

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

NOVEMBER 9, 2004

CALL TO ORDER

SPECIAL PRESENTATIONS - 6:00 p.m.

1. Proclamation Recognizing Toni Marie Muñoz Day
2. Recognition of Girl Scout Troop No. 161's Participation in the Adopt-a-Trail Program
3. America Recycles Day Recycling Recognition
4. Recognition of Home Depot for the Donation of Labor and Materials to Paint the Interior Walls of the March Field Park Community Center

**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 AND THE BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING - 6:30 P.M.
NOVEMBER 9, 2004**

CALL TO ORDER (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 and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor David Richardson, Jr. – Imani Praise Fellowship

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-D) 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 BOARD OF LIBRARY TRUSTEES

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees 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 OCTOBER 12, 2004 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.
- A3. MINUTES - SPECIAL MEETING OF OCTOBER 19, 2004 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.
- A4. AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE TEA AQUEDUCT BIKE TRAIL IMPROVEMENTS, PROJECT NO. 02-46165321 (Report of: Public Works Department)
Recommendation: Approve the 1st Amendment to Agreement for Professional Consultant Services with Engineering Resources of Southern California, Inc., 3550 East Florida Avenue, Suite B, Hemet, California 92544 to provide design engineering services for the Aqueduct Bike Trail Improvements; authorize the Mayor to execute the 1st Amendment to Agreement for Professional Consultant Services with Engineering Resources of Southern California, Inc.; and authorize an increase in the Purchase Order to Engineering Resources of Southern California, Inc. in the not-to-exceed amount of \$55,160.00 for Account No. 461.65321 when the 1st Amendment to Agreement has been signed by all parties.

- A5. REQUEST FOR PURCHASE OF TWENTY-SIX (26) BATTERY BACKUP SYSTEM COMPONENTS – PROJECT NUMBER 04-12567322 (Report of: Public Works Department)
Recommendation: Authorize the issuance of a Purchase Order to the JTB Supply Co., Inc. in the amount of \$162,776, which includes the purchase amount, plus 5% contingency (Account No. 125.67322.7400).
- A6. APPROVAL OF FINAL MAP 31889 – CONDOMINIUM PROJECT, AND ACCEPT BONDS & AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS - SOUTHWEST CORNER OF CACTUS AVENUE AND MORENO BEACH DRIVE - SUBDIVIDER - WESTERN PACIFIC HOUSING, 16755 VON KARMAN AVENUE, SUITE 200, IRVINE, CA 92606 (Report of Public Works Department)
Recommendation: Approve Final Map 31889, 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.
- A7. APPROVAL OF FINAL MAP 31890 – CONDOMINIUM PROJECT, AND ACCEPT BONDS & AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS - NORTHWEST CORNER OF JOHN F. KENNEDY DRIVE AND MORENO BEACH DRIVE - SUBDIVIDER - WESTERN PACIFIC HOUSING, 16755 VON KARMAN AVENUE, SUITE 200, IRVINE, CA 92606 (Report of: Public Works Department)
Recommendation: Approve Final Map 31890, 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 FINAL MAP 29920-1 – SINGLE FAMILY RESIDENTIAL PROJECT, AND ACCEPT BONDS & AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS - SOUTH SIDE OF IRIS AVENUE, EAST OF LASSELLE STREET - SUBDIVIDER - CHT INVESTMENT, LLC - 1000 DOVE STREET, SUITE 100 – NEWPORT BEACH, CA 92660 (Report of: Public Works Department)
Recommendation: Approve Final Map 29920-1; 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 29920-2 – SINGLE FAMILY RESIDENTIAL PROJECT, AND ACCEPT BONDS & AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS - SOUTH SIDE OF IRIS AVENUE, EAST OF LASSELLE STREET - SUBDIVIDER - CHT INVESTMENT, LLC - 1000 DOVE STREET, SUITE 100, NEWPORT BEACH, CA 92660 (Report of: Public Works Department)

