

**MINUTES**  
**CITY COUNCIL OF THE CITY OF MORENO VALLEY**  
**July 13, 2010**

**CALL TO ORDER**

SPECIAL PRESENTATIONS

1. Recognition of Family FunFest 2010 Moreno Valley Idol Competition Winners
2. Presentation of 4th of July Parade Awards
3. "Spotlight on Moreno Valley Business"

**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  
July 13, 2010**

**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 6:40 p.m. by Mayor Flickinger in the Council Chamber located at 14177 Frederick Street.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Jesse Molina

**INVOCATION - Pastor Charles Gibson, Breakthrough Church of God in Christ**

**ROLL CALL**

Council:

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

Staff:

Jane Halstead	City Clerk
Julienne Clay	Administrative Assistant
Steve Hargis	Acting Financial and Admin. Services Director
William Bopf	Interim City Manager
John Ruiz	Interim Human Resources Director
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Chris Vogt	Public Works Director
Barry Foster	Economic Development Director
Mike McCarty	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**

**A. CONSENT CALENDAR-CITY COUNCIL**

A.1 ORDINANCES - READING BY TITLE ONLY

**Recommendation:** Waive reading of all Ordinances.

A.2 [MINUTES - REGULAR MEETING OF JUNE 22, 2010 \(Report of: City Clerk\)](#)

**Recommendation:**

Approve as submitted.

A.3 [CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES \(Report of: City Clerk\)](#)

**Recommendation:**

Receive and file the Reports on Reimbursable Activities for the period of June 16 - July 6, 2010.

A.4 [PERMIT PARKING FOR THE RESIDENTS ON LORAIN TERRACE \(Report of: Public Works Department\)](#)

**Recommendation:**

Approve and adopt proposed Resolution No. 2010-66 and direct staff to implement permit parking on Loraine Terrace.

Resolution No. 2010-66

A Resolution of the City Council of the City of Moreno Valley, California, Approving and Authorizing Installation of Permit Parking on Loraine Terrace

A.5 [RESOLUTION RESCINDING THE PROVISIONS OF RESOLUTION 2007-55 OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AND AUTHORIZING THE SUBMITTAL OF APPLICATION FOR THE USED OIL PAYMENT PROGRAM UNDER THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY \(CALRECYCLE\) \(Report of: Public Works Department\)](#)

**Recommendation:**

Adopt the proposed resolution (Resolution No. 2010-67) rescinding and restating the provisions of Resolution 2007-55 of the City Council of the City of Moreno Valley, California, authorizing application for the Used Oil Payment Program grant under the California Department of Resources Recycling and Recovery (CalRecycle).

Resolution No. 2010-67

A Resolution of the City Council of the City of Moreno Valley, California, Rescinding and Restating the Provisions of Resolution 2007-55 of the City Council of the City of Moreno Valley, California Authorizing Application for the Used Oil Grant Payment Program Funds Under the Department of Resources Recycling and Recovery (CalRecycle)

A.6 [APPROVAL OF CHECK REGISTER FOR MAY, 2010 \(Report of: Financial & Administrative Services Department\)](#)

**Recommendation:**

Adopt Resolution No. 2010-68, approving the Check Register for the month of May, 2010 in the amount of \$19,967,907.47.

Resolution No. 2010-68

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

A.7 [AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER TO VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS - PROJECT NO. 08-89791725 \(ITEM ALSO LISTED AS AGENDA ITEM C.3\) \(Report of: Public Works Department\)](#)

**Recommendation:**

Authorize the City Manager to execute the Project Specific Agreement for Professional Consultant Services Agreement with VA Consulting, Inc. for the Auto Mall Improvements project, and to subsequently assign said Agreement to the Community Redevelopment Agency.

A.8 [SIXTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE IRONWOOD AVENUE WIDENING PROJECT FROM HEACOCK STREET TO PERRIS BOULEVARD - PROJECT NO. 06-50182625-2 \(Report of: Public Works Department\)](#)

**Recommendation:**

1. Approve the “Sixth Amendment to Agreement for Professional Consultant Services” with AECOM Technical Services, Inc., 1501 Quail Street, Newport Beach, California 92660;
2. Authorize the City Manager to execute said “Sixth Amendment to Agreement for Professional Consultant Services” with AECOM Technical Services, Inc.; and
3. Authorize a Change Order to increase the Purchase Order with AECOM Technical Services, Inc. for \$99,975 (Account No. 415.70227) for additional storm drain design, engineering support for Southern California Edison’s power pole relocation, right-of-way, and environmental services when the Sixth Amendment to Agreement for Professional Consultant Services has been signed by all parties.

A.9 [AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH PALP INC. DBA EXCEL PAVING COMPANY FOR THE SUNNYMEAD BOULEVARD BEAUTIFICATION AND ENHANCEMENT PROJECT FROM FREDERICK STREET TO PERRIS BOULEVARD - PROJECT NO. 04-89280221-2 \(Report of: Public Works Department\)](#)

**Recommendation:**

1. Authorize a Change Order to increase the Purchase Order with PALP Inc. dba Excel Paving Company, in the amount of \$50,000 for the Sunnymead Boulevard Beautification and Enhancement Project from Frederick Street to Perris Boulevard (Account No. 892.80221); and
2. Authorize the City Manager to execute the Change Order to the Purchase Order for PALP Inc. dba Excel Paving Company.

