

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

**REGULAR MEETING – 6:30 P.M.
JULY 11, 2006**

CALL TO ORDER - The Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 7:00 p.m. by Mayor Flickinger in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Mayor Flickinger

INVOCATION - Pastor Lupe Gonzalez, Templo De Milagros

ROLL CALL

Council:

Bonnie Flickinger	Mayor
Charles R. White	Mayor Pro Tem
William H. Batey, II	Council Member
Richard A. Stewart	Council Member
Frank West	Council Member

Staff:

Alice Reed	City Clerk
Steve Chapman	Finance Director/City Treasurer
Robert Herrick	City Attorney
Robert Gutierrez	City Manager
Betsy Adams	Assistant City Manager
Linda Guillis	Community Development Director
Rick Hall	Police Lieutenant
Stan Lake	Fire Chief
Chris Vogt	Public Works Director/City Engineer
Barry Foster	Economic Development Director
Rick Hartmann	Deputy City Manager
Cynthia Pirtle	Director of Library Services
George Guayante	Interim Parks and Recreation Director
Denese Wilson	Human Resources Director
Angela Rushen	Interim Administrative Services Director

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Flickinger opened the agenda items for the Consent Calendars for public comments, there being none, public comments were closed.

A. CONSENT CALENDAR - CITY COUNCIL

A1. ORDINANCES - FIRST READING BY TITLE ONLY

Waived reading of all Ordinance Introductions and read by title only.

A2. APPROVAL OF THE AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TOTAL MAXIMUM DAILY LOAD (TMDL) TASK FORCE (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement to form the Lake Elsinore and Canyon Lake TMDL Task Force as approved to form by the City Attorney;
2. Appoint the Public Works Director/City Engineer as the primary representative and appoint the Storm Water Program Coordinator as the alternate representative to the TMDL Task Force;
3. Authorize the Mayor to execute the Agreement; and
4. Direct the City Clerk to attest to the Mayor's signature and transmit the executed Agreement to the Santa Ana Watershed Project Authority.

A3. PROFESSIONAL CONSULTANT SERVICES AGREEMENT FOR FISCAL YEAR 2006/2007 ANNUAL PAVEMENT REHABILITATION PROGRAM, PROJECT NO. 05-12556330 (Report of: Public Works Department)

Recommendation:

1. Award the Agreement for Professional Consultant Services to Harris & Associates, 34 Executive Park, Suite 150, Irvine, California 92614-4705 to provide design services for the Fiscal Year 2006/2007 Annual Pavement Rehabilitation Program;
2. Authorize the Mayor to execute the Agreement for Professional Consultant Services with Harris & Associates;
3. Authorize the issuance of a Purchase Order to Harris & Associates, in the

amount of \$181,200 (\$164,730 for the proposal amount plus \$16,470 for the 10% contingency) when the agreement has been signed by all parties (Account No. 125.56330); and

4. Authorize the City Manager to execute any subsequent related minor amendments to the Agreement for Professional Consultant Services with Harris & Associates, up to but not exceeding the Purchase Order contingency authorization in the amount of \$16,470, subject to approval of City Attorney.

A4. PARCEL MAP 32326, PHASE II – COMMERCIAL – ACCEPT AGREEMENT AND IRREVOCABLE LETTERS OF CREDIT FOR PUBLIC IMPROVEMENTS, NORTHEAST CORNER OF GRAHAM STREET AND CACTUS AVENUE, DEVELOPER – RIDGE MORENO VALLEY, LLC, LONG BEACH, CA (Report of: Public Works Department)

Recommendation:

1. Approve Parcel Map 32326, Phase II, 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 Parcel Map 32326, Phase II;
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 amendments to the agreement if the required public improvements are not completed within said timeframe.

