

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
August 25, 2009

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Employee of the Quarter - Dori Lienhard

2. Recognition of Parks & Community Service Volunteer Groups
 - Soka Gakkai International
 - Calvary Chapel Christian School National Honor Society
 - Oasis Community Church
 - Lowe's of Moreno Valley

**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
August 25, 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 Stewart in the Council Chamber located at 14177 Frederick Street.

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

INVOCATION- Bishop KD Mercer, Sr., Bethesda Int'l Ministries

ROLL CALL

Council:

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

Staff:

| | |
|------------------|--|
| Jane Halstead | City Clerk |
| Ewa Lopez | Deputy City Clerk |
| Steve Elam | Financial & Administrative Services Director |
| Robert Hansen | Interim City Attorney |
| Robert Gutierrez | City Manager |
| Betsy Adams | Assistant City Manager |
| Rick Hartmann | Deputy City Manager |
| John Anderson | Police Chief |
| Steve Curley | Fire Chief |
| Chris Vogt | Public Works Director/City Engineer |
| Kyle Kollar | Community Development Director |
| Barry Foster | Economic Development Director |

Chris Paxton
Becky Guillan
Mike McCarty

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

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert (Items A5 and A10) and Deanna Reeder (Items A10 and A22).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 TELECOMMUNICATIONS LICENSE AGREEMENT WITH T-MOBILE WEST CORPORATION, A DELAWARE CORPORATION (Report of: Parks and Community Services)

Recommendation:

Authorize the Mayor to execute a Telecommunications License Agreement with T-Mobile West Corporation, a Delaware corporation for approximately 644 square feet of ground space on the property known as John F. Kennedy Veterans Memorial Park.

A.3 PARCEL MAP 35386 – APPROVE FINAL MAP - OVERLOOK CIRCLE, EAST SIDE OF KITCHING STREET AND NORTH OF IRONWOOD AVENUE - DEVELOPER: STEVEN AND DEBRA COLEMAN, MORENO VALLEY, CA 92557 (Continued from May 12, 2009) (Report of: Public Works Department)

Recommendation:

1. Approve Parcel Map 35386; and
2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A.4 AWARD OF ANNUAL FUEL PURCHASE AGREEMENT (Report of: Financial & Administrative Services)

Recommendation:

1. Award the annual fuel purchase agreement to The SoCo Group, Inc. in an amount not-to-exceed \$300,000 and authorize the Mayor to execute the Agreement; and
2. Authorize the Purchasing & Facilities Division Manager to issue a purchase order to The SoCo Group in the amount of \$300,000 to cover estimated fuel purchases during Fiscal Year 2009-10.

A.5 APPROVAL OF CHECK REGISTER FOR JUNE, 2009 (Report of: Financial & Administrative Services)

Recommendation:

Adopt Resolution No. 2009-76, approving the Check Register for the month of June, 2009 in the amount of \$36,797,608.02.

Resolution No. 2009-76

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

A.6 MINUTES - REGULAR MEETING OF JULY 14, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

A.7 PA05-0169 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF CACTUS AVENUE AND MORENO BEACH DRIVE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: MORENO MARKETPLACE, LLC, ONTARIO, CA 91761 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-77 authorizing the acceptance of the public improvements for PA05-0169 as complete and accepting the portion of Cactus Avenue and Moreno Beach Drive associated with the project into the City's maintained street system; and

Resolution No. 2009-77

A Resolution of the City Council of the City Of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within PA05-0169 and Accepting the Portion of Cactus Avenue and Moreno Beach Drive 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 Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

- A.8 TRANSFER OF REAL PROPERTY LOCATED AT THE SOUTHEAST CORNER OF PERRIS BOULEVARD AND FILAREE AVENUE (APN 486-084-001) FROM THE CITY OF MORENO VALLEY TO THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AND DEDICATION OF RIGHT OF WAY FROM THE MORENO VALLEY COMMUNITY SERVICES DISTRICT TO THE CITY OF MORENO VALLEY (Report of: Public Works Department) **(This item is also listed as Item B2)**

Recommendation:

1. Approve the transfer of real property known as Assessor's Parcel Number (APN) 486-084-001 from the City of Moreno Valley, a Municipal Corporation to the Moreno Valley Community Services District (CSD); and
2. Authorize the City Manager to execute quitclaim deed and all related documents as may be necessary to convey title to said property.