A.10 [APPROVE "REIMBURSEMENT AGREEMENT" FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT \(EMWD\) IMPROVEMENTS FOR INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 \(ALSO LISTED AS AGENDA ITEM C.4\) \(Report of: Public Works Department\)](#)

**Recommendation:**

1. Approve the “Reimbursement Agreement” for the installation of the Eastern Municipal Water District (EMWD) improvements for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;
3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD up to, but not exceeding, the contingency amount of \$49,096.00, subject to the approval of the City Attorney;
4. Authorize the City Manager to appropriate a maximum amount of \$109,333.50 (\$91,111.25 plus 20% contingency) for EMWD improvements for the Indian Detention Basin Drainage improvements and the Ironwood Avenue street improvements from Heacock Street to Nita Drive (Account No. 414.XXXXX); and
5. Authorize the City Manager to appropriate a maximum amount of \$185,242.50 (\$154,368.75 plus 20% contingency) for EMWD improvements for the Ironwood Avenue street improvements from Heacock Street to Perris Boulevard (Account No. 414.XXXXX).

A.11 [AUTHORIZE A PROJECT AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION \(Report of: Public Works Department\)](#)

**Recommendation:**

1. Authorize the City Manager to execute the Project Agreement for On-Call Professional Consultant Services (Project Agreement) with Overland, Pacific and Cutler, Inc. (OPC) for various projects of the Capital Projects Division; and
2. Authorize a purchase order for OPC, in the amount of \$99,000 to continue to provide right of way services for various projects of the Capital Projects Division when the Project Agreement has been signed by all parties (Account No. 416.78526).

A.12 [SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE SUNNYMEAD BOULEVARD IMPROVEMENTS PROJECT FROM FREDERICK STREET TO PERRIS BOULEVARD, PROJECT NO. 04-89280221 \(Report of: Public Works Department\)](#)

**Recommendation:**

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with Harris & Associates, Inc., 9445 Fairway View Place, Suite 215, Rancho Cucamonga, CA 91730, to provide additional construction management and inspection services for the Sunnymead Boulevard Project from Frederick Street to Perris Boulevard;
2. Authorize the City Manager to execute the "Second Amendment to Agreement for Professional Consultant Services" with Harris & Associates, Inc.;
3. Authorize the issuance of a new Purchase Order from unencumbered monies in Fund 892 to Harris & Associates, Inc. in the amount of \$176,000 when the "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties (Account No. 892.80221); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the "Agreement for Professional Consultant Services" with Harris & Associates, Inc., subject to approval by the City Attorney.

A.13 [APPROVE "REIMBURSEMENT AGREEMENT" FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT \(EMWD\) IMPROVEMENTS FOR THE IRONWOOD AVENUE IMPROVEMENTS, FROM DAY STREET TO BARCLAY DRIVE, PROJECT NO. 10-41570027 \(ALSO LISTED AS AGENDA ITEM C.5\) \(Report of: Public Works Department\)](#)

**Recommendation:**

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) 24" waterline as an extension of the District's existing 18" waterline which is located on the easterly end of the project and extends west to Day Street;
2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;
3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD, subject to the approval of the City Attorney; and

4. Authorize the City Manager to appropriate the amount of the EMWD deposit in Fund 414, after the revenue is received from EMWD per the "Reimbursement Agreement" to fund the waterline construction.

A.14 [AUTHORIZE CHANGE ORDERS TO INCREASE THE PURCHASE ORDERS WITH FS CONSTRUCTION FOR THE SIDEWALK IMPROVEMENT PROJECTS ON TEMCO STREET, VOUGHT STREET, BOEING STREET AND MCDONNELL STREET, PROJECT NOS. 08-28368428, 08-28368528 AND 08-28368728 \(Report of: Public Works Department\)](#)

**Recommendation:**

1. Authorize Change Orders to increase the Purchase Orders with FS Construction in the total amount of \$80,000 for additional work for the Sidewalk Improvement Projects on Temco Street, Vought Street, Boeing Street and McDonnell Street (Account Nos. 283.68428, 283.68528 and 283.68728);
2. Authorize the City Manager to execute the Change Orders for FS Construction;
3. Authorize the Public Works Director/City Engineer to accept the work as complete for sidewalk improvements;
4. 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; and
5. Authorize the Financial & Administrative Services Director to release the retention to FS Construction thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the projects.

A.15 [ADOPT RESOLUTION NO. 2010-69, APPOINTING DEPUTY CITY ATTORNEY III SUZANNE BRYANT AS THE CITY'S VOTING DELEGATE TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE BUSINESS MEETING - SEPTEMBER 15-17, 2010 \(Report of: City Clerk's Department\)](#)

**Recommendation:**

Adopt Resolution No. 2010-69, Appointing Deputy City Attorney III Suzanne Bryant as the City's Voting Delegate to the League of California Cities 2010 Annual Conference Business Meeting.



