

REVISED AGENDA

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

April 27, 2010

SPECIAL PRESENTATIONS – 6:00 P.M. REGULAR MEETING – 6:30 P.M.

City Council Closed Session

First Tuesday of each month – 6:00 p.m.

City Council Study Sessions

Third Tuesday of each month – 6:00 p.m.

City Council Meetings

Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Bonnie Flickinger, Mayor

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

AGENDA CITY COUNCIL OF THE CITY OF MORENO VALLEY April 27, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

- 1. Riverside Transit Agency Moreno Valley/Perris Transportation NOW "Air Aware" Project Contest Winners
- 2. Recognition of the 2010 William H. Batey II Annual Reading Contest Winners
- 3. Proclamation Recognizing Ronald Powell
- 4. "Spotlight on Moreno Valley Business"

REVISED AGENDA * 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 AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM APRIL 27, 2010

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor Charles Campbell, Koinonia Evangelistic Center

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

- A.1 ORDINANCES READING BY TITLE ONLY **Recommendation:** Waive reading of all Ordinances.
- A.2 <u>MINUTES REGULAR MEETING OF APRIL 13, 2010 (Report of: City Clerk)</u>

Recommendation:

Approve as submitted.

A.3 <u>CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of:</u> City Clerk)

Recommendation:

Receive and file the Reports on Reimbursable Activities for the period of April 7-20, 2010.

A.4 <u>APPROVAL OF CHECK REGISTER FOR FEBRUARY, 2010 (Report of:</u> Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2010-24, approving the Check Register for the month of February, 2010 in the amount of \$11,074,851.58.

Resolution No. 2010-24

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of February, 2010

A.5 PARCEL MAP 32326 – ACCEPTANCE OF STORM DRAIN EASEMENTS AND EXECUTION OF QUITCLAIM DEEDS TRANSFERRING THE CITY'S TITLE INTEREST IN STORM DRAIN EASEMENTS TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT PER THE SECOND AMENDED AND RESTATED COOPERATIVE AGREEMENT BETWEEN CITY OF MORENO VALLEY, RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, RIDGE MORENO VALLEY, LLC, AND RIDGE MORENO VALLEY II, LLC, DEVELOPER: RIDGE MORENO VALLEY, LLC AND RIDGE MORENO VALLEY II, LLC, LONG BEACH, CA 90803 (Report of: Public Works Department)

Recommendation:

Adopt proposed Resolution No. 2010-25 authorizing the acceptance of the public storm drain easements per Irrevocable Offers of Dedications recorded as Instrument Numbers 2006-0437088, 2006-0437089, 2009-0597445, 2009-0597446, and 2009-0657601 in the Official Records of Riverside County, California;

Resolution No. 2010-25

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Storm Drain Easements Per Irrevocable Offers of Dedications Recorded as Instrument Numbers 2006-0437088, 2006-0437089, 2009-0597445, 2009-0597446, and 2009-0657601 in the Official Records of Riverside County, California and Execution of Quitclaim Deeds According to the Second Amended and Restated Cooperative Agreement between the Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, Ridge Moreno Valley, LLC, and Ridge Moreno Valley II, LLC

- Authorize the Mayor to execute the Quitclaim Deeds transferring all right, title and interest in and to the storm drain easements per Irrevocable Offers of Dedications recorded as Instrument Numbers 2006-0437088, 2006-0437089, 2009-0597445, 2009-0597446, and 2009-0657601 in the Official Records of Riverside County, California; and
- Direct the City Clerk to forward the signed Quitclaim Deeds and Adopted Resolution No. 2010-25 to the Riverside County Flood Control and Water Conservation District for further processing and recordation.
- A.6 PM 32326 APPROVAL OF PROPOSED RESOLUTION FOR A SUMMARY VACATION OF PUBLIC STORM DRAIN EASEMENTS DESCRIBED AS PARCELS A AND B IN THE OFFER OF DEDICATION RECORDED AS INSTRUMENT NO. 2006-0437088 LOCATED ON PARCELS 1, 2, AND 3 OF PARCEL MAP 32326 AND THE STORM DRAIN EASEMENT AS DESCRIBED IN THE EASEMENT NOTE NO. 4 LOCATED ON PARCEL 3 OF PARCEL MAP 32326, NORTH SIDE OF BRODIAEA AVENUE BETWEEN FREDERICK STREET AND GRAHAM STREET DEVELOPER: RIDGE MORENO VALLEY, LLC, LONG BEACH, CA 90803 (Report of: Public Works Department)

