

**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 10, 2007**

**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 6:30 p.m. by Mayor White in the Council Chamber located at 14177 Frederick Street.

**PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was led by Mayor Pro Tem Batey

**INVOCATION** - Pastor Lacy Sykes, Crossword Christian Church

**ROLL CALL**

Council:

Charles R. White	Mayor
William H. Batey, II	Mayor Pro Tem
Bonnie Flickinger	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
Rick Hartmann	Deputy City Manager
Linda Wieczorek	Animal Services Division Manager
Rick Hall	Police Chief
Stan Lake	Fire Chief
Chris Vogt	Public Works Director/City Engineer
Rebecca Guillan	Principal Librarian
Mike McCarty	Parks & Community Services Director

Denese Wilson-Beilke	Human Resources Director
Barry Foster	Economic Development Director
Angela Rushen	Assistant to the City Manager

Finance Director Chapman introduced Dawn Jorge, new Senior Accountant in the Controller Division of the Finance Department.

**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 White 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. AUTHORIZATION TO AWARD AGREEMENT FOR PROFESSIONAL CONSULTANT DESIGN SERVICES FOR HEACOCK STREET IMPROVEMENTS FROM SAN MICHELE ROAD TO CACTUS AVENUE, PROJECT NO. 07-41678825 (Report of: Public Works Department)

**Recommendation:**

- 0. Approve the Agreement for Professional Consultant Design Services with DMC Design Group, Inc. (DMC), Corona, CA 92880 to provide design services for street improvements;
- 0. Authorize the Mayor to execute said Agreement for Professional Consultant Design Services with DMC;
- 0. Authorize the issuance of a Purchase Order to DMC, in the amount of \$690,114 (\$627,376 for the agreement plus the 10% contingency amount of \$62,378) from Fund 415, when the agreement has been signed by all parties; and
- 0. Authorize the City Engineer to execute any subsequent related minor amendments to the Agreement for Professional Consultant Services with DMC, up to but not exceeding the Purchase Order contingency authorization, subject to approval of City Attorney.

- A3. TRACT 32707 (CITY OF PERRIS) – SINGLE FAMILY RESIDENTIAL – ACCEPT SUBSTITUTION AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, SOUTH OF THE MORENO VALLEY CITY LIMITS, BETWEEN EVANS ROAD AND LAKE PERRIS DRIVE, IN THE CITY OF PERRIS, WITH A PORTION OF LASSELLE STREET IN THE CITY OF MORENO VALLEY, SUBDIVIDER – REDHAWK COMMUNITIES, INC., A CALIFORNIA CORPORATION, TEMECULA, CA 92590 (Report of: Public Works Department)

**Recommendation:**

1. Accept the substitution of Agreement for Public Improvements and bonds for Tract 32707;
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 Sheffield Communities, Inc., a Delaware Corporation, 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.

- A4. TRACT 31618 – APPROVE FINAL MAP, SOUTHWEST CORNER OF MORENO BEACH DRIVE AND BAY AVENUE, DEVELOPER: DRAKE DEVELOPMENT, LLC, SAN MARCOS, CA 92078 (Report of: Public Works Department)

**Recommendation:**

1. Approve Tract 31618; and
2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

- A5. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE MAINTENANCE AREA I ANNUAL SLURRY SEAL PROGRAM, PROJECT NO. 07-12584830 (Report of: Public Works Department)

**Recommendation:**

1. Award the construction contract for the Maintenance Area I Annual Slurry Seal Program to Roy Allan Slurry Seal, Inc., Santa Fe Springs, CA 90670, the lowest responsible bidder;
  0. Authorize the City Manager to execute a contract with Roy Allan Slurry Seal, Inc.; and
  0. Authorize the issuance of a Purchase Order to Roy Allan Slurry Seal, Inc. in the amount of \$1,275,120.00 (the bid amount plus 10% contingency) when the contract has been signed by all parties.
- A6. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE CITYWIDE ANNUAL PAVEMENT RESURFACING PROGRAM, PROJECT NO. 07-12556330 (Report of: Public Works Department)