Resolution No. 2010-69

A Resolution of the City Council of the City of Moreno Valley, California, Designating a Voting Delegate to the League of California Cities 2010 Annual Conference

- A.16 [TRACT MAP 31414 – EXONERATION OF BONDS FOR PUBLIC IMPROVEMENT AGREEMENT, SOUTHEAST CORNER OF PIGEON PASS ROAD AND SUNNYMEAD RANCH PARKWAY - DEVELOPER: ZAPER, CORP., RIVERSIDE, CA 92504 \(Report of: Public Works Department\)](#)

**Recommendation:**

Authorize the Public Works Director/City Engineer to execute the exoneration of the original Faithful Performance and Material and Labor securities associated with the Tract Map 31414 public improvements.

- A.17 [PROJECT PA04-0215 \(TR 33256\) – SINGLE FAMILY RESIDENTIAL – ACCEPT SUBSTITUTION AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, SOUTH OF STATE ROUTE 60 ON THE NORTH SIDE OF FIR AVENUE, BETWEEN NASON STREET AND MORRISON STREET - DEVELOPER: VALLEY OAK, LP, NEWPORT BEACH, CA 92660 \(Report of: Public Works Department\)](#)

**Recommendation:**

1. Accept the substitution of Agreement for Public Improvements and bonds for project PA04-0215;
2. Authorize the Mayor to execute the agreement;
3. Direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation;
4. Authorize the Public Works Director/City Engineer to exonerate the Faithful Performance Bond and Material and Labor Bond previously submitted by MVGH 2004, LLC, upon acceptance of the substitution agreement and bonds; and
5. Authorize the Public Works Director/City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said time frame.

- A.18 [APPROVAL OF RESOLUTION AND FIRST AMENDMENT TO THE IMPLEMENTATION AGREEMENT \(THE AB 811 PROGRAM\) WITH](#)

WESTERN RIVERSIDE COUNTY COUNCIL OF GOVERNMENTS (WRCOG) TO EXPAND THE PROGRAM TO PERMIT FUNDING FOR WATER CONSERVATION IMPROVEMENTS (Report of: Community Development Department)

**Recommendation:**

1. Authorize the Mayor to execute the First Amendment to the Implementation Agreement between the Western Riverside Council of Governments and the City of Moreno Valley to implement AB 811; and
2. Adopt Resolution 2010-70, consenting to inclusion of properties within the City's incorporated area in WRCOG's contractual assessment program to finance distributed generation renewable energy sources and energy efficiency improvements, including the addition of water efficiency improvements to the improvements authorized to be financed through the WRCOG Program.

Resolution No. 2010-70

A Resolution of the City Council of the City of Moreno Valley, California, Approving an Amendment Modifying Its Consent to the Inclusion of Properties Within the City's Incorporated Area in the Western Riverside Council of Governments (WRCOG) Contractual Assessment Program to Consent to the Addition of Water Efficiency Improvements to the Improvements Authorized to Be Financed Through Such Program

- A.19 PROJECT PA02-0133 (TR 31089) – SINGLE FAMILY RESIDENTIAL – ACCEPT SUBSTITUTION AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, NORTH OF IRONWOOD AVENUE BETWEEN KITCHING STREET AND TUSCOLA STREET - DEVELOPER: BEAZER HOMES HOLDING CORP., BREA, CA 92821 (Report of: Public Works Department)

**Recommendation:**

1. Accept the substitution of Agreement for Public Improvements and bonds for project PA02-0133;
2. Authorize the Mayor to execute the agreement;
3. Direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation;
4. Authorize the Public Works Director/City Engineer to exonerate

the Faithful Performance Bond and Material and Labor Bond previously submitted by DH Moreno Valley I, LLC, upon acceptance of the substitution agreement and bonds; and

5. Authorize the Public Works Director/City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said time frame.

A.20 [RESOLUTION AUTHORIZING THE CITY OF MORENO VALLEY TO CONTINUE TO PARTICIPATE IN THE "COMMUNITY ENERGY PARTNERSHIP" \(Report of: Public Works Department\)](#)

**Recommendation:**

Adopt Resolution 2010-71 authorizing the City of Moreno Valley to continue to participate in the Community Energy Partnership, an Energy Efficiency Program among Southern California cities, with the Energy Coalition, a California non-profit corporation, Southern California Edison and Southern California Gas Company.

Resolution No. 2010-71

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the City to Participate in the "Community Energy Partnership", an Energy Efficiency Program Among Southern California Cities, with the Energy Coalition, a California Non-Profit Corporation, Southern California Edison and Southern California Gas Company

A.21 [NOTICE OF COMPLETION AND ACCEPTANCE FOR LASSELLE STREET WIDENING FROM JOHN F. KENNEDY DRIVE TO ALESSANDRO BOULEVARD IMPROVEMENTS - PROJECT NO. 06-50182725 \(Report of: Public Works Department\)](#)

**Recommendation:**

1. Accept the work as complete for the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard Improvements, constructed by Wheeler Paving, Inc. (Wheeler Paving), 8432 63rd Avenue, Riverside, CA 92509;
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 and Administrative Services Director to

release the retention to Wheeler Paving, 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.22 [AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 \(ALSO LISTED AS AGENDA ITEM C.6\) \(Report of: Public Works Department\)](#)

**Recommendation:**

1. Award the construction contract for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive to Riverside Construction Company, Inc., the lowest responsible bidder;
2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute a contract with Riverside Construction Company, Inc., on behalf of the City and the Community Redevelopment Agency;
3. Authorize the issuance of a Purchase Order to Riverside Construction Company, Inc. in the amount of \$4,124,375.14 (\$3,749,431.95 plus 10% contingency) when the contract has been signed by all parties;
4. Authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract with Riverside Construction Company, Inc. up to but not exceeding the contingency amount of \$374,943.19, subject to the approval of the City Attorney;
5. Re-appropriate \$180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin); and
6. Re-appropriate \$585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin).