- A.9 APPROVE AGREEMENT FOR EXCHANGE OF REAL PROPERTY WITH RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (RCFC&WCD) FOR PIGEON PASS ROAD STREET IMPROVEMENTS FROM IRONWOOD AVENUE TO NORTH CITY LIMITS - PROJECT NO. 06-41570324 (Report of: Public Works Department)

Recommendation:

1. Approve the "Agreement for Exchange of Real Property" with Riverside County Flood Control and Water Conservation District (RCFC&WCD) for the Pigeon Pass Road Street Improvements (Ironwood Avenue to North City Limits); and
2. Authorize the City Manager to execute 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.11 SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR PHASE II AND PHASE III DESIGN OF

THE STREET IMPROVEMENTS FOR HEACOCK STREET FROM HEMLOCK AVENUE TO IRONWOOD AVENUE PROJECT NO. 08-41678827 (Report of: Public Works Department)

Recommendation:

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" for Phase II and Phase III design with PB Americas, Inc., 685 East Carnegie Drive, Suite 210, San Bernardino, CA 92408 to provide professional consultant services, extend the agreement from December 31, 2009 to December 31, 2010, and increase the agreement amount by the "not-to-exceed" fee of \$83,420;
2. Authorize the City Manager to execute the "Second Amendment to Agreement for Professional Consultant Services" with PB Americas, Inc.;
3. Authorize an increase to the Purchase Order with PB Americas, Inc. in the amount of \$91,762 (\$83,420 amount plus 10% contingency) when the Second Amendment has been signed by all parties (Account No. 416.78827); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent Amendments to the Agreement for Professional Consultant Services with PB Americas, Inc. up to but not to exceed the Purchase Order contingency in the amount of \$8,342, subject to the approval of the City Attorney.

A.12 NOTICE OF COMPLETION AND ACCEPTANCE OF IRIS AVENUE IMPROVEMENTS FROM 650 FEET EAST OF INDIAN STREET TO 660 FEET WEST OF PERRIS BOULEVARD - PROJECT NO. 08-12272225 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for Iris Avenue Improvements from 650 feet east of Indian Street to 660 feet west of Perris Boulevard, which was constructed by Tyner Paving Company, 2005 North San Fernando Road, Los Angeles, CA 90065;
2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;
3. Authorize the Financial & Administrative Services Director to release the retention to Tyner Paving Company thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims

are filed against the project; and

4. Accept the improvements into the City's maintained road system.

A.13 POSITION CONTROL ROSTER FOR FISCAL YEAR 2009-10 (Report of: Financial & Administrative Services)

Recommendation:

Receive and file the Position Control Roster for Fiscal Year 2009-10.

A.14 NOTICE OF COMPLETION AND ACCEPTANCE OF SHEILA STREET SIDEWALK IMPROVEMENTS - PROJECT NO. 08-28268627 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for Sheila Street Sidewalk Improvements, which was constructed by Contreras Construction Company, P. O. Box 1808, Indio, CA 92202;
2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;
3. Authorize the Financial & Administrative Services Director to release the retention to Contreras Construction Company thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and
4. Accept the improvements into the City's maintained road system.

A.15 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR STRUCTURES AND CONDUITS IMPROVEMENTS AND ELECTRICAL CABLE INSTALLATION IMPROVEMENTS FOR THE INDIAN 12KV TO GLOBE 12KV CIRCUIT TIE, PROJECT MVU-0004 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for Structures and Conduits Improvements and Electrical Cable Installation Improvements for the Indian 12kV to Globe 12kV Circuit Tie, Project No. MVU-0004, 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 \$222,631.37 (the base bid amount plus 10% contingency) for Structures and Conduits Improvements and Electrical Cable Installation Improvements for the Indian 12kV to Globe 12kV Circuit Tie, Project No. MVU-0004, when the contract has been signed by all parties. (Account No. 602.61830); 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 \$202,392.15.