Recommendation:

Adopt Resolution No. 2010-26, summarily vacating the storm drain easements described as Parcels A and B in the Offer of Dedication

recorded as Instrument No. 2006-0437088 located on Parcels 1, 2, and 3 of Parcel Map 32326 and the storm drain easement as described in the Easement Note No. 4 located on Parcel 3 of the Parcel Map 32326; and

Resolution No. 2010-26

A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of Public Storm Drain Easements Described as Parcels A and B in the Offer of Dedication Recorded as Instrument No. 2006-0437088 Located on Parcels 1, 2, and 3 of Parcel Map 32326 and the Storm Drain Easement as Described in the Easement Note No. 4 Located on Parcel 3 of Parcel Map 32326

- 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.7 APPROVE THE CITY OF MORENO VALLEY'S FIVE-YEAR MEASURE "A" LOCAL STREETS AND ROADS CAPITAL IMPROVEMENT PLAN (CIP) AND MAINTENANCE OF EFFORT (MOE) CERTIFICATION STATEMENT FOR THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION (RCTC) MEASURE "A" LOCAL FUNDS PROGRAM, FISCAL YEAR (FY) 2011-2015 (Report of: Public Works Department)

Recommendation:

- Approve the City of Moreno Valley's Five-Year Measure "A" Local Streets and Roads CIP and MOE for the RCTC Measure "A" Local Funds Program, FY 2011-2015;
- 2. Authorize submittal of the RCTC Measure "A" Local Streets and Roads CIP and MOE for the RCTC Measure "A" Local Funds Program, FY 2011-2015; and
- 3. Authorize staff to submit an amended five-year plan to RCTC if changes are made by City Council to the listed Measure "A" projects as part of the upcoming FY 2010-2011 budget approval process.
- A.8 RESOLUTION OPPOSING PROPOSITION 16, THE "NEW TWO-THIRDS VOTE REQUIREMENT OF LOCAL PUBLIC ELECTRICITY PROVIDERS" ACT (Report of: City Manager's Office)

Recommendation:

Adopt Resolution No. 2010-27 opposing Proposition 16, the "New Two-Thirds Vote Requirement of Local Public Electricity Providers" Act.

Resolution No. 2010-27

A Resolution of the City Council of the City of Moreno Valley Opposing Proposition 16, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers" Measure

A.9 TRACT 31319 - PARTIALLY REDUCE FAITHFUL PERFORMANCE SECURITY AND ACCEPT THE PARTIAL PUBLIC IMPROVEMENTS AS COMPLETE - DEVELOPER: BELLA VISTA MORENO VALLEY LLC, RIVERSIDE CA 92506 (Report of: Public Works Department)

Recommendation:

- 1. Accept the partial Public Improvements, as complete, but not into the City's maintained street system; and
- 2. Authorize the City Engineer to execute the partial reduction to the Faithful Performance security, exonerate the portion of the Material and Labor security associated with the completed improvements in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the portion of the 10% warranty Faithful Performance security associated with the completed improvements in one year when all clearances are received.

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 APRIL 13, 2010 (Report of: City Clerk)

Recommendation:

Approve as submitted.

B.3 EXTENSION OF CONTRACT - PROJECT NO. E-1/09 - MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION - TOWNGATE (Report of: Public Works Department)

Recommendation:

- 1. Approve the Extension Agreement for MVCSD Project E-1/09 to extend the term of the contract for an additional one-year period;
- 2. Authorize the President of the MVCSD Board to execute said Amendment with Spectrum Care Landscape & Irrigation Management, Inc. of Foothill Ranch, California; and

- 3. Authorize the Purchasing Manager, on July 1, 2010, to issue open purchase orders to Spectrum Care Landscape & Irrigation Management, Inc. in the amounts of:
 - a) ONE HUNDRED FORTY-EIGHT THOUSAND AND 00/100 DOLLARS (\$148,000.00) for twelve months of base maintenance service, and
 - b) SIX THOUSAND NINE HUNDRED AND 00/100 DOLLARS (\$6,900.00) for anticipated Additional Work per Section 5 of the Extension Agreement.
- B.4 EXTENSION OF CONTRACT PROJECT NO. E-2/09 MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION HIDDEN SPRINGS (Report of: Public Works Department)

