

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
December 8, 2009

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Child Care Grant /STARS Children Holiday Singers
2. Officer of the Quarter - Officer Carlos Leon
3. Proclamation Recognizing Moreno Valley's 25th Birthday - December 3, 2009
4. Recognition of Moreno Valley's 25th Birthday Poster Contest Winners
5. Recognition of Moreno Valley's 25th Birthday Lighting of "M" Volunteers

**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 PM
December 8, 2009**

CALL TO ORDER

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 6:55 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 - Reverend Roy Riggs, United Methodist Church

ROLL CALL

Council:

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

Staff:

Jane Halstead	City Clerk
Julienne Clay	Administrative Assistant
Steve Elam	Financial and Administrative Services Director
Robert Hansen	Interim City Attorney
William L. Bopf	Interim City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Chris Vogt	Public Works Director/City Engineer
Barry Foster	Economic Development Director
Kyle Kollar	Community Development Director
Chris Paxton	Human Resources Director
Becky (Rebecca) Guillan	Library Services Division Manager
Mike McCarty	Parks & Community Services Director

Mayor Stewart introduced recently appointed Interim City Manager William L. Bopft.

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 A9 and A13) and Deanna Reeder (Items A9, A12, A14 and A19).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - SPECIAL MEETING OF NOVEMBER 23, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

A.3 PA07-0139 & PA07-0140 COMMERCIAL BUILDINGS - REDUCE FAITHFUL PERFORMANCE CASH SECURITY AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF PERRIS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: PERRIS ALESSANDRO LLC, LOS ANGELES, CA 90025 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-114 authorizing the acceptance of the public improvements within PA07-0139 & PA07-0140 as complete and accepting the portion of Perris Boulevard associated with the project into the City's maintained street system; and

Resolution No. 2009-114

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within PA07-0139 & PA07-0140, and Accepting the Portion of Perris Boulevard Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the

Faithful Performance cash security, exonerate the Material and Labor cash security 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 cash security in one year when all clearances are received.

A.4 APPROVE AGREEMENTS WITH EASTERN MUNICIPAL WATER DISTRICT (EMWD) FOR THE SR-60/NASON INTERCHANGE IMPROVEMENT PROJECT - PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement – Relocation of Waterline Valves" with Eastern Municipal Water District (EMWD) for the relocation of two water valve clusters located along the right shoulder of East Bound SR-60 by EMWD for the SR-60/Nason Street Interchange Improvement project;
2. Approve "Utility Agreement No. 08-UT-21011" with EMWD to relocate utilities for the SR-60/Nason Street Interchange Improvement project;
3. Authorize the City Manager to execute the "Reimbursement Agreement – Relocation of Waterline Valves" and "Utility Agreement No. 08-UT-21011" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested by EMWD or the City, subject to the approval of the City Attorney;
4. Authorize a Change Order to increase Purchase Order No. 37223 by \$368,000 (\$320,000 plus 15% contingency) (Account No. 125.89720); and
5. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the agreements with EMWD up to, but not to exceed the contingency amount of \$48,000, subject to the approval of the City Attorney.

A.5 APPROVE AGREEMENT WITH SOUTHERN CALIFORNIA EDISON FOR REPLACEMENT OF OVERHEAD WITH UNDERGROUND DISTRIBUTION FACILITIES FOR DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE - PROJECT NO. 02-89266920 (Report of: Public Works Department)

Recommendation:

1. Approve the "Agreement for Replacement of Overhead with Underground Distribution Facilities" with Southern California Edison (SCE) to replace existing overhead distribution facilities located along the east side of Day Street from Alessandro Boulevard to Sherman

Avenue with underground distribution facilities;

2. Authorize the City Manager to execute the "Agreement for Replacement of Overhead with Underground Distribution Facilities" with SCE;
3. Authorize the issuance of a Purchase Order to SCE in the amount of \$142,618.30 (\$118,848.58 plus 20% contingency for SCE improvements for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue (Account No. 897.91724);
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the agreement with SCE up to, but not exceeding, the total purchase order contingency amount of \$23,769.72, subject to the approval of the City Attorney;
5. Authorize a full road closure on Day Street from Alessandro Boulevard to Sherman Avenue and minor street closures up to 30 days maximum to facilitate smooth construction operations as authorized by the Public Works Director between April 1, 2010 and January 31, 2011; and
6. Authorize the Public Works Director to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen issues.