A.16 APPROVE TRANSFERRED AND NEW MUNICIPAL DEPARTING LOAD NONBYPASSABLE CHARGES AND COST RESPONSIBILITY SURCHARGE AGREEMENT BETWEEN SOUTHERN CALIFORNIA EDISON COMPANY AND THE CITY OF MORENO VALLEY (Report of: Public Works Department)

Recommendation:

1. Approve the Transferred and New Municipal Departing Load Nonbypassable Charges and Cost Responsibility Surcharge Agreement between Southern California Edison and the City of Moreno Valley;
2. Authorize the Mayor to execute the Transferred and New Municipal Departing Load Nonbypassable Charges and Cost Responsibility Surcharge Agreement between Southern California Edison and the City of Moreno Valley; and
3. Appropriate \$1,671,000 from Electric Utility restricted reserves for payment under the Transferred and New Municipal Departing Load Nonbypassable Charges and Cost Responsibility Surcharge Agreement between Southern California Edison and the City of Moreno Valley.

A.17 RECEIPT OF QUARTERLY INVESTMENT REPORT - QUARTER ENDED JUNE 30, 2009 (Report of: Financial & Administrative Services Department)

Recommendation:

Receive and file the Quarterly Investment Report, in compliance with the City's Investment Policy.

A.18 JOINT RESOLUTION WITH THE SCHOOL DISTRICTS AND RIVERSIDE COMMUNITY COLLEGE DISTRICT (Report of: City Manager's Office)

Recommendation:

Adopt Resolution No. 2009-78, a joint resolution with the School Districts and Riverside Community College District supporting a commitment to better address the needs of our community's youth.

Resolution No. 2009-78

A Joint Resolution of the City Council of the City of Moreno Valley, the Riverside Community College District Board of Trustees, the Board of Education of the Moreno Valley Unified School District and the Board of Education of the Val Verde Unified School District Supporting a Commitment to Better Address the Needs of Our Community's Youth

- A.19 AUTHORIZATION TO ENTER INTO AN EASEMENT AGREEMENT WITH ROSS DRESS FOR LESS, INC., AND A MAINTENANCE AGREEMENT WITH INDUSTRIAL DEVELOPMENTS INTERNATIONAL (IDI) FOR THE INSTALLATION AND MAINTENANCE OF A CITY ENTRY MONUMENT SIGN ON PRIVATE PROPERTY LOCATED AT 17800 PERRIS BOULEVARD (Report of: Economic Development Department)

Recommendation:

1. Authorize the City Manager to execute an Easement Agreement with Ross Dress For Less, Inc., accepting ownership and liability for a City entry monument sign to be installed on private property located at 17800 Perris Boulevard; and
2. Authorize the City Manager to execute a Maintenance Agreement with Industrial Developments International (IDI) accepting maintenance responsibility for a City entry monument sign to be installed on private property located at 17800 Perris Boulevard and accepting a one-time gift of \$5,000 from Industrial Developments International (IDI) to be deposited into a Trust account to offset future maintenance costs.

- A.20 RESOLUTION RELATED TO CALPERS EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) (Report of: Human Resources Department)

Recommendation:

Adopt Resolution No. 2009-79 which eliminates the CalPERS Employer Paid Member Contribution (EPMC) benefit for City employees hired after August 31, 2009.

Resolution No. 2009-79

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing Employer Paid Member Contributions

- A.21 UPDATE ON ORDINANCE NO. 741 AS AMENDED AND ORDINANCE NO. CSD 52 AS AMENDED RELATING TO THE PROHIBITION OF SMOKING IN PARKS AND RECREATION FACILITIES (Report of: Parks and Community Services) **(This item is also listed as Item B5)**

Recommendation:

Receive and file.

- A.22 APPOINTMENT OF INTERIM CITY ATTORNEY ROBERT L. HANSEN AS THE CITY'S VOTING DELEGATE TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE BUSINESS MEETING TO BE HELD FRIDAY, SEPTEMBER 18, 2009 (Report of: City Clerk's Department)

Recommendation:

Appoint Interim City Attorney Robert L. Hansen as the City's Voting Delegate to the League of California Cities 2009 Annual Conference Business Meeting.

