

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

AUGUST 27, 2002

CALL TO ORDER

SPECIAL PRESENTATIONS – 6:00 p.m.

1. Presentation of the California Integrated Waste Management Board Award to the City of Moreno Valley for Meeting the Goals of the California Integrated Waste Management Act (AB 939)

**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.
AUGUST 27, 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 Rich Hall, CrossWinds Church

- **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, 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 JULY 9, 2002(Report of: City Clerk)
Recommendation: Approve as submitted.
- A3. PA01-0018 – MINI-STORAGE FACILITY – ACCEPT AGREEMENT & BONDS FOR PRIVATE LANDSCAPING AND IRRIGATION IMPROVEMENTS (U-HAUL FACILITY AT 23700 SUNNYMEAD BLVD.) (K-BAR CONSTRUCTION) (Report of: Director of Public Works/City Engineer)
Recommendation: Accept the bonds and authorize the Mayor to execute the Agreement for the Construction of Private Landscaping and Irrigation Improvements for PA01-0018 and instruct the City Clerk to forward the completed Agreement for the Construction of Private Landscaping and Irrigation Improvements to the Riverside County Recorder’s office for recordation.
- A4. WARRANT REPORT – JUNE, 2002 (Report of: Director of Finance/City Treasurer)
Recommendation: Adopt Resolution No. 2002-54, approving the Warrant Report, dated June, 2002 in the total amount of \$12,309,715.94.

Resolution No. 2002-54

A Resolution of the City Council of the City of Moreno Valley, California,
Approving the Warrant Report Dated June 30, 2002

- A5. WARRANT REPORT – JULY, 2002 (Report of: Director of Finance/City Treasurer)
Recommendation: Adopt Resolution No. 2002-55, approving the Warrant Report, dated July 31, 2002 in the total amount of \$7,271,832.31.

Resolution No. 2002-54

A Resolution of the City Council of the City of Moreno Valley, California,
Approving the Warrant Report Dated July 31, 2002

- A6. NOTICE OF COMPLETION AND ACCEPTANCE OF NASON STREET TRAFFIC SIGNAL IMPROVEMENTS AT THE INTERSECTIONS OF ALESSANDRO BOULEVARD, COTTONWOOD AVENUE, AND EUCALYPTUS AVENUE, PROJECT NO. 97-25897-2, FEDERAL-AID NO. CMLG-5441 (034) (Report of: Director of Public Works/City Engineer)
Recommendation: Ratify Contract Change Order Nos. 1 and 2; accept the work for the Nason Street traffic signal improvements at the intersections of Alessandro Boulevard, Cottonwood Avenue, and Eucalyptus Avenue, constructed by DBX, Inc., 42066 Avenida Alvarado, Suite C, Temecula, California, 92590, as complete; 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 DBX, 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. YOUTH OPPORTUNITIES PROGRAM (Report of: Director of Community and Economic Development)
Recommendation: Accept funding of \$1.6 million from Riverside County to operate the Youth Opportunities Program and authorize the City Manager to execute an agreement with the Riverside County Economic Development Agency for \$1.6 million for the period beginning July 1, 2002 and ending June 30, 2004 and the additional staff positions required to operate the grant.

