

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

FEBRUARY 11, 2003

CALL TO ORDER

SPECIAL PRESENTATIONS - 6:00 p.m.

1. "Citizens of the Year" Presentation to Dick and Louise Heil

**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.
FEBRUARY 11, 2003**

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 – Bishop Glen Brady, Hidden Springs Ward, Church of Jesus Christ Latter Day Saints

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, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, AND THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION

All items listed under the Consent Calendars, Sections A, B, and C, 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. MINUTES – SPECIAL MEETING OF JANUARY 7, 2003 (Report of: City Clerk)
Recommendation: Approve as submitted.
- A3. MINUTES – REGULAR MEETING OF JANUARY 14, 2003 (Report of: City Clerk)
Recommendation: Approve as submitted.
- A4. MINUTES – REGULAR MEETING OF JANUARY 28, 2003 (Report of: City Clerk)
Recommendation: Approve as submitted.
- A5. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE TRAFFIC SIGNAL AT KITCHING ST. AND KRAMERIA AVE., PROJECT NO. 02-12566921 (Report of: Director of Public Works/City Engineer)
Recommendation: Award the construction contract for the Traffic Signal at Kitching Street and Krameria Avenue to Holland-Lowe Construction, Inc., 427 South Pershing Avenue, San Bernardino, California 92408, the lowest responsible bidder; authorize the Mayor to execute a contract with Holland-Lowe Construction, Inc.; authorize the issuance of a Purchase Order for Holland-Lowe Construction, Inc. in the amount of \$253,414.70 (the bid amount plus 10% contingency) when the contract has been signed by all parties (Account No. 125.66921) and authorize the Finance Director to transfer \$150,000 of unencumbered Measure “A” Funds

from the Pigeon Pass Road Rehabilitation project (Account No. 125.67021) into the Traffic Signal at Kitching Street and Krameria Avenue project (Account No. 125.66921).

- A6. APPROVAL OF QUARTERLY INVESTMENT REPORT – QUARTER ENDED DECEMBER 31, 2002 (Report of: Director of Finance/City Treasurer)
Recommendation: Approve and accept the quarterly investment report, in compliance with California Government Code Section 53646.
- A7. APPROVAL OF FINAL MAP 30300 – SINGLE FAMILY RESIDENTIAL PROJECT AND ACCEPT AGREEMENT & BONDS FOR PUBLIC RIGHT OF WAY IMPROVEMENTS - SOUTH SIDE OF KRAMERIA AVENUE, EAST OF LASSELLE STREET (BEAZER HOMES HOLDINGS CORPORATION) (Report of: Director of Public Works/City Engineer)
Recommendation: Approve Final Map 30300, 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.
- A8. APPROVAL OF AGREEMENT BETWEEN THE CITY OF MORENO VALLEY AND MVPJL, LLC (Report of: Director of Public Works/City Engineer)
Recommendation: Approve the agreement between the City of Moreno Valley and MVPJL, LLC; authorize the Mayor to execute the Agreement between the City of Moreno Valley and MVPJL, LLC; and direct the City Clerk to forward the signed agreement 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 JANUARY 14, 2003 (Report of: City Clerk)
Recommendation: Approve as submitted.
- B3. MINUTES – REGULAR MEETING OF JANUARY 28, 2003 (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 JANUARY 14, 2003 (Report of: City Clerk)
Recommendation: Approve as submitted.
- C3. MINUTES – REGULAR MEETING OF JANUARY 28, 2003 (Report of: City Clerk)
Recommendation: Approve as submitted.

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 FOR INCLUSION OF TENTATIVE TRACT 26901 (AND ALL AFFECTED PHASES) INTO THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) PROGRAM – NORTH OF TENNYSON ROAD BETWEEN GALLANT DRIVE AND CLARK STREET (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) Tabulate the mail ballots for the CSD Zone B program;
 - 2) Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and Assessor Parcel Number (APN) listing;
 - 3) Receive and file with the City Clerk's Office the accepted Official Tally Sheet and APN listing; and
 - 4) Authorize and impose the CSD Zone B charge.