A.6 ADOPT A MITIGATED NEGATIVE DECLARATION (MND) FOR HEACOCK STREET BRIDGE REPLACEMENT OVER PERRIS VALLEY STORM DRAIN LATERAL "A" - PROJECT NO. 06-12566825 (Report of: Public Works Department)

Recommendation:

Adopt a Mitigated Negative Declaration (MND) for Heacock Street Bridge over Perris Valley Storm Drain Lateral A, Project No. 06-12566825.

A.7 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR TEMCO STREET, VOUGHT STREET, BOEING STREET AND MCDONNELL STREET SIDEWALK IMPROVEMENTS - PROJECT NOS. 08-28368428, 08-28368528 AND 08-28368728 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Temco Street, Vought Street, Boeing Street and McDonnell Street Sidewalk Improvements projects to FS Construction, 13368 Aldergrove Street, Sylmar, CA 91342, the lowest responsible bidder;

2. Authorize the City Manager to execute a contract with FS Construction;
3. Authorize the issuance of Purchase Orders to FS Construction for a total amount of \$503,600.00 (\$402,880.00 base bid amount plus 25% contingency) 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 FS Construction, up to but not to exceed the Purchase Order's total contingency of \$100,720.00.

A.8 AUTHORIZE PURCHASE ORDER FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENT PROJECT -- PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Authorize the issuance of a purchase order to the San Jacinto Basin Resource Conservation District (SJBRC) for \$345,000 (\$300,000 plus 15% contingency) for the SR-60/Nason Street Interchange Improvement project to fund conservation easement activities associated with the project (Account No. 125.89720);
2. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the Conservation Easement Deed with SJBRC up to, but not exceeding, the contingency amount of \$45,000, subject to the approval of the City Attorney; and
3. Authorize the Public Works Director/City Engineer to execute a Memorandum of Understanding (MOU) or similar agreement indicating the City's intent to execute a Conservation Easement Deed with the San Jacinto Basin Resource Conservation District, if needed.

A.9 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE INSTALLATION AND ENERGIZING OF 750KCMIL 12KV ELECTRICAL CABLE AND REMOVAL & INSTALLATION OF #2 AWG 12KV ELECTRICAL CABLE ON IRIS AVE – PERRIS BLVD TO LASSELLE STREET, PROJECT NO. MVU-0006; THE INSTALLATION OF ELECTRICAL CONDUIT AND VAULTS ON ELSWORTH STREET – GOLDENCREST DRIVE TO CORPORATE CENTER DRIVE, PROJECT NO. MVU-0007; THE INSTALLATION OF ELECTRICAL CONDUIT AND VAULTS, AND THE INSTALLATION AND ENERGIZING OF 750KCMIL 12KV ELECTRICAL CABLE ON PERRIS BLVD – IRIS AVE TO JFK DRIVE, PROJECT NO. MVU-0009; AND THE INSTALLATION OF ELECTRICAL CONDUIT AND VAULTS, AND THE INSTALLATION AND

