

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
June 23, 2009

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Proclamation Recognizing Amateur Field Day, June 27-28, 2009
2. Proclamation Recognizing Nakita, a Japanese Akita Dog
3. Proclamation Recognizing County Supervisor Marion Ashley, Support of the 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
June 23, 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 Mayor Stewart

INVOCATION - Pastor Ted Collins, Renewed Life Fellowship

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 Herrick	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	Human Resources Director

Becky Guillan
Mike McCarty

Library Services Division Manager
Parks & Community Services Director

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

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

A CONSENT CALENDAR - CITY COUNCIL

A .1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A .2 APPROVAL OF CHECK REGISTER FOR APRIL, 2009 (Report of: Financial & Administrative Services)

Recommendation:

Adopt Resolution No. 2009-60, approving the Check Register for the month of April, 2009 in the amount of \$13,632,798.36.

Resolution No. 2009-60

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

A .3 AUTHORIZE A CHANGE ORDER TO INCREASE PURCHASE ORDER WITH OVERLAND PACIFIC & CUTLER FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT - PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Authorize a Change Order to increase the Purchase Order with Overland Pacific & Cutler (OPC) in the amount of \$104,520 (\$87,100 proposal plus 20% contingency) for extended negotiation services and eminent domain support services for SR-60/Nason Street Interchange Improvements project (Account No. 125.89720); and

2. Authorize the Public Works Director/City Engineer to approve any subsequent changes to the OPC proposal, up to but not to exceed the 20% contingency amount of \$17,420, for the SR-60/Nason Street Interchange Improvements project.

- A .4 APPROVE THE PROPOSED RESOLUTION SUMMARILY VACATING A PORTION OF KITCHING STREET SOUTH OF JOHN F. KENNEDY DRIVE - KITCHING STREET IMPROVEMENTS FROM GENTIAN AVENUE TO ALESSANDRO BOULEVARD PROJECT NO. 07-50182425 (Report of: Public Works Department)

Recommendation:

1. Approve and adopt Resolution No. 2009-61, summarily vacating a portion of old Kitching Street right-of-way, west of centerline, from John F. Kennedy Drive to approximately 130' south of Margaret Avenue, excepting and reserving any easement for existing public utilities; and

Resolution No. 2009-61

A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of a Portion of Kitching Street South of John F. Kennedy Drive

2. Instruct the City Clerk to certify said Resolution and transmit a copy of the Resolution to the County Recorder's office for recording.

- A .5 AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT FOR TRAFFIC SIGNAL, STREET AND STORM DRAIN IMPROVEMENTS FOR STATE ROUTE 60 EASTBOUND RAMPS AND REDLANDS BOULEVARD - PROJECT NO. 06-12566625 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for Traffic Signal, Street and Storm Drain Improvements for State Route 60 Eastbound Ramps and Redlands Boulevard to Murrieta Development Company, Inc., 42540 Rio Nedo Road, Temecula, CA 92590, the lowest responsible bidder;
2. Authorize the City Manager to execute a contract with Murrieta Development Company, Inc.;
3. Authorize the issuance of a Purchase Order for Murrieta Development Company, Inc., in the amount of \$672,380.97 (bid amount of \$584,679.10 plus 15% contingency) when the contract has been signed by all parties;

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Murrieta Development Company, Inc., up to, but not exceeding, the Purchase Order contingency amount of \$87,701.87, 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 Public Contract Code, Section 7107.

A .6 AUTHORIZATION TO CLOSE PUBLIC STREETS FOR THE INDEPENDENCE DAY FESTIVITIES ON SATURDAY, JULY 4, 2009 (Report of: Parks and Community Services)

Recommendation:

