

**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.
OCTOBER 14, 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 – Pastor Steven R. Sperry, First Assembly of God

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 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute 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 THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

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 Items withdrawn for report/discussion will be heard after public hearing items.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 – REGULAR MEETING OF SEPTEMBER 23, 2003
(Report of: City Clerk’s Department)
Recommendation: Approve as submitted.
- A3. ANNUAL REVIEW OF DEVELOPMENT AGREEMENT FOR THE TOWNGATE SPECIFIC PLAN (SP 200) (Report of: Community and Economic Development Department)
Recommendation: Determine that the property owner(s) has complied in good faith with the terms and conditions of the Development Agreement for the Towngate Specific Plan.
- A4. PA02-0117 – RETAIL AND MINI-STORAGE FACILITY – ACCEPT AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, EAST SIDE OF PERRIS BOULEVARD BETWEEN RED MAPLE LANE AND KRAMERIA AVENUE (4M RED MAPLE, LLC) (Report of: Public Works Department)
Recommendation: Accept the bonds and the Agreement for Public Improvements for PA02-0117; 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.
- A5. PA02-0109 – LA PACIFICA APARTMENTS – ACCEPT AGREEMENT AND LETTERS OF CREDIT FOR PUBLIC IMPROVEMENTS, NORTHWEST CORNER OF HEMLOCK AVENUE AND GRAHAM STREET (M. TIMM DEVELOPMENT) (Report of: Public Works Department)

Recommendation: Accept the Letters of Credit and the Agreement for Public Improvements for PA02-0109; 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.

- A6. NOTICE OF COMPLETION AND ACCEPTANCE OF THE EUCALYPTUS AVENUE SIDEWALK, EAST OF WICHITA WAY, FEDERAL AID NO. STPLHSR-5441 (035), PROJECT NO. 02-12568120 (Report of: Public Works Department)

Recommendation: Accept the work as complete for the Eucalyptus Avenue Sidewalk East of Wichita Way, Federal Aid No. STPLHSR-5441 (035), Project No. 02-12568120, constructed by EGN Construction, Inc., Upland, California, 91785, direct the City Clerk to record the Notice of Completion within ten 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 EGN Construction, 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 accept the improvements into the City-maintained road system.

- A7. NOTICE OF COMPLETION AND ACCEPTANCE OF THE TRAFFIC SIGNAL AT KITCHING STREET AND KRAMERIA AVENUE, PROJECT NO. 02-12566921 (Report of: Public Works Department)

Recommendation: Accept the work as complete for the Traffic Signal at Kitching Street and Krameria Avenue, Project No. 02-12566921, constructed by Holland-Lowe Construction, Inc., 427 South Pershing Avenue, San Bernardino, California 92408; direct the City Clerk to record the Notice of Completion within ten 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 EGN Construction, 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 accept the improvements into the City-maintained road system.

- A8. APPROVAL OF FINAL MAP 29732 – ACCEPT AGREEMENT AND BONDS FOR PUBLIC RIGHT OF WAY IMPROVEMENTS, NORTHEAST CORNER OF IRIS AVENUE AND OLIVER STREET (GREYSTONE HOMES, INC.) (Report of: Public Works Department)

Recommendation: Approve Final Map 29732, 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.

- A9. APPROVAL OF FINAL MAP 29732-2 – ACCEPT AGREEMENT AND BONDS FOR PUBLIC RIGHT OF WAY IMPROVEMENTS, NORTHEAST CORNER OF IRIS AVENUE AND OLIVER STREET (Report of: Public Works Department)

Recommendation: Approve Final Map 29732-2, 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. AUTHORIZATION TO CONDUCT A FULL STREET AND SIDEWALK CLOSURE ON A PORTION OF LEGENDARY DRIVE FROM OCTOBER 15, 2003 TO DECEMBER 5, 2003 (Report of: Public Works Department)

Recommendation: Authorize the following full street closure in conjunction with the construction of Tract 29732-2: Legendary Drive from Via De La Real to South Access Road from October 15, 2003 to December 5, 2003.