ENERGIZING OF 750KCMIL 12KV ELECTRICAL CABLE ON PERRIS BLVD – RED MAPLE TO GROVEVIEW, PROJECT NO. MVU-0014 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Installation and Energizing of 750KCMIL 12kV Electrical Cable and Removal & Installation of #2 AWG 12KV Electrical Cable on Iris Ave – Perris Blvd to Lasselle Street, Project No. MVU-0006; the Installation of Electrical Conduit and Vaults on Elsworth Street – Goldencrest Drive to Corporate Center Drive, Project No. MVU-0007; the Installation of Electrical Conduit and Vaults, and the Installation and Energizing of 750KCMIL 12kV Electrical Cable on Perris Blvd – Iris Ave. to JFK Drive, Project No. MVU-0009; and the Installation of Electrical Conduit and Vaults, and the Installation and Energizing of 750KCMIL 12kV Electrical Cable on Perris Blvd – Red Maple to Groveview, Project No. MVU-0014, to Richard Lopez Construction, the lowest responsible bidder;
 2. Authorize the Mayor to execute a contract with Richard Lopez Construction;
 3. Authorize the Financial and Administrative Services Director to issue a Purchase Order to Richard Lopez Construction, in the amount of \$2,057,295.63 (the base bid amount plus 10% contingency) for the Installation and Energizing of 750KCMIL 12kV Electrical Cable and Removal & Installation of #2 AWG 12KV Electrical Cable on Iris Ave – Perris Blvd to Lasselle Street, Project No. MVU-0006; the Installation of Electrical Conduit and Vaults on Elsworth Street – Goldencrest Drive to Corporate Center Drive, Project No. MVU-0007; the Installation of Electrical Conduit and Vaults, and the Installation and Energizing of 750KCMIL 12kV Electrical Cable on Perris Blvd – Iris Ave. to JFK Drive, Project No. MVU-0009; and the Installation of Electrical Conduit and Vaults, and the Installation and Energizing of 750KCMIL 12kV Electrical Cable on Perris Blvd – Red Maple to Groveview, Project No. MVU-0014, when the contract has been signed by all parties. (Account Nos. 602.61832, 602.61833, 602.61834 and 602.61839); and
 4. Authorize the Director of Public Works/City Engineer to execute any subsequent change orders to the contract with Richard Lopez Construction up to, but not to exceed the Purchase Order Contingency authorized for the base bid amount of \$ 1,870,268.75
- A.10 ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY (Report of: Public Works Department)

Recommendation:

Adopt Resolution No. 2009-115 amending the Electric Rates for Moreno Valley Utility

Resolution 2009-115

A Resolution Of The City Council Of The City Of Moreno Valley, California, To Amend The Electric Rates, And Electric Service Rules, Fees, And Charges For Moreno Valley Utility

- A.11 ACCEPTANCE OF GRANT AWARD FROM THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) OF CONSULTANT SERVICES FOR THE COMPASS BLUEPRINT STRATEGY STUDY ENTITLED "ALESSANDRO BOULEVARD CORRIDOR – RECOMMENDATIONS AND CONCEPTS FOR THE CITY OF MORENO VALLEY" AND ADOPTION OF THE RESOLUTION FOR PARTICIPATION WITH SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) AS A COMPASS BLUEPRINT DEMONSTRATION COMMUNITY (Report of: Community Development Department)

Recommendation:

1. AUTHORIZE the acceptance of the Compass Blueprint Demonstration Project Grant Award from the Southern California Association of Governments (SCAG) of consultant services for the Compass Blueprint Strategy study entitled "Alessandro Boulevard Corridor – Recommendations and Concepts for the City of Moreno Valley"; and
2. ADOPT Resolution No. 2009-116 to certify the approval of the City of Moreno Valley's support of and participation with the Southern California Association of Governments (SCAG) as a Compass Blueprint Demonstration Community.

Resolution No. 2009-116

A Resolution of the City Council of the City of Moreno Valley, California, in Support of and Participation with the Southern California Association of Governments as a Compass Blueprint Strategy Demonstration Community

- A.12 AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT FOR PUBLIC SAFETY BUILDING (PSB) RENOVATION - PROJECT NO. 08-50182327 (Report of: Public Works Department)

Recommendation:

1. Award a construction contract for \$477,000 to AVI-CON Inc. dba CA Construction (CA Construction), 981 Iowa Avenue, Suite A, Riverside, CA 92507, the lowest responsible bidder, for renovation of the Public Safety Building (PSB) Women's Locker Room and Training Center;
2. Authorize the City Manager to execute the Agreement with CA Construction;
3. Authorize the issuance of a Purchase Order to CA Construction totaling \$572,400 (\$477,000 bid plus 20% contingency) from Account No. 501.82327;
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with CA Construction, up to, but not exceeding, the contingency amount of \$95,400, subject to the approval of the City Attorney; and
5. Authorize the Public Works Director/City Engineer to incrementally accept completed portions of work and pay retainage based on the acceptance of said work in accordance with the Public Contract Code, Section 7107.