1. Authorize the closure of the following streets between the hours of 7:00 a.m. and 12:00 noon for the purpose of conducting the Fourth of July Parade scheduled to take place on July 4, 2009.
 - a. TownGate Boulevard between Frederick Street, Eucalyptus Avenue and Memorial Way;
 - b. Frederick Street between Centerpointe Drive and Cactus Avenue;
 - c. Cottonwood Avenue between Pan Am Boulevard and Dunhill Drive;
 - d. Eucalyptus Avenue between Pan Am Boulevard and Kochi Drive;
 - e. Dracaea Avenue between Pan Am Boulevard and Kochi Drive;
 - f. Atlantic Circle east of Frederick Street;
 - g. Brabham Street between Frederick Street and Andretti Street;
 - h. TownGate Boulevard between Frederick Street and Heritage Way;
 - i. Bay Avenue between Kristina Court and Courage Street;
 - j. Alessandro Boulevard between Chagall Court and Elsworth Street;
 - k. Resource Way between Frederick Street and Corporate Way;
 - l. Corporate Way between Calle San Juan de Los Lagos and Resource Way;
 - m. Calle San Juan de Los Lagos between Frederick Street and Veterans Way;
 - n. Veterans Way between Cactus Avenue and Alessandro Boulevard;

- o. New Hope between Veterans Way and Elsworth; and
- p. Heritage Way between TownGate Boulevard and Town Circle.

- 2. Authorize the closure of the following streets to through traffic, to remain open only to residents, between the hours of 11:00 a.m. and 9:00 p.m. for the purpose of conducting the Fourth of July Festival and Fireworks Program scheduled to take place on July 4, 2009.
 - a. Petaluma Avenue between Napa Valley and Morrison Street;
 - b. Napa Valley between Dracaea Avenue and Petaluma Avenue;
 - c. Lakeport Drive at Cottonwood Avenue;
 - d. Burney Pass Drive between Cottonwood Avenue and Dracaea Avenue;
 - e. Rockport Drive between Yuba Pass Road and Morrison Street;
 - f. Dracaea Avenue between Morrison Street and Nason Street;
 - g. Letterman Street at Cottonwood Avenue;
 - h. Athletics Drive at Cottonwood Avenue; and
 - i. Mascot Lane at Dracaea Avenue.

- A .7 APPROVE A COOPERATIVE AGREEMENT WITH THE STATE OF CALIFORNIA FOR A LANDSCAPE CORRIDOR MASTER PLAN FOR STATE ROUTE 60 (Report of: Public Works Department)

Recommendation:

Authorize the Mayor to execute the "Cooperative Agreement" with the State of California.

- A .8 PARCEL MAP 35150, PERRIS VALLEY MASTER DRAINAGE PLAN (LATERAL B-3 AND B-3.2) - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF INDIAN STREET, SAN MICHELE ROAD, AND NANDINA AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER - FR/CAL MORENO VALLEY, LLC. A DELAWARE LIMITED LIABILITY COMPANY, LONG BEACH, CA 90802-4217 (Report of: Public Works Department)

Recommendation:

- 1. Adopt Resolution No. 2009-62 authorizing the acceptance of the public improvements for Parcel Map 35150, Perris Valley Master

Drainage Plan (Lateral B-3 and B-3.2) as complete and accepting the portion of Indian Street, San Michele Road, and Nandina Avenue associated with the project into the City's maintained street system; and

Resolution No. 2009-62

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within Parcel Map 35150, Perris Valley Master Drainage Plan (Lateral B-3 and B-3.2), and Accepting the Portion of Indian Avenue, San Michele Road, and Nandina Avenue 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 .9 WASTE MANAGEMENT OF THE INLAND EMPIRE FY 2009/2010 RATE ADJUSTMENT (Report of: Public Works Department)

Recommendation:

Approve the Waste Management of the Inland Empire proposed Fiscal Year (FY) 2009/2010 Rate Adjustment

- A .10 P08-031 – APPROVAL OF PROPOSED RESOLUTION, SUMMARY VACATION OF A PORTION OF HEMLOCK AVENUE - NORTH SIDE OF HEMLOCK AVENUE, WEST OF DEERWOOD LANE - DEVELOPER: WATHOGALA SARANASTRI MORENO VALLEY, CA 92557 (Report of: Public Works Department)

Recommendation:

1. Approve and adopt Resolution No. 2009-63, summarily vacating a portion of Hemlock Avenue, south of APN 292-181-020, located on the north side of Hemlock Avenue, west of Deerwood Lane for P08-031; and

Resolution No. 2009-63

A Resolution of the City Council of the City of Moreno Valley,

California, Ordering the Summary Vacation of a Portion of Hemlock Avenue, North Side of Hemlock Avenue, West of Deerwood Lane.

2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recording.