A5. AMENDMENT NO. 1 TO THE JOINT EXERCISE OF POWERS AGREEMENT CREATING THE WESTERN RIVERSIDE REGIONAL CONSERVATION AUTHORITY (Report of: Community Development Department)

Recommendation:

- A. Approve the Amendment to the Joint Powers Agreement pertaining to the Regional Conservation Authority;
- B. Authorize the Mayor and City Clerk to execute the document concerning the Regional Conservation Authority; and

C. Direct the City Clerk to forward said amendments to the Regional Conservation Authority.

A6. PA04-0004 – APARTMENT COMPLEX – ACCEPT AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, SOUTHWEST CORNER OF BAY AVENUE AND PAN AM BOULEVARD, SUBDIVIDER – MOVAL BAY APARTMENTS, L.P., IRVINE, CA (Report of: Public Works 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.

A7. PARCEL MAP 32961 – COMMERCIAL – ACCEPT AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, NORTHWEST CORNER OF PERRIS BOULEVARD AND GROVE VIEW ROAD, SUBDIVIDER – INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC., IRVINE, CA (Report of: Public Works Department)
Recommendation:

1. Approve Parcel Map 32961, 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 Bonds for Public Improvements;
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.

A8. TRACT 31149 – SINGLE FAMILY RESIDENTIAL - AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION), WEST SIDE OF KITCHING STREET AND NORTH OF FRAN LOU DRIVE, SUBDIVIDER – JWS ASSOCIATES, LLC, HUNTINGTON BEACH, CA (Report of: Public Works Department)

Recommendation:

1. Authorize the Mayor to execute the Amendment to Agreement for Public Improvements for Tract 31149;
2. Instruct the City Clerk to forward the completed Amendment to Agreement for Public Improvements to the County Recorder's Office for recordation; and
3. 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.

A9. TRACT 27251 – SINGLE FAMILY RESIDENTIAL – ACCEPT SUBSTITUTION AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, SOUTHEAST CORNER OF MORRISON STREET AND FIR AVENUE, SUBDIVIDER – RICHMOND AMERICAN HOMES OF CALIFORNIA, INC., CORONA, CA (Report of: Public Works Department)

Recommendation:

1. Accept the substitution of Agreement for Public Improvements and bonds for Tract 27251;
2. Authorize the Mayor to execute the agreement;
3. Direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation;
4. Authorize the City Engineer to exonerate the Faithful Performance Bond and Material and Labor Bond previously submitted by Richland Meadowland. Ltd., 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 timeframe.

A10. TRACT 27251-1 – SINGLE FAMILY RESIDENTIAL – ACCEPT SUBSTITUTION AGREEMENT AND BONDS FOR PUBLIC

IMPROVEMENTS, NORTHEAST CORNER OF MORRISON STREET AND EUCALYPTUS AVENUE, SUBDIVIDER – RICHMOND AMERICAN HOMES OF CALIFORNIA, INC., CORONA, CA (Report of: Public Works Department)
Recommendation:

1. Accept the substitution of Agreement for Public Improvements and bonds for Tract 27251-1;
2. Authorize the Mayor to execute the agreement;
3. Direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation;
4. Authorize the City Engineer to exonerate the Faithful Performance Bond and Material and Labor Bond previously submitted by Richland Meadowland, Ltd., 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 timeframe.

A11. PARCEL MAP 32631 – COMMERCIAL - ACCEPT AGREEMENT AND IRREVOCABLE LETTERS OF CREDIT FOR PUBLIC IMPROVEMENTS, DAY STREET, GATEWAY DRIVE, MEMORIAL WAY, AND TOWN CIRCLE DRIVE, SUBDIVIDER – GATEWAY COMPANY, L.C., NEWPORT BEACH, CA (Report of: Public Works Department)
Recommendation:

1. Approve Parcel Map 32631, 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;
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.

A12. REQUEST FOR ADOPTION OF PLANS AND SPECIFICATIONS, AND AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR PROJECT ON STEVENS AVENUE, CAMPBELL AVENUE, PRINCESS LANE, AND ATWOOD AVENUE, AS PART OF THE STREET IMPROVEMENT PROGRAM (SIP), PROJECT NO. 02-12185520 (Report of: Public Works Department)

Recommendation:

1. Adopt the plans and specifications, subject to approval by the City Engineer; and
2. Authorize the City Clerk to advertise the project for construction bids, upon approval of the plans and specifications by the City Engineer.

