

**AGENDA**

**MORENO VALLEY CITY COUNCIL**

**FEBRUARY 13, 2001**

**CALL TO ORDER**

**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 matters 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) SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR
  - a) Property: APN: 485-042-028 (John F. Kennedy Park)  
City Negotiator: John Strickler  
Negotiating Party: TACIT Communications
  - b) Property: APN: 297-170-027 (Northeast corner of Frederick & Cactus)  
City Negotiator: Tom Breikreuz  
Property Owner: Ferguson Partners
  
- 2) SECTION 54956.9(a) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
  - a) Case: *City of Moreno Valley, et al. v. SCAG, et al*  
Court: Riverside Superior Court  
Case No.: RIC 354003
  - b) Case: *City of Moreno Valley v. David Lerma*  
Court: Riverside Superior Court  
Case No.: RSC 346259
  - c) Case: *Moreno Valley Coalition of Concerned Citizens v. City of Moreno Valley*  
Court: Riverside Superior Court  
Case No.: RIC 346812

**(CLOSED SESSION CONTINUED)**

- 3) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
  - a) SECTION 54956.9(b)(1) - Significant exposure to litigation  
Number of Potential Cases: 2
  - b) SECTION 54956.9(c) - Initiation of litigation  
Number of Potential Cases: 1

4) SECTION 54957 – PUBLIC EMPLOYEE APPOINTMENT  
Position: Senior Engineer/Land Development

5) SECTION 54957.6 – LABOR NEGOTIATIONS  
Agency Negotiator: City Manager  
Employee Organization: Moreno Valley City Employees Association

**AGENDA**

**JOINT MEETING OF THE  
MORENO VALLEY CITY COUNCIL  
MORENO VALLEY COMMUNITY SERVICES DISTRICT  
MORENO VALLEY COMMUNITY REDEVELOPMENT AGENCY**

**REGULAR MEETING - 7:00 P.M.  
FEBRUARY 13, 2001**

- **CALL TO ORDER** (Joint Meeting of the City Council, Community Services District, and the Community Redevelopment Agency - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

- **PLEDGE OF ALLEGIANCE**

- **INVOCATION** – Pastor Steve Overton, Christian Chapel

- **ROLL CALL**

- **INTRODUCTIONS**

- **SPECIAL PRESENTATIONS**

1. Officer of the Year 2000 – Officer Don Anderson
2. Presentation to the City of Moreno Valley from the United Way of the Inland Valleys given by Jamil Dada
3. Update by Southern California Edison on State energy issues

- 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 MORENO VALLEY CITY COUNCIL, COMMUNITY SERVICES DISTRICT, AND COMMUNITY REDEVELOPMENT AGENCY**

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. TRACT 21322 – REDUCE FAITHFUL PERFORMANCE BOND – PARKLAND AVENUE AND BETH COURT, WEST OF HEACOCK STREET AND SOUTH OF MANZANITA AVENUE (Report of: Director of Public Works/City Engineer)

Recommendation: Approve a 90% reduction to the Faithful Performance Bond and instruct the City Clerk to process the 90% reduction to the Faithful Performance Bond

A3. PARCEL MAP 24350, PARCELS 1, 3 & 4 – AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION) – MORTON ROAD, BETWEEN FRANKHALE ROAD AND PENUNURI PLACE (Report of: Director of Public Works/City Engineer)

Recommendation: That the City Council authorize the Mayor to execute the Amendment to Agreement for Public Improvements.

A4. MINUTES – REGULAR MEETING OF DECEMBER 12, 2000 (Report of: Acting City Clerk)

Recommendation: Approve as submitted.

A5. MINUTES – SPECIAL MEETING OF DECEMBER 19, 2000 (Report of: Acting City Clerk)

Recommendation: Approve as submitted.

A6. MINUTES – SPECIAL MEETING OF JANUARY 2, 2001 (Report of: Acting City Clerk)

Recommendation: Approve as submitted.

A7. MINUTES – SPECIAL, CONTINUED SPECIAL AND REGULAR MEETING OF JANUARY 9, 2001 (Report of: Acting City Clerk)

Recommendation: Approve as submitted.

A8. MINUTES – CONTINUED SPECIAL MEETING AND REGULAR MEETING OF JANUARY 23, 2001 (Report of: Acting City Clerk)

Recommendation: Approve as submitted.