Recommendation:

- Approve the Amendment to the Contract Agreement for MVCSD Project E-2/09 to extend the term of the contract for an additional oneyear period;
- Authorize the President of the MVCSD Board to execute said Amendment with Tropical Plaza Nursery, Inc. of Villa Park, California; and
- 3. Authorize the Purchasing Manager, at the start of Fiscal Year 2010/11, to issue open purchase orders to Tropical Plaza Nursery, Inc. in the amounts of:
 - a) ONE HUNDRED EIGHTY-EIGHT THOUSAND FOUR HUNDRED AND 00/100 DOLLARS (\$188,400.00) for twelve months of base maintenance service, and
 - b) THIRTY THOUSAND NINE HUNDRED AND 00/100 DOLLARS (\$30,900.00) for anticipated Additional Work per Section 5 of the Extension Agreement.
- B.5 EXTENSION OF CONTRACT PROJECT NO. E-4/07 MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION MORENO VALLEY RANCH EAST (Report of: Public Works Department)

Recommendation:

- 1. Approve the Extension Agreement for MVCSD Project E-4/07 to extend the term of the contract for an additional one-year period;
- Authorize the President of the MVCSD Board to execute said

- Amendment with Bemus Landscape, Inc. of San Clemente, California; and
- 3. Authorize the Purchasing Manager, on July 1, 2010, to issue open purchase orders to Bemus Landscape, Inc. in the amounts of:
 - a) ONE HUNDRED NINETY-TWO THOUSAND TWO HUNDRED TWENTY-THREE AND 20/100 DOLLARS (\$192,223.20) for twelve months of base maintenance service, and
 - b) FIFTEEN THOUSAND SEVEN HUNDRED AND 00/100 DOLLARS (\$15,700.00) for anticipated Additional Work per Section 5 of the Extension Agreement.
- B.6 AWARD OF CONTRACT MORENO VALLEY COMMUNITY SERVICES
 DISTRICT PROJECT NO. DSG-1/10 MAINTENANCE OF PARKWAY
 AND MEDIAN LANDSCAPING AND IRRIGATION (Report of: Public Works Department)

Recommendation:

- 1. Approve the Agreement for MVCSD Project DSG-1/10 (the "Agreement") with TruGreen Landcare, Riverside, California;
- 2. Authorize the President of the MVCSD Board to execute said Agreement with TruGreen Landcare; and
- 3. Authorize the Purchasing Division Manager on July 1, 2010, to issue purchase orders to TruGreen Landcare, in the amounts of:
 - a) ONE HUNDRED SEVENTY-SEVEN THOUSAND NINE HUNDRED FIFTY EIGHT AND 60/100 (\$177,958.60) DOLLARS for twelve (12) months of base maintenance services and;
 - b) TWENTY-ONE THOUSAND SEVEN HUNDRED AND 00/100 (\$21,700.00) DOLLARS for anticipated Additional Work, per Section 2. Paragraph e. of Agreement Exhibit C.
- B.7 AWARD OF CONTRACT MORENO VALLEY COMMUNITY SERVICES

 DISTRICT PROJECT NO. E-3/10 MAINTENANCE OF REDUCEDSERVICE-LEVEL PARKWAY LANDSCAPING AND IRRIGATION –
 MORENO VALLEY RANCH WEST (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for MVCSD Project E-3/10 (the "Agreement") with Bemus Landscape, Inc., San Clemente, California;

- 2. Authorize the President of the MVCSD Board to execute said Agreement with Bemus Landscape, Inc.; and
- 3. Authorize the Purchasing Division Manager on July 1, 2010, to issue purchase orders to Bemus Landscape, Inc., in the amounts of:
 - a) ONE HUNDRED THIRTY-NINE THOUSAND FIVE HUNDRED AND 00/100 (\$139,500.00) DOLLARS for twelve (12) months of base maintenance services and;
 - b) THIRTEEN THOUSAND TWO HUNDRED FORTY-FIVE AND 00/100 (\$13,245.00) DOLLARS for anticipated Additional Work, per Section 2. Paragraph e. of Agreement Exhibit C.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

- C.1 ORDINANCES READING BY TITLE ONLY **Recommendation:** Waive reading of all Ordinances.
- C.2 <u>MINUTES REGULAR MEETING OF APRIL 13, 2010 (Report of: City Clerk)</u>

Recommendation:

Approve as submitted.

