

**AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
AUGUST 28, 2001**

CALL TO ORDER

PUBLIC COMMENTS ON CLOSED SESSION ITEMS

ROLL CALL

CLOSED SESSION - 6:00 P.M.

A Closed Session of the City Council of the City of Moreno Valley will be held in the Finance Conference Room, Second Floor, City Hall. Prior to recessing to Closed Session the Council will convene in the City Council Chamber to hear public comments, if any, on matters on the Closed Session agenda. Reportable action will be announced at this evening's Council Meeting under Section D, of the City Council Agenda. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter 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) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
 - a) SECTION 54956.9(b)(1) - Significant exposure to litigation
Number of Cases: -0-
 - b) SECTION 54956.9(c) - Initiation of litigation
Number of Cases: -0-

**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**

**REGULAR MEETING - 7:00 P.M.
AUGUST 28, 2001**

- **CALL TO ORDER** (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 - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

- **PLEDGE OF ALLEGIANCE**

- **INVOCATION** – Pastor James E. Franklin, New Covenant Bible Church

- **ROLL CALL**

- **INTRODUCTIONS**

- **SPECIAL PRESENTATIONS**
 1. Officer of the Quarter – Duke Viveros
 2. Proclamation – September, National Library Card Signup Month

- **PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL (COMMENTS NOT CONCLUDED BY 7:30 P.M. WILL BE HEARD PRIOR TO CITY COUNCIL CLOSING COMMENTS AT THE END OF THE AGENDA)**

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

- 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.)

There is a three-minute time limit per person and a 15-minute time limit per agenda item. The 15-minute limit may be waived. Please complete and submit a BLUE speaker slip to the Bailiff.

JOINT CONSENT CALENDARS (SECTIONS A-C) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

All items listed under the Consent Calendars are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, or Redevelopment Agency 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/discussion will be heard after public hearing items.

A. CONSENT CALENDAR - CITY COUNCIL

- A1. ORDINANCES - FIRST READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinance Introductions and read by title only.
- A2. PA00-0064 – CHUCK E. CHEESE PIZZA RESTAURANT – ACCEPT AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENT (PARKWAY CONSTRUCTION AND ASSOCIATES, INC.) (Report of: Director of Public Works/City Engineer)
Recommendation: Accept the bonds and the Agreement for Public Improvements; authorize the Mayor to execute the Agreement for Public Improvements and direct the City Clerk to forward the signed agreement to the County Recorder's Office.
- A3. ALLOCATION OF AMR (American Medical Response) FINES (Report of: Fire Chief)
Recommendation: Approve the allocation of \$15, 167 for a new extrication system (Jaws of Life) for Towngate Fire Station, from funds received by AMR response time penalties.

- A4. APPROVAL OF FINAL MAP 23553-3, SINGLE FAMILY RESIDENTIAL PROJECT, AND ACCEPT AGREEMENT AND BONDS FOR LANDSCAPE & IRRIGATION IMPROVEMENTS (MV DEVELOPMENT, LLC) (Report of: Director of Public Works/City Engineer)
 Recommendation: Approve Final Map 23553-3, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation; accept the bonds and Agreement for Public Improvements an the bonds and Agreement for Landscape and Irrigation Improvements; authorize the Mayor to execute the agreements; and direct the City Clerk to forward the signed agreements to the County Recorder's Office for recordation.
- A5. TRACT 22379, LOTS 36 – 60 AND 98-113 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT RESOLUTION NO. 2001-47, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AUTHORIZING ACCEPTANCE OF THE PUBLIC RIGHT OF WAY IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PALO CEDRO DR., PACATO RD. AND PAMPAS CT. INTO CITY MAINTAINED SYSTEM (STEVEN WALKER HOMES) (Report of: Director of Public Works/City Engineer)
 Recommendation: Approve a 90% reduction to the Faithful Performance Bond; instruct the City Engineer to prepare a 90% reduction to the Faithful Performance Bond and adopt Resolution No. 2001-47 authorizing the acceptance of the public right-of-way improvements for Tract Map 22379, lots 36-60 and 98-113 as complete and accepting Palo Cedro Drive, Pacato Road, and Pampas Court into the City maintained street system.

