

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

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Presentation of Certificates by Moreno Valley Friends of the Library to Super Readers of the 2009 Summer Reading Program

**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
September 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 6:30 p.m. by Mayor Pro Tem Flickinger in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Council Member Batey

INVOCATION - Pastor Paul M. Cunningham, Calvary Baptist Church

ROLL CALL

Council:

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

Absent:

Richard A. Stewart	Mayor
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Staff:

Jane Halstead	City Clerk
Julienne Clay	Administrative Assistant
Steve Elam	Financial and Administrative Services Director
Robert Hansen	Interim City Attorney
Robert Gutierrez	City Manager
Betsy Adams	Assistant City Manager
Rick Hartmann	Deputy City Manager
Steve Curley	Fire Chief
Joel Ontiveros	Lieutenant
Chris Vogt	Public Works Director/City Engineer

Kyle Kollar
Barry Foster
Chris Paxton
Becky Guillan
Steve Kupsak

Community Development Director
Economic Development Director
Human Resources Director
Library Services Division Manager
Parks Maintenance Division Manager

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 Pro Tem Flickinger opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert (Items A3 and A5)

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF AUGUST 25, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

A.3 AUTHORIZATION TO ESTABLISH A PURCHASE AGREEMENT WITH DATA TICKET INCORPORATED FOR FY 2009/2010 (Report of: Community Development Department)

Recommendation:

1. Award the annual purchase agreement to Data Ticket Incorporated in the amount not to exceed \$190,500 and authorize the Mayor to execute the agreement; and
2. Authorize the Code and Neighborhood Services Division Manager to issue a purchase order to Data Ticket Incorporated in the amount of \$190,500 to cover the estimated costs for ticket processing, administrative citation processing and ticket printing costs for FY 2009/2010.

A.4 THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH VAS ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Third Amendment to Agreement for Professional

Consultant Services” with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide Professional Consultant Services;

2. Authorize the City Manager to execute said “Third Amendment to Agreement for Professional Consultant Services” with VAS; and
3. Authorize an increase in the purchase order to VAS in the amount of \$250,000 when “Third Amendment to Agreement for Professional Consultant Services” has been signed by all parties.

A.5 FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR INDIAN DETENTION BASIN, DRAINAGE IMPROVEMENTS, AND IRONWOOD STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (Report of: Public Works Department)

Recommendation:

1. Approve the “Fourth Amendment to Agreement for Professional Consultant Services” with Lim and Nascimento Engineering Corporation, 618 North Diamond Bar Boulevard, Diamond Bar, California 91765;
2. Authorize the City Manager to execute said “Fourth Amendment to Agreement for Professional Consultant Services” with Lim and Nascimento Engineering Corporation;
3. Authorize a Change Order to increase the Purchase Order with Lim and Nascimento Engineering Corporation for \$61,560.40 (\$55,964.00 proposal amount plus 10% contingency amount of \$5,596.40) for additional design, right-of-way and environmental services when the Fourth Amendment to Agreement for Professional Consultant Services has been signed by all parties (Account No. 897.91726); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendment(s) to the agreement with Lim and Nascimento Engineering Corporation, up to but not exceeding, the 10% contingency amount of \$5,596.40, subject to the approval of the City Attorney.

A.6 FIRST AMENDMENT TO THE AFFORDABLE HOUSING AGREEMENT BETWEEN MV RANCHO DORADO II LIMITED PARTNERSHIP AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY FOR THE RANCHO DORADO APARTMENTS (THIS ITEM IS ALSO LISTED AS ITEM C3) (Report of: Economic Development Department)

Recommendation:

Approve the First Amendment to the Affordable Housing Agreement between Palm Desert Development Company and the Community Redevelopment Agency of the City of Moreno Valley for the Rancho Dorado Apartments

- A.7 ORDINANCE NO. 793, APPROVING P08-060 (SPECIFIC PLAN AMENDMENT) TO REALIGN KRAMERIA AVENUE BETWEEN IRIS AVENUE AND HEACOCK STREET AND DOWNGRADE KRAMERIA AVENUE FROM A MINOR ARTERIAL TO AN INDUSTRIAL COLLECTOR IN THE MORENO VALLEY INDUSTRIAL SPECIFIC PLAN (SP 208) AS DESCRIBED IN THE RESOLUTION, AND THE REVISED SPECIFIC PLAN MAPS ATTACHED TO THE RESOLUTION AS EXHIBITS A, B, C AND D (RECEIVED FIRST READING AND INTRODUCTION AUGUST 25, 2009 ON A 5-0 VOTE) (Report of: Community Development Department)

Recommendation:

ADOPT Ordinance No. 793 approving a Specific Plan Amendment (P08-060) for the realignment of Krameria Street and amending the Circulation Element in the Moreno Valley Industrial Specific Plan (SP 208) based on the findings in the Ordinance.

