



**NOTICE AND CALL OF SPECIAL 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**

NOVEMBER 12, 2008 – 6:00 P.M.

NOTICE IS HEREBY GIVEN that a special 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 Board of Library Trustees will be held on November 12, 2008, commencing at 6:00 p.m., in the City Council Chamber, City Hall, located at 14177 Frederick Street, Moreno Valley, California.

Said special meeting shall be for the purpose of:

AGENDA

- **CALL TO ORDER**
- **INVOCATION** - Pastor O. J. Philpot - Christ Community Church
- **ROLL CALL**
- **PUBLIC COMMENTS ON MATTERS ON THE SPECIAL MEETING AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL**

There is a three-minute time limit per person. Please complete and submit a LAVENDER speaker slip to the Bailiff. 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.

SPECIAL PRESENTATIONS – 6:00 p.m.

1. Proclamation Recognizing The Great Southern California ShakeOut
2. Proclamation Recognizing Air Force Week

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 Items withdrawn for report or discussion will be heard after public hearing items.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 OCTOBER 14, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

A3. PARCEL MAP 35672 (PA07-0080) - APPROVAL OF COOPERATIVE AGREEMENT FOR SUNNYMEAD MASTER DRAINAGE PLAN LINE D STAGE 4, LINE D-1 STAGE 3, AND THE KRAMERIA STORM DRAIN WEST OF INDIAN STREET; BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND FR/CAL INDIAN AVENUE, LLC, A DELAWARE LIMITED LIABILITY COMPANY; SOUTH OF IRIS AVENUE, NORTH OF ANGELLA WAY, ALONG INDIAN STREET, AND ON KRAMERIA BETWEEN HEACOCK STREET AND INDIAN STREET; DEVELOPER - FR/CAL INDIAN AVENUE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, BREA, CA 92821(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 Indian Avenue, LLC a Delaware limited liability company for Line D Stage 4, Line D-1 Stage 3, and Krameria Avenue Storm Drain west of Indian Street that connect with the Sunnymead Master Drainage Plan;
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.

- A4. ACCEPT AND APPROVE THE TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) PROGRAM AGREEMENT BETWEEN THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG) AND THE CITY OF MORENO VALLEY FOR THE HEACOCK STREET IMPROVEMENTS FROM PERRIS VALLEY STORM DRAIN TO SAN MICHELE ROAD (0.890 ML. 2 TO 4 LANES); PROJECT NO. 07-41572827 (Report of: Public Works Department)

Recommendation:

1. Accept and approve the Transportation Uniform Mitigation Fee (TUMF) Program agreement between the Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for Project Approval and Environmental Document (PA/ED), Engineering and Right-of-Way services for the Heacock Street Improvements from Perris Valley Storm Drain to San Michele Road project;
2. Authorize the City Manager to execute the Transportation Uniform Mitigation Fee (TUMF) Program agreement between the Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for the Heacock Street Improvements from Perris Valley Storm Drain to San Michele Road project; and
3. Authorize the Public Works Director/City Engineer to execute any subsequent amendments to the Transportation Uniform Mitigation Fee (TUMF) Program agreement between the Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for the Heacock Street Improvements from Perris Valley Drain to San Michele Road project.

- A5. ACCEPT AND APPROVE THE TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) PROGRAM AGREEMENT BETWEEN THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG) AND THE CITY OF MORENO VALLEY FOR THE HEACOCK STREET IMPROVEMENTS FROM CACTUS AVENUE TO PERRIS VALLEY STORM DRAIN (1.950 ML. 2 TO 4 LANES); PROJECT NO. 07-41678825 (Report of: Public Works Department)

Recommendation:

1. Accept and Approve the Transportation Uniform Mitigation Fee (TUMF) Program agreement between the Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for Project Approval and Environmental Document (PA/ED), and Engineering services for the Heacock Street Improvements from

Cactus Avenue to Perris Valley Storm Drain project;

2. Authorize the City Manager to execute the Transportation Uniform Mitigation Fee (TUMF) Program agreement between the Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for the Heacock Street Improvements from Cactus Avenue to Perris Valley Storm Drain project; and
3. Authorize the Public Works Director/City Engineer to execute any subsequent amendments to the Transportation Uniform Mitigation Fee (TUMF) Program agreement between the Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for the Heacock Street Improvements from Cactus Avenue to Perris Valley Storm Drain project.