Recommendation: Approve Final Map 29920-2, 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. FINAL MAP 27251-1 – SINGLE FAMILY RESIDENTIAL PROJECT, AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION) – NORTHEAST CORNER OF MORRISON STREET AND EUCALYPTUS AVENUE – SUBDIVIDER – RICHLAND MEADOWLAND, LTD. – 4100 NEWPORT PLACE, SUITE 800, NEWPORT BEACH, CA 92660 (Report of: Public Works Department)

Recommendation: Authorize the Mayor to execute the Amendment to Agreement for Public Improvements for Final Map 27251-1; and instruct the City Clerk to forward the completed Amendment to Agreement for Public Improvements to the County Recorder's Office for recordation.

- A11. APPROVAL OF FINAL MAP 32145 – CONDOMINIUM PROJECT, AND ACCEPT BONDS & AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS - NORTHEAST CORNER OF IRIS AVENUE AND LOS CABOS DRIVE - SUBDIVIDER - K. HOVNANIAN FORECAST HOMES, INC. 3536 CONCOURS STREET, SUITE 100 - ONTARIO, CA 91764 (Report of: Public Works Department)

Recommendation: Approve Final Map 32145, 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.

- A12. REQUEST ADOPTION OF PLANS AND SPECIFICATIONS, AND AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR THE TRAFFIC SIGNALS AT IRONWOOD AVENUE AND NASON STREET, PROJECT NO. 03-12566923, AND AT IRONWOOD AVENUE AND MORENO BEACH DRIVE, PROJECT NO. 03-12566723 (Report of: Public Works Department)
Recommendation: Adopt the plans and specifications on file in the office of the City Engineer; and authorize the City Clerk to advertise the project for construction bids.
- A13. MAIL BALLOT PROCEEDINGS FOR TENTATIVE TRACTS 31212 AND 31327 (AND ALL THE AFFECTED PHASES) FOR 1) INCLUSION INTO COMMUNITY SERVICES DISTRICT (CSD) ZONES B RESIDENTIAL STREET LIGHTING) AND D (PARKWAY LANDSCAPE MAINTENANCE) AND APPROVAL OF THE ANNUAL CHARGES; 2) APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE. TENTATIVE TRACT 31212 IS LOCATED ON THE EAST SIDE OF MORRISON STREET BETWEEN COTTONWOOD AVENUE AND BAY AVENUE. TENTATIVE TRACT 31327 IS LOCATED ON THE EAST SIDE OF MORRISON STREET BETWEEN BAY AVENUE AND ALESSANDRO BOULEVARD (Report of: Public Works Department)
Recommendation: Accept public comments regarding the mail ballot proceedings for Tentative Tracts 31212 and 31327 (and all their affected phases) for approval of the National Pollutant Discharge Elimination System (NPDES) regulatory rate schedule.
- A14. APPROVE THE ADDITION OF TWO NEW PART TIME CAREER CROSSING GUARD POSITION TO THE ADULT SCHOOL CROSSING GUARD PROGRAM TO STAFF THE INTERSECTIONS OF EUCALYPTUS AVENUE AT ELSWORTH STREET AND RED MAPLE LANE AT WESTERLY WAY (Report of: Public Works Department)
Recommendation: Approve the addition of two new part time career crossing guard positions to the Adult School Crossing Guard program to staff the intersection of Eucalyptus Avenue at Elsworth Street and the intersection of Red Maple Lane at Westerly Way; and approve the appropriation of \$15,200 from the General Fund Account Number 010-72110-6120 to fund the two additional part time career Adult School Crossing Guard positions for the remainder of the 2004/2005 fiscal year (December through June).

- A15. NOTICE OF COMPLETION AND ACCEPTANCE OF THE FISCAL YEAR 2003/2004 ANNUAL PAVEMENT RESURFACING PROGRAM, PROJECT NO. 03-12556330 (Report of: Public Works Department)

Recommendation: Ratify Contract Change Order Nos. 1, 2, and 3 (Final); accept the work as complete for the Fiscal Year 2003/2004 Annual Pavement Resurfacing Program, constructed by Sully-Miller Contracting Company, 1100 East Orangethorpe Avenue, Suite 200, Anaheim, California 92801; 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 Sully-Miller Contracting Company 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's maintained road system.