Ordinance No. 793

An Ordinance of the City Council of the City of Moreno Valley, California, Approving P08-060 (Specific Plan Amendment) to realign Krameria Avenue between Iris Avenue and Heacock Street and downgrade Krameria Avenue from a Minor Arterial to a Industrial Collector in the Moreno Valley Industrial Specific Plan (SP 208) as described in the Resolution, and the revised Specific Plan Maps attached to the Resolution as Exhibits A, B, C and D

- A.8 ORDINANCE NO. 794, AMENDING SECTION 12.36.010 OF CHAPTER 12.36 OF TITLE 12 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, REVISING THE DESIGNATION OF TRUCK ROUTES (RECEIVED FIRST READING AND INTRODUCTION AUGUST 25, 2009 ON A 5-0 VOTE) (Report of: Public Works Department)

Recommendation:

Adopt Ordinance No. 794, amending Section 12.36.010 of Chapter 12.36 of Title 12 of the Municipal Code to remove Ironwood Avenue from Moreno Beach Drive to Theodore Street, as well as, Moreno Beach Drive from Ironwood Avenue to the SR-60 westbound on/off ramp as designated "Truck Routes." (Roll call required)

Ordinance No. 794

Ordinance No. 794, of the City Council of the City of Moreno Valley, California, Amending Section 12.36.010 of Chapter 12.36 of Title 12 of the City of Moreno Valley Municipal Code, Revising the Designation of Truck Routes

A.9 AGREEMENT FOR CONVEYANCE OF PROPERTY FOR THE PARTIAL ACQUISITION OF APN'S 488-090-031 AND 488-090-051 FOR THE SR-60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT - PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Approve and execute the "Agreement for Conveyance of Property" for the partial acquisition of APN's 488-090-031 and 488-090-051 and authorize the City Manager to execute said Agreement;
2. Authorize a purchase order in the total amount of \$374,600 (\$359,600 for the purchase price and \$15,000 for escrow fees) when the Agreement has been signed by all parties (Account No. 125.89720); and
3. Authorize the Financial & Administrative Services Director to wire transfer funds into escrow in the amount of \$374,600 (\$359,600 for the purchase price and \$15,000 for escrow fees) for the partial acquisition of APN's 488-090-031 and 488-090-051.

A.10 AGREEMENT FOR CONVEYANCE OF PROPERTY FOR THE ACQUISITION OF A PORTION OF APN 488-100-002 FOR THE SR-60/MORENO BEACH DRIVE INTERCHANGE IMPROVEMENT PROJECT - PROJECT NO. 07-41570024 (Report of: Public Works Department)

Recommendation:

1. Approve and execute the "Agreement for Conveyance of Property" for the acquisition of a portion of APN 488-100-002 and authorize the City Manager to execute said Agreement;
2. Authorize a Purchase Order in the amount of \$874,550 (\$849,550 for the purchase price plus \$25,000 for escrow fees) when the Agreement has been signed by all parties (Account No. 415.70024); and
3. Authorize the Financial & Administrative Services Director to wire transfer funds into escrow in the amount of \$874,550 (\$849,550 for the purchase price plus \$25,000 for escrow fees) for a portion of APN 488-100-002.

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 August 19 – September 1.

- A.12 PM 33152-1 – EXECUTE A GRANT DEED TO ANDLAND PROPERTIES, LLC FOR THAT PORTION OF PARCELS 1, 2 AND THE REMAINDER PARCEL OF PARCEL MAP NO. 33152-1 ASSOCIATED WITH THE OLD 215 FRONTAGE ROAD RIGHT-OF-WAY REDUCTION, AT THE SOUTHEAST CORNER OF OLD 215 FRONTAGE ROAD AND ALESSANDRO BOULEVARD - DEVELOPER: ANDLAND PROPERTIES, LLC, TORRANCE, CA 90505 (MATERIAL NOT AVAILABLE AT TIME OF PRINTING - TO BE PROVIDED UNDER SEPARATE COVER) (THIS ITEM IS ALSO LISTED AS ITEM B3) (Report of: Public Works Department)

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

- B.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

- B.2 MINUTES - REGULAR MEETING OF AUGUST 25, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

