

**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.
AUGUST 28, 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 6:46 p.m. by Mayor White in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Council Member Flickinger

INVOCATION - Pastor Paul Cunningham, Calvary Baptist Church

ROLL CALL

Council:

Charles R. White	Mayor
William H. Batey, II	Mayor Pro Tem
Bonnie Flickinger	Council Member
Frank West	Council Member

Absent: Richard A. Stewart 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
Steve Elam	Administrative Services Director
Roy Bruckner	Interim Community Development Director
Rick Hall	Police Chief
Stan Lake	Fire Chief
Chris Vogt	Public Works Director/City Engineer

Becky Guillan
Mike McCarty
Denese Wilson Beilke
Barry Foster
Angela Rushen

Principal Librarian
Parks & Community Services Director
Human Resources Director
Economic Development Director
Assistant to the City Manager

City Manager Gutierrez introduced Roy Bruckner, Interim Community Development Director.

Administrative Services Director Elam introduced Steve Hargis, Technology Services Division Manager.

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. 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 July 4 – August 21, 2007.

A3. MINUTES - REGULAR MEETING OF JULY 10, 2007 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

A4. 2007 LEGISLATIVE UPDATE (Report of: Assistant to the City Manager)

Recommendation: Receive and file the informational report.

A5. WARRANT REPORT (Report of: Finance Department)

Recommendation: Adopt Resolution No. 2007-86, approving the Warrant Report, dated June 2007, in the total amount of \$29,974,188.81.

Resolution No. 2007-86

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report Dated June 30, 2007

- A6. APPROVAL OF QUARTERLY INVESTMENT REPORT – QUARTER ENDED JUNE 30, 2007 (Report of: Finance Department)

Recommendation: Approve and accept the quarterly investment report, in compliance with the Investment Policy.

- A7. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR PAN AM BOULEVARD SIDEWALK IMPROVEMENTS FROM BAY AVENUE TO COTTONWOOD AVENUE - PROJECT NO. 06-28068525 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Pan Am Boulevard Sidewalk Improvements from Bay Avenue to Cottonwood Avenue to AP Engineering Corporation (APEC), 1271 Columbia Avenue, Suite 10, Riverside, CA 92507, the lowest responsible bidder;
 2. Authorize the City Manager to execute a contract with APEC;
 3. Authorize the issuance of a Purchase Order to APEC in the amount of \$292,006.00 (\$265,460.00 base bid amount plus 10% contingency) when the contract has been signed by all parties; and
 4. Authorize the City Engineer to execute any subsequent change orders to the contract with APEC, up to but not to exceed the Purchase Order contingency of \$26,546.00.
- A8. 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.

A9. PURCHASE OF POLICE ENFORCEMENT MOTORCYCLES (Report of: Police Department)

Recommendation:

1. Approve the replacement of five (5) 2004 BMW R1150 RT-P Police Motorcycles with five (5) 2006 Honda St-1300P Police Motorcycles;
2. Approve budget expenditures in the amount of \$120,467.00 from the Equipment Replacement Reserve Fund Account for the purchase of five (5) 2006 Honda ST-1300P Police Motorcycles, and related emergency equipment; and
3. Award the purchase of five (5) 2006 Honda St-1300P Police Motorcycles to Huntington Beach Honda, and authorize the Finance Director to issue 1 purchase order in the amount of \$14,825.32 per unit, and \$9,268.08 per unit for the purchase and installation of the requisite emergency equipment.