- A16. CONDITIONAL USE PERMIT 3105 – REDUCE FAITHFUL PERFORMANCE BOND BY 90% AND ADOPT RESOLUTION NO. 2004-75, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AUTHORIZING ACCEPTANCE OF THE PUBLIC RIGHT-OF-WAY IMPROVEMENTS AS COMPLETE AND ACCEPTING BOX SPRINGS ROAD INTO THE CITY MAINTAINED STREET SYSTEM - SUBDIVIDER – FOOTHILL BAPTIST CHURCH, 21401 BOX SPRINGS ROAD, MORENO VALLEY, CA 92557 (Report of: Public Works Department)

Recommendation: Approve a 90% reduction to the Faithful Performance Bond for Conditional Use Permit 3105; authorize the City Engineer to reduce the Faithful Performance Bond by 90%; and adopt Resolution No. 2004-75 authorizing the acceptance of the public right-of-way improvements for Conditional Use Permit 3105 as complete and accepting Box Springs Road into the City Maintained Street System.

Resolution No. 2004-75

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Right-of-Way Improvements as Complete Within Conditional Use Permit 3105, and Accepting Box Springs Road into the City Maintained Street System

- A17. NOTICE OF COMPLETION AND ACCEPTANCE OF THE NEWHOPE STREET IMPROVEMENT PROJECT, PROJECT NO. 01-12567421 (Report of: Public Works Department)

Recommendation: Ratify Contract Change Order No. 1 (Final);

accept the work as complete for the Newhope Street Improvement Project constructed by Sialic Contractors Corporation (DBA Shawnan), 12240 Woodruff Avenue, Downey, CA 90241; direct the City Clerk to record the Notice of Completion within ten (10) calendar 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 Sialic Contractors Corporation (DBA Shawnan) 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's maintained road system.

- A18. APPROVAL OF QUARTERLY INVESTMENT REPORT – QUARTER ENDED SEPTEMBER 30, 2004 (Report of: Finance Department)

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

- A19. WARRANT REPORT – SEPTEMBER, 2004 (Report of: Finance Department)

Recommendation: Adopt Resolution No. 2004-76, approving the Warrant Report, dated September, 2004 in the total amount of \$9,246,628.34.

Resolution No. 2004-76

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report Dated September 30, 2004

- A20. MORENO VALLEY RANCH SPECIFIC PLAN 193 – REDUCE PARK FACILITY PAYMENT BOND FOR PLANNING AREAS 24, 25, 32, 49A, AND 50 – SUBDIVIDER – MC KENZIE VISTA, LP, P.O. BOX 178, BOW, WA 98232 (Report of: Parks and Recreation Department)

Recommendation: Approve a \$507,108.42 reduction to the Park Facility Payment Bonds for Planning Areas 24, 25, 32, 49, 49A, and 50; and authorize the Director of Parks and Recreation to reduce the Park Facility Payment Bond by \$507,108.42.