- A .11 AMENDMENT TO THE JOINT POWERS AGREEMENT OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS TO ADD WATER DISTRICTS TO THE GOVERNING BOARD (Report of: City Manager's Office)

Recommendation:

Approve an amendment to the Joint Powers Agreement of the Western Riverside Council of Governments (WRCOG) to add water districts to the WRCOG governing board.

- A .12 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 June 3-16, 2009.

- A .13 RESOLUTION TO RATIFY THE APPLICATION FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AND TO ACCEPT THE \$105,989.00 ALLOCATION TO THE CITY (Report of: Community Development Department)

Recommendation:

Approve Resolution 2009-65 to ratify the application by the Code & Neighborhood Services Division for the Edward Byrne Memorial Justice Assistance Grant and to accept the \$105,989 allocated to the City.

Resolution No. 2009-65

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Grant Application Submitted by the Code & Neighborhood Services Division to the Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant and Accept the

\$105,989 Allocation

- A .14 CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS), GRANT FUNDING OPPORTUNITY (Report of: Police Department)

Recommendation:

Approve the grant application and authorize acceptance (if granted) of the California Office of Traffic Safety 2009/2010 "Click It or Ticket" seatbelt enforcement mini-grant program in the amount of \$86,991.

- A .15 FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH NORRIS REPKE, INC. (CONTINUED FROM JUNE 9, 2009) (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Norris Repke, Inc. (Norris Repke), 400 North Tustin Ave., Suite 230, Santa Ana, CA 92705, to provide Professional Consultant Services and increase the agreement amount by the "not to exceed" fee of \$295,000;
2. Authorize the City Manager to execute said "First Amendment to Agreement for Professional Consultant Services" with Norris Repke; and
3. Authorize a Change Order to the Purchase Order to Norris Repke in the amount of \$295,000 when "First Amendment to Agreement for Professional Consultant Services" has been signed by all parties. (Account No. 501.82725).

- A .17 AUTHORIZATION FOR THE MAYOR TO SIGN THE PROPOSITION 218 LETTER FOR EACH CITY AND COMMUNITY SERVICES DISTRICT FUND TO BE TRANSMITTED WITH THE FIXED CHARGE SUBMITTAL, AS REQUIRED BY THE COUNTY OF RIVERSIDE (Report of: Public Works Department)

Recommendation:

Approve and adopt the proposed Resolution No. 2009 - 64 to authorize the Mayor to sign the Proposition 218 letters to be sent to

the Riverside County Auditor-Controller for Fiscal Year (FY) 2009/10.

- A .18 TRANSFER OF REAL PROPERTY LOCATED AT 15111 INDIAN AVENUE (APN 485-042-029) FROM THE CITY OF MORENO VALLEY, A MUNICIPAL CORPORATION, TO THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AND THE TRANSFER OF 1.5 ACRES ON THE NORTHWEST CORNER OF THE REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF MORRISON STREET AND COTTONWOOD AVENUE (APN 487-370-013) FROM THE MORENO VALLEY COMMUNITY SERVICES DISTRICT TO THE CITY OF MORENO, A MUNICIPAL CORPORATION. (Report of: Fire Department)

Recommendation:

1. Authorize the Mayor to execute a quitclaim deed to transfer real property located at 15111 Indian Avenue (APN 485-042-029) from the City of Moreno Valley, a Municipal Corporation, to the Moreno Valley Community Services District; and
2. Authorize the Mayor to execute the Certificate of Acceptance, which will allow the transfer of 1.5 acres on the northwest corner of the real property located on the northeast corner of Morrison Street and Cottonwood Avenue (APN 487-370-013) from the Moreno Valley Community Services District to the City of Moreno Valley, a Municipal Corporation (Attachment B).

- A .19 AMENDMENT TO INDEPENDENT CONTRACTOR AGREEMENT WITH WILLDAN TO PROVIDE FOR INTERIM BUILDING OFFICIAL SERVICES (Report of: Community Development Department)

Recommendation:

Approve the "Amendment to Agreement for Independent Contractor" with Willdan Engineering, to include professional consulting services for the position of Interim Building Official in the Building and Safety Division of the Community Development Department.