A9. STATE AND FEDERAL LEGISLATIVE ADVOCACY PRIORITIES (CONTINUED FROM JANUARY 23, 2001) (Report of: Assistant City Manager)

Recommendation: Approve the State/Federal Legislative Advocacy Priorities Policy.

A10. QUARTERLY INVESTMENT REPORT – QUARTER ENDED DECEMBER 31, 2000 (Report of: Director of Finance/City Treasurer)

Recommendation: Approve and accept the quarterly investment report, in Compliance with California Government Code Section 53646.

**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 DECEMBER 12, 2000 (Report of: Acting City Clerk)**

Recommendation: Approve as submitted.

**B3. MINUTES – REGULAR MEETING OF JANUARY 9, 2001 (Report of: Acting City Clerk)**

Recommendation: Approve as submitted.

**B4. MINUTES – REGULAR MEETING OF JANUARY 23, 2001 (Report of: Acting City Clerk)**

Recommendation: Approve as submitted.

**B5. NOTICE OF AWARD CONSTRUCTION CONTRACT PROJECT NO. SL 00/01 CITYWIDE STREETLIGHT INSTALLATION – VARIOUS LOCATIONS**

(Report of: Director of Public Works/City Engineer)

Recommendation: Award the construction contract for Project No. SL 00/01 to DBX, Inc., Temecula, CA, the lowest responsible bidder; authorize the Mayor to execute a contract with DBX, Inc., and authorize the issuance of a purchase order to DBX, Inc. in the amount of \$172, 019.10 (the amount of bid plus contingency), when the contract has been signed by all parties (Account No. 172.87220.7200).

**B6. REQUEST TO ADVERTISE A NOTICE REQUESTING PROPOSALS – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-1/01 – MAINTENANCE OF PARKWAY AND MEDIAN LANDSCAPING AND IRRIGATION – TOWNGATE CENTER (Report of: Director of Public Works/City Engineer)**

Recommendation: Adopt the area maps and maintenance specifications, which are on file in the office of the Director of Public Works; acknowledge the previous Environmental Determinations relating to the existing landscape areas as approved per Specific Plan 200 EIR Certification, and authorize the City Clerk to advertise a Notice Requesting Proposals for Project E-1/01.

**B7. REQUEST TO ADVERTISE A NOTICE REQUESTING PROPOSALS - MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-2/01 - MAINTENANCE OF PARKWAY OPEN SPACE LANDSCAPING AND IRRIGATION - HIDDEN SPRINGS (Report of: Director of Public Works/City Engineer)**

Recommendation: Adopt the area maps and maintenance specifications, which are on file in the office of the Director of Public Works; acknowledge the previous Environmental Determinations relating to the existing landscape areas as approved per Specific Plan 195 EIR Certification, and authorize the City Clerk to advertise a Notice Requesting Proposals for Project E-2/01.

**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 DECEMBER 12, 2000 (Report of: Acting City Clerk)**

Recommendation: Approve as submitted.

C3. MINUTES – REGULAR MEETING OF JANUARY 9, 2001 (Report of: Acting City Clerk)  
Recommendation: Approve as submitted.

C4. MINUTES – REGULAR MEETING OF JANUARY 23, 2001 (Report of: Acting 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. RESOLUTION NO. 2001-04, AND RESOLUTION NO. 2001-05, DETERMINING THAT A MATERIAL BREACH OF LICENSE HAS OCCURRED AND DIRECTING TCI CABLEVISION OF CALIFORNIA, INC., (“TCI”) AND AMERICAN CABLE TV INVESTORS 5, LTD (“ACT-V”) TO RESCIND OR CAUSE THE RESCISSION OF CERTAIN TRANSACTIONS THAT HAVE RESULTED IN THE TRANSFER OF TCI’S AND ACT-V’S LICENSES (Report of: Assistant City Manager)  
Staff recommends that the City Council:

1. Approve Resolution No. 2001-04, determining that a material breach of license has occurred and directing American Cable TV Investors 5, LTD (“ACT-V”) to rescind or cause the rescission of certain transactions that have resulted in the transfer of ACT-V’s license and all rights and incidents of ownership associated therewith to Century-TCI of California, L.P (“Century-TCI”) an entity controlled by Adelpia Communications Corporation (“Adelpia”) and setting forth the grounds and reasons therefor.