C.3 RDA BUDGET APPROPRIATION ADJUSTMENT TO FUND THE REQUIRED SUPPLEMENTAL EDUCATIONAL REVENUE AUGMENTATION FUND (SERAF) PAYMENT (Report of: Economic Development Department)

Recommendation:

- 1. Approve the state-mandated shift of the RDA's tax increment revenues to the State of California's Supplemental Educational Revenue Augmentation Funds (SERAF) for fiscal year 2009-2010;
- Appropriate \$5,258,237 from RDA Tax Increment Fund (Fund 895 fund balance) to 895.91510.6723.728 (RDA SERAF Repayment); and
- 3. Authorize the Financial & Administrative Services Department to wire transfer a payment in the amount of \$5,258,237 to the Riverside County Auditor-Controller.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

D.2 <u>MINUTES - REGULAR MEETING OF APRIL 13, 2010 (Report of: City Clerk)</u>

Recommendation:

Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E.1 PUBLIC HEARING TO CONSIDER FEE SCHEDULE FOR FISCAL YEAR 2010-11 (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

- 1. Conduct a Public Hearing to receive public input on the proposed Fee Schedule for Fiscal Year (FY) 2010-11; and
- Adopt Resolution No. 2010-23, approving the Fee Schedule for FY 2010-11.

Resolution No. 2010-23

A Resolution of the City Council of the City of Moreno Valley, California, Establishing Specified Fees for Various Services for Fiscal Year 2010-11 and Repealing Prior Resolutions that may be in Conflict

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

G. REPORTS

- G.1 <u>CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational</u> Oral Presentation not for Council action)
 - a) Report by Mayor Richard A. Stewart on March Joint Powers Commission (MJPC)
- G.2 <u>FUNDING ALTERNATIVES AND ASSISTANCE FOR THE CONSTRUCTION OF HIGHLAND FAIRVIEW'S EUCALYPTUS AVENUE STREET IMPROVEMENTS UTILIZING THE STATE-LOCAL PARTNERSHIP PROGRAM GRANT FUNDS (Report of: City Manager's</u>

Office)

Recommendation: That the City Council:

Provide direction on the matter.

G.3 NEIGHBORHOOD IDENTIFICATION SIGNS, CITYWIDE AND FOR RANCHO BELAGO (CONTINUED FROM APRIL 13, 2010) (Report of: Community Development Department)

Recommendation: That the City Council:

Provide direction as it deems appropriate and adopt Resolution No. 2010-22 supporting the use of neighborhood identification signs.

Resolution No. 2010-22

A Resolution of The City Council of The City of Moreno Valley, California, Supporting The Use of Neighborhood Identification Signs

G.4 <u>CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)</u>

H. LEGISLATIVE ACTIONS

- H.1 ORDINANCES 1ST READING AND INTRODUCTION NONE
- H.2 ORDINANCES 2ND READING AND ADOPTION
 - H.2.1

 ADOPT ORDINANCE NO. 810 THEREBY APPROVING MUNICIPAL CODE AMENDMENT PA07-0005, BASED ON THE FINDINGS IN THE CITY COUNCIL ORDINANCE (RECEIVED FIRST READING AND INTRODUCTION ON APRIL 13, 2010 ON A 3-0-2 VOTE, MOLINA AND STEWART ABSENT) (Report of: Community Development Department)

Recommendation: That the City Council:

Adopt Ordinance No. 810.

Ordinance No. 810

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Application PA07-0005 Amending the Municipal Code to Make Changes to Chapters 9.01, 9.02, 9.07 and 9.15 and Introduce Two New Mixed Use Development Zoning Districts

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

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

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

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

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

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

- *₁ SECTION 54956.9(a) CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION
 - a Case: ENCO Utility Services Moreno Valley, LLC, v. City of

Moreno Valley

Court: Riverside Superior Court

Case No: RIC 478023

2 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 2

3 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 2

4 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: William Bopf Employee Organization: MVCEA

b) Agency Representative: William Bopf

Employee Organization: MVMA

c) Agency Representative: William Bopf

Employee Organization: Moreno Valley Confidential

Management Employees

5 SECTION 54957 - PUBLIC EMPLOYMENT APPOINTMENT/PUBLIC EMPLOYMENT

City Manager Recruitment (Status)

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

*Revision