D2. A PUBLIC HEARING ON THE PLANNING COMMISSION'S OCTOBER 24, 2002 APPROVAL RECOMMENDATION OF PA96-0087, A MUNICIPAL CODE AMENDMENT REGARDING LANDSCAPE REQUIREMENTS CITYWIDE, ORDINANCE NO. 616 (CONTINUED FROM JANUARY 14, 2003) (PUBLIC TESTIMONY PORTION CLOSED) (Report of: Director of Community and Economic Development)
Recommendation: Conduct a public hearing for review of the action taken by the Planning Commission recommending approval to amend the Municipal Code to add Section 9.17 Landscape Requirements, amend related Sections, and repeal the current "City of Moreno Valley Landscape Development Guidelines and Specifications":

1. Recognize that the proposal qualifies as an exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061; and
2. Introduce Ordinance No. 616.

Ordinance No. 616

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the Moreno Valley Municipal Code by Amending Chapters 9.03, 9.04, 9.05, 9.07, 9.08, 9.09, 9.11, 9.13 and 9.16, Adding a New Chapter 9.17 Regarding Landscape Requirements; and Repealing Ordinance No. 247, "City of Moreno Valley Landscape Development Guidelines and Specifications"

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

F. REPORTS

F1. REPORT TO CONSIDER PUBLIC COMMENTS REGARDING TRACT 30233 MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) – SOUTH OF JOHN F. KENNEDY DRIVE BETWEEN CHAMPIONSHIP DRIVE AND CACTUS AVENUE (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 regarding the proposed inclusion of Tentative Tract 30233 (and all affected phases) into the CSD Zone B

(Residential Street Lighting) program and the annual service charge.

- F2. REPORT TO CONSIDER PUBLIC COMMENTS REGARDING TRACT 30232 MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) – SOUTH OF CACTUS AVENUE/JOHN F. KENNEDY DRIVE AND EAST OF CHAMPIONSHIP DRIVE (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 regarding the proposed inclusion of Tentative Tract 30232 (and all affected phases) into the CSD Zone B (Residential Street Lighting) program and the annual service charge.
- F3. 2003 COUNCIL COMMITTEE PARTICIPATION APPOINTMENTS (Report of: City Clerk)
Recommendation: That the City Council approve appointments to the various committees as recommended in the 2003 Council Committee Participation list as submitted by Mayor Batey.
- F4. POWERPOINT PRESENTATION – 5 YEAR PLAN – PUBLIC WORKS/CAPITAL PROJECTS (Report of: Director of Public Works/City Engineer) (Oral Presentation – not for Council action)
- F5. LEGISLATIVE UPDATE (Report of: Assistant City Manager)
Recommendation: Receive and file the Legislative Status Report and adopt a “support” position on ABX1 4 (Wesson).
- F6. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

G. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION – NONE

ORDINANCES - 2ND READING AND ADOPTION

- G1. ADOPTION OF ORDINANCE NO. 618, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 2 OF THE MORENO VALLEY MUNICIPAL CODE BY REPEALING CHAPTER 2.60 REGARDING

THE DESTRUCTION OF RECORDS, AND REENACTING
CHAPTER 2.60, ESTABLISHING A RECORDS MANAGEMENT
PROGRAM (RECEIVED FIRST READING AND INTRODUCTION
JANUARY 28, 2003 ON A 5-0 VOTE) (Report of: City Clerk)
Recommendation: Adopt Ordinance No. 618.

Ordinance No. 618

An Ordinance of the City Council of the City of Moreno Valley,
California, Amending Title 2 of the Moreno Valley Municipal Code
by Repealing Chapter 2.60 Regarding the Destruction of Records,
and Reenacting Chapter 2.60, Establishing a Records Management
Program

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.

- **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 LAVENDER 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(a) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
 - a) Case: *City of Moreno Valley v. Karen Smith Schuler, Marvin Schuler*
Court: Riverside Superior Court
Case No.: RIC 378953
 - b) Case: *City of Moreno Valley v. David Lerma*
Court: Riverside Superior Court
Case No. RIC 346259
- 2) SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION
Number of Cases: -3-
- 3) SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
Number of Cases: -3-

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

ADJOURNMENT