A10. TRACT MAP 27593 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MAGNOLIA DRIVE, TORREY PINE ROAD, WILLOWBROOK LANE, MAPLE LEAF DRIVE, AND THOSE PORTIONS OF MORRISON STREET, PRIMROSE WAY, RED HOLLY ROAD, AND FIR AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM, DEVELOPER – MVGH 2004, LLC, IRVINE, CA 92614 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2007-87 authorizing the acceptance of the public improvements for Tract Map 27593 as complete and accepting Magnolia Drive, Torrey Pine Road, Willowbrook Lane, Maple Leaf Drive, and those portions of Morrison Street, Primrose Way, Red Holly Road, and Fir Avenue associated with the project into the City's maintained street system; and

Resolution No. 2007-87

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 27593, and Accepting Magnolia Drive, Torrey Pine Road, Willowbrook Lane, Maple Leaf Drive, and those Portions of Morrison Street, Primrose Way, Red Holly Road, and Fir Avenue 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. TRACT MAP 30967 LOT "J" AND PARCEL MAP 12374 A PORTION OF PARCEL 1 - EXECUTE QUITCLAIM DEEDS TRANSFERRING THE CITY'S TITLE INTEREST IN THE STORM DRAIN EASEMENT FOR SUNNYMEAD MASTER DRAINAGE PLAN LINE D, STAGE 1, TO RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, EAST SIDE OF INDIAN STREET BETWEEN KRAMERIA AVENUE AND ANGELLA WAY, DEVELOPER – MORENO VALLEY MEADOWS, LLC (Report of: Public Works Department)

Recommendation:

1. Authorize the Mayor to execute the Quitclaim Deeds transferring the City's title interest in the storm drain easement for Sunnymead Master Drainage Plan Line D, Stage 1, to the Riverside County Flood Control and Water Conservation District for Parcel 4630-504, Lot "J" on Tract Map 30967, recorded in Map Book 372, Pages 86-89 in Riverside County, California, and Parcel 4630-505, Irrevocable Offer of Dedication recorded April 8, 2005, as Instrument No. 2005-0277091 in Riverside County, California; and
 2. Direct the City Clerk to forward the signed Quitclaim Deeds to the County Recorder's Office for recordation.
- A12. TRACT 31269 AND TRACT 31424 – EXECUTE A GRANT DEED TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR THAT PORTION OF LOT "A" OF TRACT 31269

ASSOCIATED WITH QUINCY CHANNEL, AND EXECUTE QUITCLAIM DEEDS TO PINNACLE MORENO VALLEY 72, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY FOR EASEMENTS WITHIN TRACTS 31269 AND 31424 ASSOCIATED WITH QUINCY CHANNEL, QUINCY STREET FROM EUCALYPTUS AVENUE TO COTTONWOOD AVENUE (Report of: Public Works Department)

Recommendation:

1. Authorize the Mayor to execute the Grant Deed for that portion of Lot "A" of Tract 31269 associated with the Quincy Channel, thereby transferring the City's fee-title interest to the Riverside County Flood Control and Water Conservation District (the District); and
2. Authorize the Mayor to execute the Quitclaim Deeds for the portions of Tract 31269 and Tract 31424 associated with the Quincy Channel to Pinnacle Moreno Valley 72, LLC, a California Limited Liability Company (Pinnacle) for easements for public utility, access, maintenance, drainage, flood control, and open space purposes.

A13. TRACT MAP 31269-1 – SINGLE FAMILY RESIDENTIAL PROJECT – AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION) WEST OF REDLANDS BOULEVARD BETWEEN DRACAEA AVENUE AND COTTONWOOD AVENUE, DEVELOPER – RICHMOND AMERICAN HOMES OF CALIFORNIA, INC., CORONA, CA 92879 (Report of: Public Works Department)

Recommendation:

1. Authorize the Mayor to execute the Amendment to Agreement for Public Improvements for Tract Map 31269-1;
2. Instruct the City Clerk to forward the completed Amendment to Agreement for Public Improvements to the County Recorder's Office for recordation; and
3. 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.