- A8. FINAL MAP 28568-1 – SINGLE FAMILY RESIDENTIAL PROJECT – AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION) – SOUTHWEST CORNER OF CACTUS AVENUE AND JOHN F. KENNEDY DRIVE (RYLAND HOMES) (Report of: Director of Public Works/City Engineer)
Recommendation: Authorize the Mayor to execute the Amendment to Agreement for Public Improvements for Final Map 28568-1; and instruct the City Clerk to forward the completed Amendment to Agreement for Public Improvements to the County Recorder’s Office for recordation.
- A9. FINAL MAPS 21040 AND 21040-5 – AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION) – NORTH OF ELDER AVENUE AND EAST OF MORRISON STREET (PROCOPIUS LAND COMPANY) (Report of: Director of Public Works/City Engineer)
Recommendation: Authorize the Mayor to execute the Amendments to Agreement for Public Improvements for Final Maps 21040 and 21040-5.
- A10. FINAL MAP 21461 – ACCEPT SUBSTITUTION OF BONDS AND AGREEMENT FOR PUBLIC RIGHT OF WAY IMPROVEMENTS – SOUTH SIDE OF SUNNYMEAD RANCH PARKWAY AND EAST OF PIGEON PASS ROAD (SUNNYMEAD RANCH, LLC) (Report of: Director of Public Works/City Engineer)
Recommendation: Accept the substitution of bonds and Agreement for Public Improvements for Final Map 21461; authorize the Mayor to execute the agreement; direct the City Clerk to forward the signed agreement to the County Recorder’s Office for recordation; and instruct the City Engineer to prepare the exoneration of the Faithful Performance Bond and Material & Labor Bond placed by Premier Group, Inc., upon acceptance of the substitution bonds and agreement.
- A11. EXTENSION OF THE ESTABLISHED SERVICE AUTHORITY FOR THE ABANDONED VEHICLE ABATEMENT PROGRAM (Report of: Director of Community and Economic Development)
Recommendation: Adopt Resolution No. 2002-56 amending Resolution No. 98-22 and extending the established service authority for the Abandoned Vehicle Abatement Program to May 31, 2014.

Resolution No. 2002-56

A Resolution of the City Council of the City of Moreno Valley, California, for Extension of the Established Service Authority for the Abandoned Vehicle Abatement Program

- A12. FIRE SERVICES CONTRACT RENEWAL (Report of: City Manager)
 Recommendation: Approve the cooperative agreement between Riverside County and the City of Moreno Valley for Fire Services.
- A13. REMOVAL OF TRUCK PARKING ON THE SOUTH SIDE OF ALESSANDRO BOULEVARD, WEST OF GRANT ST. (Report of: Director of Public Works/City Engineer)
 Recommendation: Authorize the elimination of the remaining 470 feet of truck parking on the south side of Alessandro Boulevard west of Grant Street.
- A14. NOTICE OF COMPLETION AND ACCEPTANCE OF THE MEDIAN NOSE MODIFICATIONS AT VARIOUS LOCATIONS, STORM DRAIN IMPROVEMENTS AT FREDERICK STREET AND ALESSANDRO BOULEVARD, AND INTERSECTION CROSSGUTTER IMPROVEMENTS AT PIGEON PASS ROAD AND IRONWOOD AVENUE, PROJECT NOS. 98-26765, 98-21767, 98-21768 (Report of: Director of Public Works/City Engineer)
 Recommendation: Ratify Contract Change Order No. 1; accept the work as completed for the median nose modifications at various locations, storm drain improvements at Frederick Street and Alessandro Boulevard, and intersection crossgutter improvements at Pigeon Pass Road and Ironwood Avenue, constructed by H & H General Contractors, Inc., of San Bernardino, 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; authorize the Director of Finance to release the retention to H & H General Contractors, 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 Nos. 426.76520.125.66121, and 125.66621); and accept the improvements into the City's maintained road system.
- A15. SIXTH AMENDMENT TO POLICE CONTRACT (Report of: Chief of Police)
 Recommendation: Approve the Sixth Amendment to the police contract.

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 JULY 9, 2002 (Report of: City Clerk)
Recommendation: Approve as submitted.
- B3. NAMING OF ROLLER HOCKEY/SKATEBOARD PARK AT MARCH FIELD PARK (Report of: Director of Parks and Recreation)
Recommendation: Adopt the name as approved and submitted by the Parks and Recreation Advisory Committee for the facility currently referred to as the Roller Hockey/Skateboard Park be named “Valley Skate Park”.
- B4. REPLACEMENT OF PLAY SURFACES AND REPAIR/REPLACEMENT OF RUBBERIZED SURFACES AT THREE CITY PARKS (Report of: Director of Parks and Recreation)
Recommendation: Award a purchase order to Miracle Playground Sales, 27464 Commerce Center Drive, Suite 1, Temecula, California 92590 for material and labor to replace play structures and repair/replace rubberized surfaces at three City park playgrounds; and authorize the Finance Director to execute the necessary documents in an amount not to exceed \$171,300 as appropriated in FY 02/03, in account code 161.76210.6641.648.