- 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 July 8 – August 18, 2009.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

- B.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

- B.2 TRANSFER OF REAL PROPERTY LOCATED AT THE SOUTHEAST CORNER OF PERRIS BOULEVARD AND FILAREE AVENUE (APN 486-084-001) FROM THE CITY OF MORENO VALLEY TO THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AND DEDICATION OF RIGHT OF WAY FROM THE MORENO VALLEY COMMUNITY SERVICES DISTRICT TO THE CITY OF MORENO VALLEY (Report of: Public Works Department) **(This item is also listed as Item A8)**

Recommendation:

1. Accept the transfer of real property known as Assessor's Parcel Number (APN) 486-084-001 from the City of Moreno Valley, a Municipal Corporation to the Moreno Valley Community Services District;

2. Authorize the President of the Board of Directors of the Community Services District to execute the Certificate of Acceptance (COA) and direct the City Clerk to record the COA with the County Recorder of Riverside County when fully executed;
3. Approve the Offer of Dedication of a portion of APN 486-084-001 as a perpetual easement and right-of-way for public street and highway, public utilities, and public service facilities purposes; and
4. Authorize the President of the Board of Directors of the Community Services District to execute Easement Deed to the City of Moreno Valley, a Municipal Corporation and all related documents as may be necessary to complete said offer of dedication.

B.3 MINUTES - REGULAR MEETING OF JULY 14, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

B.4 RECOMMENDATION TO ENTER INTO AGREEMENT WITH CARNEY EDUCATIONAL SERVICES, LLC (Report of: Parks and Community Services)

Recommendation:

Authorize the City Manager to enter into an agreement with Carney Educational Services, LLC, to purchase customized snacks to be delivered to all 41 after school sites covering the 2009/2010 program year for the After School Education and Safety Program Grant (ASES), and direct the Budget Officer to issue a purchase order in the amount of \$394,902.

B.5 UPDATE ON ORDINANCE NO. 741 AS AMENDED AND ORDINANCE NO. CSD 52 AS AMENDED RELATING TO THE PROHIBITION OF SMOKING IN PARKS AND RECREATION FACILITIES (Report of: Parks and Community Services) (This item is also listed as Item A21)

Recommendation:

Receive and file.

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 JULY 14, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JULY 14, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

Motion to Approve Joint Consent Calendar Items A1-D2 except Item A10, which was pulled for separate discussion/action. Motion by m/William H. Batey II, s/Bonnie Flickinger Approved by a vote of 5-0.

E. PUBLIC HEARINGS

E.1 CONTINUATION OF THE PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR IDENTIFIED PROPERTIES WITHIN TPM 35629 - BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:

1. After conducting the Public Hearing and accepting public testimony:
 - a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System ("NPDES") ballots for identified properties within Tentative Parcel Map ("TPM") 35629;
 - b. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and Assessor Parcel Number ("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 the identified properties within TPM 35629.
2. Acting in their capacities as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony:

- a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballots for identified properties within TPM 35629;
- 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 annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to the identified properties within TPM 35629.

Motion to continue the item to the November 10, 2009 City Council Meeting by m/Bonnie Flickinger, s/William H. Batey II
Approved by a vote of 5-0.

E.2 A PUBLIC HEARING FOR AN INDUSTRIAL COMPLEX (PA07-0152, PA07-0153, PA07-0154, PA07-0155 AND PA07-0156) WITH FOUR BUILDINGS (1,484,407 TOTAL SQ FT) ON 66.9 NET ACRES. THE TENTATIVE PARCEL MAP 35879 (PA07-0151) WILL CREATE FOUR PARCELS. THE GENERAL PLAN (PA08-0057) AND SPECIFIC PLAN (P08-060) AMENDMENTS ARE REQUIRED FOR THE REALIGNMENT OF KRAMERIA STREET AND WILL AMEND THE CIRCULATION ELEMENT OF THE GENERAL PLAN AND IN THE MORENO VALLEY INDUSTRIAL SPECIFIC PLAN (SP 208) (CONTINUED FROM MAY 26, 2009 AND JUNE 23, 2009) (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. ADOPT a Mitigated Negative Declaration for PA07-0151 (Tentative Parcel Map 35879), PA07-0152 (Master Plot Plan), PA07-0153 (Plot Plan), PA07-0154 (Plot Plan), PA07-0155 (Plot Plan), PA07-0156 (Plot Plan), PA08-0057 (General Plan Amendment) and P08-060 (Specific Plan Amendment). The projects, individually and cumulatively, will not result in a significant effect on the environment;
2. APPROVE Resolution No. 2009-44 approving PA08-0057, for the realignment of Krameria Street and amending the Circulation Element of the General Plan based on the findings in the Resolution and maps attached to the Resolution as Exhibits A, B, C, D and E;

