

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

**MARCH 22, 2005**

**CALL TO ORDER**

**SPECIAL PRESENTATIONS - 6:00 p.m.**

1. Proclamation Recognizing National Development Disabilities Awareness

**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.  
MARCH 22, 2005, 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 Steve Overton, Christian Chapel Foursquare 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 MARCH 8, 2005 (Report of: City Clerk)  
Recommendation: Approve as submitted.
- A3. PA02-0117 – REDUCE FAITHFUL PERFORMANCE BOND BY 90% AND ADOPT RESOLUTION NO. 2005-26, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING ACCEPTANCE OF THE PUBLIC RIGHT-OF-WAY IMPROVEMENTS AS COMPLETE AND ACCEPTING PERRIS BOULEVARD AND RED MAPLE LANE INTO THE CITY MAINTAINED STREET SYSTEM - SUBDIVIDER – 4M RED MAPLE (Report of: Public Works Department)  
Recommendation: Approve a 90% reduction to the Faithful Performance Bond for PA02-0117; authorize the City Engineer to reduce the Faithful Performance Bond by 90%; and adopt Resolution No. 2005-26 authorizing the acceptance of the public right-of-way improvements for PA02-0117 as complete and accepting Perris Boulevard and Red Maple Lane into the City Maintained Street System.

Resolution No. 2005-26

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 for PA02-0117, and Accepting Perris

Boulevard and Red Maple Lane into the City Maintained Street System

- A4. WARRANT REPORT – FEBRUARY, 2005 (Report of: Finance Department)  
Recommendation: Adopt Resolution No. 2005-27, approving the Warrant Report, dated February, 2005 in the total amount of \$14,994,522.68.

Resolution No. 2005-27

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report dated February 28, 2005

- A5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY APPROVING THE RECONSIDERATION OF THE REVISED TENTATIVE TRACT MAP NO. 31556 FOR THE SUBDIVISION OF A 75.6 GROSS ACRE PORTION OF LAND INTO APPROXIMATELY 68 SINGLE-FAMILY RESIDENTIAL LOTS, TWO (2) DETENTION AND CLEANSING BASIN LOTS AND ONE FIRE ACCESS LOT AND VARIOUS OPEN SPACE LOTS WITHIN THE RA-2 (RESIDENTIAL AGRICULTURE -2) AND HR (HILLSIDE RESIDENTIAL) LAND USE DISTRICTS. THE PROJECT IS LOCATED ON THE NORTHWEST CORNER OF OLIVER STREET AND JUNIPER AVENUE AND WAS SUBMITTED BY THE APPLICANT, EMPIRE HOMES (Report of: Community Development Department)  
Recommendation: Approve Resolution No. 2005-28 for the approval of the reconsideration of PA03-0101, thus approving Tentative Tract Map No. 31556.

Resolution No. 2005-28

A Resolution of the City Council of the City of Moreno Valley Approving PA03-0101 (Tentative Tract Map No. 31556) for a Single-Family Residential Tract Including Approximately 68 Lots, Two Detention and Cleansing Basin Lots, One Fire Access Lot and Various 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

- A6. SECOND READING AND ADOPTION - ORDINANCE 683 - SEIZURE AND FORFEITURE OF NUISANCE VEHICLES (RECEIVED FIRST READING AND INTRODUCTION MARCH 8, 2005 ON A 5-0 VOTE) (Report of: City Attorney's Office)  
Recommendation: Adopt Ordinance No. 683.

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

**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. REQUEST TO ADVERTISE A NOTICE REQUESTING PROPOSALS – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-2/05 – MAINTENANCE OF EXTENSIVE PARKWAY AND OPEN SPACE LANDSCAPING AND IRRIGATION – HIDDEN SPRINGS (Report of: Public Works Department)  
Recommendation: Adopt the area maps and maintenance specifications, which are on file in the office of the Director of Public Works; and authorize the City Clerk to advertise a Notice Requesting Proposals for Project E-2/05.
- B3. MINUTES - REGULAR MEETING OF MARCH 8, 2005 (Report of: City Clerk)  
Recommendation: Approve as submitted.
- B4. REBALLOT PROCEEDING FOR TENTATIVE TRACTS 31212 AND 31327 (AND ALL THE AFFECTED PHASES) FOR INCLUSION INTO COMMUNITY SERVICES DISTRICT (CSD) ZONE E-14 (MAHOGANY FIELDS) AND APPROVAL OF THE CSD ANNUAL CHARGE. 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 comment regarding the rebalot proceeding for inclusion of Tentative Tracts 31212 and 31327 (and all their affected phases) into CSD Zone E-14 (Mahogany Fields) and approval of the CSD annual charge.