A.23 [PA09-0006 – APPROVE THE OFFERS OF DEDICATION AND EASEMENT DEED, FROM THE COMMUNITY REDEVELOPMENT](#)

AGENCY OF THE CITY OF MORENO VALLEY TO THE CITY OF MORENO VALLEY, LOCATED ON LIBERTY STREET NORTH OF ATWOOD AVENUE - DEVELOPER: COMMUNITY HOMES INC., LOMA LINDA, CA 92354 (ALSO LISTED AS AGENDA ITEM C.7) (Report of: Public Works Department)

**Recommendation:**

1. Authorize the City Manager, in his capacity as the Executive Director of the Community Redevelopment Agency of the City of Moreno Valley, to execute the Offers of Dedication and execute the Easement Deed on Liberty Street north of Atwood Avenue; and
2. Direct the City Clerk to forward the Offers of Dedication and Easement Deed to the City Engineer to execute the Acceptance Certificates.

A.24 FUNDING FOR ELSWORTH STREET UTILITY IMPROVEMENTS AND MVP EV ONSITE UTILITY CONNECTION: COMMUNITY DEVELOPMENT BLOCK GRANT-RECOVERY AND 2007 LEASE REVENUE BOND FUNDS (Report of: Economic Development Department)

**Recommendation:**

1. Review and approve the designation of \$107,841 in Community Development Block Grant – Recovery funds for the installation of electrical conduit and vaults on Elsworth Street from Goldencrest Drive to Corporate Center Drive;
2. Return to an undesignated status the commitment of \$107,000 in CDBG-R funds from the Participation Agreement with MVP EV; and
3. Secure an appropriation of \$107,841 from the 2007 Lease Revenue Bond Funds in support of the Participation Agreement with MVP EV.

A.25 PA09-0025/PA09-0043 – APPROVE PROPOSED RESOLUTION, SUMMARY VACATION OF A PORTION OF ALESSANDRO BOULEVARD WEST OF MORENO BEACH DRIVE, SOUTH SIDE OF ALESSANDRO BOULEVARD, WEST OF MORENO BEACH DRIVE - DEVELOPER: FRANK & MARIA POZGAJ FAMILY TRUST, RANCHO MIRAGE, CA 92270 (Report of: Public Works Department)

**Recommendation:**

1. Approve and adopt Resolution No. 2010-72, summarily vacating a portion of Alessandro Boulevard, north of APN 486-240-009,

located on the south side of Alessandro Boulevard, west of Moreno Beach Drive as a condition of approval for PA09-0043; and

Resolution No. 2010-72

A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of a Portion of Alessandro Boulevard, South Side of Alessandro Boulevard, West of Moreno Beach Drive

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

**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 JUNE 22, 2010 \(Report of: City Clerk\)](#)

**Recommendation:**

Approve as submitted.

B.3 [ACCEPTANCE OF GRANT MONIES FROM THE CALIFORNIA DEPARTMENT OF EDUCATION, CHILD DEVELOPMENT SERVICES, FOR CHILD CARE SERVICES AND ADOPTION OF THE RESOLUTION TO CERTIFY THE APPROVAL OF THE GOVERNING BOARD \(Report of: Parks and Community Services Department\)](#)

**Recommendation:**

1. Authorize the acceptance of grant money in the amount of \$747,338 for Fiscal Year (FY) 2010/2011 from the California Department of Education, Child Development Division, for the purpose of providing school age child care and development services; and
2. Adopt Resolution No. CSD 2010-22 to certify the approval of the governing board to enter into this transaction with the California Department of Education for the purpose of providing child care and development services and to authorize the designated personnel, as shown on the resolution, to sign contract documents for FY 2010/2011.

Resolution No. CSD 2010-22

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Certifying the Approval of the Governing Board to Enter Into a Transaction with the California Department of Education for the Purpose of Providing Child Care and Development Services and to Authorize Designated Personnel to Sign Contract Documents for FY 2010/11

**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 22, 2010 \(Report of: City Clerk\)](#)

**Recommendation:**

Approve as submitted.

C.3 [AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER TO VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS - PROJECT NO. 08-89791725 \(ITEM ALSO LISTED AS AGENDA ITEM A.7\) \(Report of: Public Works Department\)](#)

**Recommendation:**

1. Accept the assignment of the Agreement with VA Consulting, Inc. from the City;
2. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the Assignment Agreement on behalf of the Community Redevelopment Agency; and
3. Authorize a change order to increase the purchase order for VA Consulting, Inc., in the amount of \$50,000 for additional professional consultant design services when the Project Agreement and Assignment Agreement have been signed by all parties (Account No. 897.91725).