A14. TRACT MAP 32143 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE

PORTIONS OF IRIS AVENUE AND LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM, DEVELOPER – BEAZER HOMES HOLDINGS CORP., BREA, CA 92821 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2007-88 authorizing the acceptance of the public improvements for Tract Map 32143 as complete and accepting the portions of Iris Avenue and Lasselle Street associated with the project into the City's maintained street system; and

Resolution No. 2007-88

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 32143, and Accepting the Portions of Iris Avenue and Lasselle 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.
- A15. TRACT MAP 32144 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF AVENIDA CIRCO ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM, DEVELOPER – BEAZER HOMES HOLDINGS CORP., BREA, CA 92821 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2007-89 authorizing the acceptance of the public improvements for Tract Map 32144 as complete and accepting the portion of Avenida Circo associated with the project into the City's maintained street system; and

Resolution No. 2007-89

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 32144, and Accepting the Portion of Avenida Circo 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.
- A16. PARCEL MAP 31034 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THOSE PORTIONS OF PERRIS BOULEVARD, KITCHING STREET, AND GLOBE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM, DEVELOPER – ROCK-IDI MORENO, LLC, IRVINE, CA 92612 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2007-90 authorizing the acceptance of the public improvements for Parcel Map 31034 as complete and accepting those portions of Perris Boulevard, Kitching Street, and Globe Street associated with the project into the City's maintained street system; and

Resolution No. 2007-90

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within Parcel Map 31034, and Accepting those Portions of Perris Boulevard, Kitching Street, and Globe 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.
- A17. PARCEL MAP 32961 – REDUCE FAITHFUL PERFORMANCE BOND AND

ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTIONS OF PERRIS BOULEVARD AND GROVE VIEW ROAD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM, DEVELOPER – INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC., IRVINE, CA 92612 (Report of: Public Works Department)

Recommendation:

- 1. Adopt Resolution No. 2007-91 authorizing the acceptance of the public improvements for Parcel Map 32961 as complete and accepting the portions of Perris Boulevard and Grove View Road associated with the project into the City's maintained street system; and

Resolution No. 2007-91

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within Parcel Map 32961 and Accepting the Portions of Perris Boulevard and Grove View Road 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.

A18. PA02-0120 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING PERRIS VALLEY MASTER DRAINAGE PLAN, LATERAL B-1, STAGE 1, STORM DRAIN AS COMPLETE AND THE PORTION OF PERRIS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM, DEVELOPER – INDUSTRIAL DEVELOPMENTS INTERNATIONAL INC. ("IDI"), IRVINE, CA 92612 (Report of: Public Works Department)

Recommendation:

- 1. Adopt Resolution No. 2007-92 authorizing the acceptance of the public improvements for PA02-0120 Perris Valley Master Drainage Plan, Lateral B-1, Stage 1, Storm Drain as complete and the Portion of Perris

Boulevard Associated with the Project into the City's Maintained Street System; and

Resolution No. 2007-92

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within PA02-0120 Lateral B-1 Storm Drain, and Accepting the Portion of Perris Boulevard 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.
- A19. PA02-0120 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTIONS OF PERRIS BOULEVARD AND GLOBE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM, DEVELOPER – INDUSTRIAL DEVELOPMENTS INTERNATIONAL INC. ("IDI"), IRVINE, CA 92612 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2007-93 authorizing the acceptance of the public improvements for PA02-0120 as complete and accepting those portions of Perris Boulevard and Globe Street associated with the project into the City's maintained street system; and

Resolution No. 2007-93

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within PA02-0120, and Accepting those Portions of Perris Boulevard and Globe 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.

- A20. PA05-0169 – COMMERCIAL – ACCEPT THE AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, NORTHWEST CORNER OF MORENO BEACH DRIVE AND CACTUS AVENUE, DEVELOPER – MORENO MARKETPLACE, LLC, ONTARIO, CA 91764 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Bonds for Public Improvements for PA05-0169;
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.