Resolution No. 2009-44

A Resolution of the City Council of the City of Moreno Valley, California, approving an Amendment to the General Plan Circulation

Element (PA08-0057) to realign Krameria Avenue between Iris Avenue and Heacock Street and downgrade Krameria Avenue from a Minor Arterial to an Industrial Collector, as described in the Resolution, and the revised General Plan Maps attached to the Resolution as Exhibits A, B, C, D AND E

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

3. INTRODUCE 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; and

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 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

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

4. APPROVE Resolution No. 2009-45 approving PA07-0151(Tentative Parcel Map 35879), PA07-0152 (Master Plot Plan), PA07-0153 (Plot Plan), PA07-0154 (Plot Plan), PA07-0155 (Plot Plan), and PA07-0156 (Plot Plan), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

Resolution No. 2009-45

A Resolution of the City Council of the City of Moreno Valley, California, Approving Plot Plan Applications PA07-0152, PA07-0153, PA07-0154, PA07-0155 and PA07-0156 and Tentative Parcel Map 35879 (PA07-0151). The Project is Located at the Southeast Corner of Iris Avenue and Heacock Street

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

- E.3 HEARING ON PROPOSED RESOLUTIONS OF NECESSITY, TO MAKE FINDINGS AND DETERMINATIONS AND TO AUTHORIZE EMINENT

DOMAIN PROCEEDINGS TO ACQUIRE NECESSARY RIGHT-OF-WAY FOR THE SR-60/NASON STREET INTERCHANGE IMPROVEMENT PROJECT - PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation: That the City Council:

1. Conduct hearing, allowing testimony, including property owners who have requested the right to appear and be heard. Close the hearing;

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

2. Approve and adopt the Planning Division's finding that the project is consistent with the General Plan;

**Motion to Approve by m/Bonnie Flickinger, s/Robin N. Hastings
Approved by a vote of 5-0.**

3. Find the adoption of the proposed Resolutions of Necessity and acquisition of the fee and easement interests necessary for the Project are exempt from CEQA in that under §15061 (b) (3) of the CEQA Guidelines, this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant impact on the environment and it can be seen with certainty that there is no possibility this activity would have a significant effect on the environment and is excluded from NEPA in that this activity cannot individually or cumulatively have a significant effect on the human environment and no environmental assessment is required. Further, it has been determined that the proposed activity is within the scope of and is consistent with the approved Categorical Exclusion/Categorical Exemption (CE/CE) prepared for the SR-60/Nason Street Interchange Improvement Project, respectively by the FHWA and Caltrans, that there have been no changes to the approved project since the approval of the CE/CE, and no changes to the circumstances under which the project is to be undertaken which would alter the determination the project is exempt;

**Motion to Approve by m/Bonnie Flickinger, s/Robin N. Hastings
Approved by a vote of 5-0.**

4. Find that the proposed "Factual Summary to Support Findings Required in the Resolutions," is true and correct as to each of the proposed Resolutions of Necessity;

**Motion to Approve by m/Bonnie Flickinger, s/Robin N. Hastings
Approved by a vote of 5-0.**

5. Find and determine that each of the statements, findings and facts in each of the proposed Resolutions of Necessity is true and correct;

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

6. If the City has not approved the "Agreements for Conveyance of Property" for the properties necessary for the project, adopt the following Resolution by a vote of two-thirds of all members of the City Council;

Resolution No. 2009-80

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Acquisition of Property for Public Street and Highway Purposes including Related Improvements and Facilities; that the Acquisition and Taking of the Fee and the Easements in the Herein-Described Property is Necessary for the State Route 60/Nason Street Interchange Improvement Project; that the Project is Planned in a Manner that is Most Compatible with the Greatest Public Good and the Least Private Injury; Authorizing Proceedings to be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of Said Property; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Property [APN: 487-250-004]

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

7. If the City has not approved the "Agreements for Conveyance of Property" for the properties necessary for the project, adopt the following Resolution by a vote of two-thirds of all members of the City Council;

Resolution No. 2009-81

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Acquisition of Property for Public Street and Highway Purposes Including Related Improvements and Facilities; that the Acquisition and Taking of the Fee and the Easements in the Herein-Described Property is Necessary for the State Route 60/Nason Street Interchange Improvement Project; that the Project is Planned in a Manner that is Most Compatible with the Greatest Public

Good and the Least Private Injury; Authorizing Proceedings to be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of Said Property; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Property [APN: 488-090-031 And 488-090-051]

No action taken; not adopted.