C.4 [APPROVE REIMBURSEMENT AGREEMENT FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT \(EMWD\) IMPROVEMENTS FOR INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK](#)

STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM A.10) (Report of: Public Works Department)

**Recommendation:**

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) improvements for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive;
2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;
3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD up to, but not exceeding, the contingency amount of \$49,096.00, subject to the approval of the City Attorney;
4. Authorize the City Manager to appropriate a maximum amount of \$109,333.50 (\$91,111.25 plus 20% contingency) for EMWD improvements for the Indian Detention Basin Drainage improvements and the Ironwood Avenue street improvements from Heacock Street to Nita Drive (Account No. 414.XXXXX); and
5. Authorize the City Manager to appropriate a maximum amount of \$185,242.50 (\$154,368.75 plus 20% contingency) for EMWD improvements for the Ironwood Avenue street improvements from Heacock Street to Perris Boulevard (Account No. 414.XXXXX).

C.5 APPROVE THE REIMBURSEMENT AGREEMENT FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT IMPROVEMENTS FOR THE IRONWOOD AVENUE IMPROVEMENTS, FROM DAY STREET TO BARCLAY DRIVE, PROJECT NO. 10-41570027 (ALSO LISTED AS AGENDA ITEM A.13) (Report of: Public Works Department)

**Recommendation:**

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) 24" waterline as an extension of the District's existing 18" waterline which is



located on the easterly end of the project and extends west to Day Street;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;
3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD, subject to the approval of the City Attorney; and
4. Authorize the City Manager to appropriate the amount of the EMWD deposit in Fund 414, after the revenue is received from EMWD per the "Reimbursement Agreement" to fund the waterline construction.

C.6 [AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 \(ALSO LISTED AS AGENDA ITEM A.22\) \(Report of: Public Works Department\)](#)

**Recommendation:**

1. Award the construction contract for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive to Riverside Construction Company, Inc., the lowest responsible bidder;
2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute a contract with Riverside Construction Company, Inc., on behalf of the City and the Community Redevelopment Agency;
3. Authorize the issuance of a Purchase Order to Riverside Construction Company, Inc. in the amount of \$4,124,375.14 (\$3,749,431.95 plus 10% contingency) when the contract has been signed by all parties;
4. Authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract with Riverside Construction Company, Inc. up to but not exceeding the contingency amount of \$374,943.19, subject to the approval

of the City Attorney;

5. Re-appropriate \$180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin); and
6. Re-appropriate \$585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin).

C.7 [PA09-0006 – APPROVE THE OFFERS OF DEDICATION AND EASEMENT DEED, FROM THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE CITY OF MORENO VALLEY, LOCATED ON LIBERTY STREET NORTH OF ATWOOD AVENUE - DEVELOPER: COMMUNITY HOMES INC., LOMA LINDA, CA 92354 \(ALSO LISTED AS AGENDA ITEM A.23\) \(Report of: Public Works Department\)](#)

**Recommendation:**

1. Authorize the City Manager, in his capacity as the Executive Director of the Community Redevelopment Agency of the City of Moreno Valley, to execute the Offers of Dedication and execute the Easement Deed on Liberty Street north of Atwood Avenue; and
2. Direct the City Clerk to forward the Offers of Dedication and Easement Deed to the City Engineer to execute the Acceptance Certificates.

**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 22, 2010 \(Report of: City Clerk\)](#)

**Recommendation:**

Approve as submitted.

**Motion to Approve Joint Consent Calendar Items A1 – D2 by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart**  
**Approved by a vote of 5-0.**

## **E. PUBLIC HEARINGS**

### **E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)**

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

#### **Recommendation: That the City Council:**

1. Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the public hearing: direct the City Clerk to tabulate the returned ballots for the proposed increase in the CSD Zone D annual charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882, 31257, 31269-1, and 32018;

Mayor Flickinger announced the ballot tabulation would be held in the public lobby of the Council Chamber in the interest of open government.

Item continued to a later time in the Council meeting to give the City Clerk the opportunity to tabulate the ballots.

#### **Motion to Approve by m/Board Member Richard A. Stewart, s/Board Member William H. Batey II** **Approved by a vote of 5-0.**

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

#### **Motion to Approve by m/Board Member William H. Batey II, s/Board Member Richard A. Stewart** **Approved by a vote of 5-0.**

3. Receive and file with the City Clerk's office the accepted CSD Official Tally Sheet; and

#### **Motion to Approve by m/Board Member William H. Batey II, s/Board Member Richard A. Stewart** **Approved by a vote of 5-0.**

4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882,

31257, 31269-1, and 32018.