- A.14 CONSIDERATION OF AN ORDINANCE EXTENDING ORDINANCE NO. 791 WHICH EXTENDED THE EXPIRATION DATE OF CERTAIN DISCRETIONARY PERMITS OR ENTITLEMENTS APPROVED BY THE CITY ON OR AFTER JANUARY 1, 2006, AN ADDITIONAL TWELVE MONTHS (Report of: City Manager's Office)

Recommendation:

Adopt Ordinance No. 803, extending Ordinance No. 791 extending expiration date of certain discretionary permits or entitlements approved by the City on or after January 1, 2006, by an additional twelve months.

Ordinance No. 803

An Ordinance of the City Council of the City of Moreno Valley, California, Extending Ordinance No. 791, Extending the Expiration Date of Certain Discretionary Permits or Entitlements Approved by the City on or After January 1, 2006, by an Additional Twelve Months

- A.15 ORDINANCE NO. 804, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTER 36 OF TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY ADDING A NEW SECTION 095 PROHIBITING THE STORAGE, USE, SALE, POSSESSION, AND HANDLING OF SAFE AND SANE FIREWORKS AND AMENDING SECTION 20 OF CHAPTER 36 OF TITLE

8 OF THE MORENO VALLEY MUNICIPAL CODE TO ADOPT APPENDIX CHAPTER 1 FROM THE 2007 CALIFORNIA FIRE CODE AS AMENDED BY THE CITY OF MORENO VALLEY (Report of: Fire Department)

Recommendation:

Adopt Ordinance No. 804.

Ordinance No. 804

An Ordinance Of The City Council Of The City Of Moreno Valley, California, Amending Chapter 36 Of Title 8 Of The City Of Moreno Valley Municipal Code By Adding A New Section 095 Prohibiting The Storage, Use, Sale, Possession, And Handling Of Safe And Sane Fireworks And Amending Section 20 Of Chapter 36 Of Title 8 Of The Moreno Valley Municipal Code To Adopt Appendix Chapter 1 From The 2007 California Fire Code In Its Entirety As Amended By The City Of Moreno Valley

- A.16 APPROVE PARTICIPATION IN WESTERN RIVERSIDE COUNTY COUNCIL OF GOVERNMENTS' (WRCOG) PROPOSED REGIONAL ENERGY EFFICIENCY AND WATER CONSERVATION PROGRAM, AB 811 (Report of: Public Works Department)

Recommendation:

1. Authorize the Mayor to execute the Implementation Agreement between the Western Riverside Council of Governments and the City of Moreno Valley to implement AB 811; and
2. Adopt Resolution 2009-117 consenting to inclusion of properties within the City's incorporated area in WRCOG's contractual assessment program to finance distributed generation renewable energy sources and energy efficiency improvements.

Resolution No. 2009-117

A Resolution of the City Council of the City of Moreno Valley, California, Consenting to Inclusion of Properties within the City's Incorporated Area in the Western Riverside Council of Governments Contractual Assessment Program to Finance Distributed Generation Renewable Energy Sources and Energy Efficiency Improvements

- A.17 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND EXPENDITURE PLAN FOR FY 2009-10 (Report of: Financial & Administrative Services Department)

Recommendation:

1. Approve the Supplemental Law Enforcement Services Fund (SLESF) Expenditure Plan for FY 2009-10;

2. Approve an increase of \$23,729 to the SLESF Grant Fund FY 2009-10 revenue budget (account 130.1300.4611) to reflect the FY 2009-10 allocation of \$275,851; and
3. Approve an increase of \$23,729 to the SLESF Grant Fund FY 2009-10 expenditure budget (account 130.62890.6251.252) to reflect the FY 2009-10 planned expenditure of \$275,851.