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 JULY 9, 2002(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. A PUBLIC HEARING ON THE PLANNING COMMISSION’S JULY 25, 2002 APPROVAL RECOMMENDATION OF A GENERAL PLAN AMENDMENT (PA02-0024), AND A ZONE CHANGE (PA02-0023) FROM THE CURRENT R5 ZONE TO THE R10 ZONE, AND A PLOT PLAN FOR A SENIOR CITIZEN APARTMENT PROJECT (PA02-0022) TO BE

LOCATED ON 9.39 ACRES LOCATED ON THE NORTH SIDE OF COTTONWOOD AVE. AND EAST OF PERRIS BLVD. AT WATSON WAY AS A SENIOR HOUSING PROJECT, THE PROPOSED PLOT PLAN QUALIFIES FOR A 100% DENSITY BONUS (Report of: Director of Community and Economic Development)

Recommendation: That the City Council conduct a public hearing for review of the action taken by the Planning Commission recommending approval of a General Plan Amendment, a Zone Change, and a Plot Plan for a senior citizen apartment project, and subsequent to the public hearing;

1. Adopt a Negative Declaration for a General Plan Amendment (PA02-0024), a Zone Change (PA02-0023), and a Plot Plan for a senior citizen apartment project (PA02-0022), in that this application will not result in significant environmental impacts;
2. Adopt City Council Resolution No. 2002-57 approving a General Plan Amendment (PA02-0024), based on the findings in the Resolution, and the revised General Plan as attached to the resolution as Exhibit 1;

Resolution No. 2002-57

A Resolution of the City Council of the City of Moreno Valley, California, Approving a General Plan Amendment (PA02-0024) Changing the Land Use Designation from Residential 5 to Residential 10 for 9.39 Acres Located on the North Side of Cottonwood Avenue and East of Perris Boulevard at Watson Way

3. Introduce City Council Ordinance No. 606 approving a Zone Change (PA02-0023) based on the findings in the Ordinance, and the revised Zoning Map as attached to the ordinance as Exhibit 1; and

Ordinance No. 606

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Zone Change (PA02-0023), From R5 to R10 for 9.39 Acres Located on the North Side of Cottonwood Avenue and East of Perris Boulevard at Watson Way

4. Adopt City Council Resolution No. 2002-58 approving Plot Plan PA02-0022 for a senior citizen apartment project, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit 1.

Resolution No. 2002-58

A Resolution of the City Council of the City of Moreno Valley, California, Approving Plot Plan PA02-0022 for a 174-Unit Senior Citizen Apartment Project to be Located on the North Side of Cottonwood Avenue and East of Perris Boulevard at Watson Way

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

F. REPORTS

- F1. REPORT TO CONSIDER PUBLIC COMMENTS REGARDING COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) MAIL BALLOT PROCEEDING FOR TENTATIVE TRACTS 30316, 30319, 29509 (AND ALL AFFECTED PHASES FOR EACH TENTATIVE TRACT (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 Tracts 30316, 30319, 29509 (and all affected phases for each tentative tract) into the CSD Zone B (Residential Street Lighting) and the annual service charge.
- F2. RECOMMENDATION TO ENTER INTO A CONTRACT WITH THE PEPSI BOTTLING GROUP (PBG) FOR AN EXCLUSME SOFT DRINKS DISTRIBUTION PARTNERSHIP AGREEMENT FOR A TEN-YEAR PERIOD (Report of: Director of Parks and Recreation)
Recommendation: That the City Council, acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District, approve the proposal of the Pepsi Bottling Group (PBG) and authorize the City Manager to enter into a contract with PBG for exclusive soft drink distribution for a ten-year period, substantially upon the terms and conditions set forth in the agreement and in form and substance acceptable to the City Manager and City Attorney.
- F3. REPORT ON ADELPHIA (Report of: Assistant City Manager)
Recommendation: That the City Council receive and file this report.