- A21. LEASE AGREEMENT WITH AMR FOR FIRE STATION USE (CONTINUED FROM OCTOBER 12, 2004) (Report of: Assistant City Manager)
Recommendation: Continue this matter to November 23, 2004.
- A22. MODIFICATION TO CONDITIONS OF APPROVAL FOR TRACT 31128 TO PERMIT THE ISSUANCE OF ADDITIONAL BUILDING PERMITS (Report of: Parks and Recreation Department)
Recommendation: Approve the modification of the Conditions of Approval and allow DR Horton to obtain 73 building permits for Tract 31128 prior to the completion of the equestrian/multi-use trail.
- A23. APPROVAL OF PARCEL MAP 31781 – A THREE-PARCEL SUBDIVISION LOCATED WITHIN THE TOWNGATE SPECIFIC PLAN (SP200) – SOUTHWEST CORNER OF STATE ROUTE 60 AND FREDERICK STREET - SUBDIVIDER – FRITZ DUDA COMPANY - 3425 VIA LIDO, SUITE 250 NEWPORT BEACH, CA 92663 (Report of: Public Works Department)
Recommendation: Approve Parcel Map 31781, authorize the City Clerk to sign the map, and transmit said map 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 OCTOBER 12, 2004 (Report of: City Clerk)
Recommendation: Approve as submitted.
- B3. MAIL BALLOT PROCEEDINGS FOR TENTATIVE TRACTS 31212 AND 31327 (AND ALL THE AFFECTED PHASES) FOR: 1) INCLUSION INTO COMMUNITY SERVICES DISTRICT (CSD) ZONES B (RESIDENTIAL STREET LIGHTING) AND D (PARKWAY LANDSCAPE MAINTENANCE) AND APPROVAL OF THE ANNUAL CHARGES; 2) APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE. TENTATIVE TRACT 31212 IS LOCATED ON THE EAST SIDE OF MORRISON STREET BETWEEN COTTONWOOD AVENUE AND BAY AVENUE. TENTATIVE TRACT 31327 IS LOCATED ON THE EAST SIDE OF MORRISON STREET BETWEEN BAY AVENUE AND ALESSANDRO BOULEVARD (Report of: Public Works

Department)

Recommendation: Accept public comments regarding the mail ballot proceedings for Tentative Tracts 31212 and 31327 (and all their affected phases) for inclusion into CSD Zone B (Residential Street Lighting), CSD Zone D (Parkway Landscape Maintenance), and approval of the annual charges.

B4. APPROVE RESOLUTIONS AND FILING OF GRANT APPLICATIONS FOR PROPOSITION 40 GRANT BONDS (Report of: Parks and Recreation Department)

Recommendation: Approve the filing of an application for local assistance funds in the amount of \$1,000,000 (\$1 million) to be funded from the Youth Soccer and Recreation Development Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002; adopt Resolution No. CSD 2004-23 to certify the approval of the governing board to enter into this transaction with the California Department of Parks and Recreation for the purpose of applying for grant funding from the Youth Soccer and Recreation Development Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 and to authorize the designated personnel, as shown on the resolution, to sign contract documents for Fiscal Years 2004/2005 through 2012/2013; approve the filing of an application for local assistance funds in the amount of \$1,000,000 (\$1 million) to be funded from the State Urban Parks and Healthy Communities Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002; and adopt Resolution No. CSD 2004-24 to certify the approval of the governing board to enter into this transaction with the California Department of Parks and Recreation for the purpose of applying for grant funding from the State Urban Parks and Healthy Communities Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 and to authorize the designated personnel, as shown on the resolution, to sign contract documents for Fiscal Years 2004/2005 through 2012/2013.

Resolution No. CSD 2004-23

A Resolution of the City Council of the City of Moreno Valley, California, Acting in its Capacity as the Board of Directors of the Moreno Valley Community Services District Certifying the Approval of the Governing Board for the City of Moreno Valley Parks and Recreation Department to Apply for Grant Funds for the Youth Soccer and Recreation Development Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002

Resolution No. CSD 2004-24

A Resolution of the City Council of the City of Moreno Valley, California, Acting in its Capacity as the Board of Directors of the Moreno Valley Community Services District Certifying the Approval of the Governing Board for the City of Moreno Valley Parks and Recreation Department to Apply for Grant Funds for the State Urban Parks and Healthy Communities Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002

- B5. MORENO VALLEY RANCH SPECIFIC PLAN 193 – REDUCE PARK FACILITY PAYMENT BOND FOR PLANNING AREAS 24, 25, 32, 49, 49A, AND 50 – SUBDIVIDER – MC KENZIE VISTA, LP, P.O. BOX 178, BOW, WA 98232 (Report of: Parks and Recreation Department)

Recommendation: Approve a \$507,108.42 reduction to the Park Facility Payment Bonds for Planning Areas 24, 25, 32, 49, 49A, and 50; and authorize the Director of Parks and Recreation to reduce the Park Facility Payment Bond by \$507,108.42.