A.18 PARTICIPATION AGREEMENT WITH FRAZEE INDUSTRIES, INC.
(Report of: Economic Development Department)

Recommendation:

Adopt Resolution No. 2009-118, a resolution of the City of Moreno Valley approving and authorizing a Participation Agreement with Frazee Industries, Inc.

Resolution No. 2009-118

Resolution of the City Council of the City of Moreno Valley Authorizing a Participation Agreement with Frazee Industries, Inc.

A.19 RESOLUTION ACKNOWLEDGING THE MORENO VALLEY MANAGEMENT ASSOCIATION AS THE EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION REPRESENTING CERTAIN CITY EMPLOYEES (Report of: Human Resources Department)

Recommendation:

Adopt Resolution No. 2009-119 which recognizes the Moreno Valley Management Association (MVMA) as the exclusively recognized employee organization representing those employees designated as Professional/Administrative Management (PAM) and Division Manager (DM).

Resolution No. 2009-119

A Resolution of the City Council of the City of Moreno Valley, California, Recognizing the Moreno Valley Management Association as the Exclusively Recognized Employee Organization Representing those Employees Designated as Professional/Administrative Management (PAM) and Division Managers (DM)

A.20 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 November 18 – December 1, 2009

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - SPECIAL MEETING OF NOVEMBER 23, 2009 (Report of: City Clerk's Department)

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - SPECIAL MEETING OF NOVEMBER 23, 2009 (Report of: City Clerk's Department)

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - SPECIAL MEETING OF NOVEMBER 23, 2009 (Report of: City Clerk's Department)

Motion to Approve Joint Consent Calendar Items A1 – D2, except Item A13, which was pulled for separate discussion/action. Motion by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings Approved by a vote of 5-0.

E. PUBLIC HEARINGS

E.1 PUBLIC HEARING REGARDING A MAIL BALLOT PROCEEDING FOR MORENO VALLEY DISPOSAL - ASSESSOR PARCEL NUMBER 316-210-056 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: That the City Council:

After conducting the public hearing and accepting public testimony:

- a. Direct the City Clerk to tabulate the National Pollutant Discharge

Elimination System (NPDES) ballot for Moreno Valley Disposal — Assessor Parcel Number (APN) 316-210-056;

Motion to Approve by m/Mayor Pro Tem Bonnie Flickinger, s/Council Member William H. Batey II
Approved by a vote of 5-0.

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and 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 316-210-056.

The City Clerk announced the results as follows:
APN 316-210-056 – “Yes”

Motion to Approve by m/Mayor Pro Tem Bonnie Flickinger, s/Council Member Robin N. Hastings
Approved by a vote of 5-0.

E.2 A PUBLIC HEARING REGARDING PA09-0029, A MINOR UPDATE TO THE MORENO VALLEY MUNICIPAL CODE 9.17 (LANDSCAPE REQUIREMENTS) AND LANDSCAPE STANDARDS. THE AMENDMENT PRIMARILY COVERS THE POST INSTALLATION MONITORING OF WATER USAGE AND WATER EFFICIENCY REQUIREMENTS TO ENSURE COMPLIANCE WITH STATE OF CALIFORNIA REQUIREMENTS (Report of: Community Development Department)

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

Recommendation: That the City Council:

1. RECOGNIZE that PA09-0029 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines; and

Motion to Approve by m/Council Member Robin N. Hastings, s/Council Member William H. Batey II
Approved by a vote of 5-0.

2. Introduce Ordinance No. 806 approving PA09-0029, amending section 9.17 of Title 9 of the City of Moreno Valley Municipal Code.

Ordinance No. 806

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9, Moreno Valley Municipal Code Regulations regarding Landscape Requirements and Landscape Standards including Water Efficiency Requirements and Monitoring of Water Usage.