F4. APPROVE JOINT DEVELOPMENT AND USE AGREEMENT BETWEEN RIVERSIDE COMMUNITY COLLEGE DISTRICT MORENO VALLEY CAMPUS, THE CITY OF MORENO VALLEY AND MORENO VALLEY COMMUNITY SERVICES DISTRICT; AND APPROVE AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN RIVERSIDE COMMUNITY COLLEGE DISTRICT MORENO VALLEY CAMPUS, THE CITY OF MORENO VALLEY, AND MORENO VALLEY COMMUNITY SERVICES DISTRICT (Report of: Director of Parks and Recreation)

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

1. Approve the Joint Development and Use Agreement between the Riverside Community College District (RCCD) Moreno Valley Campus, the City of Moreno Valley (City) and the Moreno Valley Community Services District (CSD) for the construction, maintenance and use of park facilities at a site within a portion of the RCCD Moreno Valley Campus; and
2. Approve the amendment to the Joint Exercise of Powers Agreement adding the Moreno Valley Community Services District as a party to the agreement previously entered into between the City and RCCD.

F5. APPOINTMENTS TO THE ACCESSIBILITY APPEALS BOARD AND TRAFFIC SAFETY ADVISORY COMMITTEE (Report of: City Clerk)

Recommendation: That the City Council:

1. Review the ballot (to be provided by the City Clerk) for appointments to the Traffic Safety Advisory Committee and appoint two members for terms expiring June 30, 2005;
2. Appoint Tommy L. Lewis to the Accessibility Appeals Board as Public Representative with a term expiring June 30, 2003; or
3. If appointments are not made, declare the positions vacant and authorize the City Clerk to re-notice the positions as vacant.

F6. APPROVAL OF CITY SPONSORSHIP FOR SPECIAL EVENTS (Report of: Director of Parks and Recreation)

Recommendation: That the City Council approve the City Sponsorship Policy for Special Events.

- F7. 800 MHZ RADIO STATUS OF UPGRADE – ORAL PRESENTATION BY JOHN WALKER, INFORMATION TECHNOLOGY, COUNTY OF RIVERSIDE (Report of: Chief of Police)
Recommendation: That the City Council receive the oral presentation from John Walker, County of Riverside, Information Technologies, on the status of the 800 MHz radio upgrade.
- F8. LEGISLATIVE UPDATE (Report of: Assistant City Manager)
Recommendation: Receive and file the Legislative Status Report.
- F9. CITY MANAGER'S REPORT (Informational Oral Presentation only - not for Council action)

G. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION

- G1. SPEED LIMIT RECERTIFICATION OF STREET SEGMENTS DEFERRED FOR FURTHER STUDY ON JULY 9, 2002 (Report of: Director of Public Works/City Engineer)
Recommendation: That the City Council:
 - 1. Receive and file this report; and
 - 2. Introduce Ordinance No. 607, amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code designating prima facie speed limits on certain streets (as listed on the ordinance) and directing the City Engineer to take certain action in respect thereto. (Roll call required)

Ordinance No. 607

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

- G2. DISCHARGE OF FIREARMS ORDINANCE (CONTINUED FROM 6/11/02) (Report of: Chief of Police)
Recommendation: Continue the discussion of the introduction of the Discharge of Weapons Ordinance to the Study Session scheduled on September 17, 2002.

ORDINANCES - 2ND READING AND ADOPTION

- G3. ADOPTION OF ORDINANCE NO. 605, 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 JULY 9, 2002 ON A 4-1 VOTE, BATEY ABSENT) (Report of: Director of Public Works/City Engineer)
Recommendation: Adopt Ordinance No. 605

Ordinance No. 605

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

RESOLUTIONS

- 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

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) 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: -1-

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

ADJOURNMENT