Resolution No. 2001-47

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Right-of-Way Improvements as Complete Within Tract 22379, Lots 36-60 and 98-113, and Accepting Palo Cedro Drive, Pacato Road, and Pampas Court into the City Maintained Street System

- A6. AWARD THE ANNUAL COPIER AGREEMENT TO XEROX CORPORATION (Report of: Director of Finance/City Treasurer)
 Recommendation: Award the annual copier agreement to Xerox Corporation as being in the best interest of the City.

- A7. NOTICE OF COMPLETION, PROJECT NO. 99-37661, HEACOCK ST./J.F. KENNEDY DR./MEYER DR. (Report of Director of Public Works/City Engineer)
Recommendation: Accept the work as complete for the traffic signal installation at Heacock Street and J.F. Kennedy Drive/Meyer Drive, constructed by L.A. Signal Inc., of City of Industry, CA; 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; authorize the Director of Finance to release the retention to L.A. Signal Inc. thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project (Account No. 137.66120); and accept the traffic signals into the City maintained road system.
- A8. GRANTING OF TITLE INTERESTS TO RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (RCFC & WCD) FOR UNDERGROUND STORM DRAIN FACILITIES KNOWN AS LINE A-A (Report of: Director of Public Works/City Engineer)
Recommendation: Execute the Easement Deed to Riverside County Flood Control and Water Conservation District; execute the Quitclaim Deeds to Riverside County Flood Control and Water Conservation District and return the fully executed documents to the Special Districts Manager for transmittal to the title company for processing and recordation.
- A9. NOTICE OF AWARD FOR CONSTRUCTION CONTRACT, PROJECT NO. 97-25898, REDLANDS BLVD. STORM DRAIN LINE "F" REINFORCED CONCRETE BOX STRUCTURE (Report of: Director of Public Works/City Engineer)
Recommendation: Award the construction contract to Bonadiman-McCain, Inc., San Bernardino, California, the lowest responsible bidder; authorize the Mayor to execute a contract Agreement with Bonadiman-McCain, Inc; authorize the issuance of a Purchase Order to Bonadiman-McCain, Inc., in the amount of \$349,292.32 (the amount of bid plus 10% contingency) when the contract has been signed by all parties (Account No. 125.89330); and authorize the street closure to through traffic on Redlands Boulevard, between Cactus Avenue and Alessandro Boulevard, for approximately three months.
- A10. RESOLUTION IN SUPPORT OF NATIONAL TRY TRANSIT WEEK, SEPTEMBER 9 THROUGH 15, 2001. (Report of: Director of Public Works/City Engineer)
Recommendation: Adopt Resolution No. 2001-50 in support of National Try Transit Week, September 9 through 15, 2001.

Resolution No. 2001-50

A Resolution of the City Council of the City of Moreno Valley, California, to designate September 9 through 15 as Try Transit Week

- A11. MINUTES – REGULAR MEETING OF AUGUST 14, 2001 (Report of: City Clerk)
Recommendation: Approve as submitted
- A12. WARRANT REPORT – JULY 31, 2001 (Report of: Director of Finance/City Treasurer)
Recommendation: Adopt Resolution No. 2001-51, approving the Warrant Reports, including wire transfers, dated July, 2001 in the total amount of \$4,966,463.98.

Resolution No. 2001-51

A Resolution of the City Council of the City of Moreno Valley, Approving the Warrant Reports, Dated July 31, 2001.

B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

- B1. ORDINANCES - FIRST READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinance Introductions and read by title only.
- B2. MINUTES – REGULAR MEETING OF AUGUST 14, 2001 (Report of: City Clerk)
Recommendation: Approve as submitted

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

- C1. ORDINANCES - FIRST READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinance Introductions and read by title only.
- C2. MINUTES – REGULAR MEETING OF AUGUST 14, 2001 (Report of: City Clerk)
Recommendation: Approve as submitted

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

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter must be limited to five minutes per individual and must pertain to the subject under consideration.