8. If the City has not approved the "Agreements for Conveyance of Property" for the properties necessary for the project, adopt the following Resolution by a vote of two-thirds of all members of the City Council;

Resolution No. 2009-82

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Acquisition of Property for Public Street and Highway Purposes Including Related Improvements and Facilities; that the Acquisition and Taking of the Fee and the Easements in the Herein-Described Property is Necessary for the State Route 60/Nason Street Interchange Improvement Project; that the Project is Planned in a Manner that is Most Compatible with the Greatest Public Good and the Least Private Injury; Authorizing Proceedings to be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of Said Property; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Property [APN: 488-100-002]

No action taken; not adopted.

9. If the City has not approved the "Agreements for Conveyance of Property" for the properties necessary for the project, adopt the following Resolution by a vote of two-thirds of all members of the City Council; and

Resolution No. 2009-83

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Acquisition of Property for Public Street and Highway Purposes Including Related Improvements and Facilities; that the Acquisition and Taking of the Fee and the Easements in the Herein-Described Property is Necessary for the State Route 60/Nason Street Interchange Improvement Project; that the Project is Planned in a Manner that is Most Compatible with the Greatest Public

Good and the Least Private Injury; Authorizing Proceedings to be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of Said Property; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Property [APN: 488-100-050]

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

10. Direct the City Attorney or retained counsel for the City to file appropriate actions in Eminent Domain, including Making Deposits of Probable Compensation and for Orders for Prejudgment Possession and for all other appropriate orders.

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

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

- A.10 ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE IRONWOOD AVENUE WIDENING FROM PERRIS BOULEVARD TO NASON STREET - PROJECT NO. 07-41572727 (Report of: Public Works Department)

Recommendation:

Adopt a Mitigated Negative Declaration (MND) for the Ironwood Avenue Widening from Perris Boulevard to Nason Street, Project No. 07-41572727, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level.

Motion to bring this item back following noticing (by mail and by placing a special ad in the newspaper) and a public meeting; m/Robin N. Hastings, s/Jesse L. Molina
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 Joint Powers Authority (JPA)

Mayor Stewart reported the following:

1) Received many letters from members of Cross Word Church located at March Air Reserve Base. Explained that developer Donald Ecker and Pastor Sykes are working together on the expansion project. The JPA will not take any action on it until a resolution is reached with the developer. Any concerns should be directed to developer Donald Ecker or Pastor Sykes.

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

Council Member Hastings reported the following:

1) Gave an update on the energy program, which provides funds to residents who want to retrofit their homes with solar or other alternative energy sources; as a member of the Energy Committee will meet with Congressman Calvert to discuss funding for the WRCOG AB 811 program and will go to Washington at the end of September to lobby for support to provide an additional funding.

c) Report by Council Member Jesse Molina on Riverside County Transportation Commission (RCTC)

Council Member Molina reported the following:

1) Discussed the expansion of San Pedro L.A. harbor. RCTC requested a new EIR report, especially addressing the impact of increased number of trains, and proposed a moderate container fee that will benefit all the stakeholders. Concerns about traffic and air pollution in the region were addressed. Asked the Council to file a petition of special interest.

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

G.2 ORDINANCE AMENDING SECTION 12.36.010 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO THE DESIGNATION OF TRUCK ROUTES (Report of: Public Works Department)

Recommendation: That the City Council:

Introduce 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

An Ordinance 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

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

**Motion to Approve by m/Robin N. Hastings, s/Bonnie Flickinger
Approved by a vote of 5-0.**

G.3 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

The City Manager reported the following:

1) The Moreno Valley New Employment Resource Center will be hosting a grand opening and ribbon cutting ceremony on August 26 at 9 a.m. The ERC is located in TownGate Center at 12625 Frederick Street. The Center was developed in partnership with the County of Riverside Economic Development Agency to assist residents with a full range of employment services.