**Recommendation:**

0. Award the construction contract for the Citywide Annual Pavement Resurfacing Program to All American Asphalt, 400 East Sixth Street, Corona, CA 92879, the lowest responsible bidder;
  0. Authorize the City Manager to execute a contract with All American Asphalt; and
  0. Authorize the issuance of a Purchase Order to All American Asphalt in the amount of \$1,382,944.00 (the base bid and additive alternate bid amounts plus 10% contingency) when the contract has been signed by all parties (Account No. 125.56330).
- A7. NOTICE OF COMPLETION AND ACCEPTANCE OF THE MORENO VALLEY VETERANS MEMORIAL, PROJECT NO. 06-41278424 (Report of: Public Works Department)

**Recommendation:**

0. Accept the work as complete for the Moreno Valley Veterans Memorial (Project No. 06-41278424) constructed by Delt Builders, Inc. (Del Builders), Rancho Cucamonga, CA 91730;
0. 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;

- 0. Authorize the Director of Finance to release the retention to Delt Builders thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and
- 0. Accept the improvements into the City's maintenance system.

A8. LEGISLATIVE UPDATE (Report of: Assistant to the City Manager)

**Recommendation:** Receive and file the informational report.

A9. TRACT MAP 31889 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTIONS OF CACTUS AVENUE AND MORENO BEACH DRIVE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM, DEVELOPER: WESTERN PACIFIC HOUSING, INC., IRVINE, CA 92606 (Report of: Public Works Department)

**Recommendation:**

- 0. Adopt Resolution No. 2007-81 authorizing the acceptance of the public improvements for Tract Map 31889 as complete and accepting the portions of Cactus Avenue and Moreno Beach Drive associated with the project into the City's maintained street system; and

Resolution No. 2007-81

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within Tract Map 31889, and Accepting the Portions of Cactus Avenue and Moreno Beach Drive Associated with the Project 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.

A10. TRACT MAP 31890 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTIONS OF MORENO BEACH DRIVE AND JOHN F. KENNEDY DRIVE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED

STREET SYSTEM, DEVELOPER: WESTERN PACIFIC HOUSING, INC.,  
IRVINE, CA 92606 (Report of: Public Works Department)

**Recommendation:**

1. Adopt Resolution No. 2007-82 authorizing the acceptance of the public improvements for Tract Map 31890 as complete and accepting the portions of Moreno Beach Drive and John F. Kennedy associated with the project into the City's maintained street system; and

Resolution No. 2007-82

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within Tract Map 31890, and Accepting the Portions of Moreno Beach Drive and John F. Kennedy Associated with the Project 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.

- A11. MINUTES – REGULAR CITY COUNCIL MEETING OF JUNE 26, 2007  
(Report of: City Clerk's Department)

**Recommendation:** Approve as submitted.

- A12. FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH RMC, INC. (Report of: Public Works Department)

**Recommendation:**

1. Approve the First Amendment to Agreement for Professional Consultant Services with RMC, Inc. (RMC), 6 Hutton Center Drive, Suite 1270, Santa Ana, CA 92707 to provide Professional Consultant Services for various budgeted projects of the Capital Projects Division;
2. Authorize the City Manager to execute said First Amendment to Agreement for Professional Consultant Services with RMC; and
3. Authorize an increase in the Purchase Order to RMC in the amount of

\$250,000.00 when the First Amendment to Agreement for Professional Consultant Services has been signed by all parties.

- A13. RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING AMONG THE CITY OF MORENO VALLEY, THE ENERGY COALITION, SOUTHERN CALIFORNIA EDISON COMPANY, AND SOUTHERN CALIFORNIA GAS COMPANY (Report of: Public Works Department)

**Recommendation:**

0. Adopt Resolution No. 2007-83 authorizing the City to enter into a Memorandum of Understanding among The Energy Coalition, Southern California Edison Company, and Southern California Gas Company to deliver an energy efficiency program among Southern California Cities known as the "Community Energy Partnership"; and

Resolution No. 2007-83

A Resolution of the City Council of the City of Moreno Valley, Authorizing the City to Enter into a Memorandum of Understanding with the Energy Coalition, a California Non-Profit Corporation, Southern California Edison Company and Southern California Gas Company, to Deliver an Energy Efficiency Program Among Southern California Cities, Known as the "Community Energy Partnership"

