



**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**

**August 28, 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**  
**CITY COUNCIL OF THE CITY OF MORENO VALLEY**  
**August 28, 2012**

**CALL TO ORDER**

SPECIAL PRESENTATIONS

1. RECOGNITION OF 2012 SUMMER READING PROGRAM SUPER READERS, BY MORENO VALLEY FRIENDS OF THE LIBRARY

2. EMPLOYEE OF THE QUARTER RECOGNITION, 2ND QUARTER 2012

a) MaryLou Antero, Accounts Payable Supervisor

b) Jim White, Accounting Technician

3. RECOGNITION OF MVTV-3 SCAN NATOA STAR AWARDS

**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  
AUGUST 28, 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 Terry A. Harts - Unity Christian Center Church of Moreno Valley](#)

**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

AGENDA  
August 28, 2012

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 JULY 10, 2012 \(Report of: City Clerk Department\)](#)

**Recommendation:**  
Approve as submitted.

- A.3 [APPROVAL OF THE CHECK REGISTER FOR MAY, 2012 \(Report of: Financial & Administrative Services Department\)](#)

**Recommendation:**

Adopt Resolution No. 2012-67, approving the Check Register for the month of May, 2012 in the amount of \$13,875,994.96.

Resolution No. 2012-67

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

- A.4 [APPROVAL OF THE CHECK REGISTER FOR JUNE, 2012 \(Report of: Financial & Administrative Services Department\)](#)

**Recommendation:**

Adopt Resolution No. 2012-68, approving the Check Register for the month of June, 2012 in the amount of \$22,489,803.50.

Resolution No. 2012-68

A Resolution of the City Council of the City of Moreno Valley, California Approving the Check Register for the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of June, 2012

A.5 [AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT TO C P CONSTRUCTION CO. INC. FOR THE CORPORATE YARD SEWER IMPROVEMENTS – PROJECT NO. 803 0002 70 77 \(Report of: Public Works Department/CPD\)](#)

**Recommendation:**

1. Award the construction contract to C P Construction Co., Inc. (C P Construction), PO Box 1206, Ontario, CA 91762, the lowest responsible bidder, for the Corporate Yard Sewer Improvements;
2. Authorize the City Manager to execute a contract with C P Construction;
3. Authorize the issuance of a Purchase Order to C P Construction in the amount of \$272,710.32 (\$227,258.60 plus 20% contingency) when the contract has been signed by all parties;
4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with C P Construction, up to but not to exceed the \$45,451.72 contingency; and
5. Authorize the Public Works Director/City Engineer to record the Notice of Completion once he determines the work is complete, accept the improvements into the City's maintained system, and release the retention to C P Construction if no claims have been filed against the project.

A.6 [APPROVAL OF THE AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TOTAL MAXIMUM DAILY LOAD \(TMDL\) TASK FORCE \(Report of: Community & Economic Development Department\)](#)

**Recommendation:**

1. Approve the Agreement to Form the Lake Elsinore and Canyon Lake TMDL Task Force approved as to form by the City Attorney;
2. Appoint the Community and Economic Development Director as the primary representative and appoint the Storm Water Program Manager as the alternate representative to the TMDL Task Force;
3. Authorize the Community and Economic Development Director to execute future amendments to the Agreement as approved by the

City Attorney;

4. Authorize the Mayor to execute the Agreement; and
5. Direct the City Clerk to attest to the Mayor's signature and transmit the executed Agreement to the Santa Ana Watershed Project Authority.

A.7 [REJECTION OF ALL BIDS FOR CONSTRUCTION OF THE TRANSPORTATION MANAGEMENT CENTER - PROJECT NO. 808 0005 70 76 \(Report of: Public Works Department/TED\)](#)

**Recommendation:**

1. Reject all bids opened on July 2, 2012 for the Transportation Management Center project; and
2. Direct staff to re-advertise for construction bids for the Transportation Management Center project.

A.8 [PA08-0072 – REQUEST TO CONDUCT A FULL ROAD CLOSURE OF RESOURCE WAY FROM CORPORATE STREET TO FREDERICK STREET FOR THE CONSTRUCTION OF STREET IMPROVEMENTS FROM SEPTEMBER 3, 2012 – OCTOBER 1, 2012 - DEVELOPER: US REAL ESTATE LIMITED PARTNERSHIP, SAN ANTONIO, TX 78230 \(Report of: Community & Economic Development Department\)](#)

**Recommendation:**

Authorize a full road closure of Resource Way from Corporate Street to Frederick Street for the construction of street improvements from September 3, 2012 – October 1, 2012.

A.9 [P11-048, PA08-0072 – ACCEPT DEVELOPMENT IMPACT FEE \(DIF\) IMPROVEMENT CREDIT AGREEMENT #D12-002 FOR P11-048, PA08-0072 IMPROVEMENTS ASSOCIATED WITH THE CONCOURSE AT CENTERPOINT INDUSTRIAL BUILDING; NORTHWEST CORNER OF FREDERICK STREET AND CACTUS AVENUE; DEVELOPER: US REAL ESTATE LIMITED PARTNERSHIP, SAN ANTONIO, TX 78230 \(Report of: Community & Economic Development Department\)](#)

**Recommendation:**

1. Accept the Development Impact Fee Improvement Credit Agreement #D12-002 (DIF Agreement) for P11-048, PA08-0072 improvements and right-of-way dedications; and
2. Authorize the Mayor to execute the DIF Agreement.

- A.10 [P11-048, PA08-0072 - ACCEPT TRANSPORTATION UNIFORM MITIGATION FEE \(TUMF\) IMPROVEMENT CREDIT / REIMBURSEMENT AGREEMENT #T12-001 -NORTHWEST CORNER OF FREDERICK STREET AND CACTUS AVENUE DEVELOPER: US REAL ESTATE LIMITED PARTNERSHIP 9830 COLONNADE BOULEVARD, SUITE 600, SAN ANTONIO, TX 78230 \(Report of: Community & Economic Development Department\)](#)

**Recommendation:**

1. Accept the Transportation Uniform Mitigation Fee (TUMF) Improvement Credit/Reimbursement Agreement for P11-048, PA08-0072 public improvements;
2. Authorize the Mayor to execute the Agreement; and
3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

- A.11 [PM 35150 – INDUSTRIAL – ACCEPT THE SUBSTITUTION AGREEMENT AND SECURITY FOR PUBLIC IMPROVEMENTS - NORTHWEST CORNER OF INDIAN STREET AND NANDINA AVENUE, DEVELOPER: FR/CAL MORENO VALLEY, LLC 114 PACIFICA, SUITE 220, IRVINE, CA 92618 \(Report of: Community & Economic Development Department\)](#)

**Recommendation:**

1. Accept the substitution of Agreement for Public Improvements and Security for PM 35150;
2. Authorize the Mayor to execute the Agreement contingent upon the cash security being placed into the escrow account;
3. Direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation;
4. Authorize the City Engineer to exonerate the Faithful Performance Bond and Material and Labor Bond previously submitted by FR/CAL Moreno Valley, LLC, upon acceptance of the substitution agreement and bonds; 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 time frame.

- A.12 [ADOPTION OF A RESOLUTION OPPOSING SAN DIEGO COUNTY WATER AUTHORITY'S COST-SHIFT \(Report of: City Manager's Office\)](#)

**Recommendation:**

Adopt Resolution No. 2012-69 opposing San Diego County Water Authority's Cost-Shift.

Resolution No. 2012-69

A Resolution of the City Council of the City of Moreno Valley, California, Opposing San Diego County Water Authority's Cost-Shift

A.13 [APPROVE RESOLUTION NO. 2012-70 ADOPTING A LOW INCOME PROGRAM AND AMENDING THE ELECTRIC RATES FOR MORENO VALLEY ELECTRIC UTILITY \(Report of: Public Works Department\)](#)

**Recommendation:**

1. Approve Resolution No. 2012-70 adopting a Low-Income Assistance Program for the residential customers of Moreno Valley Electric Utility; and

Resolution No. 2012-70

A Resolution of the City Council of the City of Moreno Valley Adopting a Low-Income Assistance Program and Amending the Electric Rates for Moreno Valley Electric Utility

2. Adopts the amended Moreno Valley Utility Electric Rates as on file in the Public Works Department.

A.14 [APPROVAL OF COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF RIVERSIDE AND THE CITY OF MORENO VALLEY FOR GILMAN SPRINGS ROAD IMPROVEMENTS - PROJECT NO. 801 0042 70 77 \(Report of: Public Works Department/CPD\)](#)

**Recommendation:**

1. Approve the Cooperative Agreement for the Gilman Springs Road Improvements project between the County of Riverside and the City of Moreno Valley;
2. Authorize the City Manager to execute the Cooperative Agreement;
3. Authorize the Public Works Director/City Engineer to approve any minor changes that may be requested by the County of Riverside subject to the approval of the City Attorney; and
4. Authorize the Public Works Director/City Engineer to execute any future amendments to the Cooperative Agreement subject to the



approval of the City Attorney.

A.15 [APPROVAL OF THE AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH WILLDAN ENGINEERING TO PROVIDE UPDATES TO THE PAVEMENT MANAGEMENT PROGRAM - PROJECT NO. 801 0043 70 77 \(Report of: Public Works Department/CPD\)](#)

**Recommendation:**

1. Approve the Agreement for Professional Consultant Services with Willdan Engineering to provide updates to the Pavement Management Program;
2. Authorize the City Manager to execute the Agreement for Professional Consultant Services with Willdan Engineering;
3. Authorize the issuance of a Purchase Order to Willdan Engineering in the amount of \$117,000.00 when the Agreement has been signed by all parties; and
4. Authorize the Public Works Director/City Engineer to execute any subsequent amendments to the Agreement with Willdan Engineering, up to but not to exceed the Purchase Order amount, subject to the approval of the City Attorney.

A.16 [AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT TO POWELL CONSTRUCTORS INC. FOR SR-60/MORENO BEACH DRIVE INTERCHANGE PHASE 1 IMPROVEMENTS – PROJECT NO. 801 0038 70 77 \[FORMERLY PROJECT NO. 07-41570024\] \(Report of: Public Works Department/CPD\)](#)

**Recommendation:**

1. Award the construction contract for SR-60/Moreno Beach Drive Interchange Phase 1 Improvements to Powell Constructors Inc. (Powell), 8555 Banana Avenue, Fontana, CA 92335, the lowest responsible bidder;
2. Acting as the Successor Agency, authorize the City Manager to access agency funds, subject to Oversight Board approval;
3. Authorize the issuance of a Purchase Order for \$6,693,170.50 (\$5,354,536.40 bid plus 25% contingency of \$1,338,634.10) to Powell 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 Powell, up to but not to exceed the Purchase Order's total contingency amount of

\$1,338,634.10, subject to the approval of the City Attorney; and

5. Authorize intermittent full road closures of (1) Moreno Beach Drive between Ironwood Avenue and Trail Ridge Way and (2) Eucalyptus Avenue between Fir Avenue and Motor Way for the duration of construction anticipated to start on October 1, 2012 and be completed by October 1, 2013.

A.17 [TRACT MAP 32711 – EXONERATION OF BONDS FOR PUBLIC IMPROVEMENTS, FRONTING THE SOUTH SIDE OF JANET K DRIVE AT THE “T” INTERSECTION OF BOGUE STREET DEVELOPER - ISAAC GENAH AND GLORIA M. GENAH, TRUSTORS AND TRUSTEES OF THE CSA REVOCABLE TRUST DATED SEPTEMBER 10, 1993, 1430 TANGELO LANE, LA HABRA HEIGHTS, CA 90631, HANSON A. H. HO, TRUSTEE OF THE HO 2001 FAMILY TRUST, 2245 KINGSBRIDGE COURT, SAN DIMAS, CA 91773 \(Report of: Community & Economic Development Department\)](#)

**Recommendation:**

1. Direct the City Clerk to forward the Notification of Requirement for Public Improvement Security for Tract 32711 to the County Recorder’s Office for recordation; and
2. Contingent upon recordation of the Notification of Requirement for Public Improvement by the Riverside County Recorder’s Office, authorize the City Engineer to execute the exoneration of the Faithful Performance and Material and Labor bond associated with Tract 32711 for public improvements.

A.18 [TRACT MAP 32710 – EXONERATION OF BONDS FOR PUBLIC IMPROVEMENTS, OCALA COURT, NORTH OF IRONWOOD AVENUE AND EAST OF HEACOCK STREET, DEVELOPER - ISAAC GENAH AND GLORIA M. GENAH, TRUSTORS AND TRUSTEES OF THE CSA REVOCABLE TRUST DATED SEPTEMBER 10, 1993, 1430 TANGELO LANE, LA HABRA HEIGHTS, CA 90631, HANSON A. H. HO, TRUSTEE OF THE HO 2001 FAMILY TRUST, 2245 KINGSBRIDGE COURT, SAN DIMAS, CA 91773 \(Report of: Community & Economic Development Department\)](#)

**Recommendation:**

1. Direct the City Clerk to forward the Notification of Requirement for Public Improvement Security for Tract 32710 to the County Recorder’s Office for recordation; and
2. Contingent upon recordation of the Notification of Requirement for Public Improvement by the Riverside County Recorder’s Office,

authorize the City Engineer to execute the exoneration of the Faithful Performance and Material and Labor bond associated with Tract 32710 for public improvements.

A.19 [AWARD OF CITYWIDE CAMERA SURVEILLANCE PROJECT CONTRACT AND AUTHORIZATION FOR CITY MANAGER TO EXECUTE CONTRACT AND SUPPORT AGREEMENT WITH AVRIO GROUP SURVEILLANCE SOLUTIONS, LLC PROJECT NO. TS-CCSS 2012-02 \(Report of: Financial & Administrative Services Department\)](#)

**Recommendation:**

1. Authorize the award of the Citywide Camera Surveillance Project contract to Avrio Group Surveillance Solutions, LLC (Avrio), 3 N. Harrison Street, Suite 100, Easton, Maryland 21601 in an amount not-to-exceed \$1,800,000 for installation;
2. Authorize the City Manager to sign the contract with Avrio; and
3. Authorize the City Manager to execute the support agreement with one-year of maintenance with additional one-year options for maintenance as follows:

Year 1 maintenance    Included - No Charge

Year 2 maintenance    \$98,000

Year 3 maintenance    \$112,000

Year 4 maintenance    \$125,000

Year 5 maintenance    \$145,000

A.20 [RECEIPT OF QUARTERLY INVESTMENT REPORT – QUARTER ENDED JUNE 30, 2012 \(Report of: Financial & Administrative Services Department\)](#)

**Recommendation:**

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

A.21 [ACCEPTANCE OF GRANT AWARD FROM THE NATIONAL ANIMAL CONTROL ASSOCIATION & THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS \(Report of: Financial & Administrative Services Department\)](#)

**Recommendation:**

1. Accept a grant award in the amount of \$6,000 from the National Animal Control Association (NACA) and the American Society for the

Prevention of Cruelty to Animals (ASPCA) for the purpose of implementing ASPCA's ID-Me Animal Tagging Project; and

2. Approve revenue and expense appropriations in the grant amount of \$6,000 increasing the Animal Services budget for FY 2012-13 to reflect the grant acceptance.

A.22 [AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT TO R.I.C. CONSTRUCTION COMPANY, INC., FOR THE CITY ANNEX BUILDING OFFICE RENOVATION PROJECT NO. 803 0004 30 40 \(Report of: Human Resources/Facilities\)](#)

**Recommendation:**

1. Award the construction contract to R.I.C. Construction Company, Inc., 10675 "E" Avenue Hesperia, CA 92345 as the lowest responsible bidder, for the Moreno Valley Annex Renovation Project in an amount not to exceed \$1,252,000;
2. Authorize the City Manager to execute a contract with R.I.C.;
3. Approve an additional appropriation in the amount of \$400,000 increasing the project budget from \$1,000,000 currently approved to \$1,400,000 based on the actual bids received;
4. Approve a transfer of \$400,000 from the City Hall Development Impact Fee (DIF) Fund to the Annex 1 Renovation Project and approve the revenue and expense appropriations respectively to facilitate said transfer;
5. Authorize the issuance of a Purchase Order to R.I.C. in the amount of \$1,252,000 (\$1,138,000 base bid amount plus 10% contingency) when the contract has been signed by all parties;
6. Authorize the Human Resources Director to execute any subsequent change orders to the contract with R.I.C. up to but not to exceed the Purchase Order contingency of \$114,000; and
7. Authorize the Human Resources Director to record the Notice of Completion upon determination that the work is complete, and release the retention to R.I.C. if no claims are filed against the project.

A.23 [RESOLUTION OF THE CITY OF MORENO VALLEY SERVING AS THE SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING THE THIRD RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD OF JANUARY 1, 2013 TO JUNE 30, 2013 \(Report of: Community &](#)

[Economic Development Department\)](#)

**Recommendation:**

1. Acting in their capacity as Board Members as City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley: Adopt Resolution No. 2012-71 approving a Third Recognized Obligation Payment Schedule (“Third ROPS”), for the period of January 1, 2013 to June 30, 2013

Resolution No. 2012-71

A Resolution of the City Council of the City of Moreno Valley Serving as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley Approving the Third Recognized Obligation Payment Schedule for the Period of January 1, 2013 through June 30, 2013, and Authorizing the Executive Director or his Designee to make modifications thereto

2. Authorize the Executive Director or his designee to make modifications to the Schedule; and
3. Authorize the transmittal of the Third ROPS to the Oversight Board for review and approval.

A.24 [OVERVIEW OF REDEVELOPMENT TRAILER BILL AB 1484 \(Report of: Community & Economic Development Department\)](#)

**Recommendation:**

Receive and file overview report of the Redevelopment Trailer Bill Assembly Bill 1484.

A.25 [RESOLUTION OF THE CITY OF MORENO VALLEY SERVING AS THE SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING PROPOSED ADMINISTRATIVE BUDGET FOR THE PERIOD OF JANUARY 1, 2013 TO JUNE 30, 2013 \(Report of: Community & Economic Development Department\)](#)

**Recommendation:**

1. Adopt Resolution No. 2012-72 approving the proposed Administrative Budget for the period of January 1, 2013 to June 30, 2013;

Resolution No. 2012-72

A Resolution of the City Council of the City of Moreno Valley serving as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley Approving the Proposed Administrative

Budget and Authorizing the Executive Director or his Designee to Make Modifications Thereto

2. Authorize the Executive Director or his designee to make modifications to the Schedule; and
3. Authorize the transmittal of the proposed Administrative Budget to the Oversight Board for review and approval.

A.26 [TERMINATION OF AUTHORITY TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 7, IMPROVEMENT AREA NO. 2 OF THE CITY OF MORENO VALLEY \(Report of: Public Works Department\)](#)

**Recommendation:**

That the City Council Acting as the legislative body of Community Facilities District No. 7 of the City of Moreno Valley approve Resolution No. 2012-73 terminating the authority to annex territory to CFD No. 7, Improvement Area No. 2.

Resolution No. 2012-73

A Resolution of the City Council of the City of Moreno Valley, California, Acting as the Legislative Body of Community Facilities District No. 7 of the City of Moreno Valley, Terminating the Authority to Annex Territory in the Future to Improvement Area No. 2 of Such Community Facilities District

A.27 [CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES \(Report of: City Clerk's Department\)](#)

**Recommendation:**

Receive and file the Reports on Reimbursable Activities for the period of July 4 – August 21, 2012.

**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 JULY 10, 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 JULY 10, 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 JULY 10, 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 FOR A CITYWIDE AMENDMENT \(PA10-0022\) TO TITLE 9, CHAPTER 9.08, SECTION 9.08.100, "LIGHTING", SECTION 9.08.190, "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV, "APPLICATIONS FOR HILLSIDE DEVELOPMENT", SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES" ARTICLE VI, "APPLICATIONS FOR LIGHTING", SECTION 9.16.280 "GENERAL REQUIREMENTS, AND CHAPTER 9.15 SECTION 9.15.030, "DEFINITIONS" RELATING TO DARK SKY PROVISIONS FOR LIGHTING. THE APPLICANT IS THE CITY OF MORENO VALLEY \(Report of: Community & Economic Development Department\)](#)

**Recommendation: That the City Council:**

1. Staff recommends that the City Council conduct a public hearing on the proposed lighting standards. Should the City Council choose not to adopt the new standards, no further action is required. Should the City Council choose to adopt the new standards, the following actions

are required:  
RECOGNIZE that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and

2. INTRODUCE Ordinance No. 851, approving revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

#### Ordinance No. 851

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA10-0022 to Amend Title 9 of the Moreno Valley Municipal Code, Chapter 9.08, Section 9.08.100 "Lighting" and Section 9.08.190 "Street Lighting", Chapter 9.16, Article IV Applications for Hillside Development Section 9.16.235 "Hillside Design Guidelines", Article VI "Applications for Lighting", Section 9.16.280, "General Requirements" and Chapter 9.15, Section 9.15.030, "Definitions" Relating to Modifications of General Site, Street and Athletic Field/Park Lighting with an Emphasis on Dark Sky Standards Citywide

- E.2 [A PUBLIC HEARING \(PA11-0013\) FOR A CITYWIDE AMENDMENT TO TITLE 9, CHAPTER 9.11, SECTION 9.11.040, "OFF STREET PARKING REQUIREMENTS" TO PROVIDE CONSISTENCY WITH THE CURRENT 2011 CALIFORNIA GREEN BUILDING CODE STANDARDS REQUIRING LOW-EMITTING, FUEL-EFFICIENT AND CARPOOL AND VANPOOL VEHICLE PARKING FOR ALL NEW NON-RESIDENTIAL USES \(Report of: Community & Economic Development Department\)](#)

**Recommendation: That the City Council:**

1. After conducting a public hearing, RECOGNIZE that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and
2. INTRODUCE Ordinance No. 852, approving revisions to Title 9 and Section 9.11.040 "Off Street Parking Requirements" to provide consistency with the current 2011 California Green Building Code standards for low-emitting, fuel-efficient and carpool and vanpool



vehicle parking for all new non-residential uses citywide.

Ordinance No. 852

An Ordinance of the City Council of the City of Moreno Valley, California, (PA11-0013) Amending Title 9 Chapter 9.11, Section 9.11.040, "Off Street Parking Requirements" To Provide Consistency with the Current 2011 California Green Building Code Standards Requiring Low-Emitting, Fuel-Efficient and Carpool and Vanpool Vehicle Parking for New Non-Residential Uses Citywide

E.3 [HEARING ON PROPOSED RESOLUTIONS OF NECESSITY TO MAKE FINDINGS AND DETERMINATIONS AND TO AUTHORIZE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE NECESSARY RIGHT-OF-WAY FOR THE SR-60/MORENO BEACH INTERCHANGE PROJECT PHASE 2 - PROJECT NO. 801 0021 70 77 \(Report of: Public Works Department/CPD\)](#)

**Recommendation: That the City Council:**

1. Conduct a hearing, allowing testimony, including property owners who have requested the right to appear and be heard. Close the hearing;
2. Approve and adopt the Planning Division's finding that the Project is consistent with the General Plan;
3. Find the adoption of the proposed Resolutions of Necessity and acquisition of the fee and easement interests necessary for the Project are exempt from CEQA in that under §15061 (b) (3) of the CEQA Guidelines, this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant impact on the environment and it can be seen with certainty that there is no possibility this activity would have a significant effect on the environment and is excluded from NEPA in that this activity cannot individually or cumulatively have a significant effect on the human environment and no environmental assessment is required. Further, it has been determined that the proposed activity is within the scope of and is consistent with the approved Initial Study/Negative Declaration (IS/ND) and its NEPA/CEQA Re-validation prepared for the Project;
4. Consider and find that the "Factual Summary to Support Findings Required in Resolutions Nos. 2012-63, 2012-64, 2012-65, and 2012-66" is true and correct as to each of the proposed Resolutions of Necessity;
5. Consider, find and determine that each of the statements, findings

and facts in each of the proposed Resolutions of Necessity is true and correct;

6. If the City has not approved the "Agreement for Conveyance of Property" for the property identified in this proposed Resolution, adopt the following Resolution, which identifies the property by Assessor Parcel Number and the interests to be taken, by a vote of two-thirds of all members of the City Council.

Resolution No. 2012-63

A Resolution Of The City Council Of The City Of Moreno Valley, California, Finding And Determining That The Public Interest And Necessity Require The Acquisition Of Property For Public Street And Highway Purposes Including Related Improvements And Facilities; That The Acquisition Of The Fee And The Easements In The Herein-Described Property Is Necessary For The State Route 60/Moreno Beach Interchange Improvement Project – Phase 2; That The Project Is Planned In A Manner That Is Most Compatible With The Greatest Public Good And The Least Private Injury; Authorizing Proceedings To Be Commenced In Eminent Domain; And Authorizing The Deposit Of Necessary Funds And The Payment Of Necessary Expenses And Fees For Acquisition Of Said Property; And Authorizing Counsel To Obtain An Order For Prejudgment Possession Of The Subject Property [APN: 488-080-013];

7. If the City has not approved the "Agreement for Conveyance of Property" for the property identified in this proposed Resolution, adopt the following Resolution, which identifies the property by Assessor Parcel Number and the interests to be taken, by a vote of two-thirds of all members of the City Council.

Resolution No. 2012-64

A Resolution Of The City Council Of The City Of Moreno Valley, California, Finding And Determining That The Public Interest And Necessity Require The Acquisition Of Property For Public Street And Highway Purposes Including Related Improvements And Facilities; That The Acquisition Of The Fee And The Easements In The Herein-Described Property Is Necessary For The State Route 60/Moreno Beach Interchange Improvement Project – Phase 2; That The Project Is Planned In A Manner That Is Most Compatible With The Greatest Public Good And The Least Private Injury; Authorizing Proceedings To Be Commenced In Eminent Domain; And Authorizing The Deposit Of Necessary Funds And The Payment Of Necessary Expenses And Fees For Acquisition Of Said Property; And Authorizing Counsel To

Obtain An Order For Prejudgment Possession Of The Subject Property [APNs: 488-080-014 And 488-080-017];

8. If the City has not approved the "Agreement for Conveyance of Property" for the property identified in this proposed Resolution, adopt the following Resolution, which identifies the property by Assessor Parcel Number and the interests to be taken, by a vote of two-thirds of all members of the City Council.

Resolution No. 2012-65

A Resolution Of The City Council Of The City Of Moreno Valley, California, Finding And Determining That The Public Interest And Necessity Require The Acquisition Of Property For Public Street And Highway Purposes Including Related Improvements And Facilities; That The Acquisition Of The Fee And The Easement In The Herein-Described Property Is Necessary For The State Route 60/Moreno Beach Interchange Improvement Project – Phase 2; That The Project Is Planned In A Manner That Is Most Compatible With The Greatest Public Good And The Least Private Injury; Authorizing Proceedings To Be Commenced In Eminent Domain; And Authorizing The Deposit Of Necessary Funds And The Payment Of Necessary Expenses And Fees For Acquisition Of Said Property; And Authorizing Counsel To Obtain An Order For Prejudgment Possession Of The Subject Property [APN: 488-080-016];

9. If the City has not approved the "Agreement for Conveyance of Property" for the property identified in this proposed Resolution, adopt the following Resolution, which identifies the property by Assessor Parcel Number and the interest to be taken, by a vote of two-thirds of all members of the City Council.

Resolution No. 2012-66

A Resolution Of The City Council Of The City Of Moreno Valley, California, Finding And Determining That The Public Interest And Necessity Require The Acquisition Of Property For Public Street And Highway Purposes Including Related Improvements And Facilities; That The Acquisition Of The Fee Interest In The Herein-Described Property Is Necessary For The State Route 60/Moreno Beach Interchange Improvement Project – Phase 2; That The Project Is Planned In A Manner That Is Most Compatible With The Greatest Public Good And The Least Private Injury; Authorizing Proceedings To Be Commenced In Eminent Domain; And Authorizing The Deposit Of Necessary Funds And The Payment Of Necessary Expenses And Fees For Acquisition Of Said Property; And Authorizing Counsel To

Obtain An Order For Prejudgment Possession Of The Subject Property [APN: 488-270-021]; and

10. Direct the City Attorney and Special Eminent Domain Counsel for the City to file appropriate actions in Eminent Domain, including making Deposits of Probable Compensation and to seek Orders for Prejudgment Possession and for all other appropriate orders.

## **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 [PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDING FOR APN 485-081-034 BALLOTING FOR NPDES \(Report of: Public Works Department\)](#)

**Recommendation: That the City Council:**

Accept public comments regarding the mail ballot proceeding for Assessor Parcel Number (APN) 485-081-034 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate.

- G.3 [PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDING FOR APN 485-081-034 BALLOTING FOR CSD ZONE M \(Report of: Public Works Department\)](#)

**Recommendation: That the CSD:**

Accept public comments regarding the mail ballot proceeding for APN 485-081-034 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

- G.4 [DRAFT ENERGY EFFICIENCY AND CLIMATE ACTION STRATEGY \(Report of: Community & Economic Development Department\)](#)

**Recommendation: That the City Council:**

Review the policies in the Draft Energy Efficiency and Climate Action Strategy Document and provide direction to staff in formulating a final document for consideration and approval.

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

G.5.1 [Department Update: City Manager's Office. Verbal report by Assistant City Manager Michelle Dawson.](#)

G.6 [CITY ATTORNEY'S REPORT \(Informational Oral Presentation - Not for Council Action\) \(Report of: City Attorney\)](#)

## **H. LEGISLATIVE ACTIONS**

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

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

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**