- A .20 MINUTES - REGULAR MEETING OF JUNE 9, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

- A .21 APPLICATION FOR MEMBERSHIP IN THE PUBLIC ENTITY RISK MANAGEMENT AUTHORITY (PERMA) (Report of: Human Resources)

Recommendation:

Adopt Resolution 2009-67 making application for membership in the Public Entity Risk Management Authority (PERMA) Liability Program and authorizing the City Manager to execute the appropriate legal documents.

Resolution No. 2009-67

A Resolution of the City Council of the City of Moreno Valley, California, Applying for Membership in the Public Entity Risk Management Authority and to Participate in its Liability Program

- A .22 PARCEL MAP 33532 – RELEASE THE GRADING IMPROVEMENT BONDS FOR MASS GRADING IMPROVEMENTS AND ACCEPT THE SUBSTITUTE AGREEMENT FOR EROSION CONTROL (Report of: Public Works Department)

Recommendation:

1. Authorize the City Engineer to execute the exoneration of the Faithful Performance and Material and Labor securities associated with the Parcel Map 33532 mass grading improvements;
2. Authorize the Mayor to execute the attached Substitute Agreement for Erosion Control Improvements associated with Parcel Map 33532; and
3. Instruct the City Clerk to forward the completed Substitute Agreement for Erosion Control Improvements to the County Recorder's Office for recordation.

B CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

- B .1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

- B .2 AUTHORIZATION TO CLOSE PUBLIC STREETS FOR THE INDEPENDENCE DAY FESTIVITIES ON SATURDAY, JULY 4, 2009 (Report of: Parks and Community Services)

Recommendation:

1. Authorization to Close Public Streets for the Independence Day Festivities on Saturday, July 4, 2009
 - a. TownGate Boulevard between Frederick Street, Eucalyptus Avenue and Memorial Way;
 - b. Frederick Street between Centerpointe Drive and Cactus Avenue;
 - c. Cottonwood Avenue between Pan Am Boulevard and Dunhill Drive;
 - d. Eucalyptus Avenue between Pan Am Boulevard and Kochi Drive;
 - e. Dracaea Avenue between Pan Am Boulevard and Kochi Drive;
 - f. Atlantic Circle east of Frederick Street;
 - g. Brabham Street between Frederick Street and Andretti Street;
 - h. TownGate Boulevard between Frederick Street and Heritage Way;
 - i. Bay Avenue between Kristina Court and Courage Street;
 - j. Alessandro Boulevard between Chagall Court and Elsworth Street;
 - k. Resource Way between Frederick Street and Corporate Way;
 - l. Corporate Way between Calle San Juan de Los Lagos and Resource Way;
 - m. Calle San Juan de Los Lagos between Frederick Street and Veterans Way;
 - n. Veterans Way between Cactus Avenue and Alessandro Boulevard;
 - o. New Hope between Veterans Way and Elsworth; and
 - p. Heritage Way between TownGate Boulevard and Town Circle.

2. Authorize the closure of the following streets to through traffic, to remain open only to residents, between the hours of 11:00 a.m. and 9:00 p.m. for the purpose of conducting the Fourth of July Festival and Fireworks Program scheduled to take place on July 4, 2009.
 - a. Petaluma Avenue between Napa Valley and Morrison Street;
 - b. Napa Valley between Dracaea Avenue and Petaluma Avenue;
 - c. Lakeport Drive at Cottonwood Avenue;
 - d. Burney Pass Drive between Cottonwood Avenue and Dracaea Avenue;
 - e. Rockport Drive between Yuba Pass Road and Morrison Street;
 - f. Dracaea Avenue between Morrison Street and Nason Street;
 - g. Letterman Street at Cottonwood Avenue;

- h. Athletics Drive at Cottonwood Avenue; and
- i. Mascot Lane at Dracaea Avenue.