**Rescind Motion to Approve Joint Consent Calendar Items A1 – D2 so as to allow for Public Comments by m/Council Member William H. Batey II, s/Council Member Jesse Molina**  
**Approved by a vote of 5-0.**

Mayor Flickinger opened the agenda items for the Consent Calendars for public comments, which were received from David Marshall (A4) and Pete Bleckert (A9, 12, 22)

**Motion to Approve Joint Consent Calendar Items A1 – D2 by m/William H. Batey II, s/Richard A. Stewart**  
**Approved by a vote of 5-0.**

- E.2 [A PUBLIC HEARING REGARDING A GENERAL PLAN AMENDMENT \(PA06-0185\) AND CHANGE OF ZONE \(PA06-0184\) TO CHANGE THE LAND USE FROM BUSINESS PARK \(BP\) TO RESIDENTIAL 5 \(R5\), TENTATIVE TRACT MAP 34748 \(PA06-0183\); A PROPOSAL FOR A 135 SINGLE-FAMILY RESIDENTIAL LOT SUBDIVISION ON 40 ACRES, AND A VARIANCE \(P09-102\) COVERING RETAINING WALLS ON FOUR LOTS \(LOT NUMBERS 37, 38, 39 AND 40\) THAT ARE OVER THREE FEET IN HEIGHT. THE PROJECT IS LOCATED AT THE SOUTHEAST CORNER OF HEACOCK STREET AND GENTIAN AVENUE. APPLICANT IS RADOS TENANTS IN COMMON \(Report of: Community Development Department\)](#)

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

**Recommendation: That the City Council:**

1. ADOPT a Negative Declaration for applications for PA06-0185 (General Plan Amendment), PA06-0184 (Change of Zone), PA06-0183 (Tentative Tract Map) and P09-102 (Variance). The projects, individually and cumulatively, will not result in a significant effect on the environment;

**Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Bonnie Flickinger**  
**Approved by a vote of 5-0.**

2. APPROVE Resolution No. 2010-73 approving PA06-0185, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibit A;

Resolution No 2010-73

A Resolution of the City Council of the City of Moreno Valley, California, approving an Amendment to the General Plan Land Use Element (PA06-0185) to change the Land Use Designation from Business Park to Residential 5 (R5) for the approximately 40 acres located within Assessor's Parcel Numbers 485-230-025 and 485-230-026, located at the southeast corner of Heacock Street and Gentian Avenue

**Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Bonnie Flickinger**  
**Approved by a vote of 5-0.**

3. INTRODUCE Ordinance No. 813 approving a Zone Change (PA06-0184) from Business Park (BP) to Residential 5 (R5), based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A; and

Ordinance No. 813

An Ordinance of the City Council of the City of Moreno Valley, California, approving PA06-0184 (Zone Change) to change the Land Use District for approximately 40 acres from Business Park to Residential 5 (R5) for the approximately 40 acres located within Assessor's Parcel Numbers 485-230-025 and 485-230-026, located at the southeast corner of Heacock Street and Gentian Avenue

**Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Bonnie Flickinger**  
**Approved by a vote of 5-0.**

4. APPROVE Resolution No. 2010-74 approving Tentative Tract Map No. 34748 (PA06-0183) and Variance (P09-102), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

Resolution No 2010-74

A Resolution of the City Council of the City of Moreno Valley, California, approving Tentative Parcel Map 34748 (PA06-0183) and Variance (P09-102). The project is located at the southeast corner of Heacock Street and Gentian Avenue (Assessor's Parcel Numbers 485-230-025 and 485-230-026)

**Motion to Approve by m/Council Member Richard A. Stewart,  
s/Mayor Bonnie Flickinger  
Approved by a vote of 5-0.**

E.3 [PUBLIC HEARING FOR THE REVIEW OF THE 2010-2015 IMPLEMENTATION PLAN OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY \(Report of: Economic Development Department\)](#)

Chairperson Flickinger opened the public testimony portion of the public hearing; which was received from Deanna Reader.

**Recommendation: That the RDA:**

1. Conduct a public hearing for the review of the 2010-2015 Implementation Plan; and
2. Approve the proposed 2010-2015 Implementation Plan.

**Motion to Approve by m/Agency Member Richard A. Stewart,  
s/Agency Member William H. Batey II  
Approved by a vote of 5-0.**

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

**G. REPORTS**

G.1 [THIRD AMENDED AND RESTATED NEGOTIATION AGREEMENT FOR AN AFFORDABLE HOUSING DEVELOPMENT AT THE NORTHEAST CORNER OF ALESSANDRO BOULEVARD AND DAY STREET \(Report of: Economic Development Department\)](#)

Chairperson Flickinger opened the agenda item for Item G1 for public comments, which were received from Pete Bleckert.

**Recommendation: That the RDA:**

Approve the Third Amended and Restated Negotiation Agreement to extend the term of the existing Negotiation Agreement between the Community Redevelopment Agency Board of the City of Moreno Valley (RDA) and Palm Desert Development Company (PDDC) for an affordable housing development project to be situated at the northeast corner of Alessandro Boulevard and Day Street.