- A11. REQUEST TO REJECT ALL BIDS, ADOPT REVISED SPECIFICATIONS, AND AUTHORIZE RE-ADVERTISING FOR CONSTRUCTION BIDS FOR THE STREET IMPROVEMENTS ON ELSWORTH STREET FROM SHERMAN AVENUE TO BAY AVENUE, AND SHERMAN AVENUE FROM FARRAGUT AVENUE TO ELSWORTH STREET, PROJECT NO. 02-14568622 (Report of: Public Works Department)

Recommendation: Reject all bids received for the construction of Street Improvements on Elsworth Street from Sherman Avenue to Bay Avenue, and Sherman Avenue from Farragut Avenue to Elsworth Street; adopt the revised specifications; and authorize the City Clerk to re-advertise the subject project for construction bids.

- A12. SECOND AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES (Report of: Public Works Department)

Recommendation: Approve the Second Amendment to Agreement for Professional Consultant Services with SA Associates, 1130 West Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services; authorize the Mayor to execute said Second Agreement for Professional Consultant Services with SA Associates; and authorize an increase in the Purchase Order to SA Associates in the amount of \$75,000 to a total amount of

\$174,000, when the Second Amendment to Agreement for Professional Consultant Services has been signed by all parties.

- A13. AUTHORIZATION TO CONDUCT A FULL STREET CLOSURE ON MORNING DOVE WAY AND PARTIAL STREET CLOSURES OF PALA FOXIA PLACE AND LASSELLE STREET FOR THE DEPARTMENT OF WATER RESOURCES (DWR) TO REPAIR THE SANTA ANA VALLEY PIPELINE TO LAKE PERRIS FROM NOVEMBER 6, 2003 THRU NOVEMBER 23, 2003 (Report of: Public Works Department)

Recommendation: Authorize the following full street closure and partial street closures in conjunction with DWR to repair the Santa Ana Valley Pipeline to Lake Perris: Full street closure at the DWR easement crossing at Morning Dove Way, located between Kensington Place and Heather Glen Road; Partial street closure at the DWR easement crossing on Pala Foxia Place, located between Morton Road and Lewisia Avenue; and Partial street closure at the DWR easement crossing on Lasselle Street, located south of Rio Tierra and north of Rancho Verde High School.

- A14. RESOLUTION SUPPORTING BALLOT MEASURE PROTECTING LOCAL REVENUES (Report of: Administrative Services Department)

Recommendation: Adopt Resolution No. 2003-77 supporting a statewide ballot initiative to require voter approval before state government may shift local tax revenue for state purposes.

Resolution No. 2003-77

A Resolution of the City Council of the City of Moreno Valley, California, Supporting a Statewide Ballot Initiative to Require Voter Approval Before State Government May Take Local Tax Funds

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 SEPTEMBER 23, 2003
(Report of: City Clerk's Department)
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 SEPTEMBER 23, 2003
(Report of: City Clerk’s Department)
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 TO REINSTATE COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) AT THE FULL SERVICE LEVEL FOR TRACT 11848 - WEST SIDE OF GRAHAM STREET, BETWEEN SUNNYMEADOWS DRIVE AND OLD VALLEY DRIVE (Report of: Public Works Department)

Recommendation: That the City Council, acting in their respective capacities as President and Board Members of the Moreno Valley Community Services District (CSD), after conducting the public hearing:

1. Tabulate the mail ballot(s) to reinstate CSD Zone D maintenance to the Full Service Level in Tract 11848;
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. If approved, authorize and impose the adjusted CSD Zone D charge for Tract 11848.