2. Authorize the City Manager to execute the Memorandum of Understanding on behalf of the City.

- A14. TRACT 32834 AND TRACT 32836 - APPROVAL OF COOPERATIVE AGREEMENT FOR MORENO MASTER DRAINAGE PLAN LINE I, STAGES 5 AND 6, MORENO COLD CREEK COURT STORM DRAIN, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND BEAZER HOMES HOLDINGS CORP., NASON STREET FROM STATE ROUTE 60 TO APPROXIMATELY 170 FEET NORTH OF EUCALYPTUS AVENUE, SUBDIVIDER: BEAZER HOMES HOLDINGS CORP., BREA, CA (Report of: Public Works Department)

**Recommendation:**

0. Approve the Cooperative Agreement between the Riverside County Flood Control and Water Conservation District, City of Moreno Valley, and Beazer Homes Holding Corp. for Moreno Master Drainage Plan Line 1, Stages 5 and 6, Moreno Cold Creek Court Storm Drain;

- 0. Authorize the Mayor to execute the Cooperative Agreement; and
  - 0. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.
- A15. PARCEL MAP 35195 – APPROVE FINAL MAP, 12567 & 12569 INDIAN STREET, DEVELOPER: LORRAINE ADKINS, VISTA, CA (Report of: Public Works Department)

**Recommendation:**

- 0. Approve Parcel Map 35195; and
  - 0. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.
- A16. WARRANT REPORT – MAY 31, 2007 (Report of: Finance Department)

**Recommendation:** Adopt Resolution No. 2007-84, approving the Warrant Report, dated May 2007, in the total amount of \$22,912,749.34.

Resolution No. 2007-84

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report Dated May 31, 2007

- A17. RATIFICATION OF TEMPORARY TRANSFORMER RENTAL AND ESTABLISHMENT OF WORK ORDER AUTHORIZATION SIGNATURE AUTHORITY LIMITS UNDER THE PROFESSIONAL SERVICES AGREEMENT WITH ENCO UTILITY SERVICES MORENO VALLEY, LLC (Report of: Public Works Department)

**Recommendation:**

- 0. Ratify the City Manager's decision to approve Work Order Authorization #40-149 to secure the rental of a temporary transformer for the Moreno Valley Substation; and
- 0. Establish signature authorization limits for Work Order Authorizations under the Professional Services Agreement with ENCO Utility Services Moreno Valley, LLC, consistent with Chapter 3.12 "Purchasing" of the City of Moreno Valley Municipal Code.



- A18. ORDINANCE NO. 747 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 12.08.030 OF CHAPTER 12.08 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, REVISING THE ADMINISTRATIVE FUNCTIONS OF THE CITY TRAFFIC ENGINEER AS THEY RELATE TO PERMIT PARKING (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 26, 2007 BY A 5-0 VOTE) (Report of: Public Works Department)

**Recommendation:** Adopt Ordinance No. 747.

Ordinance No. 747

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 12.08.030 of Chapter 12.08 of the City of Moreno Valley Municipal Code, Revising the Administrative Functions of the City Traffic Engineer as they Relate to Permit Parking

- A19. ORDINANCE NO. 748 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA05-0151 (ZONE CHANGE) TO CHANGE THE LAND USE FOR AN APPROXIMATELY 3-ACRE PORTION OF ASSESSOR'S PARCEL NUMBER 297-170-004 FROM THE BUSINESS PARK-MIXED USE LAND USE DISTRICT TO THE COMMUNITY COMMERCIAL LAND USE DISTRICT (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 26, 2007 BY A 5-0 VOTE) (Report of: Community Development Department)

**Recommendation:** Adopt Ordinance No. 748.

Ordinance No. 748

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA05-0151 (Zone Change) to Change the Land Use for an Approximately 3-Acre Portion of Assessor's Parcel Number 297-170-004 from the Business Park-Mixed Use Land Use District to the Community Commercial Land Use District

- A20. ORDINANCE NO. 749 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY ADOPTING THE REDEVELOPMENT AGENCY'S PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN PURSUANT TO THE PROVISIONS OF THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW, HEALTH AND SAFETY CODE SECTION 33342.7 (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 26, 2007 BY A 5-0 VOTE) (Report of: Economic Development Department)