- A6. FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE TRAFFIC SIGNAL AND STREET IMPROVEMENTS AT REDLANDS BOULEVARD AND STATE ROUTE 60 WESTBOUND RAMPS; PROJECT NO. 08-12566927 (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Advanced Applied Engineering, Inc. (AAE), 1815 East Heim Avenue, Suite 100, Orange, CA 92865, to provide Phase II, 100% design, and Phase III, advertising, bid, and construction support services for the Traffic Signal and Street Improvements at Redlands Boulevard and State Route 60 Westbound Ramps;
2. Authorize the City Manager to execute said "First Amendment to Agreement for Professional Consultant Services" with AAE;
3. Authorize a Change Order to increase the Purchase Order with AAE, in the amount of \$58,256 (\$52,960 plus 10% contingency) when the agreement has been signed by all parties (Account No. 125.66927); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with AAE up to, but not exceeding, the contingency amount of \$5,296, subject to the approval of the City Attorney.

- A7. FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE WIDENING SOUTHBOUND

PERRIS BOULEVARD AT STATE ROUTE 60 WESTBOUND ON-RAMP;
PROJECT NO. 08-12566627 (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with KOA Corporation (KOA), 3190 C Shelby Street, Ontario, CA 91764, to provide Phase II, 100% design, and Phase III, advertising, bid, and construction support services for the widening of southbound Perris Boulevard at State Route 60 westbound on-ramp;
 2. Authorize the City Manager to execute said "First Amendment to Agreement for Professional Consultant Services" with KOA;
 3. Authorize a Change Order to increase the Purchase Order with KOA, in the amount of \$70,884 (\$64,440 plus 10% contingency) when the agreement has been signed by all parties (Account No. 125.66627); and
 4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with KOA up to, but not exceeding, the contingency amount of \$6,444, subject to the approval of the City Attorney.
- A8. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE MAINTENANCE AREA II ANNUAL SLURRY SEAL PROGRAM;
PROJECT NO. 08-12584830 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Maintenance Area II Annual Slurry Seal Program to Doug Martin Contracting Co., Inc., 220 E. Foundation Avenue, La Habra, CA 90631, the lowest responsible bidder;
2. Authorize the City Manager to execute a contract with Doug Martin Contracting Co., Inc.;
3. Authorize the issuance of a Purchase Order to Doug Martin Contracting Co., Inc. in the amount of \$1,642,167 (the bid amount plus 10% 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 Doug Martin

Contracting Co., Inc., up to but not to exceed the Purchase Order contingency of \$149,288.

- A9. PARCEL MAP 13202 (P07-160) – APPROVAL OF THE PROPOSED RESOLUTION, SUMMARY VACATION OF A PORTION OF MARIPOSA AVENUE DESIGNATED AS LOT ‘D’ OF PARCEL MAP 13202; MARIPOSA AVENUE WEST OF KITCHING STREET; DEVELOPER: MARK BOWMAN, YORBA LINDA, CA 92386 (Report of: Public Works Department)

Recommendation:

1. Approve and adopt Resolution No. 2008-113, summarily vacating a portion of Mariposa Avenue designated as Lot ‘D’ of Parcel Map 13202 located west of Kitching Street; and

Resolution No. 2008-113

A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of a Portion of Mariposa Avenue Designated as Lot ‘D’ of Parcel Map 13202

2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder’s office for recording.

- A10. PA05-0030 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF ALESSANDRO BOULEVARD AND ELSWORTH STREET ASSOCIATED WITH THE PROJECT INTO THE CITY’S MAINTAINED STREET SYSTEM; DEVELOPER – FOCUS ESTATES INC., RIVERSIDE, CA 92503 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2008-114 authorizing the acceptance of the public improvements for PA05-0030 as complete and accepting the portion of Alessandro Boulevard and Elsworth Street associated with the project into the City’s maintained street system; and

Resolution No. 2008-114

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within PA05-0030, and Accepting the Portion of

Alessandro Boulevard and Elsworth Street 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. ADOPTION OF RESOLUTION ESTABLISHING NEW MANAGEMENT SIGNATURE AUTHORITY FOR CONTRACTS AND OTHER PROCUREMENT TRANSACTIONS (Report of: Financial & Administrative Services Department)

Recommendation:

1. Rescind Resolution No. 2001-13, which established previous management signature authority for contracts and other procurement transactions; and
2. Adopt Resolution No. 2008-115 establishing new management signature authority for contracts and other procurement transactions.

