

**NOTICE AND CALL OF SPECIAL MEETING (CLOSED SESSION)
OF THE MORENO VALLEY CITY COUNCIL**

FEBRUARY 8, 2005 – 5:30 P.M.

Such Special Meeting shall be for the purpose of:

AGENDA

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS ON MATTERS ON THE SPECIAL MEETING (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.

CLOSED SESSION

A Special Meeting (Closed Session) of the City Council 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.

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-

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

ADJOURN TO REGULAR MEETING

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

FEBRUARY 8, 2005

CALL TO ORDER

SPECIAL PRESENTATIONS - 6:00 p.m.

1. Presentation of the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for the Year Ended June 30, 2003
2. Officer of the Year - Officer Bill Davis
3. Firefighter of the Quarter – Fire Captain Charles Therrien
4. Proclamation Recognizing Barry Dean McClellan

**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.
FEBRUARY 8, 2005**

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 O.J. Philpot, Christ Community 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 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 JANUARY 25, 2005 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.
- A3. MAIL BALLOT PROCEEDING FOR TENTATIVE TRACT 32018 (AND ALL THE AFFECTED PHASES) FOR APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE. TRACT 32018 IS LOCATED SOUTH OF DRACAEA AVENUE AND WEST OF SILVER LANE (Report of: Public Works Department)
Recommendation: Accept public comments regarding the mail ballot proceedings for Tentative Tract 32018 (and all the affected phases) for approval of the National Pollutant Discharge Elimination (NPDES) regulatory rate schedule.
- A4. ASSIGNMENT, ASSUMPTION AND MODIFICATION AGREEMENT WITH COACHELLA VALLEY HOUSING COALITION (Report of: Community and Economic Development Department)
Recommendation: Execute the Assignment, Assumption and Modification Agreement with Coachella Valley Housing Coalition (CVHC); execute the Housing Assistance Agreement Extension with CVHC; and execute the Substitution of Attorney in conjunction with the Settlement Agreement with CVHC.

- A5. MAIL BALLOT PROCEEDING FOR TENTATIVE TRACTS 31129, 31213 AND 31326 (AND ALL THEIR AFFECTED PHASES) FOR APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE - TRACT 31129 IS LOCATED ON THE NORTH SIDE OF CACTUS AVENUE, SOUTH OF BRODIAEA AVENUE AND EAST OF OLIVER STREET; TRACT 31213 IS LOCATED ON THE NORTH SIDE OF ALESSANDRO BOULEVARD, WEST OF MORRISON STREET; AND TRACT 31326 IS LOCATED NORTH OF BAY AVENUE AND WEST OF MORRISON STREET (Report of: Public Works Department)
 Recommendation: Accept public comments regarding the mail ballot proceedings for Tentative Tracts 31129, 31213 and 31326 (and all their affected phases) for approval of the National Pollutant Discharge Elimination System (NPDES) regulatory rate schedule.
- A6. 2003/04 REPORT ON DEVELOPMENT IMPACT FEES (Report of: Finance Department)
 Recommendation: Approve and accept the Annual Report on Development Impact Fees in compliance with California Government Code Section 66006; and approve the finding that staff has demonstrated a continuing need to hold unexpended development impact fees.
- A7. TRACT 30967 - APPROVAL OF COOPERATIVE AGREEMENT FOR SUNNYMEAD MASTER DRAINAGE PLAN LINE D, STAGE 1, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND MORENO VALLEY MEADOWS, LLC, SOUTH SIDE OF KRAMERIA AVENUE, BETWEEN INDIAN STREET AND TARANO LANE – SUBDIVIDER: MORENO VALLEY MEADOWS, LLC (Report of: Public Works Department)
 Recommendation: Approve the Cooperative Agreement between the Riverside County Flood Control and Water Conservation District, City of Moreno Valley, and Moreno Valley Meadows, LLC for the Sunnymead Master Drainage Plan Line D, Stage 1; authorize the Mayor to execute the agreement; and direct the City Clerk to forward the signed agreement to the Riverside County Flood Control and Water Conservation District.
- A8. ORDINANCE NO. 682, AMENDING SECTION 8.04.030 OF CHAPTER 8.04 OF TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATED TO ROAD WORK AREA TRAFFIC CONTROL REFERENCE (RECEIVED FIRST READING AND INTRODUCTION JANUARY 25, 2005, ON A 5-0 VOTE) (Report of: Public Works Department)

Recommendation: Adopt Ordinance No. 682.