- A21. PA02-0109 – REDUCE FAITHFUL PERFORMANCE LETTER OF CREDIT AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTIONS OF HEMLOCK AVENUE, GRAHAM AVENUE, AND ZOE DRIVE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM, DEVELOPER – M. TIMM DEVELOPMENT, INC., SANTA BARBARA, CA 93101 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2007-94 authorizing the acceptance of the public improvements for PA02-0109 as complete and accepting the portions of Hemlock Avenue, Graham Avenue, and Zoe Drive associated with the project into the City's maintained street system; and

Resolution No. 2007-94

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within PA02-0109, and Accepting the Portions of Hemlock Avenue,

Graham Avenue, and Zoe 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 Letter of Credit, exonerate the Material and Labor Letter of Credit 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 Letter of Credit in one year when all clearances are received.

A22. SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH LIM & NASCIMENTO ENGINEERING CORPORATION - PROJECT NO. 05-41779224 (Report of: Public Works Department)

Recommendation:

1. Authorize the Mayor to execute the Second Amendment to the Agreement for Professional Consultant Services with Lim & Nascimento Engineering Corporation (LAN), a California corporation;
2. Authorize an increase in the Purchase Order to LAN in the amount of \$21,263 (\$19,330 proposed additional fees plus \$1,933 for a 10% contingency) when the Second Amendment to the Agreement has been signed by all parties (Account No. 417.79224); and
3. Authorize the City Engineer to execute any subsequent related minor amendments to the Agreement for Professional Consultant Services with LAN, up to, but not exceeding the Purchase Order contingency balance in the amount of \$1,933, subject to approval of City Attorney.

A23. APPROVE THE AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH HARRIS AND ASSOCIATES (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for Professional Consultant Services with Harris and Associates;
2. Authorize the Mayor to execute the agreement with Harris and Associates as approved by the City Attorney; and
3. Authorize the issuance of a Purchase Order in accordance with the

City's Procurement Policy to Harris and Associates on a project-by-project basis for an amount not to exceed \$100,000 when all parties have signed the agreement for Account No. 00011.52310.6255 – Other Professional Services.

- A24. NOTICE OF COMPLETION AND ACCEPTANCE OF THE SOLAR POWERED FLASHING BEACONS AND SPEED FEEDBACK SIGNS AT VARIOUS SCHOOL SITES - PROJECT NO. 06-12566624 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Solar Powered Flashing Beacons and Speed Feedback Signs at Various School Sites constructed by TDS Engineering, 2899 Agoura Road, Suite 171, Westlake Village, California 91361;
2. 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;
3. Authorize the Director of Finance to release the retention to TDS Engineering thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and
4. Accept the improvements into the City's maintained road system.

- A25. NOTICE OF COMPLETION AND ACCEPTANCE OF THE STREET IMPROVEMENT PROGRAM (SIP) PROJECT ON ATWOOD AVENUE, PRINCESS LANE, STEVENS AVENUE, AND CAMPBELL AVENUE AND APPROVE AND ADOPT RESOLUTION NO. 2007-95 ACCEPTING PUBLIC RIGHT-OF-WAY FOR PORTION OF SAME - PROJECT NO. 02-12185520 (Report of: Public Works Department)

Recommendation:

1. Ratify Contract Change Order No. 1 (Final) for the project on Atwood Avenue, Princess Lane, Stevens Avenue, and Campbell Avenue;
2. Accept the work as complete for the project constructed by R.J. Noble Company (RJN), 15505 E. Lincoln Avenue, Orange, CA 92865;

3. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the Recorder of the County of Riverside, as required by Section 3093 of the California Civil Code;
4. Authorize the Director of Finance to release the retention to RJN thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project;
5. Approve and adopt Resolution No. 2007-95 accepting dedication of property for public right-of-way and accept portions of streets into the City-maintained road system; and

Resolution No. 2007-95

A Resolution of the City Council of the City of Moreno Valley, California, Accepting Public Right-of-Way for Portions of Atwood Avenue from West of Tacoma Drive to Princess Lane; Princess Lane from Atwood Avenue to End of Cul-de-Sac, Stevens Avenue from Wilmot Street to Redlands Boulevard; and Campbell Avenue from Wilmot Street to Redlands Boulevard Accepting Dedication of Easements over Certain Property for Public Road Purposes

6. Direct the City Engineer to certify the acceptance of said dedication and cause said certification to be recorded at the office of the Recorder of the County of Riverside together with said Resolution.