Motion to Approve by m/Council Member Robin N. Hastings, s/Council Member William H. Batey II
Approved by a vote of 5-0.

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

- A.13 APPROVE PROPERTY CONVEYANCE AGREEMENT WITH MORENO VALLEY FESTIVAL, LTD. TO CONVEY A PORTION OF APN 481-020-024 TO THE CITY FOR LINE H FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (Report of: Public Works Department)

Mayor Stewart opened the agenda item for public comments, which were received from Raul Wilson and Pete Bleckert.

Recommendation:

1. Approve the "Property Conveyance Agreement" with Moreno Valley Festival, Ltd., for the right-of-way dedication along Ironwood Avenue necessary for the construction of storm drain Line H from Heacock Street to Indian Basin; and
2. Authorize the City Manager to execute the "Property Conveyance Agreement" and authorize the City Manager to approve any changes, subject to the approval of the City Attorney.

Motion to Continue item to the January 12, 2010 meeting by m/Council Member Jesse L. Molina, s/Mayor Pro Tem Bonnie Flickinger
Approved by a vote of 5-0.

G. REPORTS

- G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
- a) Report by Mayor Richard A. Stewart on March Joint Powers Commission (MJPC)

Mayor Stewart reported that he voted to approve March Healthcare with the exception of the deal points, which will be negotiated now. The risk is to the developer, not to the agency.

- b) Report by Mayor Pro Tem Flickinger on Southern California Association of Governments (SCAG)

The project that was to be reported on was postponed and will be brought up at the January or February meeting. Item A11 on the Consent Calendar was approved where the City will receive a grant from SCAG with respect to RTA's plan to develop a rapid bus line along Alessandro Boulevard through the City. SCAG will pick up the cost on the first section of the bus line.

G.2 CITY COUNCIL REORGANIZATION - SELECTION OF MAYOR AND MAYOR PRO TEM (Report of: City Clerk's Department)

Mayor Stewart opened the agenda item for public comments, which were received from Pete Bleckert, Deanna Reeder and Daryl Terrell.

Recommendation: That the City Council:

Conduct the reorganization of the City Council by selecting two Council Members to serve one-year terms respectively as Mayor and Mayor Pro Tem.

Council Member William H. Batey II made a motion, seconded by Council Member Robin N. Hastings to conduct the selection process by voice vote

Approved by a vote of 5-0.

Mayor Richard A. Stewart made a motion to nominate Mayor Pro Tem Bonnie Flickinger as Mayor, seconded by Council Member Robin N. Hastings. There were no other motions.

Approved by a vote of 5-0.

Council Member William H. Batey II made a motion to nominate Council Member Robin N. Hastings as Mayor Pro Tem, seconded by Mayor Richard A. Stewart. There were no other motions.

Approved by a vote of 5-0.

G.3 APPOINTMENT TO THE ARTS COMMISSION (Report of: City Clerk's Department)

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

Recommendation: That the City Council:

1. Appoint one member to the Arts Commission with a term expiring June 30, 2011;
2. If appointment is not made, declare the position vacant and authorize the City Clerk to re-notice the position as vacant.

Motion to Appoint Laretta Phillips by m/Mayor Pro Tem Bonnie Flickinger, s/Council Member William H. Batey II
Approved by a vote of 5-0.

G.4 INTRODUCTION OF ORDINANCE REGARDING THE TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM AMENDMENT AND IMPLEMENTATION OF A ONE-YEAR TEMPORARY REDUCTION (Report of: Public Works Department)

Mayor Stewart opened the agenda item for public comments, which were received from Pete Bleckert, Deanna Reeder and Tommy Thompson.

Recommendation: That the City Council:

Introduce the proposed Ordinance No. 807, repealing and re-enacting Chapter 3.44 of the City of Moreno Valley Municipal Code authorizing participation in the Western Riverside County Transportation Uniform Mitigation Fee program, allowing for a temporary reduction in TUMF.