Ordinance No. 682

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 8.04.030 of Chapter 8.04 of Title 8 of the City of Moreno Valley Municipal Code Related to Road Work Area Traffic Control Reference

- A9. APPROVAL OF FINAL MAP 29920-3 - SINGLE FAMILY RESIDENTIAL PROJECT, AND ACCEPT BONDS AND AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS, SOUTH SIDE OF IRIS AVENUE, EAST OF LASSELLE STREET – SUBDIVIDER: CHT INVESTMENT, LLC (Report of: Public Works Department)

Recommendation: Approve Final Map 29920-3, 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. APPROVAL OF PARCEL MAP 30432 AND ACCEPT BONDS AND AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS, SOUTH OF HEMLOCK AVENUE AT LAMOS PLACE AND OPORTO DRIVE – SUBDIVIDER: CASITAS DEL VALLE HOUSING ASSOCIATES L.P. (Report of: Public Works Department)

Recommendation: Approve Parcel Map 30432, 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.

- A11. MEMORANDUM OF UNDERSTANDING BY AND BETWEEN WESTERN PACIFIC HOUSING, INC., A DELAWARE CORPORATION AND THE CITY OF MORENO VALLEY FOR THE CONSTRUCTION OF THE NASON STREET CORRIDOR ELECTRICAL DISTRIBUTION SYSTEM (Report of: Public Works Department)

Recommendation: Approve the Memorandum of Understanding (MOU) by and between Western Pacific Housing and the City of Moreno Valley for the Construction of the Nason Street Corridor Electrical Distribution System; authorize staff to reconcile final construction costs associated with the Western Pacific Housing

advancement of funds to Moreno Valley Utility for the construction of additional sections of the Nason Street corridor electrical distribution system; and authorize the Mayor to execute the final MOU upon City Attorney's review and approval of the original MOU.

- A12. LEASE AGREEMENT BY AND BETWEEN THE MORENO VALLEY GATEWAY, LLC AND THE CITY OF MORENO VALLEY FOR OFFICE SPACE TO RELOCATE ENTERPRISE SERVICES ADMINISTRATION OFF SITE (Report of: Public Works Department)

Recommendation: Approve the Lease Agreement by and between Moreno Valley Gateway, LLC and the City of Moreno Valley for office space to relocate Enterprise Services Administration off site; approve a budget appropriation from fund 149.3911, Enterprise Services Administration fund balance in the amount of \$285,000.00, to purchase furniture and pay for additional move expenses not covered by the lease; and authorize the Mayor to execute the final Lease Agreement upon City Attorney's review and approval of the Lease Agreement.

- A13. APPROVAL OF PARCEL MAP 31034, ACCEPT LETTERS OF CREDIT & AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS, AND CONSENT TO THE AGREEMENT TO TERMINATE THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR PARCEL MAP 24128, NORTH SIDE OF GLOBE STREET BETWEEN PERRIS BOULEVARD AND KITCHING ST., SUBDIVIDER - MIRA MESA SHOPPING CENTER, LLC (Report of: Public Works Department)

Recommendation: Approve Parcel Map 31034, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation; accept the Letters of Credit and Agreement for Public Improvements; authorize the Mayor to execute the Agreement; authorize the City Manager to sign the "Agreement to Terminate the Declaration of Covenants, Conditions, and Restrictions for Parcel Map 24128"; and direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

- A14. APPROVAL OF PARCEL MAP 32174 – SUBDIVIDE ONE PARCEL INTO THREE PARCELS, AND ACCEPT AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS, SOUTHEAST SIDE OF HEACOCK STREET AND COTTONWOOD AVENUE, SUBDIVIDER – HEACOCK COTTONWOOD III LIMITED PARTNERSHIP

Recommendation: Approve Parcel Map 32174, authorize the City

Clerk to sign the map and transmit said map to the County Recorder's Office for recordation; 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.

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 25, 2005 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.
- B3. MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL/INDUSTRIAL IMPROVED MEDIAN MAINTENANCE). PA04-0121 – CVS PHARMACY – APN 485-081-030 - SOUTHWEST CORNER OF JOHN F. KENNEDY DRIVE AND PERRIS BOULEVARD; AND MAIL BALLOT PROCEEDING FOR TENTATIVE TRACT 32018 (AND ALL AFFECTED PHASES) FOR: 1) INCLUSION INTO (CSD) ZONE B (RESIDENTIAL STREET LIGHTING) AND 2) INCLUSION INTO CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) (Report of: Public Works Department)
Recommendation: Accept public comments regarding the mail ballot proceedings for: PA04-0121 - CVS Pharmacy – APN 485-081-030 – inclusion into CSD Zone M (Commercial/Industrial Improved Median Maintenance); and Tentative Tract 32018 (and all the affected phases) for inclusion into CSD Zone B (Residential Street Lighting), CSD Zone D (Parkway Landscape Maintenance), and approval of the annual charges.
- B4. MAIL BALLOT PROCEEDING FOR TENTATIVE TRACTS 31129, 31213 AND 31326 (AND ALL THEIR AFFECTED PHASES) FOR INCLUSION INTO COMMUNITY SERVICES DISTRICT (CSD) ZONE B (RESIDENTIAL STREET LIGHTING), AND D (PARKWAY LANDSCAPE MAINTENANCE) OR E-14 (MAHOGANY FIELDS) HIGH-SERVICE LEVEL PARKWAY LANDSCAPE MAINTENANCE AND APPROVAL OF THE CSD PARCEL CHARGES (Report of: Public Works Department)
Recommendation: Accept public comments regarding the mail ballot proceedings for Tentative Tracts 31129, 31213 and 31326 (and all their affected phases) for inclusion into CSD Zone B (Residential Street Lighting) and CSD Zone D (Parkway Landscape

Maintenance) or CSD Zone E-14 (Mahogany Fields) High-Service-Level Parkway Landscape Maintenance, and approval of the annual charges.