A26. ADOPTION OF RESOLUTION ESTABLISHING CONTINUITY OF GOVERNMENT (Report of: Administrative Services Department)

Recommendation: Adopt Resolution No. 2007-96, establishing Continuity of Government in the event of an emergency.

Resolution No. 2007-96

A Resolution of the City Council of the City of Moreno Valley, California, Establishing Continuity of Government for Council Members

A27. APPROVE THE AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH RK ENGINEERING GROUP, INC. AND FPL AND ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the Agreements for Professional Consultant Services with RK Engineering Group, Inc. and FPL and Associates, Inc.;
2. Authorize the Mayor to execute the agreements with RK Engineering Group, Inc., and FPL and Associates, Inc., as approved by the City Attorney; and
3. Authorize the issuance of a Purchase Order in accordance with the City's Procurement Policy to RK Engineering Group, Inc. and FPL and Associates, Inc. on a project-by-project basis for an amount not to exceed \$100,000 each when all parties have signed the agreement for Account No. 00011.53210.6255 – Other Professional Services.

A28. NOTICE OF COMPLETION AND ACCEPTANCE OF THE CONSTRUCTION FOR STRUCTURES AND CONDUIT IMPROVEMENTS AND ELECTRICAL CABLE INSTALLATION IMPROVEMENTS FOR SUBSTATION INFILL BACKBONE CABLE CONNECTIONS TO THE MORENO VALLEY ELECTRICAL SYSTEM - PROJECT NO'S 06-00300 & 06-00400 (Report of: Public Works Department)

Recommendation:

1. Ratify Contract Change Order No's 1, 2, 3, and 4 (Final);
2. Accept the work as complete for the construction of Structures and Conduit Improvements and Electrical Cable Installation Improvements for Substation Infill Backbone Cable Connections to the Moreno Valley Electrical System, Project No's 06-00300 and 06-00400, which was constructed by HCI, Inc., 3166 Horseless Carriage Drive, Norco, California 92860;
3. Direct the City Clerk to record the Notice of Completion within ten (10) days, at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;
4. Authorize the Director of Finance to release the retention to HCI, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and
5. Accept the improvements as part of the City owned electric distribution system.

A29. APPROVE AND EXECUTE THE PURCHASE AGREEMENT FOR THE

PARTIAL ACQUISITION OF APN 264-175-003 FOR THE PIGEON PASS ROAD WIDENING PROJECT FROM CLIMBING ROSE DRIVE TO THE NORTHERN CITY LIMITS AND AUTHORIZE THE FINANCE DIRECTOR TO WIRE TRANSFER FUNDS INTO ESCROW (Report of: Public Works Department)

Recommendation:

1. Approve and execute the purchase agreement for the partial acquisition of APN 264-175-003; and
 2. Authorize the Finance Director to wire transfer funds into escrow for the amount of \$17,300 for the acquisition and an additional amount of \$4,000 for escrow fees for the partial acquisition of APN 264-175-003.
- A30. TRACT MAP 30708 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING PELICAN LANE, SOARING SEAGULL LANE, AND THE PORTION OF IRIS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM, DEVELOPER – K. HOVNANIAN FORECAST HOMES, INC., ONTARIO, CA 91761(Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2007-97, authorizing the acceptance of the public improvements for Tract Map 30708 as complete and accepting Pelican Lane, Soaring Seagull Lane, and the portion of Iris Avenue associated with the project into the City's maintained street system; and

Resolution No. 2007-97

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 30708, and Accepting Pelican Lane, Soaring Seagull Lane, and the Portion of Iris Avenue 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.