**Recommendation:** Adopt Ordinance No. 749.

Ordinance No. 749

An Ordinance of the City Council of the City of Moreno Valley Adopting the Redevelopment Agency's Program to Acquire Real Property by Eminent Domain Pursuant to the Provisions of the California Community Redevelopment Law, Health and Safety Code Section 33342.7

- A21. FISCAL YEAR 2007/2008 TO 2008/2009 MEMORANDUM OF UNDERSTANDING (MOU) WITH MORENO VALLEY CITY EMPLOYEES ASSOCIATION (MVCEA) (Report of: Assistant City Manager)

**Recommendation:** Approve the Memorandum of Understanding (MOU) with the Moreno Valley City Employees Association (MVCEA).

- A22. RESOLUTION DESIGNATING NEWLY ANNEXED TERRITORY CONSISTING OF 142 ACRES OF UNDEVELOPED LAND TO BE WITHIN CITY COUNCIL DISTRICT NO. 2 (Report of: Deputy City Manager)

**Recommendation:** Adopt Resolution No. 2007-85 designating approximately 142 acres of recently annexed land, generally located south of Reche Canyon Road, east of Perris Boulevard, west of High Country Drive, and north of Alta Vista Drive to be within City Council District No. 2.

Resolution No. 2007-85

A Resolution of the City Council of the City of Moreno Valley, California, Hereby Designating the Recently Annexed 142 Acres, Generally Located South of Reche Canyon Road, East of Perris Boulevard, West of High Country Drive, and North of Alta Vista Drive, to be Within City Council District No. 2

- A23. SEVENTH AMENDMENT TO AGREEMENT FOR AUTOMATED LIBRARY SERVICES (Report of: Library Director)

**Recommendation:** Approve the Seventh Amendment to the Agreement for Automated Library Services between Riverside County Library System and the City of Moreno Valley, for the period July 1, 2006, through June 30, 2008.

- A24. CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

Recommendation: Receive and file.

- A25. REVIEW AND CONTINUE THE EMERGENCY ACTION REGARDING THE DESIGN AND CONSTRUCTION OF THE MORENO VALLEY UTILITIES (MVU) 115 KILOVOLT (Kv) SUBSTATION AND SWITCHYARD FACILITY (Report of: Public Works Department)

**Recommendation:** Review and continue the Emergency Action taken by the Council during the September 26, 2006 Council Meeting under Resolution 2006-113 Making Findings of an Emergency and Authorizing the Execution of the Design-Build Agreement for the Moreno Valley Utilities Substation and Switchyard Project between the City of Moreno Valley, as Owner, and ABB, Inc., a Delaware Corporation, as Design-Builder in accordance with Public Contract Code Sections 20168, 22050, and Government Code Section 5956.

- A26. FIRST AMENDMENT TO THE PUBLIC WORKS LOAN AGREEMENT TO FINANCE ELECTRICAL DISTRIBUTION SYSTEM (Report of: Economic Development Department) **(This item is also listed as C2)**

**Recommendation:**

0. Approve the First Amendment to the Public Works Loan Agreement extending the term of the loan from ten (10) years to eleven (11) years; and
0. Authorize the City Manager to execute the Amendment to the Agreement on behalf of the City and the Community Redevelopment Agency (the "Agency").

**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 – REGULAR CITY COUNCIL MEETING OF JUNE 26, 2007  
(Report of: City Clerk's Department)

**Recommendation:** Approve as submitted.

- B3. AWARD OF CONTRACT – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. D-SG1-E/07 – MAINTENANCE OF PARKWAY LANDSCAPING AND IRRIGATION (Report of: Public Works Department)

**Recommendation:**

- 0. Approve the Agreement for MVCSD Project D-SG1-E/07 (the "Agreement" with TruGreen-LandCare, Riverside, California;
  - 0. Authorize the President of the MVCSD Board to execute said Agreement with TruGreen-LandCare; and
  - 0. Authorize the Purchasing Division Manager, at the start of Fiscal Year 2007/2008 to issue open purchase orders to TruGreen-LandCare in the amounts of:
    - ) ONE HUNDRED FORTY-ONE THOUSAND NINE HUNDRED TWENTY-FOUR AND 00/100 (\$141,924.00) DOLLARS for twelve months of Base Maintenance Service and;
    - ) TEN THOUSAND ONE HUNDRED AND 00/100 (\$10,100.00) DOLLARS for anticipated Additional Work, per Section 3., paragraph h. of said Agreement.
- B4. ACCEPTANCE OF GRANT MONIES FROM THE CALIFORNIA DEPARTMENT OF EDUCATION, CHILD DEVELOPMENT SERVICES, FOR CHILD CARE SERVICES AND ADOPTION OF THE RESOLUTION TO CERTIFY THE APPROVAL OF THE GOVERNING BOARD (Report of: Parks & Community Services Department)

