



AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF
MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

January 10, 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 951.413.3027 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
CITY COUNCIL OF THE CITY OF MORENO VALLEY
January 10, 2012

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Employee of the Quarter - Margery Lazarus, Senior Engineer, P.E.
2. Officer of the Quarter - Officer Ernie Esquibel
3. Recognition of Steve Curley, Fire Chief

**AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO
VALLEY AND THE BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING - 6:30 PM
JANUARY 10, 2012**

CALL TO ORDER

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

The City Council receives a separate stipend for CSD and RDA meetings

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 a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are

considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF DECEMBER 13, 2011 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

Recommendation:

Receive and file the Reports on Reimbursable Activities for the period of December 7, 2011 – January 3, 2012.

A.4 APPROVAL OF CHECK REGISTER FOR OCTOBER, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2012-01, approving the Check Register for the month of October, 2011 in the amount of \$14,849,287.13

Resolution No. 2012-01

A Resolution of the City of Moreno Valley, California, Approving the Check Register for the month of October, 2011

A.5 APPROVAL OF RESOLUTION NO. 2012-02 ADOPTING A RENEWABLE ENERGY RESOURCES ENFORCEMENT PROGRAM GOVERNING MORENO VALLEY UTILITY'S COMPLIANCE WITH CALIFORNIA SENATE BILL 1X-2 (SB1X-2) (Report of: Public Works Department)

Recommendation:

Approve and adopt Resolution No. 2012-02 establishing a Renewable Energy Resources Enforcement Program pursuant to California Senate Bill 1X-2.

Resolution No. 2012-02

A Resolution of the City Council of the City of Moreno Valley, California, establishing a Renewable Energy Resources Enforcement Program pursuant to California Senate Bill 1X-2

- A.6 PA07-0165 (PM 35859) – REQUEST TO EXTEND A FULL ROAD CLOSURE OF NANDINA AVENUE BETWEEN PERRIS BOULEVARD AND KNOX STREET FOR THE CONSTRUCTION OF STREET IMPROVEMENTS FROM JANUARY 28, 2012 – MARCH 12, 2012 - DEVELOPER: FIRST INDUSTRIAL, L.P., A DELAWARE LIMITED PARTNERSHIP, EL SEGUNDO, CA. 90245 (Report of: Community & Economic Development Department)

Recommendation:

1. Authorize a time extension to the full road closure of Nandina Avenue from Perris Boulevard to Knox Street for the construction of street and utility improvements from January 28, 2012 – March 12, 2012; and
2. Authorize the City Engineer to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues and/or inclement weather.

- A.7 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR LOCAL STREET PAVEMENT RESURFACING - PROJECT NO. 12-22679728 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Local Street Pavement Resurfacing project to All American Asphalt, PO Box 2229, Corona, CA 92878, the lowest responsible bidder;
2. Authorize the City Manager to execute a contract with All American Asphalt;
3. Authorize the issuance of a Purchase Order to All American Asphalt in the amount of \$831,230.40 (bid amount \$692,692.00 plus 20% contingency of \$138,538.40) when the contract has been signed by all parties; and
4. Authorize the Public Works Director and/or City Engineer to execute any subsequent change orders to the contract with All American Asphalt up to but not to exceed the Purchase Order contingency of \$138,538.40, subject to the approval of the City Attorney.

- A.8 ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE MORENO TOWNSITE AREA STORM DRAIN AND MISCELLANEOUS STREET

IMPROVEMENTS BETWEEN ALESSANDRO BOULEVARD AND DRAINAGE FACILITY LINE F PROJECT NO. 11-12566730 (Report of: Public Works Department)

Recommendation:

Adopt a Mitigated Negative Declaration (MND) for the Moreno Townsite Area Storm Drain and Street Improvements between Alessandro Boulevard and Drainage Facility Line F, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level.

