



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**

OCTOBER 14, 2008

**SPECIAL PRESENTATIONS – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.**

City Council Closed Session

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

City Council Study Sessions

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

City Council Meetings

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

City Hall Council Chamber – 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to 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.

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

William H. Batey II, Mayor

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

**AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
OCTOBER 14, 2008**

CALL TO ORDER

SPECIAL PRESENTATIONS – 6:00 p.m.

1. Proclamation Recognizing Chief Rick Hall
2. Proclamation Recognizing Angela Rushen

**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.
OCTOBER 14, 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 – Reverend Romeo Seleccion, St. Christopher Catholic 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 SEPTEMBER 23, 2008
(Report of: City Clerk's Department)

Recommendation: Approve as submitted.

A3. APPROVAL OF CHECK REGISTER FOR AUGUST 2008 (Report of: Financial & Administrative Services Department)

Recommendation: Adopt Resolution No. 2008-112, approving the Check Register for the month of August 2008 in the amount of \$15,901,771.54

Resolution No. 2008-112

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

A4. 2008 LEGISLATIVE UPDATE (Report of: Assistant City Manager)

Recommendation: Receive and file the informational report.

A5. AWARD OF INDEPENDENT CONTRACTOR AGREEMENT AND AUTHORIZATION TO ISSUE PURCHASE ORDERS FOR JANITORIAL SERVICES (Report of: Financial & Administrative Services Department)

Recommendation: Award the Independent Contractor Agreement to Wurm's Janitorial Services, Inc. and authorize the Purchasing Division Manager to issue Purchase Orders in the collective amount not to exceed \$325,360 for base and optional janitorial

services required through June 30, 2009.

- A6. TRACT MAP 31269-1 – EXECUTE A QUITCLAIM DEED TRANSFERRING A PORTION OF THE CITY'S TITLE INTEREST IN A STORM DRAIN EASEMENT TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT PER THE COOPERATIVE AGREEMENT BETWEEN CITY OF MORENO VALLEY, RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, AND RICHMOND AMERICAN HOMES OF CALIFORNIA, INC. (Report of: Public Works Department)

Recommendation:

1. Authorize the Mayor to execute the Quitclaim Deed transferring all right, title and interest in and to the storm drain easement recorded on Tract Map 31269-1, recorded in Map Book 389, Pages 42 through 49 inclusive, in the Official Records of Riverside County, California, to the Riverside County Flood Control and Water Conservation District; and
2. Direct the City Clerk to forward the signed Quitclaim Deed to the Riverside County Flood Control and Water Conservation District for further processing and recordation.

- A7. PARCEL MAP 35150 – APPROVAL OF COOPERATIVE AGREEMENT FOR PERRIS VALLEY MASTER DRAINAGE PLAN LATERAL B-3, STAGE 2 AND LATERAL B-3.2, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND FR/CAL MORENO VALLEY, LLC; NORTHWEST CORNER OF INDIAN STREET AND NANDINA AVENUE; DEVELOPER - FR/CAL MORENO VALLEY, LLC, IRVINE, CA 92618(Report of: Public Works Department)

Recommendation:

1. Approve the Cooperative Agreement between the Riverside County Flood Control and Water Conservation District, City of Moreno Valley, and FR/CAL Moreno Valley, LLC for Perris Valley Master Drainage Plan Lateral B-3, Stage 2 And Lateral B-3.2;
2. Authorize the Mayor to execute the Cooperative Agreement; and

3. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

A8. TRACT MAP 31284 - ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE. REDUCE FAITHFUL PERFORMANCE BOND FOR MULTI-USE TRAIL, EXECUTE A GRANT DEED TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR LOT "A" (QUINCY CHANNEL), AND ACCEPT AN EASEMENT OVER A PORTION OF LOT "A" FOR MULTI-USE TRAIL AND MAINTENANCES PURPOSES; DEVELOPER: MERITAGE HOMES OF CALIFORNIA, INC., IRVINE, CA 92617 (Report of: Public Works Department) **(Also listed as Item B3)**

Recommendation:

1. Accept the public improvements for Lot "A" for Tract Map 31284 as complete;
2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond for Tract 31284 Trail, 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; and
3. Authorize the execution of the Grant Deed for Lot "A" of Tract 31284, thereby, transferring the City's fee-title interest to the Riverside County Flood Control and Water Conservation District (the District).

A9. CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

Recommendation: Receive and file the Reports on Reimbursable Activities for the period of September 17 – October 7, 2008.