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 25, 2005 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.
- C3. ASSIGNMENT, ASSUMPTION AND MODIFICATION AGREEMENT WITH COACHELLA VALLEY HOUSING COALITION (Report of: Community and Economic Development Department)
Recommendation: Execute the Assignment, Assumption and Modification Agreement with Coachella Valley Housing Coalition (CVHC); execute the Housing Assistance Agreement Extension with CVHC; and execute the Substitution of Attorney in conjunction with the Settlement Agreement with CVHC.

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 JANUARY 25, 2005 (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. MAIL BALLOT PROCEEDINGS FOR TENTATIVE TRACT 31320 (AND ALL AFFECTED PHASES) FOR APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE – WEST OF VAL VIEW STREET AND SOUTH OF WEBSTER AVENUE (Report of: Public Works Department)

Recommendation: That the City Council of the City of Moreno Valley after conducting the public hearing:

1. Tabulate the mail ballot for Tentative Tract 31320 (and all affected phases) for the described service;
2. Verify and accept the result 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 applicable NPDES regulatory rate to Tentative Tract 31320 (and all the affected phases).

E2. CONTINUATION OF PUBLIC HEARING REGARDING MAIL BALLOT PROCEEDING FOR TENTATIVE PARCEL MAP 32213 (AND ALL AFFECTED PHASES) FOR APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE – SOUTH OF HEMLOCK AVENUE AND WEST OF PERRIS BOULEVARD (CONTINUED FROM JANUARY 25, 2005) (Report of: Public Works Department)

Recommendation: That the City Council, after conducting the said public hearing:

1. Tabulate the replacement ballot for Tentative Parcel Map 32213 (and all the affected phases) for the described service;

2. Verify and accept the result 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 applicable NPDES maximum annual regulatory rate to Tentative Parcel Map 32213.
- E3. AN ASSUMPTION OF JURISDICTION BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY FOR TENTATIVE TRACT MAP NO. 31556, THE SUBDIVISION OF A 75.6 GROSS ACRE PORTION OF LAND INTO 85 SINGLE-FAMILY RESIDENTIAL LOTS, TWO (2) DETENTION AND CLEANSING BASIN LOTS, ONE FIRE ACCESS LOT AND FOUR (4) OPEN SPACE LOTS WITHIN THE RA-2 (RESIDENTIAL AGRICULTURE -2) AND HR (HILLSIDE RESIDENTIAL) LAND USE DISTRICTS. THE PROJECT IS LOCATED ON THE NORTHEAST CORNER OF OLIVER STREET AND JUNIPER AVENUE AND WAS SUBMITTED BY THE APPLICANT, EMPIRE HOMES (CONTINUED FROM 1/25/05) (Report of: Community and Economic Development Department) (PUBLIC HEARING CLOSED) – Material not available at time of printing, to be provided under separate cover.

Resolution No. 2005-16

A Resolution of the City Council of the City of Moreno Valley Denying PA03-0101 (Tentative Tract Map No. 31556) for 85 Single-Family Residential Lots, Two Detention and Cleansing Basin Lots, One Fire Access Lot and Four (4) Open Space Lots on a 75.6 Acre Parcel of Land (73.3 Net Acres) Within the (RA-2) Residential Agriculture-2 Land Use District and (HR) Hillside Residential Land Use District

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

G. REPORTS

G1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

- a) Report on Southern California Association of Governments

by Mayor Pro Tem Flickinger (Continued from January 25, 2005)

- G2. LEGISLATIVE UPDATE (Report of: Assistant City Manager)
Recommendation: Receive and file the report.
- G3. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION

- H1. SEIZURE AND FORFEITURE OF NUISANCE VEHICLES (Report of: City Attorney's Department)
Recommendation: That the City Council introduce proposed Ordinance 683 adding Chapter 12.13 to the Moreno Valley Municipal Code, related to the forfeiture of vehicles used in the commission of illegal dumping.

Ordinance No. 683

An Ordinance of the City Council of the City of Moreno Valley, California, Amending the City of Moreno Valley Municipal Code by Adding Chapter 12.13 Regarding Seizure and Forfeiture of Nuisance Vehicles

ORDINANCES - 2ND READING AND ADOPTION - NONE

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

ADJOURNMENT