2) The City of Moreno Valley Chamber of Commerce will host the annual State of the City luncheon on August 27 at 11 a.m. at the Conference and Recreation Center. The program will feature "meet and greet" of each of the Council members and Mayor's State of the City Address.

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

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 Reeder

- 1) City's General Plan

Paul Angulo

- 1) Introduced himself as a candidate for Riverside County Auditor Controller

Daryl Terrell

- 1) Proposed Moreno Valley Works Program

Pete Bleckert

- 1) Improvements of Ironwood Avenue between Perris and Heacock
- 2) Improvements of Sunnymead Boulevard

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

Council Member Molina

- 1) Stated that business owners are against islands on Sunnymead Blvd.; the City needs to address this issue to retain the businesses in that area

Council Member Hastings

- 1) Thanked staff for accompanying her to a meeting with residents in Moreno Valley Ranch to address a speeding issue on Santa Rose and Mesa Verde. Staff was able to accommodate the residents concerned with the placement of speed humps; the project is going forward
- 2) Congratulated Chief Anderson and the Police Department on the successful Night Out; participation increased this year
- 3) Responded to a speaker's comments opposing Item G2 - stated that the widening of Ironwood Avenue was postponed until after a public meeting with residents is held, and a segment of Ironwood Avenue was removed from designated "Truck Routes"; cautioned residents to pay attention because what they are hearing may not be what is occurring
- 3) Thrilled with Coleman's project that was finally signed off at tonight's meeting
- 4) Commended staff for doing a great job, for managing very well and for being very responsive to residents even though staff was reduced by 25% and the work week was shortened

Mayor Pro Tem Flickinger

- 1) Attended a one year anniversary of the Moreno Valley Community Hospital as a Kaiser Foundation Hospital; after the ceremony, had an opportunity to take a tour of the hospital; Kaiser did an excellent job improving the hospital; was very impressed

- 2) Additional free Foreclosure Prevention Workshops have been scheduled for September 12, September 28, October 24, November 18 and December 7, one in each of the Council Districts
- 3) The Parks and Recreation Commission has a vacancy for a teen member; the deadline to apply is October 15, 2009
- 4) Emphasized the importance of participating in census count in 2010
- 5) RTA will again provide free bus rides on New Year's Eve from 6 p.m. until the end of the routes on that day

Council Member Batey

- 1) California Fair at Lake Perris grounds will be held in October - this is a great venue to advertise our City
- 2) Met with the Moreno Valley Tow Association and would like to address the issue of regulating and limiting the number of tow companies, as it will have a great impact on the City
- 3) Apologized to residents and businesses on Sunnymead Blvd. for an error on City's part and for the inconvenience caused by the improvements. Hopes that the improvements will be completed as quick as possible
- 4) Congratulated new Fire Chief Curley on his appointment and wished him the best

Mayor Stewart

- 1) Explained the role of the General Plan as a general guidance document that sets the acceptable zoning; emphasized that changing zoning does not always require general plan change
- 2) Stated that was not involved in the discussion and voting for the entire Sunnymead Boulevard improvement project because of conflict of interest (he was a part owner of a building on Sunnymead Boulevard); empathized with businesses' hardship because of ongoing constructions; thanked Council Member Batey and Council Member Molina for meeting with staff to make some changes/improvements
- 3) Attended National Night Out at mobile home park; a fantastic event
- 4) Received another e-mail about more teenagers being arrested for felony vandalism for graffiti; fantastic efforts
- 5) Reported on another event that can't be tolerated - a gunman robbed teachers at a teacher's lounge at one of the elementary schools. \$25,000 reward is being offered by the School District; encouraged residents to turn the robber in
- 6) Heard rumors that we have inadequate or no fireworks ordinance and that the Fire Department can't issue citations for fireworks; Fire Chief responded that the Fire Department has the right to enforce illegal fireworks and the officers are issuing citations in Moreno Valley

CLOSED SESSION

PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA
UNDER THE JURISDICTION OF THE CITY COUNCIL

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

None

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:00 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:

Bonnie Flickinger , Mayor Pro Tem
Vice President, Moreno Valley Community Services District
Vice Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Vice Chairperson, Board of Library Trustees

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