- B.3 PM 33152-1 – EXECUTE A GRANT DEED TO ANDLAND PROPERTIES, LLC FOR THAT PORTION OF PARCELS 1, 2 AND THE REMAINDER PARCEL OF PARCEL MAP NO. 33152-1 ASSOCIATED WITH THE OLD 215 FRONTAGE ROAD RIGHT-OF-WAY REDUCTION, AT THE SOUTHEAST CORNER OF OLD 215 FRONTAGE ROAD AND ALESSANDRO BOULEVARD - DEVELOPER: ANDLAND PROPERTIES, LLC, TORRANCE, CA 90505 (MATERIAL NOT AVAILABLE AT TIME OF PRINTING - TO BE PROVIDED UNDER SEPARATE COVER) (THIS ITEM IS ALSO LISTED AS ITEM A12) (Report of: Public Works Department)

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

- C.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

- C.2 MINUTES - REGULAR MEETING OF AUGUST 25, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

- C.3 FIRST AMENDMENT TO THE AFFORDABLE HOUSING AGREEMENT BETWEEN MV RANCHO DORADO II LIMITED PARTNERSHIP AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY FOR THE RANCHO DORADO APARTMENTS (THIS ITEM IS ALSO LISTED AS ITEM A6) (Report of: Economic Development Department)

Recommendation:
Approve the First Amendment to the Affordable Housing Agreement between Palm Desert Development Company and the Community Redevelopment Agency of the City of Moreno Valley for Rancho Dorado Apartments

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.
- D.2 MINUTES - REGULAR MEETING OF AUGUST 25, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

Mayor Pro Tem Flickinger announced that Consent Calendar Item A3, recommendation #2 was changed to read as follows:

Authorize the Purchasing and Facilities Division Manager to issue a purchase order to Data Ticket Incorporated in the amount of \$190,500 to cover the estimated costs for ticket processing, administrative citation processing and ticket printing costs for FY 2009/2010.

Joint Consent Calendar Items A1- D2 approved. Motion to Approve by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings, approved by a vote of 4-0-1, Mayor Richard A. Stewart absent.

E. PUBLIC HEARINGS

- E.1 A PUBLIC HEARING ON A ZONE CHANGE (PA05-0069) FROM THE RESIDENTIAL 1 (SINGLE FAMILY - UP TO 1 UNIT PER ACRE) LAND USE DISTRICT TO THE RESIDENTIAL 2 (SINGLE FAMILY - UP TO 2 UNITS PER ACRE) DISTRICT, WHICH IS CONSISTENT WITH THE

EXISTING RESIDENTIAL 2 GENERAL PLAN LAND USE DESIGNATION; AND A TENTATIVE TRACT MAP NO. 32388 (PA05-0071) TO SUBDIVIDE APPROXIMATELY 9.5 ACRES LOCATED ON THE SOUTH SIDE OF MOUNTAIN RANCH ROAD AT NORTHSORE DRIVE INTO 14 SINGLE FAMILY LOTS (Report of: Community Development Department)

Mayor Pro Tem Flickinger opened the agenda item for the Public Hearing for public comments, which were received from Vicki Patterson (oppose), Deanna Reeder (oppose) and Pete Bleckert (support).

Recommendation: That the City Council:

1. CONDUCT a public hearing for review of a proposed Zone Change from R1 to R2 and Tentative Tract Map No. 32388 to subdivide approximately 9.5 acres into 14 single family residential lots;
2. APPROVE Resolution No. 2009-84 ADOPTING a Mitigated Negative Declaration for the Zone Change and Tentative Tract Map No. 32388, in that, as designed and conditioned, this project will not result in significant environmental impacts;

Resolution No. 2009-84

A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Mitigated Negative Declaration for a Zone Change (PA05-0069), and Tentative Tract Map No. 32388 (PA05-0071) to change the land use for 9.5 net acres located within Assessor's Parcel Number 474-250-003 from Residential 1 to Residential 2 in order to develop a 14 lot single family residential subdivision

**Motion to Approve by m/Council Member Jesse L. Molina, s/Mayor Pro Tem Bonnie Flickinger
Failed by a vote of 2-2-1, Council Member William H. Batey II and Council Member Robin N. Hastings opposed, Mayor Richard A. Stewart absent.**

**Motion to Continue item to November 10, 2009, approve by m/Council Member William H. Batey II, s/Council Member Jesse L. Molina
Failed by a vote of 2-2-1, Mayor Pro Tem Bonnie Flickinger and Council Member Robin N. Hastings opposed, Mayor Richard A. Stewart absent.**

