



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**

SEPTEMBER 9, 2008

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 the City Clerk's office at 951.413.3001 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

Frank West, Mayor Pro Tem
Richard A. Stewart, Council Member

Bonnie Flickinger, Council Member
Charles R. White, Council Member

**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 P.M.
SEPTEMBER 9, 2008**

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)

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Barry Knight, Celebration Worship 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 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

A1. ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A2. MINUTES - REGULAR MEETING OF AUGUST 26, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

A3. APPROVE MASTER POWER PURCHASE AND SALE AGREEMENTS WITH SHELL ENERGY NORTH AMERICA, LP, AND BARCLAYS BANK PLC, APPROVE POWER PURCHASE LIMITS FOR MORENO VALLEY ELECTRIC UTILITY, AND APPROVE RESOLUTION NO. 2008-105 AUTHORIZING THE ELECTRIC UTILITY MANAGER TO EXECUTE CONFIRMATIONS UNDER THE MASTER POWER PURCHASES AND SALES AGREEMENTS (Report of: Public Works Department)

Recommendation:

1. Approve Master Power Purchase and Sale Agreement with Shell Energy North America, LP, and authorize the Public Works Director/City Engineer to execute the Agreement;
2. Approve Master Power Purchase and Sale Agreement with Barclays Bank, PLC, and authorize the Public Works Director/City Engineer to execute the Agreement;
3. Approve Power Purchase Limits for fiscal years 2008/09 of \$7,507,775, 2009/10 of \$12,650,000, 2010/11 of \$14,000,000, 2011/12 of \$16,000,000, 2012/13 of \$18,000,000, and 2013/14 of \$20,000,000; and
4. Adopt Resolution No. 2008-105 which authorizes the Electric Utility Manager to execute confirmation agreements for specific power purchases under approved Master Power Purchase and

Sale Agreements with respect to City Council approved power purchase limits for respective fiscal years.

Resolution No. 2008-105

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Electric Utility Manager to Execute Confirmation Agreements for Specific Power Purchases Under City Council Approved Master Power Purchase and Sale Agreements; and Establishing Fiscal Year Limits for Wholesale Power Purchases

- A4. PA07-0036 – ACCEPT AGREEMENT AND IRREVOCABLE LETTERS OF CREDIT FOR PUBLIC IMPROVEMENTS; SOUTHWEST CORNER OF COTTONWOOD AVENUE AND FREDERICK STREET - DEVELOPER: FRESH & EASY NEIGHBORHOOD MARKET, INC., EL SEGUNDO, CA 90245 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Irrevocable Letters of Credit for Public Improvements for PA07-0036;
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.

- A5. TRACT 31089 – PARTIALLY REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PARTIAL IMPROVEMENTS AS COMPLETE - DEVELOPER: DH MORENO VALLEY I, LLC, ANAHEIM HILLS, CA 92808 (Report of: Public Works Department)

Recommendation:

1. Accept the partial public improvements, as complete, but not into the City's maintained street system; and
2. Authorize the Public Works Director/City Engineer to execute the partial reduction to the amount of the Faithful Performance

security.

- A6. MITIGATED NEGATIVE DECLARATION (MND) FOR PERRIS BOULEVARD WIDENING - IRONWOOD AVENUE TO MANZANITA AVENUE, PROJECT NO. 11-41570225 (Report of: Public Works Department)

Recommendation:

1. Adopt a Mitigated Negative Declaration (MND) for the widening of Perris Boulevard from Ironwood Avenue to Manzanita Avenue, Capital Improvement Project No. 11-41570225.

- A7. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE TRAFFIC SIGNAL IMPROVEMENTS ON KRAMERIA AVENUE AT CALLE AURORA/VISTA CONEJO DRIVE, PROJECT NO. 08-13768126 (Report of: Public Works Department)

1. Award the construction contract for the Traffic Signal Improvements on Krameria Avenue at Calle Aurora/Vista Conejo Drive to DBX, Inc., 42066 Avenida Alvarado, Suite C, Temecula, CA 92590, the lowest responsible bidder;
2. Authorize the City Manager to execute a contract with DBX, Inc.;
3. Authorize the issuance of a Purchase Order to DBX, Inc. in the amount of \$221,766.00 (\$192,840 bid amount plus 15% contingency) when the contract has been signed by all parties; and
4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with DBX, Inc., up to but not to exceed the Purchase Order contingency authorization of \$28,926.00.

- A8. APPROVAL OF CHECK REGISTER FOR JULY, 2008 (Report of: Financial and Administrative Services Director)

Recommendation: Adopt Resolution No. 2008-106, approving the Check Register for the month of July, 2008 in the amount of \$24,640,272.59.

Resolution No. 2008-106

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of July 1, 2008

- A9. 2009 LEGISLATIVE UPDATE (Report of: Assistant City Manager)

Recommendation: That the City Council receive and file the informational report.

- A10. APPROVE AGREEMENT WITH THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) FOR TRANSIMS DEPLOYMENT CASE STUDIES PROGRAM (FEDERAL SOLICITATION DTFH61-08-R-00020) (Report of: Public Works Department)

Recommendation:

1. Approve an agreement with the Federal Highway Administration that is, in form and content, acceptable to the City Attorney and the Public Works Director. The Public Works Director will sign the agreement; and
2. Direct staff to establish a fund for the purposed of tracking expenditures related to the TRANSIMS model deployment and cost recovery.