B .3 TRANSFER OF REAL PROPERTY LOCATED AT 15111 INDIAN AVENUE (APN 485-042-029) FROM THE CITY OF MORENO VALLEY, A MUNICIPAL CORPORATION, TO THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AND THE TRANSFER OF 1.5 ACRES ON THE NORTHWEST CORNER OF THE REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF MORRISON STREET AND COTTONWOOD AVENUE (APN 487-370-013) FROM THE MORENO VALLEY COMMUNITY SERVICES DISTRICT TO THE CITY OF MORENO, A MUNICIPAL CORPORATION (Report of: Fire Department)

Recommendation:

1. Authorize the Chairman of the Board of Directors of the Moreno Valley Community Services District to execute the Certificate of Acceptance that will allow the transfer real property located at 15111 Indian Avenue (APN 485-042-029) from the City of Moreno Valley, a Municipal Corporation, to the Moreno Valley Community Services District;
2. Authorize the Chairman of the Board of Directors of the Moreno Valley Community Services District to execute a quitclaim deed, which will allow the transfer 1.5 acres on the northwest corner of the real property located on the northeast corner of Morrison Street and Cottonwood Avenue (APN 487-370-013) from the Moreno Valley Community Services District to the City of Moreno Valley, a Municipal Corporation; and
3. Authorize and direct the City Engineer to approve, and submit, the legal description for the transfer of title from the Moreno Valley Community Services District to the City of Moreno Valley, a Municipal Corporation, of 1.5 acres located on the northwest corner of APN 487-370-013 identified as Exhibit A on the grant deed as well as approve and submit an illustrated plat identified as Exhibit B on the grant deed.

B .4 MINUTES - REGULAR MEETING OF JUNE 9, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

- B .5 AUTHORIZATION FOR THE MAYOR TO SIGN THE PROPOSITION 218 LETTER FOR EACH CITY AND COMMUNITY SERVICES DISTRICT FUND TO BE TRANSMITTED WITH THE FIXED CHARGE SUBMITTAL, AS REQUIRED BY THE COUNTY OF RIVERSIDE (Report of: Public Works Department)

Recommendation:

That the City Council acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), approve and adopt the proposed Resolution No. CSD 2009 - 16 to authorize the Mayor, acting in the capacity of President of the CSD, to sign the Proposition 218 letters to be sent to the Riverside County Auditor-Controller for FY 2009/10.

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 JUNE 9, 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 JUNE 9, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

Joint Consent Calendar Items A1-D2 approved except Item A16, which was pulled for separate discussion/action. m/Mayor Pro Tem Bonnie Flickinger, s/Council Member Robin N. Hastings
Approved by a vote of 5-0.

E PUBLIC HEARINGS

E .1 PUBLIC HEARING FOR DELINQUENT RESIDENTIAL SOLID WASTE ACCOUNTS

Recommendation: That the City Council:

1. After conducting the public hearing:

Approve placing the submitted list of delinquent solid waste accounts, available in the City Clerk's office, on the Fiscal Year (FY) 2009/2010 Riverside County property tax roll for collection; and

2. Direct the City Clerk to file with the Riverside County Auditor a certified copy of Resolution 2007-72 and the list of delinquent solid waste accounts as required by Section 5473.4 of the California Health and Safety Code and Section 6.02.030 of the City of Moreno Valley Municipal Code.

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

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

E .2 PUBLIC HEARING REGARDING A MAIL BALLOT PROCEEDING FOR TENTATIVE TRACT MAP 32711 BALLOTING FOR NPDES AND CSD ZONE B (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:

1. After conducting the public hearing:

a. Direct the City Clerk to tabulate the returned ballot for the National Pollutant Discharge Elimination System (NPDES) maximum residential regulatory rate for Tentative Tract Map (TTM) 32711;

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

The City Clerk announced the results as follows:

Tentative Tract Map 32711, NPDES - Passes

- b. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and Assessor's 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 residential regulatory rate to TTM 32711.

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

- 2. Staff recommends that the Mayor and City Council acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the public hearing:

- a. Direct the City Clerk ("CSD Board Secretary") to tabulate the returned ballot for inclusion into and approval of the annual charge for CSD Zone B (Residential Street Lighting) for TTM 32711;

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

The City Clerk announced the results as follows:

Tentative Tract Map 32711, CSD Zone B – Passes

- b. Verify and accept the results 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 CSD Official Tally Sheet and APN listing; and
- d. If approved, authorize and impose the annual charge for CSD Zone B (Residential Street Lighting) to TTM 32711.

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

- E .3 PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS ('GANN") LIMIT FOR THE CITY OF MORENO VALLEY FOR FY 2009-10 (Report of: Financial &

Administrative Services)

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive public comments on the City's appropriations limit for Fiscal Year 2009-10; and

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

2. Adopt Resolution No. 2009-66 establishing the appropriations limit at \$85,198,650 for the City of Moreno Valley for Fiscal Year 2009-10.