Resolution No. 2001-04

A Resolution of the City Council of the City of Moreno Valley, California, Determining that a Material Breach of License has Occurred and Directing TCI Cablevision of California, Inc. (“TCI”) to Rescind or Cause the Rescission of Certain Transactions that have Resulted in the Transfer of TCI’s License and all Rights and Incidents of Ownership Associated Therewith, to Century/TCI of California, L.P. (“Century/TCI”) an Entity Controlled by Adelpia Communications Corporation (“Adelpia”) and Setting Forth the Grounds and Reasons Therefor

2. Approve Resolution No. 2001-05, determining that a material breach of license has occurred and directing TCI Cablevision of California, Inc., (“TCI”) to rescind or cause the rescission of certain transactions that have resulted in the transfer of TCI’s license and all rights and incidents of ownership associated therewith, to Century/TCI of California, L.P. (“Century/TCI”) an entity controlled by Adelpia Communications Corporation (“Adelpia”) and setting forth the grounds and reasons therefor.

Resolution No. 2001-05

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

Determining that a Material Breach of License has Occurred and Directing TCI Cablevision of California, Inc. ("TCI") to Rescind or Cause the Rescission of Certain Transactions that have Resulted in the Transfer of TCI's License and all Rights and Incidents of Ownership Associated Therewith, to Century/TCI of California, L.P. ("Century/TCI") an Entity Controlled by Adelphia Communications Corporation ("Adelphia") and Setting Forth the Grounds and Reasons Therefor

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

### **F. REPORTS**

F1. LEGISLATIVE UPDATE (Report of: Assistant City Manager)

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

F2. APPOINTMENTS TO THE PLANNING COMMISSION (Report of: Assistant City Clerk)

Recommendation: That the City Council:

1. Review the ballot (to be provided by the City Clerk) for the appointments to the Planning Commission and mark your choices where appropriate;
2. Appoint four (4) members for a term expiring January 1, 2005;
3. If the appointment(s) are not made, authorize the City Clerk to re-notice the position(s) as vacant.

### **G. LEGISLATIVE ACTIONS**

ORDINANCES - 1ST READING & INTRODUCTION - NONE

ORDINANCES - 2ND READING & ADOPTION - NONE

ORDINANCES - URGENCY ORDINANCES

G1. ORDINANCE ESTABLISHING MINIMUM NOTIFICATION REQUIREMENTS TO SUBSCRIBERS PRIOR TO THE TERMINATION OF CABLE TELEVISION SERVICE, THE TERMINATION OR ABANDONMENT OF A CABLE SYSTEM, AND/OR THE CANCELLATION OR ABANDONMENT OF SUBSCRIBER CONTRACT RELATING TO THE PROVISION OF CABLE SERVICES FOR A SUBSTANTIAL PORTION OF TOTAL SUBSCRIBERS, AND PROVIDING REMEDIES AND ENFORCEMENT MECHANISMS IN RELATION THERETO AND DECLARING THIS ORDINANCE TO BE AN URGENCY MEASURE (Report of: Assistant City Manager)

Recommendation: That the City Council introduce Ordinance No. 584 of the City of Moreno Valley, California, establishing minimum notification requirements to subscribers prior to the termination of cable television service, the termination or abandonment of a cable system and/or the cancellation or abandonment of subscriber contract relating to the provision of cable services for a substantial portion of total subscribers and providing remedies and enforcement mechanisms in relation thereto and declaring this Ordinance to be an urgency

measure. (Roll Call Required)

Ordinance No. 584

An Ordinance of the City Council of the City of Moreno Valley Establishing Minimum Notification Requirements to Subscribers Prior to the Termination of Cable Television Service, the Termination or Abandonment of a Cable System, and/or the Cancellation or Abandonment of Subscriber Contract Relating to the Provision of Cable Services for a Substantial Portion of Total Subscribers, and Providing Remedies and Enforcement Mechanisms in Relation Thereto and Declaring this Ordinance to be an Urgency Measure

RESOLUTIONS - NONE

- **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**

AGENDA

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FEBRUARY 13, 2001