Resolution No. 2008-115

A Resolution of the City Council of the City of Moreno Valley, California, Establishing New Management Signature Authority for Contracts and Other Procurement Transactions

A12. REQUEST APPROPRIATION FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENTS; PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation: Appropriate \$1,000,000 from the unencumbered Measure "A" fund balance to SR-60/Nason Street Interchange Improvements (Account No. 125.89720) for activities associated with right-of-way acquisition.

A13. CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk)

Recommendation: Receive and file the Reports on Reimbursable Activities for the period of October 8 – November 4, 2008.

- A14. AUTHORIZATION TO APPROVE AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR INTERSTATE 215 (I-215)/CACTUS AVENUE INTERCHANGE IMPROVEMENTS, PHASE I; PROJECT NO. 09-41570425 (Report of: Public Works Department)

Recommendation:

1. Approve the “Agreement for Professional Consultant Services” for the Interstate 215/Cactus Avenue Interchange Improvements, Phase I to commence Project Approval/Environmental Document (PA/ED) work with Kimley-Horn and Associates, Inc. (Kimley-Horn), 517 Fourth Street, Suite 301, San Diego, California, 92101;
2. Authorize the City Manager to execute said “Agreement for Professional Consultant Services” with Kimley-Horn;
3. Authorize the issuance of a Purchase Order to Kimley-Horn in the amount of \$674,355.40 (\$586,396.00 proposal amount plus 15% contingency) when the Agreement has been signed by all parties (Account No. 415.70425); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the Agreement with Kimley-Horn up to, but not to exceed the 15% contingency amount of \$87,959.40 subject to approval of the City Attorney.

- A15. 2008 LEGISLATIVE UPDATE (Report of: City Manager’s Department)

Recommendation: Receive and file the informational report.

- A16. AUTHORIZE AN INCREASE TO THE PURCHASE ORDER FOR TRINITY CONSTRUCTION TO REFLECT CONSTRUCTION CHANGE ORDERS FOR EASTERN MUNICIPAL WATER DISTRICT WATERLINE WORK INCLUDED IN GRAHAM STREET IMPROVEMENTS PROJECT NO. 06-28068425 (Report of: Public Works Department)

Recommendation:

1. Authorize the Financial and Administrative Services Director to execute a change order to increase Purchase Order No. 36323 for Trinity Construction by the amount of \$45,000 to accommodate the increased cost associated with Eastern Municipal Water District (EMWD) waterline work as a part of Graham Street Improvements from Ironwood Avenue to Hemlock Avenue; and
2. Authorize the Public Works Director/City Engineer to execute any

change orders to the contract with Trinity Construction up to the additional \$45,000.

B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

B1. ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

B2. MINUTES - REGULAR MEETING OF OCTOBER 14, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

B3. RECOMMENDATION TO APPROVE AMENDMENT TO CONTRACT MOWING OF PARKS (Continued from September 9, 2008) (Report of: Parks and Community Services Department)

Recommendation:

1. Approve the Amendment to Contract Moving of Parks for Zone A parks, City Corporate Yard, and CFD #1 parks to DLS Landscape, Inc., 32398 Dunlap Boulevard, Yucaipa, California 92399, in the total amount of \$197,035;
2. Authorize the Mayor to execute the Amendment to Contract Moving of Parks with the above-mentioned contractor in a form and substance acceptable to the City Attorney; and
3. Authorize the Financial and 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 (\$163,938 for Zone A and \$33,097 for CFD #1).

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C1. ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

C2. MINUTES - REGULAR MEETING OF OCTOBER 14, 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 OCTOBER 14, 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. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a) Report on Riverside Transit Agency (RTA) by Council Member Flickinger

*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 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. 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**