**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 MARCH 8, 2005 (Report of: City Clerk)  
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 MARCH 8, 2005 (Report of: City Clerk)  
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 AMENDMENT TO TITLE 9 OF THE MUNICIPAL CODE REGARDING INDOOR MALLS (INDOOR SWAP MEETS) (Report of: Community Development Department)  
Recommendation: Staff and the Planning Commission recommend that the City Council conduct a public hearing regarding PA04-0181, an amendment to the Municipal Code regarding the indoor malls (indoor swap meets); and
  - 1. Determine that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) in accordance exempt from pursuant to Section 15061 of the CEQA Guidelines; and
  - 2. Introduce Ordinance No. 684, thereby approving the proposed amendment to Title 9 of the Municipal Code regarding indoor malls (indoor swap meets), based on the findings contained in the Ordinance.

Ordinance No. 684

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code with Respect to Indoor Malls

E2. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME FY 2005/06 PROPOSED PROJECTS (Report of: Community Development Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing for the Community Development Block Grant (CDBG) and HOME Programs to allow the public an opportunity to comment on the proposed projects and programs, and
2. Select programs and projects for funding as part of the City's Annual Action Plan for FY2005/2006, updating the 5-Year Consolidated Plan.

E3. A PUBLIC HEARING FOR AN APPEAL OF THE PLANNING COMMISSION'S DISAPPROVAL OF APPLICATION NOS. PA04-0173 AND PA04-0174. APPLICATION PA04-0173 IS AN AMENDMENT TO THE MORENO VALLEY MUNICIPAL CODE TO ALLOW VEHICLE SALES BUSINESSES ON A MINIMUM OF 0.75 ACRES AND LESS THAN 2.5 ACRES WITH A CONDITIONAL USE PERMIT IN THE COMMUNITY COMMERCIAL ZONE. PA04-0174 IS A CONDITIONAL USE PERMIT TO ESTABLISH A VEHICLE SALES BUSINESS ON APPROXIMATELY 0.89 ACRES AT 21115 BOX SPRINGS ROAD. (Report of: Community Development Department)

Recommendation: That the City Council conduct a public hearing and take either of the following actions:

1. Uphold the Planning Commission's disapproval by taking the following actions:
  - a. Uphold the Planning Commission's disapproval of Application Nos. PA04-0173 and PA04-0174 based on the findings contained in the Planning Commission Resolution 2005-5; and
  - b. Direct staff to prepare a City Council resolution upholding the Planning Commission's disapproval of Application Nos. PA04-0173 and PA04-0174.

or

2. Approve the project by taking the following actions:
  - a. Recognize that Application Nos. PA04-0173 and PA04-0174 are exempt from the California Environmental Quality Act in accordance with Sections 15061 and 15031 of the CEQA Guidelines; and
  - b. Introduce Ordinance No. 685, thereby approving Application No. PA04-0173, an amendment to Title 9 of the Municipal Code regarding vehicle sales businesses, based on the findings contained in the ordinance; and

Ordinance No. 685

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code to Allow Vehicle Sales Businesses Encompassing a Minimum of 0.75 Acres and Less Than 2.5 Acres with a Conditional Use Permit in the Community Commercial District and Subject to Specified Development Requirements

- c. Approve Resolution No. 2005-29, thereby approving Conditional Use Permit Application No. PA04-0174 based on the findings contained in the resolution, and subject to the conditions of approval attached to the resolution.

Resolution No. 2005-29

A Resolution of the City Council of the City of Moreno Valley Approving Application PA04-0174, a Conditional Use Permit to Establish a Vehicle Sales Business Located at 21115 Box Springs Road on Approximately 0.89 Acres



E4. PUBLIC HEARING FOR FISCAL YEAR 2005 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FUNDING ALLOCATION (Report of: Police Department)

Recommendation: That the City Council take the following actions:

1. Hold a public hearing to allow public comments on the proposed use of the Justice Assistance Grant, and;
2. Consider the comments or views received by the public; and
3. Adopt the proposed use of the Justice Assistance Grant funding, as appropriate, to address public and Council comments, and;
4. Approve application for the Justice Assistance Grant in the amount of \$132,361 from the U.S. Department of Justice, Bureau of Justice Assistance.

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

**G. REPORTS**

G1. POWERPOINT PRESENTATION BY SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) ON REGIONAL GROWTH ISSUES **(To be heard prior to Public Hearings)**

G2. APPROVE LEGAL DEFEASANCE OF REMAINING PRINCIPAL RELATIVE TO THE 1993 REFUNDING CERTIFICATES OF PARTICIPATION (CAPITAL PROJECTS) (Report of: Finance Department)

Recommendation: That the City Council:

1. Approve the legal defeasance of the remaining principal amount owed relative to the 1993 Refunding Certificates of Participation (Capital Projects); and
2. Approve an appropriation of \$30,000 in the 1993 Certificates of Participation (Capital projects) Debt Service Fund for legal, financial advisory, trustee and escrow verification services required to complete the defeasance of debt.

G3. LEGISLATIVE UPDATE (Report of: Interim Assistant City Manager)  
Recommendation: That the City Council receive and file the informational report.

G4. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

#### **H. LEGISLATIVE ACTIONS**

ORDINANCES - 1ST READING AND INTRODUCTION – NONE

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**

## **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**