**Motion to Approve by m/Agency Member William H. Batey II,  
s/Agency Member Jesse L. Molina  
Approved by a vote of 5-0.**

**AGENDA ORDER**

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

**(CONTINUED FROM EARLIER IN THE MEETING)**

**Recommendation: That the City Council:**

1. Acting in their capacity as President and Members of the Board of Directors of the CSD (“CSD Board”), after conducting the public hearing: direct the City Clerk to tabulate the returned ballots for the proposed increase in the CSD Zone D annual charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882, 31257, 31269-1, and 32018;

The ballots have been counted, and the following are the results:

Final Results for Each Tract						
Council District	Tract	Zone	Amt of Valid WBC - Yes	Amt of Valid WBC - No	Amt of Invalid WBCs	PASS/FAIL
3	12773	D	11	32	3	FAILED
4	19210	D	5	23	0	FAILED
4	19937	D	13	19	0	FAILED
4	20404	D	13	34	2	FAILED
2	20579	D	9	33	0	FAILED
4	20718	D	9	21	0	FAILED
4	21113	D	16	28	0	FAILED
2	21333	D	13	28	0	FAILED
4	21597	D	7	13	1	FAILED
4	22889	D	0	10	1	FAILED
1	28882	D	3	17	0	FAILED
2	31257	D	1	7	0	FAILED
3	31269-1	D	5	19	0	FAILED
1	32018	D	1	19	0	FAILED

G.2 [AMENDMENT TO CHAPTER 11.40 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, ORDINANCE NO. 741 AND ORDINANCE NO. CSD 52, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS](#)

AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER (Report of: Parks and Community Services Department)

Mayor Flickinger opened the agenda item for Item G2 for public comments, which were received from Jan Beyers, Ruth Corrao-Harris, Margie Breitkreuz, Kim Nelson, Elaine Hill, Cathy Hendrick, John Miller, Kathleen Dale, Johnnie Hendrick, John Farquharson, Greg Worley, Marcia Narog, John Schoettler, and Pete Bleckert.

**Recommendation: That the City Council:**

Introduce Ordinance No. 814, an Ordinance of the City of Moreno Valley, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center; and

Ordinance No. 814

An Ordinance of the City of Moreno Valley, California, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

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

**Recommendation: That the CSD:**

Introduce Ordinance No. CSD 54, an Ordinance of the Moreno Valley Community Services District of the City of Moreno Valley, amending Section 5e of Ordinance No. CSD 52, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center.

Ordinance No. CSD 54

An Ordinance of the Moreno Valley Community Services District, of the City of Moreno Valley, California, amending Section 5e of Ordinance No. CSD 52, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

**Motion to Approve by m/Mayor Pro Tem Robin N. Hastings, s/Council Member William H. Batey II**



**Approved by a vote of 5-0.**

After a brief recess, the meeting resumed at 9:24 p.m.

**AGENDA ORDER**

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

June Patterson

1. Relay for Life

Jose Chavez

1. Protecting the community
2. Taxes
3. Moreno Valley Community Park

Raul Wilson

1. Congratulate Jesse Molina
2. Skechers
3. Equestrian Park
4. Budget

Pete Bleckert

1. Glad Districts all failed
2. Why people don't vote
3. Intersections
4. Eastbound ramp on Hwy 60
5. Where is the \$2,000,000 coming from
6. Signs

Erica Hopkins

1. Unity Fest

James Dudley

1. 12,563 votes were counted
2. Unions create good paying jobs

G.3 **PARTICIPATION AGREEMENT WITH PACIFIC WINGS INC. (Report of: Economic Development Department)**

Mayor Flickinger opened the agenda item for Item G3 for public comments, which were received from Pete Bleckert.

**Recommendation: That the City Council:**

Approve a Participation Agreement with Pacific Wings Inc. to assist in

the development of a Buffalo Wild Wings Grill & Bar as part of the CDBG-Recovery program.

**Motion to Approve by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart**  
**Approved by a vote of 5-0.**

- G.4 [PA07-0090 – ACCEPT THE AGREEMENT AND SECURITY FOR THE REDLANDS ELECTRICAL AND ROUGH GRADING RELATED TO THE INSTALLATION OF THE REDLANDS SEWER IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 \(Report of: Public Works Department\)](#)

Mayor Flickinger opened the agenda item for Item G4 for public comments; there being none, public comments were closed.

**Recommendation:**

1. Accept the Agreement and Bond Securities for the Redlands Electrical Improvements and Rough Grading related to the installation of the Redlands sewer improvements associated with the Highland Fairview Logistics Corporate Park;
2. Authorize the Mayor to execute the Agreement contingent upon the developer providing the City with the fully executed original bonding certificates and approval of the same from the Risk Management Division;
3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and
4. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required electrical and rough grading related to the installation of the Redlands sewer improvements within Redlands Boulevard are not completed within said timeframe.

**Motion to Approve as amended with Recommendation #2 to include approval of bonds by City Attorney and City Engineer in addition to Risk Management Division by m/Council Member Richard A. Stewart, s/Council Member William H. Batey II**  
**Approved by a vote of 5-0.**

- G.5 [PA07-0090 – ACCEPT THE SUBSTITUTION AGREEMENT AND REPLACEMENT BONDS FOR LINE ‘F’ STORM DRAIN SECURITY ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 \(Report of: Public Works Department\)](#)

Mayor Flickinger opened the agenda item for Item G5 for public comments, which were received from Deanna Reader.

**Recommendation:**

1. Accept the Substitution Agreement and replacement bonds for the Line ‘F’ Storm Drain Improvements associated with the Highland Fairview Logistics Corporate Park;
2. Authorize the Mayor to execute the Substitution Agreement and the replacement bonds contingent upon the Developer providing the City with the fully executed original bonding certificates and approval of the same from the Risk Management Division;
3. Direct the City Clerk to forward the signed Substitution Agreement to the County Recorder’s Office for recordation;
4. Authorize the Public Works Director/City Engineer to exonerate the cash security previously placed into an escrow account and submitted by HF Logistics – SKX T1, LLC, upon acceptance of the substitution agreement and bonds; and
5. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required storm drain improvements are not completed within said timeframe.