A13. REQUEST ADOPTION OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE IRONWOOD AVENUE SIDEWALK IMPROVEMENTS FROM BAYLESS STREET TO WEBB STREET, PROJECT NO. 122.7220 (Report of: Public Works Department)

Recommendation:

1. Adopt the plans and specifications for the Ironwood Avenue Sidewalk Improvements on file in the office of the City Engineer;
2. Award the construction contract, and authorize the Mayor to execute a contract for the Ironwood Avenue Sidewalk Improvements with Elite Bobcat Service, Inc., 1320 E. Sixth Street, Suite 100, Corona, California, the lowest responsible bidder;
3. Authorize the issuance of a Purchase Order for Elite Bobcat Service, Inc., in the amount of \$120,936.00 (\$109,942.00 for the proposal amount plus \$10,994.00 for the 10% contingency) when the contract has been signed by all parties (Account No. 122.72220); and
4. Authorize the City Manager to execute any subsequent related minor change orders to the contract with Elite Bobcat Service, Inc., up to but not exceeding the 10% contingency amount of \$10,994.00, subject to approval of the City Attorney.

A14. REQUEST RE-ADOPTION OF PLANS AND UPDATED SPECIFICATIONS AND AUTHORIZATION TO RE-ADVERTISE FOR CONSTRUCTION BIDS FOR THE BOEING STREET AND MCDONNELL STREET SIDEWALK IMPROVEMENTS FROM ADRIENNE AVENUE TO BAY AVENUE, PROJECT NO. 05-14768524 (Report of: Public Works Department)

Recommendation:

1. Re-Adopt the plans and updated specifications, that are on file in the office of the City Engineer; and
2. Authorize the City Clerk to re-advertise the project for construction bids.

A15. AUTHORIZATION TO AWARD AGREEMENT FOR PROFESSIONAL CONSULTANT DESIGN SERVICES FOR GRAHAM STREET IMPROVEMENTS FROM HEMLOCK AVENUE TO IRONWOOD AVENUE, PROJECT NO. 06-28068425 (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for Professional Consultant Design Services with DMC Design Group, Inc., 170 N. Maple Street, Suite 101, Corona, CA 92880 to provide design services for street improvements;
2. Authorize the Mayor to execute said Agreement for Professional Consultant Design Services with DMC Design Group;
3. Authorize the issuance of a Purchase Order to DMC Design Group, in the amount of \$151,723.00 (\$137,930 for the agreement plus \$13,793 for the 10% contingency) from Account No. 280.68425, when the agreement has been signed by all parties; and
4. Authorize the City Manager to execute any subsequent related minor amendments to the Agreement for Professional Consultant Services with DMC Design Group, Inc., up to but not exceeding the Purchase Order contingency authorization in the amount of \$13,793, subject to approval of City Attorney.

A16. FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR AQUEDUCT BIKEWAY IMPROVEMENTS FROM INDIAN STREET TO FAY AVENUE, PROJECT NO. 05-12567524 (Report of: Public Works Department)

Recommendation:

1. Adopt a Negative Declaration for the Aqueduct Bikeway Improvements from Indian Street to Fay Avenue, in that the project will not have the potential for a significant impact on the environment;
2. Award the First Amendment to Agreement for Professional Consultant Services to Omnis, 5195 Walnut Avenue, No. 14, Chino, California 91710,

to provide design services and construction assistance for the Aqueduct Bikeway Improvements from Indian Street to Fay Avenue;

3. Authorize the Mayor to execute the First Amendment to Agreement for Professional Services with Omnis;
 4. Authorize an increase in the Purchase Order to Omnis, in the amount of \$105,408 (\$95,825 for the proposal amount plus \$9,583 for the 10% contingency) when the First Amendment to Agreement has been signed by all parties (Account No. 125.67524); and
 5. Authorize the City Manager to execute any subsequent related minor amendments to the Agreement for Professional Consultant Services with Omnis, up to but not exceeding the Purchase Order contingency authorized in the amount of \$9,583, subject to approval of City Attorney.
- A17. MOVAL BAY APARTMENTS, LP (BAY FAMILY APARTMENTS), AFFORDABLE HOUSING AGREEMENT (Report of: Economic Development Department)
Recommendation: Adopt Resolution No. 2006-79 approving the Affordable Housing Agreement between the Redevelopment Agency (Agency) and MoVal Bay Apartments, LP, which will provide \$755,000 in gap financing assistance using the Agency's affordable housing funds.