E1. PUBLIC HEARING FOR INCLUSION OF TRACT 29732 (AND ALL ASSOCIATED PHASES) INTO THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) (Report of: Director of Public Works/City Engineer)

Recommendation: That the City Council, acting in their capacity as Board of Directors of the Moreno Valley Community Services District (CSD):

1. Conduct the Public Hearing to consider the inclusion of Tract 29732 (and all associated phases) into the CSD Zone B (Residential Street Lighting) and the annual service charge;
2. Tabulate the mail ballot for CSD Zone B;
3. Verify and accept the results of each mail ballot proceeding; and
4. Authorize and impose the CSD Zone B charge.

E2. PUBLIC HEARING FOR INCLUSION OF TRACT 30026 (AND ALL ASSOCIATED PHASES) INTO THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) (Report of: Director of Public Works/City Engineer)

Recommendation: That the City Council, acting in their capacity as the Board of Directors of the Moreno Valley Community Services District (CSD):

1. Conduct the Public Hearing to consider the inclusion of Tract 30026 (and all associated phases) into the CSD Zone B (Residential Street Lighting) and the annual service charge;
2. Tabulate the mail ballot for CSD Zone B;
3. Verify and accept the results of each mail ballot proceeding; and
4. Authorize and impose the CSD Zone B charge.

E3. PA01-0031 (GENERAL PLAN AMENDMENT); PA01-0026 (CHANGE OF ZONE); PA01-0027 (CONDITIONAL USE PERMIT); APPLICANT: LEADERS IN COMMUNITY ALTERNATIVES; LOCATION: ON THE WEST SIDE OF BUSINESS CENTER DRIVE, WEST OF ELSWORTH STREET (Report of: Director of Community and Economic Development)
Recommendation: Planning Commission recommends that the City Council:

1. ADOPT a Negative Declaration, for PA01-0031 (General Plan Amendment) and PA01-0026 (Change of Zone);
2. ADOPT Resolution No. 2001-48, thereby approving the General Plan Amendment (PA01-0031), "Thereby changing the Land Use Map designation from BP (Business Park) to I (Industrial) for a 3.35 acre parcel of land located on the west side of Business Center Drive, just west of Elsworth Street";
3. INTRODUCE Ordinance No. 592, thereby approving the Change of Zone, (PA01-0026) "Amending the Official Zoning Atlas of said City, changing the zone from BP (Business Park) to I (Industrial) as illustrated on the Moreno Valley Zone Change Map for a 3.35 acre parcel of land located on the west side of Business Center Drive, just west of Elsworth Street";
4. RECOGNIZE that PA01-0027 (Conditional Use Permit) qualifies as a class 32 categorical exemption (CEQA Guidelines, Section 15332) for the reasons identified in the staff report; and
5. ADOPT Resolution No. 2001-49, thereby approving PA01-0027 (Conditional Use Permit) based on the findings in the Resolution and the Conditions of Approval.

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

F. REPORTS

- F1. RECOMMENDATION TO AWARD CONTRACT FOR DESIGN SERVICES OF PERFORMING ARTS AND CULTURAL CENTER RENOVATION – PROJECT NO. 01-1 (Report of: Director of Parks and Recreation)
Recommendation: That the City Council, acting in their capacity as the Board of Directors of the Moreno Valley Community Services District (CSD):
1. Award the contract for the subject project to Meyer and Associates, 23265 South Pointe Drive, Suite 102, Laguna Hills, California 92653, in the amount of \$58,210;
 2. Authorize the Mayor to execute a Contract Agreement with the above-mentioned contractor; and
 3. Authorize the Finance Director to issue a purchase order upon execution of the contract to the above-mentioned contractor not to exceed the amount of \$58,210. Funds are available in CSD Zone A Account 161.66220.7200
- F2. APPOINTMENTS TO THE TRAFFIC SAFETY ADVISORY COMMITTEE AND CULTURAL PRESERVATION ADVISORY COMMITTEE (Report of: City Clerk)
Recommendation: That the City Council:
1. Review the ballots for appointments to the Traffic Safety Advisory Committee and Cultural Preservation Advisory Committee (to be provided by the City Clerk) and mark your choices where appropriate; or
 2. If appointments are not made, declare the positions vacant and authorize the City Clerk to re-notice the positions as vacant.
- F3. REDUCTION OF PERMIT FEES FOR ENERGY SAVINGS EQUIPMENT (CONTINUED FROM AUGUST 14, 2001) (Report of: Director of Community and Economic Development)
Recommendation: Implement a temporary 50% reduction in minimum current permit fees for required electrical or mechanical permits issued for energy savings equipment. The adoption of a resolution would be required to implement the reduction of fees.