- B6. MODIFICATION TO CONDITIONS OF APPROVAL FOR TRACT 31128 TO PERMIT THE ISSUANCE OF ADDITIONAL BUILDING PERMITS (Report of: Parks and Recreation Department)

Recommendation: Approve the modification of the Conditions of Approval and allow DR Horton to obtain 73 building permits for Tract 31128 prior to the completion of the equestrian/multi-use trail.

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 OCTOBER 12, 2004 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D1. ORDINANCES - FIRST READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinance Introductions and read by title only.

- D2. MINUTES - REGULAR MEETING OF OCTOBER 12, 2004 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.

E. 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.

- E1. A PUBLIC HEARING FOR AN ASSUMPTION OF JURISDICTION BY CITY COUNCIL FOR A PLOT PLAN APPLICATION (PA03-0014) CONSISTING OF THREE INDUSTRIAL BUILDINGS ON A 73-ACRE PARCEL OF LAND WITHIN A BUSINESS PARK AND INDUSTRIAL LAND USE DISTRICT. THE PROPOSED PROJECT, SUBMITTED BY THE APPLICANT, KCT CONSULTANTS, IS LOCATED ON THE SOUTHEAST SECTION OF HEACOCK STREET AND IRIS AVENUE (CONTINUED FROM SEPTEMBER 28, 2004) (Report of Community & Economic Development Department)

Recommendation: That the City Council:

1. Adopt a Negative Declaration for PA03-0014 (Plot Plan), pursuant to the requirements of the California Environmental Quality Act (CEQA) Guidelines; and
2. Approve Resolution No. 2004-72, approving Plot Plan No. PA03-0014, based on the findings contained in the Resolution, and subject to the Conditions of Approval included as Exhibit A of the resolution.

Resolution No. 2004-72

A Resolution of the City Council of the City of Moreno Valley, approving PA03-0014, a Plot Plan to Construct Three Industrial Warehouse Buildings; Building "A" 449,040 Sq. Ft., Building "B" 649,682 Sq. Ft. and Building "C" 394,840 Sq. Ft. on a 73-Acre Parcel Within the Moreno Valley Industrial Specific Plan Area (SP208)

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

G. REPORTS

G1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

- a) Report on March Joint Powers Authority by Mayor Pro Tem Stewart

G2. TELECOMMUNICATIONS LICENSE AGREEMENT WITH SPRINT PCS ASSETS, LLC, A DELAWARE LIMITED LIABILITY COMPANY (Report of: Public Works Department)

Recommendation: Authorize the Mayor to execute a Telecommunications License Agreement with Sprint PCS Assets, LLC, a Delaware Limited Liability Company for approximately 792 square feet of ground space on the property known as John F. Kennedy Park.

G3. AFFIRMATION AND RATIFICATION OF RIGHT OF ENTRY AND ACCEPTANCE OF AGREEMENT FOR CONVEYANCE OF EASEMENT FROM MW INVESTMENT COMPANY TO CITY OF MORENO VALLEY; OR AFFIRMATION AND RATIFICATION OF RIGHT OF ENTRY, AND PROCEEDING WITH EMINENT DOMAIN FOR REAL PROPERTY INTERESTS AT SOUTHEAST CORNER OF DAY STREET AND IRONWOOD AVENUE, PROJECT NO. 04-41678724 (Report of: Public Works Department)

Recommendation: That the City Council:

1. Affirm and ratify the "Right of Entry Including Reservation of Right to Contest Compensation" and accept and authorize the Mayor to execute a modified "Agreement for Conveyance of Easement from MW Investment Company to City of Moreno Valley for Real Property Interests at Southeast Corner of Day Street and Ironwood Avenue, bearing Assessor Parcel No. 291-100-052."; OR
2. Affirm and ratify the "Right of Entry Including Reservation of Right to Contest Compensation" and proceed with eminent domain if unable to reach an agreement with MW Investment Company for real property interests at southeast corner of Day Street and Ironwood Avenue, bearing Assessor Parcel No. 291-100-52.

