

**AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY**

MAY 14, 2002

CALL TO ORDER

SPECIAL PRESENTATIONS – 6:00 p.m.

1. Mayor's Award of Valor Recognizing Robert Nettles
2. Proclamation – National Public Works Week May 19 – 25, 2002
3. Proclamation – EMWD Water Week
4. EMWD Water is Life Poster Contest Awards

**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 – 6:30 P.M.
MAY 14, 2002**

- **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 Paul M. Cunningham, Calvary Baptist Church of Moreno Valley

- **ROLL CALL**

- **INTRODUCTIONS**

- **PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)** Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute 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.

- **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 10:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 10:00 P.M.** Those wishing to speak should submit a PINK speaker slip to the Bailiff. There is a three-minute 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-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. ACCEPT AND APPROVE THE EMWD REIMBURSEMENT AGREEMENT FOR WATER AND SEWER PIPELINE IMPROVEMENTS ALONG SAN MICHELE ROAD FROM PERRIS BOULEVARD TO INDIAN STREET, PROJECT NO. 99-12567420 (Report of: Director of Public Works/City Engineer)
Recommendation: Accept and approve the "Reimbursement Agreement for Water and Sewer Facilities located within San Michele Road" with Eastern Municipal Water District (EMWD) and authorize the Mayor to execute the Reimbursement Agreement for the relocation of the EMWD pipeline facilities.

- A3. RATIFICATION OF CONTRACT CHANGE ORDERS, NOTICE OF COMPLETION AND ACCEPTANCE FOR THE RELOCATION OF FIRE STATION NO. 2, PROJECT NO. 98-34725 (Report of: Director of Public Works/City Engineer)
Recommendation: Ratify Contract Change Order Nos. 1, 2 and 3; accept the work as completed for Fire Station No. 2, constructed by Triquest Builders, Inc., of Rancho Cucamonga, California; 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 and authorize the Director of Finance to release the retention to Triquest Builders, 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. 434.72540).

- A4. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE TRAFFIC SIGNAL AT PERRIS BOULEVARD AND NORTHERN DANCER DRIVE, PROJECT NO. 01-42669020 (Report of: Director of Public Works/City Engineer)
Recommendation: Award the construction contract for the traffic signal at Perris Boulevard and Northern Dancer Drive to Moore Electrical Contracting, Inc., 463 North Smith Avenue, Corona, California 92880, the lowest responsible bidder; authorize the Mayor to execute a contract with Moore Electrical Contracting, Inc.; authorize the issuance of a Purchase Order to Moore Electrical Contracting, Inc. in the amount of \$143,152 (the bid amount plus 10% contingency) when the contract has been signed by all parties (Account No. 426.69020) and authorize the Finance Director to create a new account in the Measure "A" Fund, and to transfer \$25,000 from Measure "A" Fund (Account No. 125.89730) into the new Measure "A" Fund account.
- A5. REQUEST ADOPTION OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR A TRAFFIC SIGNAL AT FREDERICK STREET AND BRABHAM STREET/TOWNGATE CENTER DRIVEWAY, PROJECT NO. 01-12567321(3) (Report of: Director of Public Works/City Engineer)
Recommendation: Adopt the Plans and Specifications on file in the office of the Public Works Director and authorize the City Clerk to advertise the project to solicit construction bids.
- A6. APPROVAL OF QUARTERLY INVESTMENT REPORT –QUARTER ENDED MARCH 21, 2002 (Report of: Director of Finance/City Treasurer)
Recommendation: Approve and accept the quarterly investment report, in compliance with the California Government Code Section 53646.
- A7. ADOPTION OF RESOLUTION NUMBER 2002-24 (Report of Director of Community and Economic Development)
Recommendation: Adopt Resolution Number 2002-24.

Resolution No. 2002-24

A Resolution of the City Council of the City of Moreno Valley, California, Regarding 27381 Cottonwood Avenue, Making Findings, Ordering Correction of Code Violations and Directing Abatement of Uncorrected Violations