Resolution No. 2006-79

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley of an Affordable Housing Agreement by and between the Agency and MoVal Bay Apartments, L.P. a California Limited Partnership and Making Certain Findings in Connection Therewith

- A18. TRACT MAPS 23389 AND 23389-1 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT RESOLUTION NO. 2006-80, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING CACTUS AVENUE, AND MORENO BEACH DRIVE INTO THE CITY'S MAINTAINED STREET SYSTEM, SUBDIVIDER – KB HOME, POMONA, CA (Report of: Public Works Department)
Recommendation:

1. Adopt Resolution No. 2006-80 authorizing the acceptance of the public improvements for Tract Maps 23389 and 23389-1 as complete and accepting Cactus Avenue and Moreno Beach Drive into the City's

maintained street system;

Resolution No. 2006-80

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within Tracts 23389 and 23389-1, and Accepting Cactus Avenue and Moreno Beach Drive into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A19. RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF PROGRAM SUPPLEMENT AGREEMENT NO. B57 TO THE ADMINISTERING AGENCY-STATE MASTER AGREEMENT FOR STATE FUNDED PROJECT NO. SR2SL-5441 (040), SAFE ROUTES TO SCHOOL PROGRAM (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2006-81, approving the Program Supplement Agreement No. B57, to the Administering Master Agency-State Agreement for State Funded, Project No. SR2SL-5441 (040), Safe Routes to School; and

Resolution No. 2006-81

A Resolution of the City Council of the City of Moreno Valley, California, Approving and Authorizing Execution of Program Supplement No. B57, to Administering Agency-State Master Agreement No. SR2SL-5441 (040) for State Funded Projects Between the State of California, Acting by and through the Department of Transportation, and the City of Moreno Valley, for Safe Routes to School (SR2S) Program

2. Authorizing the Mayor to execute Program Supplement Agreement No. B57, to the Administering Master Agency-State Agreement for State Funded, Project No. SR2SL-5441 (040), Safe Routes to School.

A20. PA03-0087 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT RESOLUTION NO. 2006-82, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AUTHORIZING ACCEPTANCE OF THE

PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING TOWNGATE BOULEVARD, HERITAGE WAY, AND MEMORIAL WAY INTO THE CITY'S MAINTAINED STREET SYSTEM (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2006-82 authorizing the acceptance of the public improvements for PA03-0087 as complete and accepting Towngate Boulevard, Heritage Way, and Memorial Way into the City's maintained street system; and

Resolution No. 2006-82

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within PA03-0087, and Accepting Towngate Boulevard, Heritage Way, and Memorial Way into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.
- A21. ORDINANCE NO. 721 - 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 (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 27, 2006 ON A 5-0 VOTE) (Report of: Public Works Department)
Recommendation: Adopt Ordinance No. 721.

Ordinance No. 721

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

- A22. TRACT 31128 – SINGLE FAMILY RESIDENTIAL - AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION); SOUTHWEST CORNER OF CACTUS AVENUE AND OLIVER STREET; SUBDIVIDER: WESTERN PACIFIC HOUSING, IRVINE, CA (Report of: Public Works Department)
Recommendation:

1. Authorize the Mayor to execute the Amendment to Agreement for Public Improvements for Tract 31128;
 2. Instruct the City Clerk to forward the completed Amendment to Agreement for Public Improvements to the County Recorder's Office for recordation; and
 3. 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.
- A23. 2006 LEGISLATIVE UPDATE (Report of: Assistant City Manager)
Recommendation: Receive and file the informational report.
- A24. TELECOMMUNICATIONS LICENSE AGREEMENT WITH NEW CINGULAR WIRELESS, PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY (Report of: Public Works Department)
Recommendation: Authorize the Mayor to execute a Telecommunications License Agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company, for approximately 840 square feet of ground space on the property known as Hidden Springs Park.
- A25. MINUTES – SPECIAL MEETING OF JUNE 20, 2006 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.
- A26. MINUTES - REGULAR MEETING OF JUNE 27, 2006 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.
- A27. ADOPT RESOLUTION NO. 2006-86, ADOPTING POLICIES FOR TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS) AND SPENDING GUIDELINES FOR CITY COUNCIL DISCRETIONARY FUNDS (Report of: Finance Department)
Recommendation: Adopt Resolution No. 2006-86, adopting policies for elected officials' travel and other expense reimbursement, and spending guidelines on City Council members' use of discretionary funds.

Resolution No. 2006-86

A Resolution of the City Council of the City of Moreno Valley, California, Adopting the Travel and Related Business Expenses (Elected Officials) Policy, and the Spending Guidelines for City Council Discretionary Funds

A28. APPROVE 115KV INTERCONNECTION FACILITIES AGREEMENT AND SERVICE AGREEMENT FOR WHOLESALE DISTRIBUTION SERVICE BY AND BETWEEN THE CITY OF MORENO VALLEY AND SOUTHERN CALIFORNIA EDISON COMPANY (Report of: Public Works Department)
Recommendation:

1. Approve the 115KV Interconnection Facilities Agreement and Service Agreement for Wholesale Distribution Service by and between the City of Moreno Valley and Southern California Edison Company, and authorize the Mayor to sign the agreements on behalf of the City of Moreno Valley, contingent upon advice and concurrence of the City Manager and City Attorney on final form and content; and
2. Authorize the Finance Director to activate terms and conditions to advance capital proceeds as stipulated in City Council Resolution No. 2006-39 of April 11, 2006, creating a line of credit allowing for a source of revolving short term funding to the electrical utility.

B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

- B1. ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.
- B2. MINUTES – SPECIAL MEETING OF JUNE 20, 2006 (Report of: City Clerk’s Department)
Recommendation: Approve as submitted.
- B3. MINUTES - REGULAR MEETING OF JUNE 27, 2006 (Report of: City Clerk’s Department)
Recommendation: Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

- C1. ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.
- C2. MOVAL BAY APARTMENTS, LP (BAY FAMILY APARTMENTS), AFFORDABLE HOUSING AGREEMENT (Report of: Economic Development Department)
Recommendation: Adopt Resolution RDA 2006-04 approving the Affordable Housing Agreement between the Redevelopment Agency (Agency) and MoVal Bay Apartments, LP, which will provide \$755,000 in gap financing

assistance using the Agency's affordable housing funds.

Resolution No. RDA 2006-04

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and between the Agency and MoVal Bay Apartments, L.P., a California Limited Partnership

- C3. MINUTES – SPECIAL MEETING OF JUNE 20, 2006 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.
- C4. MINUTES - REGULAR MEETING OF JUNE 27, 2006 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D1. ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.
- D2. MINUTES - REGULAR MEETING OF JUNE 27, 2006 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.

Joint Consent Calendar Items A2-D2 approved by a 5-0 vote. m/Batey, s/West.

E. PUBLIC HEARINGS

- E1. A PUBLIC HEARING FOR GENERAL PLAN AMENDMENT (PA96-0013) - A COMPREHENSIVE UPDATE OF THE CITY'S GENERAL PLAN AND RELATED ENVIRONMENTAL IMPACT REPORT (THIS MEETING WILL CONTINUE WITH A REVIEW OF THE ENVIRONMENTAL IMPACT REPORT OF THE GENERAL PLAN AND WRAP-UP DISCUSSION) (Report of: Community Development Department)
Recommendation: The Staff concurs with the Planning Commission recommendation. The Planning Commission recommends that the City Council:
John Bridges of EDAW gave a presentation on the final Environmental Impact Report.

Mayor Flickinger opened the public testimony portion of the public hearing. Public testimony was received from Ann McKibben and Margie Breitzkreuz, both opposing the item.