Resolution No. 2009-66

A Resolution of the City Council of the City of Moreno Valley, California, Establishing the Appropriations Limit for Fiscal Year 2009-10

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

- E .4 PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS ("GANN") LIMIT FOR THE MORENO VALLEY COMMUNITY SERVICES DISTRICT FOR FY 2009-10 (Report of: Financial & Administrative Services)

Recommendation: That the City Council:

1. Acting in their capacity as President and Board Members of the Moreno Valley Community Services District

Conduct a Public Hearing to receive public comments on the Moreno Valley Community Services District's appropriations limit for Fiscal Year 2009-10; and

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

2. Adopt Resolution No. CSD 2009-17 establishing the appropriations limit at \$13,729,179 for the Moreno Valley Community Services District for Fiscal Year 2009-10.

Resolution No. CSD 2009-17

A Resolution of the Moreno Valley Community Services District
Establishing the Appropriations Limit for Fiscal Year 2009-10

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

- E .5 CONTINUANCE OF 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) (Report of: Community Development Department)

Recommendation: That the City Council:

CONTINUE the item to the City Council meeting of July 14, 2009, at the request of the applicant.

Motion to continue the item to August 25, 2009 City Council meeting by m/Mayor Pro Tem Bonnie Flickinger, 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 .16 CALIFORNIA OFFICE OF TRAFFIC SAFETY "SOBRIETY CHECKPOINT MINI-GRANT PROGRAM FOR LOCAL LAW ENFORCEMENT AGENCIES" GRANT (Report of Police Department)

Recommendation:

Approve the grant application and authorize acceptance (if granted) of the California Office of Traffic Safety (OTS) "Sobriety Checkpoint Mini-Grant Program for Local Law Enforcement Agencies" in the amount of \$205,850 for a twelve-month period beginning October 1, 2009 and ending September 8, 2010.

Mayor Stewart opened the agenda item for public comments, which were received from Mike Rios and Ruthie Goldkorn.

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

G REPORTS

G .1 APPOINTMENTS TO THE CITY COUNCIL ADVISORY BOARDS AND COMMISSIONS (Report of: City Clerk's Department)

Recommendation: That the City Council:

1. Review the ballots for appointments to various City Council Boards and Commissions (to be provided by the City Clerk) and mark your choices where appropriate; or
2. If appointments are not made, declare the positions vacant and authorize the City Clerk to re-notice the positions as vacant.

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

Motion to make the following appointments by m/Mayor Pro Tem Bonnie Flickinger, s/Council Member Jesse L. Molina
Approved by a vote of 5-0.

Accessibility Appeals Board, Public Representative
One term expiring June 30, 2012
Michael Anthony Peters

Physically Challenged Representative
One term expiring June 30, 2010
Nina Hiers

Arts Commission
Three terms expiring June 30, 2012
Carlos Costillo
Patricia Korzec
Ruth Van Hala

Library Commission
Two terms expiring June 30, 2012
Steven Smelser
Kristin Streich

Parks and Recreation Commission
Two terms expiring June 30, 2012
Stewart Swan
Charles A. Van Dusen

Recreational Trails Board
One term expiring June 30, 2012
Brenda Jackson

Senior Citizens' Board
Three terms expiring June 30, 2012
Cleveland Johnson
Carrie V. Morris
Beverly K. Petersen

Traffic Safety Commission
Two terms expiring June 30, 2012
Wraymond Sawyerr
Eric H. Whittemore

- G .2 RESULTS FOR MAIL BALLOT PROCEEDING FOR A PROPOSED CHARGE INCREASE FOR THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) PROGRAM (Report of: City Clerk's Department)

Recommendation: That the City Council:

Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board");

After receiving the report of the CSD Board Secretary:

- a. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet, and APN listing:
- b. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
- c. If approved, authorize and impose the CSD Zone B charge.

Public hearing was conducted on June 9, 2009 (Item E.3).

The City Clerk announced results as follows:

Zone B: Valid WBC "Yes" - 2025; WBC "No" - 4076; Failed

Motion to Approve by m/Vice President Bonnie Flickinger,

s/Board Member William H. Batey II
Approved by a vote of 5-0.

