



AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF
THE CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY
BOARD OF LIBRARY TRUSTEES

September 25, 2012

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 951.413.3705 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.

William H. Batey II, Mayor Pro Tem
Jesse L. Molina, Council Member

Richard A. Stewart, Mayor

Robin N. Hastings, Council Member
Marcelo Co, Council Member

**AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF THE
CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY
AND THE BOARD OF LIBRARY TRUSTEES**

***THE CITY COUNCIL RECEIVES A SEPARATE STIPEND FOR CSD
MEETINGS***

**REGULAR MEETING - 6:30 PM
SEPTEMBER 25, 2012**

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency, Housing Authority 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 Diane Gardner, Beautiful Women of God - Diane Gardner Ministries](#)

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

AGENDA
September 25, 2012

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, City as Successor Agency for the Redevelopment Agency, Housing Authority 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 [MINUTES - REGULAR MEETING OF SEPTEMBER 11, 2012 \(Report of: City Clerk Department\)](#)

Recommendation:

Approve as submitted.

A.3 [APPROVAL OF PAYMENT REGISTER FOR JULY, 2012 \(Report of: Financial & Administrative Services Department\)](#)

Recommendation:

Adopt Resolution No. 2012-74, approving the Payment Register for the month of July, 2012 in the amount of \$13,987,791.35.

Resolution No. 2012-74

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Payment Register for the Month of July, 2012.

A.4 [PA06-0021 \(PM 34577\) – INDUSTRIAL – ACCEPT FINAL MAP, AGREEMENT AND IRREVOCABLE LETTERS OF CREDIT FOR PUBLIC IMPROVEMENTS, SOUTHEAST CORNER OF HEACOCK STREET AND CARDINAL AVENUE, DEVELOPER: I-215 LOGISTICS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, NEWPORT BEACH, CA 92660 \(Report of: Community & Economic Development Department\)](#)

Recommendation:

1. Approve Parcel Map 34577, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation;
2. Accept the Agreement and Irrevocable Letters of Credit for Public Improvements for PA06-0021(PM 34577);
3. Authorize the Mayor to execute the agreement;
4. Direct the City Clerk to forward the signed agreement to the County Recorder's office for recordation; and
5. Authorize the 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 timeframe.

A.5 [FIRST AMENDMENT TO AGREEMENT WITH DMC DESIGN GROUP FOR MORENO TOWNSITE AREA STORM DRAIN AND MISCELLANEOUS STREET IMPROVEMENTS BETWEEN ALESSANDRO BOULEVARD AND DRAINAGE FACILITY LINE F - PROJECT NO. 801 0011 70 77-2001 \(Report of: Public Works Department/CPD\)](#)

Recommendation:

1. Approve the First Amendment to Agreement for Professional Consultant Services with DMC Design Group to revise and complete the design for the Moreno Townsite Area Storm Drain and Miscellaneous Street Improvements;
2. Authorize the City Manager or his designee to continue negotiating the cost proposal and then execute said Amendment to Agreement for Professional Consultant Services with DMC Design Group, subject to approval of the City Attorney; and
3. Authorize an increase in the Purchase Order to DMC Design Group in the amount of up to but not to exceed \$57,820 once the final cost negotiations are concluded and the amendment to agreement has been signed by all parties.

A.6 [AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT TO GLOBAL POWER GROUP, INC. FOR THE EMERGENCY OPERATIONS CENTER FAMILY CARE CENTER GENERATOR PROJECT - PROJECT NO. 803 0016 70 77 \(Report of: Public Works Department/CPD\)](#)

Recommendation:

1. Award the construction contract to Global Power Group, Inc. (GPG),

12060 Woodside Avenue, Lakeside, CA 92040, the lowest responsible bidder, for Emergency Operations Center Family Care Center Generator project;

2. Authorize the City Manager to execute a contract with GPG;
3. Authorize the issuance of a Purchase Order for \$386,811.70 (\$351,647.00 bid plus 10% contingency of \$35,164.70) to GPG 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 GPG, up to but not to exceed the Purchase Order's total contingency amount of \$35,164.70, subject to the approval of the City Attorney; and
5. Authorize the Public Works Director/City Engineer to record the Notice of Completion once he determines that all contract requirements and punch-list items are completed by GPG, accept the improvements into the City's maintained system, and release the retention to Contractor if no claims have been filed against the project.