1. Approve Resolution No. 2006-83 certifying the Final Program Environmental Impact Report (SCH# 2000091075) for the City of Moreno Valley General Plan and adopting a Statement of Overriding Considerations; and

Resolution No. 2006-83

A Resolution of the City Council of the City of Moreno Valley Certifying the Final Environmental Impact Report (State Clearing House No. 2000091075) for the Moreno Valley General Plan (PA096-0013) and Adopting a Statement of Overriding Considerations

Approved by a 5-0 vote. m/White, s/Batey.

2. Approve Resolution No. 2006-84 adopting and implementing the comprehensively updated Moreno Valley General Plan (PA96-0013)

Resolution No. 2006-84

A Resolution of the City Council of the City of Moreno Valley Adopting and Implementing the Comprehensively Updated Moreno Valley General Plan (PA96-0013) for the Planning Period through 2030

Approved, as amended, by a 5-0 vote. m/White, s/Batey.

- E2. PUBLIC HEARING REGARDING MAIL BALLOT PROCEEDINGS FOR TENTATIVE TRACT 29343 - BALLOTTED ITEM: CSD ZONE B, AND ASSESSOR PARCEL NUMBER (APN) 316-210-043 IN TENTATIVE PARCEL MAP 32961 - BALLOTTED ITEM: CSD ZONE M (Report of: Public Works Department)

Recommendation: That the Members of the Board of Directors of the Moreno Valley Community Services District (CSD), after conducting the public hearing:

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

- a) Tabulate the mail ballots for CSD Zone B (Residential Street Lighting) for Tentative Tract 29343 (and all the affected phases) and CSD Zone

M (Commercial, Industrial, and Multifamily Improved Median Maintenance) for APN 316-210-043 (and any division thereof) in Tentative Parcel Map 32961;

Approved by a 5-0 vote. m/White, s/Batey.

The Secretary announced the results as follows:

Zone B – “Yes”

Zone M for APN 316-210-043 – “Yes”

- b) Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet and APN listing;
- c) Receive and file with the City Clerk’s Office the accepted Official Tally Sheet and APN listing; and
- d) If approved, authorize and impose the applicable CSD Zone B and CSD Zone M parcel charges to the participating projects.

Approved by a 5-0 vote. m/White, s/Stewart.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - NONE

G. REPORTS

G1. REPORTS ON REGIONAL AND REIMBURSABLE ACTIVITIES

- a) Report on March Joint Powers Commission by Council Member Stewart

Council Member Stewart gave an update on the Ribbon Cutting Ceremony for the McClain Food Distribution Center which he attended along with the Mayor. Also, stated the March Joint Powers Authority is in the process of making appointments for the Interim Airport Director as well as Interim Deputy Director.

Council Member Stewart, Mayor Pro Tem White, and Mayor Flickinger each reported their reimbursable activities.

G2. TELECOMMUNICATIONS ISSUES (Report of: Administrative Services Department)

Recommendation: Receive and file the report on issues surrounding new telecommunications technology and legislation and provide direction to staff.

Bill Marticorena, Esq., Rutan & Tucker, gave a briefing regarding the legislative changes to the telecommunications industry.

Jonathan Kramer, Consultant, provided information regarding the technical aspects.

Mayor Flickinger opened the agenda item for public comments. Public comment was received from Mike Page, David Milkie, and John Viereck, all representing Verizon.

Directed staff to develop a policy to handle the new telecommunications process for Verizon and AT&T's proposed projects and hold permits until policy in place. Approved by a 5-0 vote. m/Batey, s/White.

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL ARE AS FOLLOWS:

Daryl Terrell

- 1) City has the potential to become a "World Class City"
- 2) City should create its own police department, become a charter city and provide a new library in the former Home Base building
- 3) Directly elected Mayor

Emily Paul

- 1) Representing the Friends of the Library – stated there is no place to hold their Used Book Sales – need rent free location

AGENDA ORDER

G5. OPTIONS FOR AN INTERIM PUBLIC LIBRARY (Report of: Public Works Department)

Recommendation: That the City Council:

Mayor Flickinger opened the agenda item for public comments. Public comment was received from Judy Nieburger and Daryl Terrell.