3. INTRODUCE Ordinance No. 795 thereby APPROVING a Zone Change from Residential 1 (R1) to Residential 2 (R2) for the 9.5 acres of Assessor's Parcel Number 474-250-003 located south of Mountain

Ranch Road at Northshore Drive (PA05-0069), based on the findings in the City Council Ordinance (Attachment No. 3); and

Ordinance No. 795

An Ordinance of the City Council of the City of Moreno Valley, California, Approving application PA05-0069 for an Amendment to the official Zoning Atlas from Residential 1 to Residential 2 for the approximately 9.5 net acres of Assessor's Parcel Number 474-250-003 in order to develop a 14 lot single family subdivision

Not Introduced

4. APPROVE Resolution No. 2009-85 thereby APPROVING Tentative Tract Map No. 32388 (PA05-0071) to subdivide the 9.5 acres of Assessor's Parcel Number 474-250-003 located south of Mountain Ranch Road at Northshore Drive into 14 single family residential lots.

Resolution No. 2009-85

A Resolution of the City Council of the City of Moreno Valley, California, Approving Tentative Tract Map No. 32388 (PA05-0071) to develop a 14 lot single family residential subdivision on 9.5 net acres located on the south side of Mountain Ranch Road at Northshore Drive, within Assessor's Parcel Number 474-250-003

Not Adopted

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) Mayor Pro Tem Bonnie Flickinger reported Southern California Association of Governments (SCAG) serves member cities and listens to them. Some of the benefits provided are: SCAG waived 10 percent of dues this year, recognized cities' challenges and also provides free professional planning staff for use. SCAG also implemented a pilot scholarship plans for local students. Application information is available at SCAG. SCAG is tasked with designing methodology for implementation of SB 375 green house gases. Mayor Pro Tem Flickinger also reported that she had been appointed to SCAG Regional Goods Movement Task Force and its

Regional Data GIS Task Force. In addition, SCAG provided the City Profile to Mayor Pro Tem Flickinger and encouraged comments from Council and staff.

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

Council Member Hastings reported WRCOG will be meeting with the Energy Committee in Washington, D.C. She met with Congressman Calvert, and he was supportive. Council Member Hastings further reported that she would be flying to Washington, D.C. September 28, and would be meeting with Congress people and the Energy Committee to get the funds necessary to bring back to western Riverside County. WRCOG will be making a presentation to Council in October.

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

Assistant City Manager, Betsy Adams informed Council that a letter of support to Western Riverside Council of Governments Energy Efficiency and Water Conservation program would be expedited if it was Council's direction.

Council's direction was to forward the letter of support.

H. LEGISLATIVE ACTIONS

Meeting Resumed

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

Catherine Huggins

1. Code violations in her neighborhood

Daryl Terrell

1. Keeping local revenue local

Deanna Reeder

1. Development impact fees
2. Ironwood truck route

Pete Bleckhert

1. Safety issue on Alessandro and Lasselle
2. State of the City Address

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

Jesse Molina

1. Item E1. Public Hearing property zone change; large lots will be a thing of the past
2. Traffic lights on Alessandro and Lasselle concerns asked for direction from constituent
3. Chamber of Commerce - with more businesses the Chamber will have more money, issues with statement in the city
4. Work together as a City and move forward

Robin N. Hastings

1. Congratulations to the Moreno Valley Super Readers, reading is the key to education
2. Enjoyed participating in the Employee Appreciation Luncheon, received lots of positive feedback and very positive interactions
3. Thanked residents she met with regarding Ironwood Avenue and appreciated their input; residents conveyed to Council Member Hastings that they were very appreciative to have input in the process

William H. Batey II

1. Congratulations to the Super Readers and commended Library Director for putting together a super program

Bonnie Flickinger

1. Four students at four Moreno Valley schools may enter the Air Aware contest by September 21, sponsored by RTA, first prize of \$250 gift certificate for the Moreno Valley Mall, detailed information can be found at www.riversidetransit.com

2. Parks and Recreation Commission has an opening for a teen member, applications on www.moval.org
3. City is focused on providing citizens assistance and providing more foreclosure workshops, Sept 12, 2009 at 10:00 a.m., in Council District 5, Calvary Chapel Church, very helpful for the residents, four more workshops in other Council districts
4. Employee Resource Center is open at Towngate Center, many resources available
5. Parks is cutting back on the number of hours the water feature at Bethune Park is open due to the water shortage, determined to find a way to restore the hours
6. Mayor Stewart delivered the State of the City message last week. The video will be on the website starting next week
7. Agendize for next Study Session to discuss the Agenda for the rest of the year.

CLOSED SESSION – Cancelled

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 8:05 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:

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