A31. PARCEL MAP 33726 STORM DRAIN – ACCEPT THE AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, RED MAPLE LANE, EAST OF PERRIS BOULEVARD, DEVELOPER – IRIS PARTNERS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, UPLAND, CA 91784 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Bonds for Public Improvements;
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 execute any future extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

A32. PA04-0010 – MULTI-FAMILY RESIDENTIAL – ACCEPT THE AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, EAST SIDE OF PERRIS BOULEVARD, APPROXIMATELY 600 FEET SOUTH OF JOHN F. KENNEDY DRIVE, DEVELOPER – ONE MORENO VALLEY 240 LP, LONG BEACH, CA 90802-4217
(Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Bonds for Public Improvements;
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.

A33. ACCEPT AND APPROVE AGREEMENT TO REIMBURSE

TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) FUNDS BETWEEN WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG) AND CITY OF MORENO VALLEY FOR THE LASSELLE STREET WIDENING FROM JOHN F. KENNEDY DRIVE TO ALESSANDRO BOULEVARD - PROJECT NO. 06-50182725 (Report of: Public Works Department)

Recommendation:

1. Accept and Approve the Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between Western Riverside Council of Governments (WRCOG) and City of Moreno Valley for the Right-of-Way and Construction phase services for the Lasselle Street Widening Improvements; and
2. Authorize the City Manager to execute the Agreement to Reimburse TUMF Funds between WRCOG and City of Moreno Valley.

A34. APPROVAL FOR THE FIFTH AMENDMENT TO POLICE CONTRACT (Report of: Police Department)

Recommendation: Approve the Fifth Amendment to the police contract.

A35. TRACT 34407 - APPROVE FINAL MAP, SOUTHWEST CORNER OF BAY AVENUE AND HEACOCK STREET, DEVELOPER – PARKSIDE VENTURES, LLC, CAPISTRANO BEACH, CA 92624 (Report of: Public Works Department)

Recommendation:

1. Approve Tract 34407; and
2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A36. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE CITYWIDE SPEED HUMP PROGRAM - PROJECT NO. 07-12582824 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Citywide Speed Hump Program to NPG Corporation (NPG), P.O. Box 1515, Perris, CA 92571, the lowest

responsible bidder;

2. Authorize the Mayor to execute a contract agreement with NPG;
3. Authorize the issuance of a Purchase Order for NPG, in the amount of \$107,921 (the bid amount plus 20% contingency) for the FY 07/08 Citywide Speed Hump Project (Account No. 125.82824);
4. Authorize the City Engineer to execute any subsequent related minor change orders to the contract with NPG, up to, but not exceeding, the contingency amount of \$17,987 under the FY 07/08 contract, subject to the approval of the City Attorney.;
5. Authorize the City Manager to execute an annual on-call service contract in an amount not to exceed \$26,500 with NPG for the Citywide Speed Hump Program (Account No. 125.82824), for a period of up to three additional years; and
6. Authorize the issuance of an annual Purchase Order up to the amount of \$26,500 for the Citywide Speed Hump Program (Account No. 125.828.24).

A37. PUBLIC WORKS AGREEMENT WITH BEAZER HOMES (Report of: Economic Development Department)

Recommendation: Approve a Public Works Agreement with Beazer Homes and adopt Resolution No. 2007-99.

Resolution No. 2007-99

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley of a Public Works Agreement with Beazer Homes USA, Inc. and Making Certain Findings in Connection with the Provision of Public Improvements and Authorizing such Improvements in Connection Therewith

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 MEETING OF JULY 10, 2007 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

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. MINUTES - REGULAR MEETING OF JULY 10, 2007 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

C3. PA05-0042 – TEMPORARY RIGHT-OF-ENTRY AGREEMENT WITH CACTUS COMMERCE, LLC, DAY STREET SOUTH OF ALESSANDRO BOULEVARD AND NORTH OF CACTUS AVENUE, DEVELOPER – CACTUS COMMERCE, LLC, GARDENA, CA 90248 (Report of: Public Works Department)

Recommendation:

1. Approve the Temporary Right-of-Way Entry Agreement with Cactus Commerce, LLC for a small segment of RDA land adjacent to PA05-0042; and
2. Authorize the Mayor in his capacity as RDA Chairman, to execute the proposed agreement.