Council's direction: Bring the issue of street lighting to a future study session (Mayor Stewart/Mayor Pro Tem Flickinger)

- G .3 AMENDED RESULTS FOR MAIL BALLOT PROCEEDING FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR 17334, 18512/21322, 18784/20906, 18930, 19852, and 31284 TRACTS AND AMENDED RESULTS FOR MAIL BALLOT PROCEEDING FOR A PROPOSED INCREASE IN THE CSD ZONE E (HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR ZONE E-3 (MORENO VALLEY RANCH-WEST) (Report of: City Clerk's Department)

Recommendation: That the City Council:

Acting in their capacities as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board"):

After receiving the report of the CSD Board Secretary:

- a. Verify and accept the amended results of the mail ballot proceeding as identified on the Official Tally Sheet, and APN listing; and
- b. Receive and file with the City Clerk's office the accepted Amended Official Tally Sheet and APN listing.

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

The City Clerk announced that the mail ballots for CSD Zone D and Zone E-3 were tabulated and announced during the June 9, 2009 Regular City Council Meeting. The City Clerk's Department received CSD Zone D and Zone E-3 ballots in sealed Zone B envelopes. CSD Zone D mail ballots were received for tracts 17334, 18512/21322, 18784/20906, 18930, 19852, and 31284. These mail ballots were received before the close of the public hearing. The mail ballots have been counted and the following are the amended results:

Tract 17334:	Valid WBC "Yes": 4; Valid WBC "No": 20 - Failed
Tract 18512/21322:	Valid WBC "Yes":20; Valid WBC "No": 70 - Failed
Tract 18784/20906:	Valid WBC "Yes":8; Valid WBC "No": 22 - Failed
Tract 18930:	Valid WBC "Yes":8; Valid WBC "No": 34 - Failed
Tract 19852:	Valid WBC "Yes":15; Valid WBC "No": 39 - Failed
Tract 31284:	Valid WBC "Yes":6; Valid WBC "No": 28 - Failed

Zone E-3: Valid WBC "Yes": 308.906; Valid WBC "No": 497.847 - Failed

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

- G .4 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR FREDERICK STREET SYNTHETIC TURF MEDIAN IMPROVEMENTS BETWEEN ALESSANDRO BOULEVARD AND CALLE SAN JUAN DE LOS LAGOS - PROJECT NO. 07-41678627 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Frederick Street Synthetic Turf Median Improvements between Alessandro Blvd. and Calle San Juan De Los Lagos to Nature Tech Landscaping, Inc., 1760 Marlborough Avenue, Riverside, CA 92507, the lowest responsible bidder;
2. Authorize the City Manager to execute a contract with Nature Tech Landscaping, Inc.;
3. Authorize the issuance a Purchase Order to Nature Tech Landscaping, Inc. in the amount of \$175,638.50 (\$152,729.13 base bid amount plus 15% contingency) when the contract has been signed by all parties;
4. Authorize the City Engineer to execute any subsequent change orders to the contract with Nature Tech Landscaping, Inc., up to but not to exceed the Purchase Order contingency of \$22,909.37; 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 Public Contract Code, Section 7107.

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

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

**RECESS;
RECONVENE**

- G .5 CONTINUING DISCUSSION ON PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2009-10 (Report of: Financial & Administrative Services)

Recommendation: That the City Council:

Continue discussions on the Proposed Operating Budget for Fiscal Year 2009-10 and provide further direction to staff regarding the proposed solutions for addressing the projected General Fund deficit of \$6,286,400.

Motion to approve Option No. 2 recommended by the Public Safety Subcommittee, which includes defunding three vacant undedicated supported officer positions and defunding the vacant dedicated unsupported officer position in the West County Narcotics Task Force (WCNTF) and pulling out from WCNTF (total savings of \$811,069) by m/Council Member William H. Batey II, s/Mayor Pro Tem Bonnie Flickinger
Approved by a vote of 4-1, Mayor Stewart opposed.