- F4. DISCUSSION OF THE MYTHICAL \$14 MILLION FY 2001-02 BUDGET SURPLUS (REPORT OF: DIRECTOR OF FINANCE/CITY TREASURER)
Recommendation: That the City Council review and discuss this staff report, which refutes and dispels the myth of the existence of a \$14 million surplus of City funds.
- F5. LEGISLATIVE UPDATE (Report of: Assistant City Manager)
Recommendation: That the City Council receive and file the Legislative Status Report.
- F6. UTILITY USER'S TAX STATUS REPORT (Report of: Director of Finance/City Treasurer)
Recommendation: That the City Council receive and file the staff report, which gives the current status of the utility user's tax rate reduction.
- F7. REPORT TO CONSIDER PUBLIC COMMENTS REGARDING MAIL BALLOT PROCEEDING TO REINSTATE ZONE D (PARKWAY LANDSCAPE MAINTENANCE) AT THE STANDARD SERVICE LEVEL FOR TRACT 21333 (Report of: Director of Public Works/City Engineer)
Recommendation: That the City Council, acting in their respective capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD), accept public comments in regards to reinstating Zone D (Parkway Landscape Maintenance) at the standard level and the associated annual charge being proposed in the mail ballot proceedings for Tract 21333.
- F8. CALIFORNIA LEAGUE OF CITIES: ANNUAL CONFERENCE RESOLUTIONS (Report of: Assistant City Manager)
Recommendation: That the City Council take the following positions regarding the proposed Annual Conference resolutions for the League of California Cities:

Support – Resolution (1), which relates to the revision of the League of California Cities bylaws;

No Position – Resolution (2), which relates to day care services for children, adults and seniors;

Support – Resolution (3), which relates to excess retirement system assets and more options for employer use of those assets;

Support – Resolution (4), which relates to the flexibility in the wastewater permitting process by California State and Regional Water Control Boards as allowed by law;

Support - Resolution (5), which relates to the modification of California SB 709 (mandatory penalties) and the Federal Clean Water Act regarding frivolous citizen lawsuits;

Support – Resolution (6), which relates to incentives to improve the balance of jobs and housing in California;

Support – Resolution (7), which relates to supporting the passage of a ballot measure to stabilize and reform local government financing;

No Position – Resolution (8), which relates to the return of ERAF funds to cities;

Support – Resolution (9), which relates to telephone area codes.

G. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING & INTRODUCTION

ORDINANCES - 2ND READING & ADOPTION

- G1. ADOPTION OF ORDINANCE NO. 590 (RECEIVED FIRST READING AND INTRODUCTION ON AUGUST 14, 2001 ON A 5-0 VOTE) (Report of: Director of Community and Economic Development)
Recommendation: Adopt Ordinance No. 590:

Ordinance No. 590

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Portions of Chapters 9.02, 9.04, 9.05, 9.06 and 9.15 of Title 9 of the City of Moreno Valley Municipal Code, Relating to Consolidation of Office Uses in the Permitted Uses Table, Elimination of the Agriculture and Tourist Recreation Commercial Districts, the Definition of the Business Park – Mixed Use District, Modification of Industrial Site Development Standards, Relocation of the Residential Single Family District in the Permitted Uses Table, and Modification to the Business Park – Mixed Use Permitted Uses

- G2. ADOPTION OF ORDINANCE NO. 591 (RECEIVED FIRST READING AND INTRODUCTION ON AUGUST 14, 2001 ON A 4-1 VOTE, BATEY OPPOSED) (Report of: Director of Community and Economic Development)
Recommendation: Adopt Ordinance No. 591

Ordinance No. 591

An Ordinance of the City Council of the City of Moreno Valley, California (PA01-0013), Amending the Official Zoning Atlas of Said City, Changing the Zone From Office (O) to Community Commercial on a 2.82 Acre Parcel of Land Located at 13870 Indian Avenue

ORDINANCES - URGENCY ORDINANCES

RESOLUTIONS

- **CONTINUATION OF PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA, IF NEEDED**

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

ADJOURNMENT