C4. PUBLIC WORKS AGREEMENT WITH BEAZER HOMES (Report of: Economic Development Department)

Recommendation: Approve a Public Works Agreement with Beazer Homes and adopt Resolution No. RDA 2007-07.

Resolution No. RDA 2007-07

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley of a Public Works Agreement

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 MEETING OF JULY 10, 2007 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

Joint Consent Calendar Items A2 - D2 approved by a 4-0-1 vote, Stewart absent. m/Flickinger, s/Batey.

E. PUBLIC HEARINGS - NONE

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

G. REPORTS

- G1. VERIZON FIBER TO THE PREMISES PROJECT (Report of: Assistant to the City Manager)

Recommendation: No action is required, other than to receive the oral presentation from Verizon representatives on the status of the telecommunication company's "Fiber to the Premises" project in Moreno Valley.

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

No action required.

- G2. AMENDED FIRST READING NIGHTTIME CURFEW ORDINANCE (ORDINANCE NO. 751) (RECEIVED FIRST READING AND INTRODUCTION ON JULY 10, 2007 BY A 5-0 VOTE) (Report of: City Attorney's Department)

Recommendation: That the City Council introduce the amended Nighttime Curfew Ordinance.

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

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

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

- G3. PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDING (REBALLOT) FOR A PROPOSED INCREASE IN THE COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL PARCEL CHARGE FOR TRACT 21597 (Report of: Public Works Department)

Recommendation: That the City Council, acting in their respective capacities as President and Members of the Board of Directors of the Moreno Valley CSD (the "CSD Board"), accept public comments regarding the mail ballot proceeding for the proposed increase in the CSD Zone D annual parcel charge for tract 21597.

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

No action required other than to accept public comments.

- G4. PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDINGS FOR TENTATIVE TRACT 31414 - BALLOTTED ITEMS: NPDES RESIDENTIAL REGULATORY RATE SCHEDULE AND COMMUNITY SERVICES DISTRICT (CSD) ZONE B (RESIDENTIAL STREET LIGHTING); AND TENTATIVE PARCEL MAP 33361 - BALLOTTED ITEMS: NPDES COMMERCIAL/INDUSTRIAL REGULATORY RATE SCHEDULE AND CSD ZONE E-4 (HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE) (Report of: Public Works Department)

Recommendation:

1. That the Mayor and Members of the City of Moreno Valley City Council conduct the Public Meeting to accept public comments regarding the mail ballot proceedings for:
 - a. Tentative Tract 31414 (and all affected phases) for approval of the National Pollutant Discharge Elimination System (NPDES) residential

regulatory rate schedule; and

- b. Tentative Parcel Map 33361 for approval of the NPDES commercial/industrial regulatory rate schedule.
2. That the Members of the Board of Directors of the Moreno Valley Community Services District (the "CSD Board") conduct the Public Meeting to accept public comments regarding the mail ballot proceedings for:
- a. Tentative Tract 31414 (and all affected phases) for inclusion into and approval of the annual parcel charge for CSD Zone B (Residential Street Lighting); and
 - b. Tentative Parcel Map 33361 for inclusion into and approval of the annual acreage charge for CSD Zone E-4 (High-Service-Level Parkway Landscape Maintenance).

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

No action required other than to accept public comments.

- G5. ESTABLISH THE MORENO VALLEY COMMUNITY FOUNDATION, A CALIFORNIA NON-PROFIT BENEFIT CORPORATION (Report of: Economic Development Department)

Recommendation: That the City Council undertake the following actions:

- 1) Approve a Resolution of the City Council of the City of Moreno Valley approving and establishing the Moreno Valley Community Foundation, a California Nonprofit Public Benefit Corporation;

Resolution No. 2007-98

A Resolution of the City Council of the City of Moreno Valley, Approving and Establishing the Moreno Valley Community Foundation, A California Nonprofit Public Benefit Corporation

- 2) Conduct the first meeting of Moreno Valley Community Foundation;

ADJOURNED TO CITY COUNCIL MEETING TO SPECIAL MEETING OF THE MORENO VALLEY COMMUNITY FOUNDATION (MVCF) AT 7:40 P.M.

