
- 2) Requested statistical analysis of fees to attract businesses to Moreno Valley
- 3) Inquired about the status of the opening of Davis Road. Mayor Stewart responded that this issue will be discussed at a future study session

Mayor Stewart

- 1) Commented on businesses that are closing
- 2) Attended a ribbon-cutting ceremony for Sports Authority. It's a beautiful store with good bargains
- 3) The new Hampton Inn is doing great and is almost 100% occupied
- 4) The Code Enforcement did a fantastic job over the Easter holiday weekend dealing with illegal vendors selling flowers
- 5) Next week is going to Washington, D.C. on behalf of March Joint Powers
- 6) TUMF and DIF fees had already been changed some time back for residential properties; the City staff is working on reduction of fees to stimulate the economy
- 7) Requested Chief Anderson to give an update on police station parking lot improvements; Chief Anderson responded that it should be completed this month

CLOSED SESSION – continued to April 21, 2009 Council meeting.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:28 p.m. by unanimous informal consent.

Submitted by:

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:

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

enl