Ordinance No. 807

An Ordinance of the City of Moreno Valley, California, Repealing and Re-enacting Chapter 3.44 of Title 3 of the City of Moreno Valley Municipal Code, Authorizing Participation in the Western Riverside County Transportation Uniform Mitigation Fee Program and Adopting a Temporary Fee Reduction

Motion to Approve by m/Council Member Robin N. Hastings, s/Council Member Jesse L. Molina
Approved by a vote of 5-0.

G.5 APPROVAL OF CHECK REGISTER FOR OCTOBER, 2009; AND CONSIDERATION OF PROPOSED DESCRIPTION REVISION ON FUTURE CHECK REGISTERS (Report of: Financial & Administrative Services Department)

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

Recommendation: That the City Council:

1. Adopt Resolution No. 2009-120, approving the Check Register for the

month of October, 2009 in the amount of \$24,188,442.50; and

Resolution No. 2009-120

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

Motion to Approve Resolution No. 2009-120 and to take no action on the second recommendation by m/Mayor Pro Tem Bonnie Flickinger, s/Council Member Jesse L. Molina
Approved by a vote of 5-0.

2. Authorize staff to prepare future Check Registers such that the "Description/Purpose of Payment" information is generated from the chart of accounts rather than being entered manually by staff.

No action taken on Recommendation #2.

G.6 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

The Interim City Manager reported the following:

1. At the November 17 Study Session the First Quarter Review and the proposed budget schedule were submitted to staff. Staff has attended workshops and training sessions and is preparing for a challenging year.
2. Last month \$2 billion worth of bonds from the sale of Prop. 1A Bonds were sold by the California Communities, which is a group sponsored by the League of California Cities and State Association of Counties. Moreno Valley will receive about \$3,000,000, which would have otherwise been lent to the State.
3. The Code and Neighborhood Services Division recently implemented a volunteer program. Code volunteers are assisting with phone coverage and filing. In the near future, staff hopes to expand this program to include enforcement. Residents interested in volunteering may call 413.3800.
4. A Foreclosure Prevention Workshop was conducted last evening; more will be conducted in the spring.
5. The reports for October retail sales were a little better than last year. Many stores reported strong performances for October. Hopefully, that will bode well for the upcoming holiday season.
6. Burlington Coat Factory officials signed a lease with the owner of the former Mervyn's building and anticipate opening the new store by May 2010.
7. Home for the Holidays Animal Shelter campaign has placed 226

animals. The Animal Shelter encourages residents to consider adopting a pet for Christmas. Gift certificates are available.

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

Deanna Reader

1. Consent agenda
2. Saving Money
3. Council priorities
4. Televised study sessions
5. High School #5 meeting is December 10 at Palm Middle School

Raul Wilson

1. Sports complex on the east end

Daryl Terrell

1. Directly-elected mayor

Davi Belmore

1. First Time Homebuyers Program

Pete Bleckert

1. Thanked Council for not changing the check register format
2. Redevelopment Agency
3. Road Commissioner

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

Mayor Pro Tem Bonnie Flickinger

1. Thanked the Council for entrusting her to be mayor next year. The Mayor and Mayor Pro Tem positions will be held by two women. Moreno Valley is a

- city that can make statements.
2. The Moreno Valley Wind Symphony Christmas Concert will be held December 10, at the C&RC, and it's free.
 3. The Master Chorale Concert will be held on December 13 at the Shepherd of the Valley Lutheran Church. Tickets are \$10 for seniors, students and children, and \$15 for adults.
 4. There is an open seat on the Parks and Recreation Commission for a teenage member. Applications must be in by December 28. For more information contact the City Clerks' office by calling 413.3001.
 5. The second round of foreclosure workshops is complete.
 6. The new, free Employment Resource Center located in the TowneGate Shopping Center offers free multiple services. The hours are Monday through Thursday, 8:00 a.m. to 5:00 p.m. The Center can be reached by bus lines #16, 18 and 19.
 7. Perris Boulevard will have the traffic flow improved by widening the street from Cactus to the southern end of the city limits. A public meeting will be held on December 9 at 6:30 p.m. at Armada School to address any concerns.
 8. The March Field Air Show will be held on May 1 and 2, 2010, and it is free.
 9. Two week vacation starting December 16.
 10. Have a very Merry Christmas.