- D2. PUBLIC HEARING REGARDING MAIL BALLOT PROCEEDINGS FOR TENTATIVE TRACT 27523 (AND ALL AFFECTED PHASES) FOR: 1) INCLUSION INTO COMMUNITY SERVICES DISTRICT (CSD) ZONES B (RESIDENTIAL STREET LIGHTING) AND D (PARKWAY LANDSCAPE MAINTENANCE); 2) APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION

SYSTEM (NPDES) REGULATORY RATE SCHEDULE (Report of: Public Works Department)

Recommendation: That the City Council and the Board of Directors of the Moreno Valley Community Services District (CSD), after conducting the public hearing:

1. Tabulate the mail ballot(s) for inclusion into the CSD Zones B and D programs, the corresponding annual charges, and approval of the NPDES regulatory rate schedule;
2. Verify and accept the results of the mail ballot proceedings 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. If approved, authorize and impose the annual CSD Zone B and D charges and NPDES regulatory rate.

D3. A PUBLIC HEARING REGARDING PA03-0026, A PLOT PLAN FOR THE CONSTRUCTION OF 304 MULTI-FAMILY RESIDENTIAL UNITS ON 15.2 ACRES ON THE EAST SIDE OF LASSELLE STREET BETWEEN IRIS AVENUE AND GENTIAN AVENUE)(CONTINUED FROM SEPTEMBER 2, 2003) (Report of: Community and Economic Development Department)

Recommendation: That the City Council conduct a public hearing regarding PA03-0026, a Plot Plan for the construction of 304 multi-family residential units on 15.2 acres, and subsequent to the public hearing;

1. Adopt a Negative Declaration for PA03-0026, in that the application will not result in significant environmental impacts; and
2. Adopt City Council Resolution No. 2003-68 approving PA03-0026 for the construction of 304 multi-family residential units on 15.2 acres, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit 1.

Resolution No. 2003-68

A Resolution of the City Council of the City of Moreno Valley,

California, Approving PA03-0026 (Plot Plan), for the Construction of 304 Multi-Family Residential Units on 15.2 acres at the Northeast Corner of Iris Avenue and Lasselle Street

D4. REVIEW AND APPROVAL OF THE CITY'S ADOPTION OF THE MULTI-SPECIES HABITAT CONSERVATION PLAN (MSHCP) AND ADOPTION OF MITIGATION FEE PERTAINING TO THE MSHCP (Report of: City Manager's Department)

Recommendation: A continuance is requested from October 14th City Council meeting to allow the agreements pertaining to the organizational structure of the MSHCP to be finalized. In late September, there was a change in direction from a Joint Powers Agency through Western Riverside Council of Governments (WRCOG) to the establishment of a separate Joint Powers Agency. On October 6th, the WRCOG Board approved revised agreements in concept. However, there are additional modifications that need to be made. Furthermore, the voting structure will need to be determined. Based on conferring with the City Attorney, it is recommended that the City Council does not consider approval of the MSHCP without also considering the agreements. The timing of the completion of the agreements is not known. Therefore, an indefinite continuance is recommended.

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

F. REPORTS

F1. CERTIFICATION OF INITIATIVE MEASURE TO REPEAL THE CITY'S UTILITY USER'S TAX (Report of: City Clerk's Department)

Recommendation: Pursuant to the requirements of California Elections Code §9215, the City Council must do one of the following:

- A. Adopt the ordinance (initiative measure) without alteration; or
- B. Order the ordinance to be submitted to the voters at the November 2, 2004 election; and
 - 1. Adopt Resolution No. 2003-74, ordering the submission of the initiative measure to repeal the City's utility user's tax to the qualified electors; and

Resolution No. 2003-74

A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Submission to the Qualified Electors of the City of Moreno Valley an Initiative Measure to Repeal the City's Utility User's Tax at the General Municipal Election to be Held on Tuesday, November 2, 2004

2. Adopt Resolution No. 2003-75, directing the City Attorney to prepare Impartial Analyses regarding said initiative measure; and

Resolution No. 2003-75

A Resolution of the City Council of the City of Moreno Valley, California, Directing the City Attorney to Prepare an Impartial Analysis Regarding the Measure Relating to the City's Utility Users Tax