A10. AGREEMENT FOR PROGRAM MANAGEMENT AND CONSTRUCTION MANAGEMENT SERVICES FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Approve the "Agreement for Professional Consultant

Services" in the amount \$823,894 with TCM Group (TCM), 8676 Wheeler Avenue, Fontana, CA 92335, for program management and construction management services for SR-60/Nason Street Interchange Improvements;

2. Authorize the City Manager to execute said "Agreement for Professional Consultant Services" with TCM;
3. Authorize the issuance of a purchase order to TCM for \$381,660 (\$346,964 plus 10% contingency) for Phase 1 (program management) when the Agreement has been signed by all parties (Account 125.89720);
4. Authorize an increase to the purchase order with TCM, upon successful completion of Phase I work and availability of funds for \$524,623 (\$476,930 plus 10% contingency) for Phase 2 (utility relocation) (Account 125.89720); and
5. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendment(s) to the agreement with TCM, up to but not exceeding, the 10% contingency amount of \$82,389 subject to the approval of the City Attorney.

A11. SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE STATE ROUTE 60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Approve the Second Amendment to Agreement for Professional Consultant Services with PB (previously Parsons Brinckerhoff Quade & Douglas, Inc.), 685 East Carnegie Drive, Suite 210, San Bernardino, California 92408-3507 to provide design services;
2. Authorize the City Manager to execute said Second Amendment to Agreement for Professional Consultant Services with PB;
3. Authorize a Change Order to increase the Purchase Order with PB, in the amount of \$413,323 (\$375,748 plus 10% contingency) when the agreement has been signed by all parties (Account No. 125.89720); and

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with PB up to, but not exceeding, the contingency amount of \$37,575, subject to the approval of the City Attorney.

A12. SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH VAS ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide Professional Consultant Services;
2. Authorize the City Manager to execute the "Second Amendment to Agreement for Professional Consultant Services" with VAS; and
3. Authorize a Purchase Order to VAS in the amount of \$275,000.00, when the "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties (Account No. 501.82425).

A13. AUTHORIZATION TO AWARD AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES FOR THE MORENO BEACH DRIVE WIDENING FROM CACTUS AVENUE TO AUTO MALL DRIVE PROJECT NO. 11-41683428 (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for Design Professional Consultant Services with Willdan Engineering, 650 East Hospitality Lane, Suite 400, San Bernardino, CA 92408;
2. Authorize the City Manager to execute the Agreement for Design Professional Consultant Services with Willdan Engineering;
3. Authorize the issuance of a Purchase Order to Willdan Engineering, in the amount of \$332,673 (\$302,430 for the proposal amount plus \$30,243 for the 10% contingency) when the agreement has been signed by all parties; and

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor Amendments to the Agreement for Design Professional Consultant Services with Willdan Engineering, up to but not exceeding the Purchase Order contingency authorized amount of \$30,243, subject to approval of the City Attorney.

B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

- B1. ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.
- B2. MINUTES - REGULAR MEETING OF SEPTEMBER 23, 2008
(Report of: City Clerk's Department)

Recommendation: Approve as submitted.

- B3. TRACT MAP 31284 - ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE. REDUCE FAITHFUL PERFORMANCE BOND FOR MULTI-USE TRAIL, EXECUTE A GRANT DEED TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR LOT "A" (QUINCY CHANNEL), AND ACCEPT AN EASEMENT OVER A PORTION OF LOT "A" FOR MULTI-USE TRAIL AND MAINTENANCES PURPOSES; DEVELOPER: MERITAGE HOMES OF CALIFORNIA, INC., IRVINE, CA (Report of: Public Works Department) **(Also listed as Item A8)**

Recommendation: Accept easement over a portion of Lot "A" for multi-use trail purposes, including maintenance, and authorize the City Clerk to execute the Acceptance Certificate for multi-use trail and maintenance purposes.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

- C1. ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.
- C2. MINUTES - REGULAR MEETING OF SEPTEMBER 23, 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 SEPTEMBER 23, 2008
(Report of: City Clerk's Department)

Recommendation: Approve as submitted.

E. PUBLIC HEARINGS - NONE

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

G. REPORTS

G1. PUBLIC MEETING REGARDING MAIL BALLOT PROCEEDINGS
FOR: TENTATIVE PARCEL MAP 35672 (INDIAN BUSINESS
PARK) - BALLOTING FOR NPDES; AND SHEPHERD OF THE
VALLEY LUTHERAN CHURCH SUNNYMEAD - BALLOTING FOR
NPDES AND COMMUNITY SERVICES DISTRICT 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. Tentative Parcel Map (TPM) 35672 (Indian Business Park) for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate; and
 - b. Shepherd of the Valley Lutheran Church Sunnymead – APN 474-120-037 for approval of the NPDES maximum commercial/industrial regulatory rate.
2. That the Members of the Board of Directors of the Moreno Valley CSD (“CSD Board”) accept public comments regarding the mail ballot proceeding for Shepherd of the Valley Lutheran Church Sunnymead – APN 474-120-037 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

- G2. U.S. DEPARTMENT OF LABOR JOB TRAINING GRANT PROGRAM (Report of: Economic Development Department)

Recommendation: That the City Council approve the U.S. Department of Labor job training grant program and appropriate \$118,886 in the FY 08/09 Budget to fund the program subject to final Federal approval.

- G3. 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