B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

- B1. ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

- B2. MINUTES - REGULAR MEETING OF AUGUST 26, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

- B3. TRACT 32018 – AUTHORIZE THE ACCEPTANCE AND EXECUTION OF THE ACCEPTANCE CERTIFICATION TO ACCEPT THE LANDSCAPE EASEMENT DEED FROM ROSETTA B. SMITH; NORTH SIDE OF COTTONWOOD AVENUE, WEST OF CRAPE MYRTLE DRIVE; OWNER – ROSETTA B. SMITH, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the President of the Board of Directors of the Community Services District to accept the landscape Easement Deed; and
2. Authorize the City Clerk in her capacity as Secretary of the Moreno Valley Community Services to execute the Acceptance Certification to accept the landscape Easement Deed from Rosetta B. Smith, subject to completion of the improvements, and to direct the City Clerk to forward the signed Easement Deed to the County Recorder's Office for recordation.

B4. EXTENSION OF CONTRACT - PROJECT NO. TTPM-07/08 – PARKWAY AND MEDIAN TREE TRIMMING (Report of: Public Works Department)

Recommendation:

1. Approve the Extension Agreement for MVCSD Project TTPM-07/08 to extend the term of the contract for a one-year period;
2. Authorize the President of the MVCSD Board to execute said Amendment with George Salinas Tree Preservation of Yorba Linda, California; and
3. Authorize the Purchasing Manager, at the start of Fiscal Year 2008/09, to issue an open purchase order to George Salinas Tree Preservation in the amount of ONE HUNDRED SIX THOUSAND SEVENTY AND 92/100 DOLLARS (\$106,070.92) for annual Parkway and Median Tree Trimming Services.

B5. RECOMMENDATION TO APPROVE AMENDMENT TO CONTRACT MOWING OF PARKS, ANNUAL MOWING CONTRACT OF ZONE A PARKS AND CITY CORPORATE YARD AND CFD #1 PARKS - DLS LANDSCAPE, INC. (Report of: Parks and Community Services)

Recommendation:

1. Approve the Amendment to Contract Mowing of Parks, annual mowing contract of Zone A Parks and City Corporate Yard and CFD #1 Parks to DLS Landscape, Inc., 32398 Dunlap Boulevard, Yucaipa, California, 92399, in the total amount of \$197,035.00 (\$163,938.00 for Zone A and \$33,097.00 for CFD #1);

2. Authorize the Mayor to execute the Amendment to Contract Mowing of Parks with the above-mentioned contractor; and
3. Authorize the Financial & Administrative Services Director to issue a purchase order upon execution of the Amendment to Contract Mowing of Parks to the above-mentioned contractor not to exceed \$197,035.00. Funds are available in CSD Zone A account 161.76310.6261 and CFD #1 account 184.18410.6261.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

- C1. ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.
- C2. MINUTES - REGULAR MEETING OF AUGUST 26, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D1. ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.
- D2. MINUTES - REGULAR MEETING OF AUGUST 26, 2008 (Report of: City Clerk's 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.

- E1. PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDINGS FOR TRACT 30268 FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE B (RESIDENTIAL STREET LIGHTING) (Report of: Public Works Department)

Recommendation: That the President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board"), after conducting the public hearing to accept public comment:

- a. Direct the City Clerk to tabulate the CSD Zone B ballots for Tract 30268 (and all affected phases);
- b. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and Assessor Parcel Number (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 CSD Zone B (Residential Street Lighting) annual charge to parcels in Tract 30268.

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

G. REPORTS

G1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

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

G2. PUBLIC MEETING REGARDING MAIL BALLOT PROCEEDINGS FOR 1) AYRES HOTEL BALLOTTED ITEM: NPDES; 2) FAMOUS DAVE'S RESTAURANT BALLOTTED ITEM: NPDES; 3) TWO-STORY OFFICE BUILDING BALLOTTED ITEM: NPDES; AND 4) RITE AID PHARMACY BALLOTTED ITEMS: NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation:

- 1. That the Mayor and Members of the Moreno Valley City Council accept public comments regarding the mail ballot proceedings for:
 - a. Ayres Hotel – APNs 291-660-014 and 291-660-019 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate;
 - b. Famous Dave's Restaurant – APN 291-660-004 for approval of the NPDES maximum commercial/industrial regulatory rate;

- c. Two-Story Office Building – APN 481-200-024 for approval of the NPDES maximum commercial/industrial regulatory rate; and
 - d. Rite Aid Pharmacy – APN 478-070-025 for approval of the NPDES maximum commercial/industrial regulatory rate.
2. Staff recommends that the Members of the Board of Directors of the Moreno Valley Community Services District (“CSD Board”) accept public comments regarding the mail ballot proceeding for the Rite Aid Pharmacy – APN 478-070-025 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).
- G3. RESPONSE TO COUNCIL QUESTIONS REGARDING UTILITY USER’S TAX (Report of: Finance Director)

Recommendation: That the City Council receive and file the staff report which provides a response to City Councilmember questions asked about the utility user’s tax (UUT) on August 5, 2008 based on discussion of the UUT ordinance ballot measure for November 4, 2008.

- G4 . CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION - NONE

ORDINANCES - 2ND READING AND ADOPTION - NONE

ORDINANCES - URGENCY ORDINANCES - NONE

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: 2
- 2) SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
Number of Cases: 2

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

ADJOURNMENT