



**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**

**December 9, 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**  
**December 9, 2008**

**CALL TO ORDER**

**SPECIAL PRESENTATIONS**

1. Child Care Grant Children Holiday Singers
2. Recognition of 1st Annual Photo Contest Winners
3. Proclamation Recognizing Steven M. Chapman

**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 PM  
DECEMBER 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 Moseis Rodriguez, Covenant Community Church

**ROLL CALL**

**INTRODUCTIONS**

**SPECIAL ORDER OF BUSINESS – 6:30 P.M.**

1. RESOLUTION CERTIFYING GENERAL MUNICIPAL ELECTION RESULTS (Report of: City Clerk's Department)

**Recommendation:** That the City Council adopt Resolution No. 2008-126 reciting the facts of the General Municipal Election held November 4, 2008, declaring the results and such other matters as provided by law.

Resolution No. 2008-126

A Resolution of the City Council of the City of Moreno Valley, California, Reciting the Facts of the General Municipal Election Held November 4, 2008 Declaring the Results and Such Other Matters as Provided by Law

2. Swearing-in of Council Members Elect (Report of: City Clerk's Department)
3. City Council Reorganization - Selection of Mayor and Mayor Pro Tem (Report of: City Clerk's Department)

**Recommendation:** That the City Council conduct the

reorganization of the City Council by selecting two Council Members to serve one-year terms respectively as Mayor and Mayor Pro Tem.

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**

##### **A.1 ORDINANCES - READING BY TITLE ONLY**

**Recommendation:** Waive reading of all Ordinances.

##### **A.2 MINUTES - REGULAR MEETING OF NOVEMBER 25, 2008 (Report of: City Clerk Department)**

**Recommendation:**  
Approve as submitted.

##### **A.3 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 November 19 - December 2, 2008.

A.4 2008 LEGISLATIVE UPDATE (Report of: City Manager's Office)

**Recommendation:**

Receive and file the informational report.

A.5 TRACT MAP 22889 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MOONLIGHT DRIVE, HALF-MOON COURT, CONSTELLATION WAY AND THE PORTIONS OF ORION WAY, EMMA LANE, KRAMERIA AVENUE AND INDIAN STREET ASSOCIATED WITH THE PROJECT INTO THE CITY’S MAINTAINED STREET SYSTEM; DEVELOPER – WINDSTORM V, INC., UPLAND, CA 91786 (Report of: Public Works Department)

**Recommendation:**

1. Adopt Resolution No. 2008-127 authorizing the acceptance of the public improvements for Tract Map 22889 as complete and accepting Moonlight Drive, Half-Moon Court, Constellation Way and the portions of Orion Way, Emma Lane, Krameria Avenue and Indian Street associated with the project into the City's maintained street system; and

Resolution No. 2008-127

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements for Tract Map 22889 as Complete and Accepting Moonlight Drive, Half-Moon Court, Constellation Way and the Portions of Orion Way, Emma Lane, Krameria Avenue and Indian 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.

A.6 APPROVAL OF CHECK REGISTER FOR OCTOBER, 2008 (Report of: Financial & Administrative Services Department)

**Recommendation:**

Adopt Resolution No. 2008-128, approving the Check Register for the month of October, 2008 in the amount of \$15,540,976.82.

Resolution No. 2008-128

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

A.7 ACCEPTANCE OF THE 2008 COPS TECHNOLOGY PROGRAM GRANT (Report of: Police Department)

**Recommendation:**

1. Adopt the proposed use of the 2008 COPS Technology Program Grant;
2. Approve acceptance of the 2008 COPS Technology Program Grant in the amount of \$140,295 from the U.S. Department of Justice, Community Oriented Policing Services, and;
3. Approve the purchase and installation of Automated License Plate Recognition equipment, digital wireless pole-mounted cameras, digital cameras, an electronic barcode equipment inventory system, 8 GB flash drives, and radio ear pieces.

A.8 SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE PROJECT NO. 11-41570125 (Report of: Public Works Department)

**Recommendation:**

1. Approve the Second Amendment to Agreement for Professional Consultant Services with LAN Engineering Corporation (LAN), 1887 Business Center Drive, Suite 6, San Bernardino, CA 92408 to provide Phase II - Plans, Specifications, and Estimates (PS&E) and Phase III - Construction Phase Services for the Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue;

2. Authorize the City Manager to execute the Second Amendment to Agreement for Professional Consultant Services with LAN; and
3. Authorize an increase to the Purchase Order with LAN in the amount of \$516,285 when the agreement has been signed by all parties (Account No. 415.70125).

**B** CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY

**Recommendation:** Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF NOVEMBER 25, 2008 (Report of: City Clerk's Department)

**Recommendation:**

Approve as submitted.

B.3 AWARD OF CONTRACT – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-1/09 – MAINTENANCE OF HIGH-SERVICE-LEVEL PARKWAY LANDSCAPING AND IRRIGATION – TOWNGATE (Report of: Public Works Department)

**Recommendation:**

1. Acting in their capacity as the Board of Directors of the Moreno Valley Community Services District (MVCS D):

Approve the Agreement for MVCS D Project E-1/09 (the "Agreement") with Spectrum Care Landscape and Irrigation Management, Inc., Foothill Ranch, California;

2. Authorize the President of the MVCS D Board to execute said Agreement with Spectrum Care Landscape and Irrigation Management, Inc., and;

3. Authorize the Purchasing Division Manager on July 1, 2009, to issue purchase orders to Spectrum Care Landscape and Irrigation Management, Inc. in the amounts of:

- a. ONE HUNDRED FORTY-EIGHT THOUSAND AND 00/100 (\$148,000.00) DOLLARS for twelve (12) months of base maintenance services; and
- b. NINE THOUSAND SIX HUNDRED FIFTEEN AND 00/100 (\$9,615.00) DOLLARS for anticipated Additional Work, per Section 2. Paragraph e. of Agreement Exhibit C.