**Motion to Approve as amended with Recommendation #2 to include approval of bonds by City Attorney and City Engineer in addition to Risk Management Division by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart**  
**Approved by a vote of 5-0.**

- G.6 [AMENDMENT TO THE JUNE 22, 2010, MOTION OF THE CITY COUNCIL AUTHORIZING AN AGREEMENT WITH HIGHLAND FAIRVIEW FOR ISSUANCE OF A LIMITED PURPOSE BUILDING PERMIT \(Report of: Council Members Stewart and Molina\)](#)

Mayor Flickinger opened the agenda item for Item G6 for public comments,

which were received from Iddo Benzeevi, Kathleen Dale, Kenneth Bley, Joe Hopper, Mike Calhoun, Robert Walker, Roger Roper, William Percy, Deanna Reader, and Raul Wilson.

After a brief recess, the meeting resumed at 10:22 p.m.

**Motion to Approve continuing the meeting past 11:00 p.m. by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart**  
**Approved by a voice vote.**

**Motion to amend action taken by the City Council on June 22, 2010 approving and accepting Highland Fairview's Covenant to hold as one parcel subject to certain conditions as follows: by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina**  
**Approved by a vote of 4-0-1, Mayor Pro Tem Robin N. Hastings absent.**

1. That this activity is not a "project" under CEQA Guidelines Section 15378, and none of the conditions described in Section 15162 of the CEQA Guidelines have occurred that would warrant a subsequent Environmental Impact Report or an addendum to the Environmental Impact Report. Further, the City Council finds that the absence of any change in the project, the absence of any change in the circumstances under which the project is being undertaken, the absence of any new information which would bring into question the adequacy of the Environmental Impact Report, the fact that all of the project impacts were analyzed fully in the Environmental Impact Report and the fact that all mitigation measures must be satisfied prior to the building's completion means that there is no need for further environmental review.
2. That the terms and conditions are amended to provide that, prior to issuance of a limited purpose building permit for foundation, slab and pouring of wall panels only, Highland Fairview shall comply with all conditions of approval for issuance of a building permit except as follows, which excepted conditions shall be complied with as provided for in applicable City Council Resolutions, Approval and/or Recording of the final Parcel Map, or issuance of the general building permit, whichever is applicable. The excepted conditions are:
  - a. Final approval and recording of the Parcel Map,
  - b. Public Improvement Agreements and security for same for any public improvement occurring solely on private property owned or controlled by Highland Fairview,

- c. Payment of Development Impact Fees and Transportation Uniform Mitigation Fees are deferred until issuance of any temporary, conditional or unconditional certificate of occupancy for the Skechers building as provided for in City Council Resolutions 2009-37 and 2009-38,
  - d. Payment of Multiple Species Habitat Conservation Plan fees,
  - e. Approval of Building Plans for vertical construction,
  - f. Public Drainage easements,
  - g. Slope easements,
  - h. Reciprocal Access easements,
  - i. Spreading Basin easement,
  - j. Off-site easements,
  - k. Median Landscape Plans approval,
  - l. Final Trail Plan approval,
  - m. Site Lighting Plan,
  - n. Title 24 Plans,
  - o. Solar Panels for Phase 1 Office,
  - p. Payment of School fees, contingent upon Highland Fairview providing the City with written agreement from the Moreno Valley Unified School District for deferral of school fees until issuance of the general building permit, and
  - q. Fire Access Plan.
3. All other terms, conditions and actions pursuant to this matter taken by the City Council on June 22, 2010, shall remain unchanged and in full force and effect.

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

Defer and printed in the City Manager's Report.

## 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

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

#### Council Member William H. Batey II

- 1) Habitat for Humanity raised the walls on a house on Saturday, July 10. Commended John Terell and the city employees for giving up their Saturday to help a family in need.

#### Council Member Richard A. Stewart

- 1) Need to do a top to bottom review of our policies. Need to look at the changes the County made.
- 2) Large projects need to be put in a different category.
- 3) The City staff is appreciated.
- 4) Council is not doing anything untoward to get the Highland Fairview project done.

#### Mayor Bonnie Flickinger

- 1) The July 4 celebration was very exciting and looking forward to working on Plans B and C to hold it next year. Council is open to any suggestions.
- 2) For people who are struggling with the economy, there is a low income utility tax exemption so there is no tax on any of your utility bills. Contact Michelle Vega.
- 3) ERC is open 4 days a week.
- 4) This is an election year. Two council seats are open. If you are interested in running, pull papers and return them by August 5. There are three ballot measures.

#### Council Member Jesse Molina

- 1) Things have been hard on everyone. It's nothing personal. If you think I'm out of line let me know.

- 2) Las Cruces had their July 4 parade in the evening.
- 3) Keep up the good work.

**CLOSED SESSION**

- 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
- a) City Manager Recruitment

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

No reportable action.

**ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 11:19 p.m. by unanimous informal consent.

Submitted by:

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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:

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