**Recommendation:**

- 0. Authorize the acceptance of grant money in the amount of \$722,575 for Fiscal Year (FY) 2007/2008 from the California Department of Education, Child Development Division, for the purpose of providing school age child care and development services; and
- 0. Adopt Resolution No. CSD 2007-26 to certify the approval of the governing board to enter into this transaction with the California Department of Education for the purpose of providing child care and development services and to authorize the designated personnel, as shown on the resolution, to sign contract documents for FY 2007/2008.

Resolution No. CSD 2007-26

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Certifying the Approval of the Governing

Board to Enter into a Transaction with the California Department of Education for the Purpose of Providing Child Care and Development Services and to Authorize Designated Personnel to Sign Contract Documents for FY 2007/08

**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. FIRST AMENDMENT TO THE PUBLIC WORKS LOAN AGREEMENT TO FINANCE ELECTRICAL DISTRIBUTION SYSTEM (Report of: Economic Development Department) **(This item is also listed as A26)**

**Recommendation:**

- 0. Approve the First Amendment to the Public Works Loan Agreement extending the term of the loan from ten (10) years to eleven (11) years; and
  - 0. Authorize the City Manager to execute the Amendment to the Agreement on behalf of the City and the Community Redevelopment Agency (the "Agency").
- C3. MINUTES – REGULAR CITY COUNCIL MEETING OF JUNE 26, 2007 (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 CITY COUNCIL MEETING OF JUNE 26, 2007 (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/Flickinger.**

## E. PUBLIC HEARINGS

- E1. PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDINGS FOR MORENO VALLEY HOTEL – APN 292-250-024 - BALLOTTED ITEM: NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) COMMERCIAL/INDUSTRIAL RATE SCHEDULE; TENTATIVE TRACT 32756 - BALLOTTED ITEMS: NPDES RESIDENTIAL RATE SCHEDULE AND COMMUNITY SERVICES DISTRICT (CSD) ZONE M; AND TENTATIVE PARCEL MAP 33637 - BALLOTTED ITEMS: NPDES RESIDENTIAL RATE SCHEDULE AND CSD ZONE D (Report of: Public Works Department)

### **Recommendation:**

1. That the Mayor and Members of the City of Moreno Valley City Council, after conducting the public hearing to accept public comment:

Council Member Stewart recused himself due to a potential conflict.

Mayor White opened the public testimony portion of the public hearing; there being none, public testimony was closed.

- a. Tabulate the National Pollutant Discharge Elimination System (NPDES) mail ballots for Moreno Valley Hotel – Assessor Parcel Number (APN) 292-250-024 (and any division thereof), Tentative Tract 32756 (and all affected phases), and Tentative Parcel Map 33637;

### **Approved by a 4-0-1 vote. m/Batey, s/Flickinger, Stewart absent.**

The City Clerk announced the results as follows:

Moreno Valley Hotel (NPDES) – “Yes”  
Tentative Tract 32756 (NPDES) – “Yes”  
Tentative Parcel Map 33637(NPDES) – “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 NPDES maximum residential regulatory rate to Tentative Tract 32756 (and all affected phases) and

Tentative Parcel Map 33637 and the NPDES maximum commercial/industrial regulatory rate to Moreno Valley Hotel – APN 292-250-024 (and any division thereof).