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

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

AGENDA ORDER

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Deanna Reeder

- 1) Criteria for the consent calendar agenda

Jerry L. Green

1) Proposed Mega Chamber

Daryl Terrell

1) American dream; renewing hope

Linda Wright

1) Chambers of Commerce

Vonzetta Fielding

1) Chambers of Commerce

Mike Rios

1) Budget

2) Small businesses

Ruthie Goldkorn

1) Chambers of Commerce

William Barr

1) Chambers of Commerce

Pete Bleckert

1) Moreno Valley Electric Utility

2) Intersection of Indian and Sunnymead

AGENDA ORDER

G .6 INPUT REGARDING THE MID-COUNTY PARKWAY (DISCUSSION) (Molina/Flickinger)

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

No action required.

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

Council Member Batey

1) Responded to speakers' comments - the idea of merging the three Chambers is not new; it was brought up a number of times over the years (before the new Council Members came on board) and at that time it was decided to keep the three separate chambers

- 2) Attended the dedication of Rock Ridge Park - a very nice park; very impressed with drought tolerant grass
- 3) The City is facing very difficult budget choices; asked everyone to be patient; asked residents for suggestions
- 4) 4th of July is coming up; advised against playing with fireworks, which are illegal in County of Riverside

Mayor Pro Tem Flickinger

- 1) RTA is partnering with Google in placing Riverside Transit Agency's schedules, bus stop locations and step-by-step travel directions on the Internet. Residents can access the information from cell phones or Internet by going to google.com/transit
- 2) July 4th is coming up; asked everyone to reflect on why we celebrate it; this is the country of freedom; we are grateful that we live in a country where we can be free
- 3) EMWD is changing its water efficiency habits from voluntary to mandatory; fines will be imposed for violating the regulations

Council Member Hastings

- 1) Addressed Greater Moreno Valley Chamber of Commerce; stated that the Chambers have the same goal of retaining and providing services to business and should work together and address each segment of society
- 3) Responded to Mr. Rios's comments – stated that everybody shares the pain of budget cuts
- 4) EMWD's second tiered rates are now mandatory; the Community Services Department and EMWD will conduct a water conservation workshop to provide tips on how to manage water usage more efficiently; the workshop is tentatively scheduled for July 9; encouraged anyone interested to attend
- 5) Talked to the City Manager and Moreno Valley Chamber of Commerce Executive Director about Adopt a Street Program or Adopt a Center Program, a suggestion brought up by a resident to help Code Enforcement keep the City clean; asked residents to contact the Chamber of Commerce with any suggestions

Council Member Batey seconded to bring this subject to a future study session

Council Member Molina

- 1) Responded to speakers' comments regarding Chambers - stated that he was not familiar with the history behind the three Chambers; he attended several Chambers' events and noticed a low attendance; emphasized the need of working together
- 2) Thanked the Friends of Moreno Valley for donating a TV to the Senior Center; emphasized the importance of taking care of senior citizens' needs

Mayor Stewart

- 1) Stated that the Council is cognizant about preserving core government services (police, fire, animal control and street maintenance) while making budget decisions
- 2) Responded to Mike Rios's comments regarding small businesses - suggested for Mr. Rios to meet with his Council representative
- 3) Responded to Mike Rios's comments regarding Geller & Stewart law firm moving out of the City - explained the reasoning behind this financial decision
- 4) Is pleased that staff is working on small business development
- 5) Referred to an article in The Press-Enterprise regarding labor negotiations - hopes that an agreement will be reached before budget adoption
- 6) Emphasized the contributions of volunteers, especially citizens patrol; would like to see increased participation of volunteers in code enforcement and park ranger reserve programs
- 7) Responded to speaker's comments regarding So California Edison - City's relationship with So California Edison has been remarkable; So Ca Edison has worked with the City on a variety of projects, and they are very cooperative and open. The electric rates are under the control of the Public Utility Commissions.
- 8) Supports having separate Chambers of Commerce; businesses make the chambers successful

AGENDA ORDER

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

The City Manager reported the following:

- 1) The Moreno Valley's Independence and Family FunFest will kick off with the parade from City Hall to TownGate Plaza on July 4, at 9:30 a.m. Beginning at 2 p.m. the festival activities, concert and fireworks display will take place at Morrison Park/Mountain View Middle School.
- 2) Public Works Department received the Targeted Rubberized Asphalt Concrete Incentive Grant for FY 08/09 in the amount of \$120,000 from the California Integrated Waste Management Board. The money will be expended through various capital improvement projects, part of overall City's capital improvement plan.

CLOSED SESSION

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

None

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 10:37 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

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