- A.9 ORDINANCE NO. 835 - AN ORDINANCE OF THE CITY OF MORENO VALLEY, CALIFORNIA, REPEALING AND RE-ENACTING SECTIONS 3.44.010, 3.44.020A AND 3.44.050 OF TITLE 3 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE (RECEIVED FIRST READING AND INTRODUCTION ON DECEMBER 13, 2011 BY A 5-0 VOTE) (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

Adopt Ordinance No. 835, repealing and re-enacting Sections 3.44.010, 3.44.020A, and 3.44.050 of the City of Moreno Valley Municipal Code, facilitating the processing of developer reimbursements.

Ordinance No. 835

An Ordinance of the City of Moreno Valley, California, Repealing and Re-Enacting Sections 3.44.010, 3.44.020A and 3.44.050 of Title 3 of the City of Moreno Valley Municipal Code

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 DECEMBER 13, 2011 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

- B.3 AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION FOR ADDITIONAL AFTER SCHOOL EDUCATION AND SAFETY GRANT FUNDS FOR ELEMENTARY AND MIDDLE/JUNIOR HIGH SCHOOL STUDENTS FOR FISCAL YEAR 2012/13 (Report of: Parks and Community Services Department)

Recommendation:

Authorize the City Manager to submit a grant application in the amount of \$567,000 to the California Department of Education for After School Education and Safety Grant funds (ASES) for Elementary and Middle/Junior High School students for FY 2012/13.

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 DECEMBER 13, 2011 (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 DECEMBER 13, 2011 (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 PUBLIC HEARING AND AUTHORIZING RESOLUTION FOR EXECUTION AND DELIVERY OF CALIFORNIA COMMUNITIES GAS TAX REVENUE CERTIFICATES OF PARTICIPATION, SERIES 2012_ TOTAL ROAD IMPROVEMENT PROGRAM (TRIP) (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

After conducting public hearing, adopt Resolution No. 2012-03 approving the sale, execution, and delivery of not more than \$20 million in principal amount of California Communities Gas Tax Revenue Certificates of Participation, Series 2012_ (TRIP–Total Road Improvement Program) (the

“COPs” or “Certificates”) and approving certain actions in connection therewith, and authorizing judicial validation proceedings relating thereto.

Resolution No. 2012-03

Resolution Approving the Execution and Delivery of California Communities Gas Tax Revenue Certificates of Participation, Series 2012B (T.R.I.P. – Total Road Improvement Program) Pursuant to a Trust Agreement, Authorizing the Execution and Delivery of a Trust Agreement, Certificate Purchase Agreement and an Installment Sale Agreement, Authorizing the Distribution of an Official Statement in Connection with the Offering and Sale of Such Certificates, and Authorizing the Filing of a Validation Action and Other Matters Relating Thereto

E.2 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR ASSESSOR PARCEL NUMBERS ASSOCIATED WITH TENTATIVE PARCEL MAP 34577 BALLOTING FOR NPDES (Report of: Public Works Department)

Recommendation: That the City Council:

1. After conducting the Public Hearing and accepting public testimony, direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballot for Assessor Parcel Numbers (APNs) 316-170-004, 316-170-006, 316-170-007, 316-170-010, 316-170-013, 316-170-015, 316-170-016, and 316-170-017 (the Parcels);
2. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet;
3. Receive and file with the City Clerk’s office the accepted Official Tally Sheet; and
4. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to the Parcels.

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. Council Member Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

G.2 JULY 4TH UPDATE (ORAL PRESENTATION) (Report of: Parks and Community Services Department)

G.3 REQUEST FOR CITY COUNCIL DIRECTION IN PROCEEDING WITH AN ELECTION ON THE QUESTION OF DIRECTLY ELECTED MAYOR AND AUTHORIZATION TO HIRE REDISTRICTING CONSULTANT (Report of: City Attorney)

Recommendation: That the City Council:

1. Determine whether the City should be divided into four (4), six (6) or eight (8) new City Council Districts to submit to the voters along with the question of creating the office of directly elected Mayor;
2. Authorize the proposed redistricting of the City into four (4), six (6) or eight (8) City Council Districts; authorize the City Manager to execute a contract with National Demographics Corporation for redistricting services pursuant to their written proposal in an amount not to exceed \$30,000.00; and appropriate \$30,000.00 from the General Fund fund balance to account No. 010.13110.6291.293;
3. Bring back to the City Council for further discussion the newly created City Council Districts before submitting same to the Planning Commission for findings as required by law;
4. Direct staff to prepare all necessary documents and ordinances to submit to the Planning Commission for findings as required by law; and
5. Direct staff to prepare all necessary documents, resolutions and ordinances for the City Council to call an election on the matter of a directly elected Mayor and four (4), six (6) or eight (8) City Council Districts for the November 6, 2012, municipal general election.