**Approved by a 4-0-1 vote. m/Batey, s/West, Stewart absent.**

0. That the President and Members of the Board of Directors of the Moreno Valley CSD, after conducting the public hearing to accept public comment:
  - . Tabulate the CSD mail ballots for Tentative Tract 32756 (and all affected phases) and Tentative Parcel Map 33637;

**Approved by a 4-0-1 vote. m/Batey, s/Flickinger, Stewart absent.**

The Secretary announced the results as follows:

Tentative Tract 32756 – “Yes”  
Tentative Parcel Map 33637 – “Yes”

- . Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet and APN listing;
- . Receive and file with the City Clerk’s Office the accepted Official Tally Sheet and APN listing; and
- . If approved, authorize and impose the CSD Zone M parcel charge to Tentative Tract 32756 and the CSD Zone D parcel charge to Tentative Parcel Map 33637.

**Approved by a 4-0-1 vote. m/Batey, s/Flickinger, Stewart absent.**

Council Member Stewart returned to the dais at 6:44 P.M.

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

**G. REPORTS**

**G1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES**

- a) Report by Council Member West on Riverside County

Transportation Commission (RCTC)

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

Council Member West stated he recently had the opportunity to serve on a panel with elected officials from Orange County as well as staff members from Orange County Transportation Commission and Riverside County Transportation Commission – much information was provided regarding the future expansion of the 91 Freeway between Orange County and Riverside. Several options were discussed, including: use of transponder devices on the Riverside County portion of the freeway; tunnel project from on the Calajaco Expressway to the 241 freeway; possibility of a parallel freeway north of the 91 freeway and the double decking freeway on the 91.

- b) Report by Council Member Stewart on March Joint Powers Commission - Council Member Stewart stated the meeting that was to have been held on July 5<sup>th</sup> had been cancelled.

G2. APPOINTMENT TO THE PARKS AND RECREATION COMMISSION – TEENAGE MEMBER (Report of: City Clerk’s Department)

**Recommendation:**

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

- 0. Appoint one (1) teenage member to the Parks and Recreation Commission for one term expiring November 25, 2009, or until high school graduation, whichever comes first; and one (1) teenage member to the Parks and Recreation Commission for one term expiring January 27, 2010 or until high school graduation, whichever comes first; and
- 0. 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 Samantha Hook to a term expiring November 25, 2009 and James Lucha to a term expiring January 27, 2010, or until high school graduation, whichever comes first. m/Stewart, s/Batey.**

G3. ORDINANCE NO. 750, AN URGENCY ORDINANCE OF THE CITY



COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADDING SECTION 11.04.015 AND AMENDING SECTIONS 11.04.020, 11.04.030, 11.04.040 AND 11.04.050 OF CHAPTER 11.04 OF TITLE 11 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO NIGHTTIME CURFEW, AND DECLARING FACTS WHICH MAKE IT NECESSARY THAT THIS ORDINANCE TAKE EFFECT IMMEDIATELY, AND ORDINANCE NO. 751, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADDING SECTION 11.04.015 AND AMENDING SECTIONS 11.04.020, 11.04.030, 11.04.040 AND 11.04.050 OF CHAPTER 11.04 OF TITLE 11 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO NIGHTTIME CURFEW (Report of: City Attorney's Office)

**Recommendation:**

- 0. Adopt Ordinance No. 750, an urgency ordinance that amends Chapter 11.04 of the Municipal Code relating to nighttime curfews; and

Ordinance No. 750

An Urgency Ordinance of the City Council of the City of Moreno Valley, California, Adding Section 11.04.015 and Amending Sections 11.04.020, 11.04.030, 11.04.040 and 11.04.050 of Chapter 11.04 of Title 11 of the City of Moreno Valley Municipal Code Relating to Nighttime Curfew, and Declaring Facts which Make it Necessary that this Ordinance take Effect Immediately

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

**Approved by a 5-0 motion to approve as amended with the following changes: 1) Section 11.04.030 I. to read as follows: "attending a production at an entertainment venue with the permission of a parent, guardian or responsible adult or traveling to or returning home from an entertainment venue without unnecessary detour or delay" and Section 11.04.040 C. to read "Notwithstanding any other provisions of this Code, when a minor is charged with a violation of any provision of Section 11.04.020, and a peace officer issues a notice to appear in Superior Court, Traffic Division, to that minor pursuant to California Welfare and Institutions Code Section 256, the charge shall be deemed an infraction unless a petition is filed under Section 601 or 602 of the Welfare and Institutions Code". m/Stewart, s/Flickinger.**

0. Introduce Ordinance No. 751, a permanent ordinance that amends Chapter 11.04 of the Municipal Code relating to nighttime curfews.