- A8. REQUEST ADOPTION OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR THE DRACAEA AVENUE IMPROVEMENTS FROM HEACOCK STREET TO PERRIS BOULEVARD, PROJECT NO. 00-92774, AND APPROVE THE TRANSFER OF RDA FUNDS (Report of: Director of Public Works/City Engineer)
Recommendation: Adopt the Plans and Specifications on file in the office of the Public Works Director; authorize the City Clerk to advertise the project for bids and approve the transfer of \$355,000 from RDA (Account No. 892.80121) Atwood Improvements to RDA (Account No. 892.81621) Dracaea Improvements.
- A9. APPROVAL OF FINAL MAP 30301 – SINGLE FAMILY RESIDENTIAL PROJECT AND ACCEPTANCE OF AGREEMENT AND BONDS FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS NORTH SIDE OF CALLE AGUA, WEST OF LASELLE ST., K.HOVNANIAN FORECAST HOMES, INC. (CONTINUED FROM APRIL 9, 2002) (Report of: Director of Public Works/City Engineer)
Recommendation: Approve Final Map 30301, 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; authorize the Mayor to execute the agreement; and direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation.
- A10. MINUTES – REGULAR MEETING OF APRIL 9, 2002 (Report of: City Clerk)
Recommendation: Approve as submitted.
- A11. MINUTES – SPECIAL MEETING OF APRIL 10, 2002 (Report of: City Clerk)
Recommendation: Approve as submitted.
- A12. ANNUAL STATEMENT OF INVESTMENT POLICY (Report of: Director of Finance/City Treasurer)
Recommendation: Adopt the Annual Statement of Investment Policy, in compliance with California Government Code Section 53646.
- A13. YOUTH OPPORTUNITIES PROGRAM STAFFING (Report of: Director of Community and Economic Development)
Recommendation: Authorize additional staff positions for the Youth Opportunities Program

A14. ACCEPTANCE, ENCUMBRANCE, AND EXPENDITURE OF FRIENDS OF THE LIBRARY DONATION (Report of: Library Director)

Recommendation: Approve the acceptance, encumbrance, and expenditure of funds from the Friends of the Moreno Valley Public Library in the amount of \$11,550.

A15. APPROVAL OF PARCEL MAP 30472 – WALGREEN’S DISTRIBUTION CENTER – ACCEPT AGREEMENTS, BONDS, AND LETTERS OF CREDIT FOR PUBLIC IMPROVEMENTS – EAST SIDE OF PERRIS BOULEVARD AT NANDINA AVENUE (WALGREEN CO.) (Report of: Director of Public Works/City Engineer)

Recommendation: Approve Parcel Map 30472, authorize the City Clerk to sign the map and transmit said map to the County Recorder’s Office for recordation; accept the bonds and Agreements for Public Improvements; accept the Letters of Credit, as reviewed and approved by the City Attorney, as security for the required public 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.

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 APRIL 9, 2002 (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 APRIL 9, 2002 (Report of: City Clerk)

Recommendation: Approve as submitted.

C3. REQUEST ADOPTION OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR THE DRACAEA AVENUE IMPROVEMENTS FROM HEACOCK STREET TO PERRIS BOULEVARD, PROJECT NO. 00-92774, AND APPROVE THE TRANSFER OF RDA FUNDS (Report of: Director of Public Works/City Engineer)

Recommendation: Adopt the Plans and Specifications on file in the office of the Public Works Director; authorize the City Clerk to advertise the project for bids and approve the transfer of \$355,000 from RDA (Account No. 892.80121) Atwood Improvements to RDA (Account No. 892.81621) Dracaea Improvements.

D. 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.

- D1. PUBLIC HEARING TO ADOPT THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ANNUAL ACTION PLAN FOR FISCAL YEAR 2002/03 (Report of: Director of Community and Economic Development)
Recommendation: That the City Council adopt the Community Development Block Grant Program Annual Action Plan for Fiscal Year 2002/03.
- D2. PUBLIC HEARING TO CONSIDER AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM 2001-02 ANNUAL ACTION PLAN - AMENDMENT 1 (CONTINUED FROM APRIL 23, 2002) (Report of: Director of Community and Economic Development)
Recommendation: That the City Council approve the proposed amendment to the FY 2001-02 Annual Action Plan and authorize the transfer of \$21,667 from unprogrammed funds to new project for small business counseling.
- D3. PUBLIC HEARING TO CONSIDER AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM 2001-02 ANNUAL ACTION PLAN - AMENDMENT 2 (CONTINUED FROM APRIL 23, 2002) (Report of: Director of Community and Economic Development)
Recommendation: That the City Council continue this item to May 28, 2002 City Council meeting.
- D4. A PUBLIC HEARING REGARDING PA00-0021 – AMENDMENT NO. 1 TO THE EASTGATE RANCH SPECIFIC PLAN (SP#207) LOCATED AT THE NORTHWEST CORNER OF MORENO BEACH DRIVE AND JOHN F. KENNEDY DRIVE AND SUBMITTED BY WINCHESTER ASSOCIATES, INC. THE PROPOSED SPECIFIC PLAN AMENDMENT INCLUDES CHANGES TO ACCESS, INTERNAL CIRCULATION, THE FLOOD CONTROL CHANNEL, AND THE ZONING ORDINANCE (Report of: Director of Community and Economic Development)
Recommendation: That the City Council conduct a public hearing for review

of the recommended action taken by the Planning Commission to approve PA00-0021 (Amendment No.1 to Eastgate Ranch Specific Plan) (SP#207)), and subsequent to the public hearing:

- 1. Adopt a subsequent Negative Declaration for PA00-0021 (Amendment No. 1 to the Eastgate Ranch Specific Plan), in that this application will not result in significant environmental impacts; and
- 2. Introduce City Council Ordinance No. 601 approving PA00-0021 (Amendment No. 1 to the Eastgate Ranch Specific Plan) based on the findings in City Council Ordinance No. 601; and the Specific Plan document as attached to the ordinance as Exhibit 1.

Ordinance No. 601

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA00-0021 (Amendment No. 1 to the Eastgate Ranch Specific Plan) Which Addresses Changes to Access, Internal Circulation, the Flood Control Channel, and the Zoning Ordinance

D5. A PUBLIC HEARING REGARDING PA00-0004, AMENDING CHAPTER 9.02 (Section 9.02.180) ENTITLED “NONCONFORMING USES AND PROVISIONS” AND RELATED SECTIONS OF THE MORENO VALLEY MUNICIPAL CODE CITYWIDE, AND SUBMITTED BY THE CITY OF MORENO VALLEY COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT (Report of: Director of Community and Economic Development)

Recommendation: The Planning Commission recommends that the City Council conduct a public hearing to:

- 1. Recognize that the proposed Municipal Code amendment is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061 of the CEQA Guidelines; and
- 2. Introduce Ordinance No. 602, thereby approving amendments to Chapter 9.02 (Section 9.02.180) and related sections of the City of Moreno Valley Municipal Code

Ordinance No. 602

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA00-0004, Amending Chapter 9.02 (Section (9.02.180) Entitled “Nonconforming Uses and Provisions” and Related Sections of the Moreno Valley Municipal Code Citywide

- D6. PUBLIC HEARING TO ADOPT FY 2002/03 FEE RESOLUTION AND FEE SCHEDULE (Report of: Director of Finance/City Treasurer)
Recommendation: That the City Council adopt Resolution No. 2002-31 approving the FY 2002-03 Fee Schedule, upon conduction of the Public Hearing.

Resolution No. 2002-31

A Resolution of the City Council of the City of Moreno Valley, California, Increasing and Establishing Specified Fees for Various Services; Maintaining the Present Level of Certain Fees; Reducing the Level of Certain Fees; and Incorporating Certain Prior Enactments

E. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

F. REPORTS

- F1. PUBLIC COMMENTS AND CONTINUED DISCUSSION ON FY 2002-03 PROPOSED BUDGET (Report of: Director of Finance/City Treasurer)
Recommendation: That the City Council accept public comments on the FY 2002-03 Proposed Budget and provide comments to staff regarding the City Manager's budget recommendations.
- F2. STAFF REPORT SCHEDULED FOR MAY 14, 2002, CITY COUNCIL MEETING TITLED PRESENTATION OF DEPARTMENTAL 5-YEAR PLAN/POWERPOINT PRESENTATION – PUBLIC WORKS (CONTINUED FROM APRIL 23, 2002) (Report of: Director of Public Works/City Engineer)
Recommendation: City Council approved staff's request at the April 23, 2002, meeting to continue this item to May 14, 2002. Staff is requesting that this item be continued a second time to June 25, 2002.
- F3. LEGISLATIVE UPDATE (Report of: Assistant City Manager)
Recommendation: That the City Council receive and file the Legislative Status Report.
- F4. CITY MANAGER'S REPORT (Informational Oral Presentation only - not for Council action)

G. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION - NONE

ORDINANCES - 2ND READING AND ADOPTION - NONE

ORDINANCES - URGENCY ORDINANCES - NONE

RESOLUTIONS - NONE

- PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a PINK 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**

CLOSED SESSION

• PUBLIC COMMENTS ON CLOSED SESSION ITEMS

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 Finance 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) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
 - a) SECTION 54956.9(b)(1) - Significant exposure to litigation
Number of Cases: 1
 - b) SECTION 54956.9(c) - Initiation of litigation
Number of Cases: -0-
- 2) SECTION 54956.9(A) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Case: *City of Moreno Valley v. David Lerma*
Court: *Riverside Superior Court*
Case No. *RIC 346259*
- 3) SECTION 54957.6 – LABOR NEGOTIATIONS
 - a) Agency Representative: Gene Rogers
Employee Organization: MVCEA
 - b) Agency Representative: Gene Rogers
Employee Organization: MVMA

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

ADJOURNMENT