G.4 2012 COUNCIL COMMITTEE PARTICIPATION APPOINTMENTS (Report of: City Clerk Department)

Recommendation: That the City Council:

1. Approve appointments to the various committees and regional bodies as recommended in the 2012 Council Committee Participation list submitted by Mayor Richard A. Stewart:

Appoint Mayor Richard A. Stewart to serve as the City of Moreno Valley's representative on the March Joint Powers Commission (MJPC); and

2. Appoint Mayor Pro Tem William H. Batey II to serve as the City of

Moreno Valley's representative on the March Joint Powers Commission (MJPC); and

3. Appoint Council Member Marcelo Co to serve as the City of Moreno Valley's alternate representative on the March Joint Powers Commission (MJPC); and
4. Appoint Mayor Pro Tem William H. Batey II to serve as the City of Moreno Valley's representative on the Riverside County Habitat Conservation Agency (RCHCA); and
5. Appoint Council Member Jesse L. Molina to serve as the City of Moreno Valley's alternate representative on the Riverside County Habitat Conservation Agency (RCHCA); and
6. Appoint Council Member Marcelo Co to serve as the City of Moreno Valley's representative on the Riverside County Transportation Commission (RCTC); and
7. Appoint Mayor Richard A. Stewart to serve as the City of Moreno Valley's alternate representative on the Riverside County Transportation Commission (RCTC); and
8. Appoint Council Member Jesse L. Molina to serve as the City of Moreno Valley's representative on the Riverside Transit Agency (RTA); and
9. Appoint Council Member Marcelo Co to serve as the City of Moreno Valley's alternate representative on the Riverside Transit Agency (RTA); and
10. Appoint Council Member Robin N. Hastings to serve as the City of Moreno Valley's representative on the Western Riverside Council of Governments (WRCOG); and
11. Appoint Council Member Marcelo Co to serve as the City of Moreno Valley's alternate representative on the Western Riverside Council of Governments (WRCOG); and
12. Appoint Mayor Pro Tem William H. Batey II to serve as the City of Moreno Valley's representative on the Western Riverside County Regional Conservation Authority (RCA); and
13. Appoint Council Member Jesse L. Molina to serve as the City of Moreno Valley's alternate representative on the Western Riverside County Regional Conservation Authority (RCA);

14. Approve the appointments to the remaining various committees and regional bodies, as noted on the 2012 Council Committee Participation – Mayor’s Recommendations list.

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

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION

H.1 .1 ORDINANCE DESIGNATING SPEED LIMIT CERTIFICATION ON VARIOUS STREETS (Report of: Public Works Department)

Recommendation: That the City Council:

1. Receive and file this report; and
2. Introduce 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.2 ORDINANCES - 2ND READING AND ADOPTION

H.2 .1 ORDINANCE NO. 836 - AMENDING SECTION OF 12.36.010 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO THE DESIGNATION OF TRUCK ROUTES (RECEIVED FIRST READING AND INTRODUCTION ON DECEMBER 13, 2011 BY A 3-2 VOTE, BATEY AND HASTINGS OPPOSED) (Report of: Public Works Department)

Recommendation: That the City Council:

Adopt Ordinance No. 836, amending Section 12.36.010 of Chapter 12.36 of Title 12 of the Municipal Code to remove Redlands Boulevard from Alessandro Boulevard to the SR-60 eastbound on/off ramp as a designated “Truck Route.”

Ordinance No. 836

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 12.36.010 of Chapter 12.36 of Title 12 of the City of Moreno Valley Municipal Code, Revising the Designation of Truck Routes

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

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

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

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

CLOSED SESSION

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

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

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

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(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