1. Approve the renovation of the existing Moreno Valley Library located at 25480 Alessandro Boulevard; and

2. In its capacity as Chairman and Members of the Board of Library Trustees approve the renovation of the Moreno Valley Library located at 25480 Alessandro Boulevard.

Approved by a 5-0 vote to: 1) Approve renovation of the existing library structure and provide creative financing options for the “real” library to City Council by the end of October; and 2) To consider Option 3 (sprung structure) or other structure and/or site for library if financing options not feasible for “real” library. m/White, s/West.

- G3. AN ORDINANCE REPEALING CHAPTER 7.03 AND REPEALING AND REENACTING CHAPTER 2.21 THEREBY COMBINING THE CULTURAL PRESERVATION BOARD AND ECOLOGICAL PROTECTION BOARD AND CREATING THE ENVIRONMENTAL PRESERVATION BOARD; AND AMENDING SECTION 7.05.020 OF CHAPTER 7.05 REGARDING THE DESIGNATION OF LANDMARKS – PLANNING CASE NO. PA06-0094 (Report of: Community Development Department)
Recommendation: That the City Council:

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

1. Introduce Ordinance No. 723, repealing Chapter 7.03 and repealing and reenacting Chapter 2.21 thereby combining the Cultural Preservation Board and Ecological Protection Board and creating the Environmental Preservation Board; and amending Section 7.05.020 of Chapter 7.05 regarding the designation of landmarks – Planning Case No. PA06-0094.

Ordinance No. 723

An Ordinance of the City Council of the City of Moreno Valley, California, Repealing Chapter 7.03 and Repealing and Reenacting Chapter 2.21 Thereby Combining the Cultural Preservation Board and Ecological Protection Board and Creating the Environmental Preservation Board; and Amending Section 7.05.020 of Chapter 7.05 Regarding the Designation of Landmarks – Planning Case No. PA06-0094

Approved, as amended, by a 5-0 vote, with the combined title to read Environmental & Historic Preservation Board and with the expiration dates of the terms to be staggered. m/Batey, s/Stewart.

- G4. RESOLUTION AND ORDINANCE RELATING TO AMENDMENT TO CALPERS CONTRACT (Report of: Human Resources Department)

Recommendation: That the City Council:

1. Adopt Resolution No. 2006-85 noticing its intention to approve an amendment to contract between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City of Moreno Valley regarding the change in benefits of the proposed contract;

Resolution No. 2006-85

A Resolution of the City Council of the City of Moreno Valley, California, Declaring Its Intention to Approve an Amendment to Contract between the City Council of the City of Moreno Valley and the Board of Administration of the Public Employees' Retirement System

2. Introduce Ordinance No. 724 authorizing an amendment to the City's CalPERS contract with the California Public Employees' Retirement System;

Ordinance No. 724

An Ordinance of the City Council of the City of Moreno Valley, California, Authorizing an Amendment to the Contract between the City Council of the City of Moreno Valley and the Board of Administration of the California Public Employees' Retirement System

3. Approve Form CON-12, Certification of Governing Body's Action;
4. Approve Form CON-12A, Certification of Compliance with Government Code Section 7507;
5. Authorize the Mayor to execute the amendment to the contract authorizing full retirement benefits for all miscellaneous employees at 2.7% @ 55 years of age effective January 12, 2007; and
6. Direct the City Clerk, upon adoption of said Resolution, to forward to CalPERS a certified copy of: Resolution of Intention, Certification of Governing Body's Action and Certification of Compliance with Gov. Sec. 7507.

Continued to a date uncertain. m/Batey, s/White.

AGENDA ORDER

G9 REQUEST THAT COUNCIL CONSIDER RE-BALLOTING THE ZONE E-3 MAIL BALLOT PROCEEDING (Oral Presentation – No written material to be provided)

Recommendation: That the City Council consider re-balloting the Zone E-3 Mail Ballot Proceeding, which failed at a public hearing held June 13, 2006.

Mayor Flickinger opened the agenda item for public comments. Public comment was received from Charles Kloger (representing Pacific Communities) and Larry Denman, both supporting the re-balloting.

Approved by a 5-0 vote. m/Stewart, s/West.

**RECESS;
RECONVENE**

G6. APPOINTMENTS TO TRAFFIC SAFETY COMMISSION (CONTINUED FROM JUNE 27, 2006) (Report of: City Clerk's Department)

Recommendation: That the City Council, after reviewing the ballots provided by the City Clerk;

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

1. Appoint two members to the Traffic Safety Commission for terms expiring June 30, 2009; or
2. If appointments are not made, declare the positions vacant and authorize the City Clerk to re-notice the positions as vacant.

Approved by a 5-0 vote to appoint Arthur W. Higgs, Jr. and Wraymond Sawyerr to terms expiring June 30, 2009. m/Batey, s/White.

G7. CONTRACT AWARD CONSIDERATION FOR THE CONSTRUCTION OF THE MORENO VALLEY VETERANS MEMORIAL, PROJECT NO. 06-41278424 (Report of: Public Works Department)

Recommendation: That the City Council select Alternate 1 or 2:

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

Alternate 1 (Staff's Recommended Action)

2. Reject the single bid opened on May 31, 2006 for the Moreno Valley

Veterans Memorial;

3. Instruct staff to repackage the project with alternates to bring the project within budget and authorize the City Clerk to re-advertise the Moreno Valley Veterans Memorial for construction bids at the first available date.

Alternate 2 (Upon Finding of Early Completion as Necessity)

1. Award the construction contract for the Moreno Valley Veterans Memorial to 4-Con Engineering, Inc., 2751 Avalon Street, Riverside, California 92509, the sole bidder, upon satisfactory submission of the required subcontractor information;
2. Authorize the Mayor to execute a contract agreement with 4-Con Engineering, Inc.;
3. Authorize an appropriation of \$324,100 from the General Fund Capital Expenditures Reserve to the General City Capital Projects Fund Account No. 412.78424, for a total project appropriation of \$1,650,00;
4. Authorize the issuance of purchase order for 4-Con Engineering, Inc., in the amount of \$1,374,930.00 (\$1,249,936.00 for the base bid, Alternate A and F, plus \$124,994.00 for the 10% contingency), and authorize the City Manager to execute change orders within the 10% contingency, subject to approval of the City Attorney.

Approved by a 5-0 vote to approve Alternate No. 1. m/Batey, s/White.

- G8. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action) – None given

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION - NONE

ORDINANCES - 2ND READING AND ADOPTION

- H1. ORDINANCE NO. 722 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 2.04.050 OF CHAPTER 2.04 OF TITLE 2 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO COMPENSATION AND REIMBURSEMENT FOR COUNCIL MEMBERS (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 27, 2006, AS AMENDED ON A

3-2 VOTE, STEWART & WEST ABSTAINING) (Report of: Finance Department)
Recommendation: Adopt Ordinance No. 722

Ordinance No. 722

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 2.04.050 of Chapter 2.04 of Title 2 of the City of Moreno Valley Municipal Code, Relating to Compensation and Reimbursement for Council Members

Approved by a 5-0 vote. m/White, s/Batey.

ORDINANCES - URGENCY ORDINANCES – NONE

RESOLUTIONS – NONE

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

Mayor Pro Tem White

- 1) Announced he will be going on vacation for several weeks to visit family

Council Member West

- 1) Congratulated staff on a good General Plan

Mayor Flickinger

- 1) Attended the opening of the McClain Food Service at the Meridian Complex - congratulated the JPA Representatives on a very successful industrial development - located just outside of our city limits
- 2) Fourth of July fireworks were outstanding – received many compliments
- 3) Citrus Wind Ensemble gave a great concert on June 29th
- 4) Announced this is the last City Council meeting before recess

Council Member Stewart – no comments

Council Member Batey – no comments

CLOSED SESSION - NONE

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 10:50 p.m. by unanimous informal consent.

Submitted by:

Alice Reed, City Clerk
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

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

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