**SPECIAL MEETING OF THE MORENO VALLEY COMMUNITY FOUNDATION (MVCF)
CALLED TO ORDER AT 7:48 P.M.**

ROLL CALL:

Council:

Charles R. White	Chairman
William H. Batey, II	Vice Chairman
Bonnie Flickinger	Board Member
Frank West	Board Member

Absent: Richard A. Stewart Board Member

PUBLIC COMMENTS ON MATTERS ON THE AGENDA UNDER THE JURISDICTION
OF THE MORENO VALLEY COMMUNITY FOUNDATION – None received.

1. Approve Articles of Incorporation and Bylaws

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

2. Approve a Resolution of the Board of Directors of Moreno Valley Community Foundation approving and establishing the Moreno Valley Community Library Division

Resolution No. MVCF 2007-01

A Resolution of the Board of Directors of the Moreno Valley Community Foundation, Approving and Establishing the Moreno Valley Library Division

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

ADJOURNMENT

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

**RECONVENED JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF
MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT,
AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF
MORENO VALLEY AT 7:51 P.M.**

- G6. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

City Manager, Robert G. Gutierrez announced the first Annual Mayor's Cup Golf Tournament open to the entire community. The tournament which will benefit the future main library at the Civic Center will be held on Thursday, November 15, 2007 at the Moreno Valley Ranch Golf Club.

The City and its Redevelopment Agency have secured a large grant of over \$1.2 million from California's Department of Housing and Community Development. The City is the single highest grant recipient in the Inland Empire and fourth in the State. Funds can be used for construction of the new main library at the Civic Center. Kudos to the Neighborhood Preservation staff and John Strickler, Housing Program Coordinator, who worked on securing the grant.

The City and Police Department were awarded a Bureau of Justice Assistance Grant for \$84,000. These funds along with matching City funds will be used for the purchase of mobile law enforcement automatic license plate reader systems for police department patrol units.

Public Works Department has received a \$150,000 grant for rubberized asphalt concrete which will be utilized for Lasselle Street/Iris Street to Yanez Trail and Iris/Heacock Street to Indian Street.

California Integrated Waste Management Board has awarded the City a \$10,400 grant to hold four used tire collection events. This will allow the public to bring waste tires to collection centers for proper disposal. The funding will be used for transporting, collection and disposal of waste tires.

Staff will be monitoring two bills in the State budget process totaling \$300,000.

A sexual assault felony assault enforcement team is being stationed in Moreno Valley commencing on August 30. The team consists of one sergeant, one sheriff's investigator, one senior investigator from the district attorney's office, one probation officer and one office assistant. The city volunteered to host the team, and they will work with the police department.

The dedication of Moreno Valley Utility substation will be held August 30 at 9:00 a.m.

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:

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

Mayor Pro Tem Batey

- 1) Had a request for street lights from residents – asked what needs to be done to accomplish that. There are two separate water districts, and efforts are underway to improve the existing water flow problem.

Council Member Flickinger

- 1) Had an opportunity to attend the ribbon cutting for the 60/91/215 interchange - visitors from DC and Sacramento attended the event, and an announcement was made that construction should be completed in 6 months.
- 2) Applications for the Arts Commission have been sent out, and they need to be turned in by 9/7/07. Call the City Clerk's office for more information and applications.
- 3) The YMCA facility to be constructed near Morrison Park is a private enterprise and not part of the City. Donations are being sought for the building fund, and donations are tax-deductible.

Council Member West – no comments

Mayor White – no comments

CLOSED SESSION

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY - NONE

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 8:35 p.m. by unanimous informal consent.

Submitted by:

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:

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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