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

#### Ordinance No. 751

An Ordinance of the City Council of the City of Moreno Valley, California, Adding Section 11.04.015 and Amending Sections 11.04.020, 11.04.030, 11.04.040 and 11.04.050 of Chapter 11.04 of Title 11 of the City of Moreno Valley Municipal Code Relating to Nighttime Curfew

**Approved by a 5-0 motion to approve as amended with the following changes: 1) Section 11.04.030 I. to read as follows: “attending a production at an entertainment venue with the permission of a parent, guardian or responsible adult or traveling to or returning home from an entertainment venue without unnecessary detour or delay” and Section 11.04.040 C. to read “Notwithstanding any other provisions of this Code, when a minor is charged with a violation of any provision of Section 11.04.020, and a peace officer issues a notice to appear in Superior Court, Traffic Division, to that minor pursuant to California Welfare and Institutions Code Section 256, the charge shall be deemed an infraction unless a petition is filed under Section 601 or 602 of the Welfare and Institutions Code”. m/Stewart, s/Flickinger.**

- G4. DISCUSSION OF ASSEMBLY BILL 222 - UNDOMESTICATED BURROS (Report of: Assistant to the City Manager)

**Recommendation:** Review recent amendments to Assembly Bill 222 and take a “watch” position on this legislation.

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

**Council Member Stewart made a motion to take a watch position on the Assembly Bill. Motion withdrawn by Council Member Stewart.**

**Substitute Motion made by Council Member Flickinger to support Assembly Bill 222 without the liability clause, seconded by Council**

**Member Stewart. Approved by a 4-0-1 vote, West abstaining.**

G5. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

City Manager Gutierrez stated that progress is being realized on the Sunnymead Boulevard Revitalization Project as Eastern Municipal Water District has started the pipeline upgrade and this will enable the City to begin its work early next year. Also, announced that the Parks & Community Services Department will be holding a “Job Fair” on July 14<sup>th</sup> and July 18<sup>th</sup> at the Conference and Recreation Center. They will be recruiting for 175 positions to staff the After School Education and Safety Program Grant.

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

**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 ARE AS FOLLOWS:

Joe Teague -

- 1) Illegal inspection of his property by Code Enforcement – stated he was threatened by the inspector for attempting to take pictures of illegal search – many issues with Code Enforcement Department

Daryl Terrell

- 1) Gradual deterioration in City funding proposals
- 2) Proposed “Adopt a Street Program” and “Keep Moreno Valley Clean & Beautiful” partnership
- 3) Directly Elected Mayor issue

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

Mayor Pro Tem Batey

- 1) Thanked the Parks & Community Services Director Mike McCarty and his staff for a great Fourth of July celebration – extremely positive feedback
- 2) Questioned the Public Works Director about the slurry seal that is coming apart on his street – Director Vogt responded to his concerns
- 3) Has heard from some residents their displeasure with having to appeal parking citations with a firm in Huntington Beach – would like it brought back to City Hall – would like to bring to a future study session – seconded by Mayor White

Council Member Flickinger

- 1) Stated she has received quite a few complaints about the amount of trash and debris accumulating in our fields and up against the fences in town – is working with the City Manager and the City Attorney on a way to deal with the issue
- 2) Advised minors under the age of 18 that if they are found “hanging out” on the streets after 10 PM they will be cited now that the Nighttime Curfew Ordinance is in effect

Council Member Stewart

- 1) The Fourth of July was another example of the hard work of City staff paying off – stated he was excited to be able to ride in the old fire engine in the parade – was a little dismayed at the long lines at the entrance – hard for his wife with her broken leg - need to improve the situation next year – other than that the event was very safe and a fun family affair – also the traffic flow went very well
- 2) Inquired as of Public Works Director as to the status of the TUMF Pigeon Pass improvements – Director Vogt responded that we are towards the end of the engineering phase
- 3) Agrees with Mayor Pro Tem Batey and his desire to address the parking appeals issue at a future study session

Council Member West - no comments

Mayor White – no comments

**CLOSED SESSION - NONE**

**ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 8:01 p.m. by unanimous informal consent.

Submitted by:

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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:

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Charles R. White, 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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