Council Member William H. Batey II

1. It is encouraging to see new companies coming in and generating jobs in this economy.
2. Community Health Systems 2nd Annual Holiday Celebration Health Fair went well; 1,500 people were helped with medical and dental screenings. Every child received a toy from Santa.
3. Merry Christmas to everyone.

Council Member Jesse L. Molina

1. A Foreclosure Workshop was held last evening. The workshops are a wealth of information. More workshops will be conducted again in the spring. Several topics were covered that weren't given at the beginning of the workshops. Laws are changing month by month. There are ramifications with debt relief. Asked to televise future workshops.

Council Member Robin N. Hastings

1. March JPC served Thanksgiving dinner at Gracious Gatherings to the homeless and vets. Many elected officials helped serve dinner. Thanked Mike Rios and his family for helping to serve.
2. The Fire Department, Police Department and March JPA are sponsoring Christmas programs for children. Contact City Hall for the information.

3. The Festival of Trees raised over \$100,000 for neonatal respirators for the Riverside County Regional Medical Center.
4. High ranking military personnel have commented how supportive Moreno Valley is to the troops.
5. Laura Froehlich received the Spirit of Hope award at the Pentagon. For the last 24 years Laura has welcomed troops home and seen them off.
6. The March Field Air Museum held its Holiday event last evening; it was a great event.
7. Happy Birthday to Moreno Valley. The "M" on the mountain was great. Thanked the community members who attended the celebration.

Mayor Richard A. Stewart

1. U.S. Army PFC Marcus A. Tyne was killed in Afghanistan on November 21 when his vehicle was struck by an improvised explosive device. PFC Tynes was deployed with the 2nd Battalion, 508th Parachute Infantry Regiment, 4th Brigade Combat Team, 82nd Airborne Division. Marcus graduated from Valley View High School in 2008, he played as a lineman for the Valley View Eagles Football Team, and he was an Explorer with the Moreno Valley Police Department and achieved the rank of Lieutenant.
2. Don't often see items on the Consent Calendar for the first time. The items on the consent calendar consist of contracts the City has been working on at numerous Council meetings, Study Sessions, prepared Staff Reports, etc. These items are worked on for long periods of time before they reach the consent calendar.
3. The City doesn't use Redevelopment money to fund other city's needs. The law is very specific on what the money can be spent on.
4. Commended City staff on their work. City staff has been defunded by 26%, but the workload has not decreased. Received several complements on the great job the employees are doing.
5. The selection process for a new City Manager is underway. Companies will be interviewed to select who will help us with the candidate selection process.
6. The March JPC dinner for the homeless and vets was fantastic.

ADJOURNMENT

Motion to adjourn the meeting in memory of U.S. Army PFC Marcus A. Tynes by m/Mayor Pro Tem Bonnie Flickinger, s/Council Member William H. Batey II Approved by a vote of 5-0.

ADJOURNED TO CLOSED SESSION AT 9:20 P.M.

CLOSED SESSION

PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA

UNDER THE JURISDICTION OF THE CITY COUNCIL

1 SECTION 54956.9(a) - CONFERENCE WITH LEGAL COUNSEL -
EXISTING LITIGATION

a Case: *Moreno Valley Unified School District v. County of Riverside, a public entity; Robert E. Byrd as Auditor-Controller for the County of Riverside; Does 1-50, inclusive; City of Moreno Valley Redevelopment Agency, a California Redevelopment Agency; and Does 51-100, inclusive Real Parties in interest*

Court: Riverside Superior Court

Case No: RIC502670

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

None

There being no further business to conduct, the meeting was adjourned at 9:30 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
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees