



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**

February 28, 2012

REGULAR MEETING – 6:30 P.M.

City Council Closed Session

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

City Council Study Sessions

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

City Council Meetings

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

City Hall Council Chamber - 14177 Frederick Street

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

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 BOARD OF LIBRARY TRUSTEES**

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

**REGULAR MEETING - 6:30 PM
FEBRUARY 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 Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION - Reverend O. J. Philpot - Christ Community Church

ROLL CALL

INTRODUCTIONS

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

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

AGENDA
February 28, 2012

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 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 FEBRUARY 14, 2012 \(Report of: City Clerk Department\)](#)

Recommendation:

Approve as submitted.

A.3 [APPROVAL OF CHECK REGISTER FOR DECEMBER, 2011 \(Report of: Financial & Administrative Services Department\)](#)

Recommendation:

Adopt Resolution No. 2012-12, approving the Check Register for the month of December, 2011 in the amount of \$11,230,469.53

Resolution No. 2012-12

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of December, 2011

A.4 [RECEIPT OF QUARTERLY INVESTMENT REPORT - QUARTER ENDED DECEMBER 31, 2011 \(Report of: Financial & Administrative Services Department\)](#)

Recommendation:

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

A.5 [INSTALLATION OF SYNTHETIC TURF AT MARCH FIELD PARK \(ALSO LISTED AS ITEM B.3\) \(Report of: Parks and Community Services Department\)](#)

Recommendation:

1. Award to Field Turf USA, Inc. 8088 Mountview Road, Montreal, Quebec, CN for material and labor to install synthetic turf at March Field Park;
2. Authorize the issuance of a Purchase Order to Field Turf USA, Inc., in the amount of \$196,667.00 (\$178,788.50 for the bid amount plus 10% contingency) when the contract has been signed by all parties;
3. Authorize the Parks and Community Services Director to execute any subsequent change orders to the contract with Field Turf USA, Inc., up to but not to exceed the Purchase Order contingency of \$17,878.50 subject to the approval of the City Attorney; and
4. Authorize the Parks and Community Services Director to accept the improvements into the CSD's maintained system upon acceptance of the improvements as complete.

A.6 [APPROVE AND EXECUTE AGREEMENT FOR CONVEYANCE OF REAL PROPERTY FOR ACQUISITION OF APN 316-190-035 FOR THE INDUSTRIAL FIRE STATION PROJECT – PROJECT NO. 11-43467930 \(Report of: Public Works Department/CPD\)](#)

Recommendation:

1. Approve the "Agreement for Conveyance of Property" for acquisition of APN 316-190-035 for the Industrial Fire Station project;
2. Authorize a Purchase Order in the amount of \$833,000 (\$825,000 for the purchase price plus \$8,000 for escrow fees) when the Agreement has been signed by all parties (Account No. 434.67930); and
3. Authorize the City Manager to execute said Agreement and authorize the Public Works Director/City Engineer to approve any changes subject to the approval of the City Attorney.

A.7 [AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH GIBBS, GIDEN, LOCHER, TURNER & SENET, LLP FOR LEGAL SERVICES FOR LOS ANGELES ENGINEERING, INC. V. CITY OF MORENO VALLEY RIVERSIDE SUPERIOR COURT CASE RIC 524877 \(ALSO LISTED AS AGENDA ITEM B.4\) \(Report of: Parks and Community Services Department\)](#)

Recommendation:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 36928 to Gibbs, Giden, Locher, Turner & Senet,

LLP by the amount of \$220,000 for a total not-to-exceed amount of \$416,000 (Account No. 461.65325.7500);

2. Authorize payment to Gibbs, Giden, Locher, Turner & Senet, LLP in an amount of up to \$416,000 for legal services for Los Angeles Engineering, Inc. v. City of Moreno Valley Riverside Superior Court Case RIC 524877;
3. Authorize the transfer of \$220,000 from the Parkland Facilities Development Impact Fees (DIF) Fund (Fund 205) to the Parks & Community Services Capital Project Fund for Purchase Order No. 36928; and
4. Authorize the appropriation of \$220,000 from Parks & Community Services Capital Project Fund balance to Account 461.65325.7500 (Community Park Renovation) for Purchase Order No. 36928.

A.8 [PA03-0039 – MULTI FAMILY RESIDENTIAL – ACCEPT AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, SOUTH SIDE OF HEMLOCK AVENUE AND WEST OF PERRIS BOULEVARD, DEVELOPER: RANCHO BELAGO DEVELOPERS, INC., RIVERSIDE, CA 92507 \(Report of: Community & Economic Development Department\)](#)

Recommendation:

1. Accept the Agreement and Bonds for Public Improvements;
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; and
4. 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.9 [PA07-0168 – MULTI FAMILY RESIDENTIAL – ACCEPT AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, NORTH SIDE OF HEMLOCK AVENUE AND WEST OF PERRIS BOULEVARD, DEVELOPER: RANCHO BELAGO DEVELOPERS, INC., RIVERSIDE, CA \(Report of: Community & Economic Development Department\)](#)

Recommendation:

1. Accept the Agreement and Bonds for Public Improvements;
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; and
4. 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.10 [APPROVE THE CHARGING OF ENTRY FEES FOR THE CITY'S 2012 FOURTH OF JULY FESTIVAL \(ALSO LISTED AS AGENDA ITEM B.5\) \(Report of: Parks and Community Services Department\)](#)

Recommendation:

Approve the charging of fees for the City of Moreno Valley's 2012 Fourth of July Festival.

A.11 [NOTICE OF COMPLETION AND ACCEPTANCE FOR DAY STREET DRAINAGE IMPROVEMENTS FROM 690 FEET SOUTH OF COTTONWOOD AVENUE TO COTTONWOOD AVENUE \(PHASE II\) - PROJECT NO. 02-89266920 \(Report of: Public Works Department/CPD\)](#)

Recommendation:

1. Accept the work as complete for the Day Street Drainage Improvements from 690 feet south of Cottonwood Avenue to Cottonwood Avenue constructed by STI Inc. Trucking and Materials, 18791 Van Buren Boulevard, Suite E, Riverside, CA 92508;
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 STI Inc. Trucking and Materials, 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.12 [AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT TO SEAN MALEK ENGINEERING AND CONSTRUCTION AND AUTHORIZATION TO EXECUTE A PROJECT SPECIFIC AGREEMENT WITH VA CONSULTING, INC. FOR DESIGN SUPPORT SERVICES DURING CONSTRUCTION FOR THE AUTO MALL STREET IMPROVEMENTS PROJECT - PROJECT NO. 08-89791725 \(Report of: Public Works Department\)](#)

Recommendation:

1. Award the construction contract for the Auto Mall Street Improvements Project to Sean Malek Engineering and Construction, 43905 Margarita Road, Temecula, CA 92592, the lowest responsible bidder;
2. Authorize the City Manager to execute the contract with Sean Malek Engineering and Construction;
3. Authorize the issuance of a Purchase Order to Sean Malek Engineering and Construction, in the amount of \$521,474.05 (\$496,641.95 for the Base Bid plus 5% contingency), when the contract has been signed by all parties. (Account Number 897.91725);
4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Sean Malek Engineering and Construction, up to but not to exceed the Purchase Order contingency of \$24,832.10 subject to the approval of the City Attorney;
5. Authorize the Public Works Director / City Engineer to execute a Project Specific Agreement for Design Support Services during Construction with VA Consulting, Inc., the consultant design engineer of record; and
6. Authorize the issuance of a Purchase Order to VA Consulting, Inc., in the amount of \$14,900 once the Project Specific Agreement for Design Support Services during Construction has been executed by all parties (Account Number 897.91725).

A.13 [REQUEST FOR PUBLIC HEARING TO ESTABLISH AN UNDERGROUND UTILITY DISTRICT - NASON STREET FROM CACTUS AVENUE TO FIR AVENUE \(Report of: Public Works Department/CPD\)](#)

Recommendation:

1. Schedule a public hearing on March 27, 2012, to consider establishing an underground utility district along Nason Street from Cactus Avenue to Fir Avenue; and
2. Direct staff to notify affected property owners as shown on the last equalized assessment roll and all utilities that may own, operate, or lease equipment on or in connection with Southern California Edison (SCE) and/or Verizon Communications (Verizon) owned overhead facilities for the proposed underground utility district area by mail of

the time and place of such hearing at least ten (10) days prior to the date thereof.

A.14 [NOTICE OF COMPLETION AND ACCEPTANCE OF CITY HALL HEATING VENTILATION AND AIR CONDITIONING \(HVAC\) PROJECT, PROJECT NO. VAG 10/11-05 \(Report of: Financial & Administrative Services Department\)](#)

Recommendation:

1. Accept the work as complete for the City Hall Heating Ventilation and Air Conditioning (HVAC) Project constructed by Southcoast Heating & Air Conditioning, 2373 La Mirada Drive, Vista, CA 92081;
2. Direct the City Clerk to record the Notice of Completion within ten (10) calendars days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code; and
3. Authorize the Financial & Administrative Services Director to release the retention to Southcoast Heating & Air Conditioning, thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project.

A.15 [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 February 8-21, 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 FEBRUARY 14, 2012 \(Report of: City Clerk Department\)](#)

Recommendation:

Approve as submitted.

B.3 [INSTALLATION OF SYNTHETIC TURF AT MARCH FIELD PARK \(ALSO LISTED AS ITEM A.5\) \(Report of: Parks and Community Services Department\)](#)

Recommendation:

1. Award to Field Turf USA, Inc. 8088 Mountview Road, Montreal,

Quebec, CN for material and labor to install synthetic turf at March Field Park;

2. Authorize the issuance of a Purchase Order to Field Turf USA, Inc., in the amount of \$196,667.00 (\$178,788.50 for the bid amount plus 10% contingency) when the contract has been signed by all parties;
3. Authorize the Parks and Community Services Director to execute any subsequent change orders to the contract with Field Turf USA, Inc., up to but not to exceed the Purchase Order contingency of \$17,878.50 subject to the approval of the City Attorney; and
4. Authorize the Parks and Community Services Director to accept the improvements into the CSD's maintained system upon acceptance of the improvements as complete.

B.4 [AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH GIBBS, GIDEN, LOCHER, TURNER & SENET, LLP FOR LEGAL SERVICES FOR LOS ANGELES ENGINEERING, INC. V. CITY OF MORENO VALLEY RIVERSIDE SUPERIOR COURT CASE RIC 524877 \(ALSO LISTED AS AGENDA ITEM A.7\) \(Report of: Parks and Community Services Department\)](#)

Recommendation:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 36928 to Gibbs, Giden, Locher, Turner & Senet, LLP by the amount of \$220,000 for a total not-to-exceed amount of \$416,000 (Account No. 461.65325.7500);
2. Authorize payment to Gibbs, Giden, Locher, Turner & Senet, LLP in an amount of up to \$416,000 for legal services for Los Angeles Engineering, Inc. v. City of Moreno Valley Riverside Superior Court Case RIC 524877;
3. Authorize the transfer of \$220,000 from the Parkland Facilities Development Impact Fees (DIF) Fund (Fund 205) to the Parks & Community Services Capital Project Fund for Purchase Order No. 36928; and
4. Authorize the appropriation of \$220,000 from Parks & Community Services Capital Project Fund balance to Account 461.65325.7500 (Community Park Renovation) for Purchase Order No. 36928.

B.5 [APPROVE THE CHARGING OF ENTRY FEES FOR THE CITY'S 2012 FOURTH OF JULY FESTIVAL \(ALSO LISTED AS AGENDA ITEM A.10\) \(Report of: Parks and Community Services Department\)](#)

Recommendation:

Approve the charging of fees for the City of Moreno Valley's 2012 Fourth of July Festival.

C. CONSENT CALENDAR - HOUSING AUTHORITY

C.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

C.2 [MINUTES - REGULAR MEETING OF FEBRUARY 14, 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 FEBRUARY 14, 2012 \(Report of: City Clerk Department\)](#)

Recommendation:

Approve as submitted.

E. PUBLIC HEARINGS - NONE

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.

[F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION](#)

G. REPORTS

G.1 [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 RECOGNIZED OBLIGATION PAYMENT SCHEDULE \(Report of: Community & Economic Development Department\)](#)

Recommendation: That the City Council:

1. Serving as the Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley:

Adopt Resolution No. 2012-13, approving a Recognized Obligation Payment Schedule;

Resolution No. 2012-13

A Resolution of the City Council of the City of Moreno Valley Serving as Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley Approving the Recognized Obligation Schedule and Authorizing the City Manager or his Designee to Make Modifications Thereto

2. Authorize the City Manager or his designee to make modifications to the Schedule; and
3. Authorize the transmittal of the certified ROPS to the City and there upon to the Oversight Board for review and approval.

G.2 [CITY MANAGER'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 [ORDINANCE DESIGNATING SPEED LIMIT CERTIFICATION ON VARIOUS STREETS \(RECEIVED FIRST READING AND INTRODUCTION ON FEBRUARY 14, 2012 ON A 4-0-1 VOTE, CO ABSENT\) \(Report of: Public Works Department\)](#)

Recommendation: That the City Council:

Adopt Ordinance No. 837, amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code declaring prima facie speed limits on certain streets (as listed on the ordinance).

Ordinance No. 837

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code Relating to a Prima Facie Speed Limit for Certain Streets

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 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

3 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia
Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential
Management Employees

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

ADJOURNMENT