3. Adopt Resolution No. 2003-76, providing for the filing of Rebuttal Arguments for said initiative measure; or

Resolution No. 2003-76

A Resolution of the City Council of the City of Moreno Valley, California, Providing for the Filing of Rebuttal Arguments for Initiative Measures Submitted at Municipal Elections

- C. Order a report on the effect of any or all of the following, said report to be submitted to the City Council within 30 days, after which time the City Council shall either adopt the ordinance or order the ordinance to be submitted to the voters at the November 2, 2004 election:

1. Its fiscal impact;
2. Its effect on the internal consistency of the City's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under §65008 of the Government Code and Chapters 4.2 (commencing with §65913) and 4.3 (commencing with §65915) of Division 1 of Title 7 of the Government Code;
3. Its effect on the use of land, the impact on the availability and location of housing, and the ability of the City to meet its regional housing needs;
4. Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools,

parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses;

5. Its impact on the community's ability to attract and retain business and employment;
6. Its impact on the uses of vacant parcels of land;
7. Its impact on agricultural lands, open spaces, traffic congestion, existing business districts, and developed areas designated for revitalization; and
8. Any other matters the City Council requests to be in the report.

F2. DEVELOPMENT SERVICES SERVICE LEVELS – REQUEST FOR ADDITIONAL DEVELOPMENT SERVICES STAFF (Report of: Community and Economic Development Department)

Recommendation: That the City Council appropriate funds in the FY 2003-2004 budget for the requested additional resources that are required to maintain Development Services service levels:

Community & Economic Development Department

- Building & Safety Division: 1 Building Inspector II
- Planning Division: 1 Senior Planner

Public Works Department

- Land Development Division: 1 Construction Inspector
1 Permit Technician I
1 Contract Construction Inspector

F3. LEGISLATIVE UPDATE (Report of: Administrative Services Department)

Recommendation: That the City Council receive, file and ratify the Legislative Status Report.

F4. 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. ORDINANCE NO. 638, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, (1) AMENDING THE MORENO VALLEY SPECIFIC ZONING DESIGNATION FOR PLANNING AREA 74 FROM PARK TO MEDIUM LOW DENSITY RESIDENTIAL; AND (2) AMENDING THE MORENO VALLEY RANCH SECOND AMENDMENT DEVELOPMENT AGREEMENT TO ALLOW PAYMENT OF FEES IN-LIEU OF DEDICATION OF PLANNING AREA 74 (INVOLVING PLANNING AREAS 69 AND 74, LOCATED AT THE SOUTHEAST CORNER OF CHAMPIONSHIP DRIVE AND JOHN F. KENNEDY DRIVE) (RECEIVED FIRST READING AND INTRODUCTION, AS AMENDED, SEPTEMBER 23, 2003 ON A 5-0 VOTE) (Report of: Community and Economic Development Department)
Recommendation: Adopt Ordinance No. 638.

Ordinance No. 638

An Ordinance of the City Council of the City of Moreno Valley, California, (1) Amending the Moreno Valley Specific Plan (Amendment No. 11) and the Official Zoning Atlas by Changing the Zoning Designation for Planning Area 74 from Park to Medium Low Density Residential; and (2) Amending the Moreno Valley Ranch Second Amendment Development Agreement to Allow Payment of Fees In-Lieu of Dedication of Planning Area 74 (Involving Planning Areas 69 and 74, Located at the Southeast Corner of Championship Drive and John F. Kennedy Drive)

- G2. ORDINANCE NO. 636, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 12.20.020 OF CHAPTER 12.20 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO A PRIMA FACIE SPEED LIMIT FOR CERTAIN STREETS) (RECEIVED FIRST READING AND INTRODUCTION ON SEPTEMBER 23, 2003) (Report of: Public Works Department)
Recommendation: Adopt Ordinance No. 636.

Ordinance No. 636

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code Relating to a Prima Facie Speed Limit for Certain Streets

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 BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

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

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 BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

- 1) SECTION 54956.9(a) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
- 2) SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION
Number of Cases: -2-
- 3) SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
Number of Cases: -2-

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

ADJOURNMENT