A.7 [APPROVE AGREEMENT FOR PROFESSIONAL CONSULTANT CONSTRUCTION GEOTECHNICAL SERVICES WITH NINYO & MOORE FOR MORENO BEACH INTERCHANGE IMPROVEMENTS PHASE 1 - PROJECT NO. 801 0038 70 77-4821 \(Report of: Public Works Department/CPD\)](#)

Recommendation:

1. Authorize the "Agreement for Professional Consultant Services" with Ninyo & Moore (Ninyo & Moore), 11650 Mission Park Drive, Suite 101, Rancho Cucamonga, CA 91730, to provide professional geotechnical and materials testing services during construction of the SR-60/Moreno Beach Interchange Improvements Phase 1 project for a total agreement amount not to exceed \$109,110;
2. Acting as the Successor Agency, approve this action as a recognized payment obligation of the former Redevelopment Agency of the City of Moreno Valley, add it to the Recognized Obligation Payment Schedule, submit same to the Oversight Board for Approval, and authorize the City Manager to access agency funds only after Oversight Board approval;
3. Authorize the City Manager to execute said "Agreement for Professional Consultant Services" with Ninyo & Moore; and

4. Authorize the issuance of a Purchase Order totaling \$109,110 to Ninyo & Moore when the contract has been signed by all parties.

A.8 [APPROVE AGREEMENT FOR PROFESSIONAL CONSULTANT CONSTRUCTION SURVEY SERVICES WITH COORY ENGINEERING FOR MORENO BEACH INTERCHANGE IMPROVEMENTS PHASE 1 - PROJECT NO. 801 0038 70 77-4821 \(FORMERLY PROJECT NO. 07-41570024\) \(Report of: Public Works Department/CPD\)](#)

Recommendation:

1. Authorize the "Agreement for Professional Consultant Services" with Coory Engineering (Coory), 1718 N. Neville Street, Orange, CA 92865, to provide professional survey services during construction of the SR-60/Moreno Beach Interchange Improvements Phase 1 project for a total agreement amount not to exceed \$100,805;
2. That the City Council Acting as the Successor Agency, approve this action as a recognized payment obligation of the former Redevelopment Agency of the City of Moreno Valley, add it to the Recognized Obligation Payment Schedule, submit same to the Oversight Board for Approval, and authorize the City Manager to access agency funds only after Oversight Board approval;
3. Authorize the City Manager to execute said "Agreement for Professional Consultant Services" with Coory; and
4. Authorize the issuance of a Purchase Order totaling \$100,805 to Coory when the contract has been signed by all parties.

A.9 [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 September 5-18, 2012.

A.10 [BIENNIAL UPDATE TO THE PUBLIC RIGHT OF WAY ACCESS AMERICANS WITH DISABILITIES ACT TRANSITION PLAN \(Report of: Public Works Department/CPD\)](#)

Recommendation:

Receive and file this Biennial Update on Public Right of Way Access Americans with Disabilities Act Transition Plan.

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 SEPTEMBER 11, 2012 \(Report of: City Clerk Department\)](#)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - HOUSING AUTHORITY

- C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

- C.2 [MINUTES - REGULAR MEETING OF SEPTEMBER 11, 2012 \(Report of: City Clerk Department\)](#)

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 SEPTEMBER 11, 2012 \(Report of: City Clerk Department\)](#)

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 [A PUBLIC HEARING REGARDING PA08-0033 \(GENERAL PLAN AMENDMENT\), PA08-0034 \(CHANGE OF ZONE\) AND PA08-0035 \(CUP\) FOR A SMOG INSPECTION STATION AND TIRE SALES COMMERCIAL BUSINESS AT 22184 ALESSANDRO BOULEVARD. THE PROPOSED GENERAL PLAN AMENDMENT WILL CHANGE THE LAND USE DESIGNATION OF A 0.54 ACRE PORTION OF A PARCEL LOCATED AT](#)

22184 ALESSANDRO BOULEVARD FROM RESIDENTIAL/OFFICE (R/O) TO COMMERCIAL (C). THE CHANGE OF ZONE WILL CHANGE THE ZONING OF THE PARCEL FROM OFFICE COMMERCIAL (OC) TO COMMUNITY COMMERCIAL (CC). THE APPLICANT IS SOCRATES URENA (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a public hearing for General Plan Amendment PA08-0033, Change of Zone PA08-0034 and Conditional Use Permit PA08-0035 and subsequent to the public hearing:

ADOPT a Negative Declaration for PA08-0033 (General Plan Amendment), PA08-0034 (Change of Zone) and PA08-0035 (Conditional Use Permit) in that this project will not result in significant environmental impacts);

2. ADOPT City Council Resolution No. 2012-75 thereby APPROVING General Plan Amendment PA08-0033, based on the findings in the City Council Resolution;

Resolution No. 2012-75

A Resolution of the City Council of the City of Moreno Valley, California, approving an Amendment to the General Plan Land Use Element (PA08-0033) to change the Land Use Designation of a 0.54 acre portion of a parcel located at 22184 Alessandro Boulevard (portion of Assessor's Parcel Number 291-190-025) from Residential/Office (R/O) to Commercial (C)

3. INTRODUCE Ordinance No. 854 thereby APPROVING Zone Change PA08-0034, based on the findings in the City Council Ordinance; and

Ordinance No. 854

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA08-0034 (Zone Change) to change the Land Use District for approximately 0.54 acres of 22184 Alessandro Boulevard (portion of Assessor Parcel Number 291-190-025) from Office Commercial (OC) to Community Commercial (CC)

4. ADOPT City Council Resolution No. 2012-76 thereby APPROVING Conditional Use Permit PA08-0035 for a Smog Inspection Station and Tire Sales commercial business at 22184 Alessandro Boulevard, based on the findings in the Resolution, and the conditions of approval to the resolution as Exhibit A.

Resolution No. 2012-76

A Resolution of the City Council of the City of Moreno Valley, California, Approving Conditional Use Permit (PA08-0035) for the conversion of an existing Single Family Residence into Smog Inspection Station and Tire Sales Commercial Business at 22184 Alessandro Boulevard (APN: 291-190-025)

- E.2 [A PUBLIC HEARING REGARDING AN APPEAL OF THE PLANNING COMMISSION'S JULY 12, 2012, APPROVAL OF PLOT PLAN PA09-0004 AND TENTATIVE PARCEL MAP NO. 36162 \(PA09-0012\) AND THE RELATED ENVIRONMENTAL IMPACT REPORT FOR THE VIP MORENO VALLEY PROJECT. THE PROJECT PROPOSES A 1,616,133 SQUARE FOOT WAREHOUSE DISTRIBUTION BUILDING ON APPROXIMATELY 80 ACRES. THE BUILDING INCLUDES 268 DOCK HIGH DOORS AND 44,000 SQUARE FEET OF OFFICE AREA. THE MAP WOULD COMBINE FOUR EXISTING PARCELS INTO A SINGLE PARCEL. THE PROJECT SITE IS LOCATED ON THE SOUTH SIDE OF GROVE VIEW ROAD BETWEEN PERRIS BOULEVARD AND INDIAN STREET AT THE CITY'S SOUTHERN BOUNDARY, IN THE MORENO VALLEY INDUSTRIAL AREA PLAN \(SP 208\). THE APPLICANT IS VOGEL ENGINEERS, INC. THE APPELLANT IS JOHNSON & SEDLACK ATTORNEYS AT LAW ON BEHALF OF RESIDENTS FOR A LIVABLE MORENO VALLEY AND THE SIERRA CLUB \(Report of: Community & Economic Development Department\)](#)

Recommendation: That the City Council:

1. Conduct a public hearing for Environmental Impact Report (P11-020), Plot Plan PA09-0004, and Tentative Parcel Map 36362 (PA09-0012) and subsequent to the public hearing:

APPROVE Resolution No. 2012-77 and CERTIFY that the Environmental Impact Report (EIR) for the VIP Moreno Valley Project has been completed in compliance with the California Environmental Quality Act; and

Resolution No. 2012-77

A Resolution of the City Council of the City of Moreno Valley, California, certifying the Final Environmental Impact Report (P11-020), Adoption of the Findings and Statement of Overriding Considerations, and Approval of the Mitigation Monitoring Program for the VIP Moreno Valley Project, generally located in the Moreno Valley Industrial Area Plan (SP 208), on the South side of Grove View Road between Perris Boulevard and Indian Street at the City's southern boundary.

2. APPROVE Resolution No. 2012-78 and APPROVE Plot Plan PA09-0004 and Tentative Parcel Map 36162 (PA09-0012), subject to the attached conditions of approval included as Exhibits A and B.

Resolution No. 2012-78

A Resolution of the City Council of the City of Moreno Valley, California, for approval of Plot Plan PA09-0004 for development of a 1,616,133 square foot Warehouse Distribution Facility on 80 acres located within Assessor's Parcel Numbers 488-330-003 through -006 and -026 and PA09-0012 (Tentative Parcel Map No. 36162) to combine four parcels into a single parcel.

E.3 [GENERAL PLAN AMENDMENT TO MODIFY THE CIRCULATION PLAN FOR NASON STREET BETWEEN ALESSANDRO BOULEVARD AND FIR AVENUE \(PA12-0026\) - \(Report of: Public Works Department/CPD\)](#)

Recommendation:

1. Conduct a public hearing to consider the action taken by the Planning Commission on August 23, 2012, recommending approval of a General Plan Amendment (PA12-0026) (Project); and subsequent to the public hearing; and
2. APPROVE City Council Resolution No. 2012-79 thereby adopting a Negative Declaration for PA12-0026 in that the project will not result in significant environmental impacts, and approving the General Plan Amendment (PA12-0026), based on the findings in the City Council Resolution.

Resolution No. 2012-79

A Resolution of the City Council of the City of Moreno Valley, California, Approving a General Plan Amendment (PA12-0026) to Modify the City Circulation Plan and Circulation Exhibit, Respectively

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

G. REPORTS

G.1 [CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES \(Informational Oral Presentation - not for Council action\)](#)

- a) Report by Mayor Richard A. Stewart on March Joint Powers Commission (MJPC)

- G.2 [UPDATE OF ECONOMIC DEVELOPMENT ACTION PLAN \(Report of: Community & Economic Development Department\)](#)

Recommendation: That the City Council:

Review the update of the Economic Development Action Plan.

- G.3 [UPDATE ON AB 32 AND THE CAP AND TRADE PROGRAM \(Report of: Public Works Department/EU\)](#)

Recommendation: That the City Council:

Receive and file the update.

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

- G.4.1 [Human Resources Department Update - Report by: Tom DeSantis, Human Resources Director](#)

- G.5 [CITY ATTORNEY'S REPORT \(Informational Oral Presentation - not for Council action\)](#)

H. LEGISLATIVE ACTIONS

- H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

- H.2 ORDINANCES - 2ND READING AND ADOPTION

- H.2.1 [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 1.10.080 OF CHAPTER 1.10 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO THE COLLECTION OF CIVIL FINES AND PENALTIES \(RECEIVED FIRST READING AND INTRODUCTION ON SEPTEMBER 11, 2012, BY A 5-0 VOTE\) \(Report of: City Attorney\)](#)

Recommendation: That the City Council:

Adopt Ordinance No. 853 that would clarify the method by which interest is calculated on delinquent civil citations.

Ordinance No. 853

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 1.10.080 of Chapter 1.10 of the City of Moreno Valley Municipal Code Relating to the Collection of Civil Fines and Penalties

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, CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OR HOUSING AUTHORITY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/City as Successor Agency for the Community Redevelopment Agency, Housing Authority 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, City as Successor Agency for the Community Redevelopment Agency and Housing Authority 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(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

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

Number of Cases: 5

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

ADJOURNMENT