**C CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY**

C.1 ORDINANCES - READING BY TITLE ONLY

**Recommendation:** Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF NOVEMBER 25, 2008 (Report of: City Clerk's Department)

**Recommendation:**  
Approve as submitted.

**D CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES**

D.1 ORDINANCES - READING BY TITLE ONLY

**Recommendation:** Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF NOVEMBER 25, 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.

E.1 A PUBLIC HEARING REGARDING PA08-0071 AND P08-089, A GENERAL PLAN AMENDMENT AND SPECIFIC PLAN AMENDMENT TO CHANGE THE LAND USE OF FOUR PARCELS FROM COMMUNITY COMMERCIAL (CC) TO RESIDENTIAL/OFFICE (R/O) AND VILLAGE OFFICE/RESIDENTIAL (VOR) UNDER THE VILLAGE SPECIFIC PLAN (SP 204). THE PARCELS ARE LOCATED AT 12411, 12425, 12437 AND 12449

LORAIN TERRACE AND ALL HAVE EXISTING SINGLE FAMILY RESIDENCES. (Report of: Community Development Department)

**Recommendation that the City Council:**

1. Recognize that PA08-0071 (General Plan Amendment) and P08-089 (Specific Plan Amendment) qualify as exemptions in accordance with CEQA Guidelines, Section 15305 (Minor Alterations in Land Use Limitation);
2. Introduce Ordinance No. 783 approving a Specific Plan Amendment (P08-089) to change the land use from Community Commercial (CC) to Village Office/Residential (VOR) within the Village Specific Plan (SP 204) based on the findings in the Ordinance; and

Ordinance No. 783

An Ordinance of the City Council of the City of Moreno Valley, California, Approving P08-089 (Specific Plan Amendment) to Change the Land Use District from Community Commercial (CC) to Village Office/Residential (VOR) within the Village Specific Plan (SP 204) for Four Parcels Located at 12411, 12425, 12437 and 12449 Loraine Terrace.

3. Approve Resolution No. 2008-129 approving PA08-0071, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibit A.

Resolution No. 2008-129

A Resolution of the City Council of the City of Moreno Valley Recommending that the City Council Approve Application Numbers PA08-0071 (General Plan Amendment) and P08-089 (Specific Plan Amendment) to Change the Land Use From Community Commercial (CC) to Residential/Office (R/O) in the General Plan and Village Office/Residential (VOR) within the Village Specific Plan (SP 204) for 12411, 12425, 12437 and 12449 Loraine Terrace.

- E.2 PUBLIC HEARING REGARDING MAIL BALLOT PROCEEDINGS FOR: PARK PLACE REALTY (APN 479-030-048) - BALLOTING FOR NPDES; TPM 33152 - BALLOTING FOR NPDES AND CSD ZONE M; TWO-BUILDING COMMERCIAL CENTER (APN 484-020-007) - BALLOTING FOR NPDES AND CSD ZONE M; AND RITE AID PHARMACY (APN 478-070-025) - BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

**Recommendation that the City Council:**

1. Staff recommends that the Mayor and Members of the City of Moreno Valley City Council, after conducting the public hearing and accepting public testimony:
  - a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for Park Place Realty — Assessor Parcel Map (APN) 479-030-048, Tentative Parcel Map (TPM) 33152, Two-Building Commercial Center - APN 484-020-007, and Rite Aid Pharmacy - APN 478-070-025;
  - b. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet and attached 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 commercial/industrial regulatory rate to Park Place Realty, TPM 33152, Two-Building Commercial Center, and Rite Aid Pharmacy.
  
2. Staff recommends that the President and Members of the Board of Directors of the Moreno Valley CSD (CSD Board), after conducting the public hearing and accepting public testimony:
  - a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for TPM 33152, Two-Building Commercial Center, and Rite Aid Pharmacy;
  - b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and attached 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 M (Commercial, Industrial, and Multifamily Improved Median Maintenance) annual charge for TPM 33152, Two-Building

Commercial Center, and Rite Aid Pharmacy.

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

**G REPORTS**

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES  
(Informational Oral Presentation - not for Council action)

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

G.2 APPOINTMENT TO THE PARKS AND RECREATION COMMISSION  
(Report of: City Clerk's Department)

**Recommendation that the City Council**

1. Appoint one member to the Parks and Recreation Commission with a term expiring June 30, 2010;
2. If appointment is not made, declare the position vacant and authorize the City Clerk to re-notice the position as vacant.

G.3 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

**H LEGISLATIVE ACTIONS**

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 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

- 3 SECTION 54957.6 - LABOR NEGOTIATIONS

- a) Agency Representative: Robert G. Gutierrez  
Employee Organization: MVCEA
- b) Agency Representative: Robert G. Gutierrez  
Employee Organization: MVMA
- c) Agency Representative: Robert G. Gutierrez  
Employee Organization: Moreno Valley Confidential  
Management Employees

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

### **ADJOURNMENT**