- G4. 2003-2004 LEGISLATIVE YEAR END SUMMARY (Report of: Assistant City Manager)
Recommendation: That the City Council receive and file the Legislative Year End Summary, which will be the final report for the year until the California Senate and Assembly reconvene and begin the 2005-2006 session.
- G5. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION

- H1. INTRODUCE ORDINANCE NO. 673 DESIGNATING SPEED LIMIT RECERTIFICATION ON VARIOUS STREETS (Report of: Public Works Department)
Recommendation: That the City Council:
1. Receive and file this report; and
 2. Introduce Ordinance No. 673, 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 respect thereto. (Roll call required)

Ordinance No. 673

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

ORDINANCES - 2ND READING AND ADOPTION

- H2. ORDINANCE NO. 672 EXTENDING INTERIM URGENCY ORDINANCE NO. 652 PROHIBITING THE ESTABLISHMENT OF INDOOR SWAP MEETS/MINI-MALLS PENDING ADOPTION OF A PERMANENT ORDINANCE (RECEIVED FIRST READING AND INTRODUCTION OCTOBER 19, 2004 ON A 5-0 VOTE) (Report of Community and Economic Development /City Attorney Department)
Recommendation: Adopt Ordinance No. 672.

Ordinance No. 672

An Ordinance of the City Council of the City of Moreno Valley, California, Further Extending Interim Urgency Ordinance 652, Prohibiting the Establishment of Indoor Swap Meets/Mini-Malls Pending the Completion of a Study and Adoption of Permanent Ordinances, Policies and Standards Pursuant to Section 65858 of the California Government Code

- H3. ORDINANCE NO. 670, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A MUNICIPAL CODE AMENDMENT (PA04-0085) TO CHANGE PARKING REQUIREMENTS FOR MULTIPLE-FAMILY RESIDENTIAL LAND USES IN TABLE 9.11.040A-12, AND SECTIONS 9.11.040.C, 9.11.060.B, AND 9.16.140.B22.D (RECEIVED FIRST READING AND INTRODUCTION OCTOBER 12, 2004 ON A 4-0-1 VOTE) (COUNCIL MEMBER BATEY ABSENT) (Report of: Community and Economic Development Department)
Recommendation: Adopt Ordinance No. 670.

Ordinance No. 670

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Municipal Code Amendment (PA04-0085) to Change Parking Requirements for Multiple-Family Residential Land Uses in Table 9.11.040A-12, and Sections 9.11.040.C, 9.11.060.B, and 9.16.140.B22.d.

- H4. ORDINANCE NO. 671, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING THE DELINEATION OF ZONING BOUNDARIES (RECEIVED FIRST READING AND INTRODUCTION ON OCTOBER 12, 2004 ON A 4-0-1 VOTE) (COUNCIL MEMBER BATEY ABSENT) (Report of: Community and Economic Development Department)
Recommendation: Adopt Ordinance No. 671.

Ordinance No. 671

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code Regarding the Delineation of Zoning Boundaries

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(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION
Number of Cases: -2-
- 2) SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
Number of Cases: -2-
- 3) SECTION 54956.8 – REAL ESTATE NEGOTIATIONS
 - a) City Negotiator: Trent Pulliam

<u>Assessor's Parcel No.</u>	<u>Owner's Name</u>
296-162-012	Regional Properties
296-212-034	Regional Properties
296-212-062	Regional Properties
296-212-064	Regional Properties
296-223-001	Regional Properties
482-383-005	Southwest Bank
481-671-010	Dink Properties
482-672-022	Sunnymead Joint Venture

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

ADJOURNMENT