

**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.
OCTOBER 11, 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 Ted Slattery, Valley Christian Church

ROLL CALL

INTRODUCTIONS

UPDATE ON THE LAKE PERRIS DAM PROJECT BY RICH SANCHEZ, ASSISTANT OF THE DIVISION CHIEF OF OPERATIONS AND MAINTENANCE OF THE STATE OF CALIFORNIA WATER RESOURCES DEPARTMENT

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 SEPTEMBER 27, 2005
(Report of: City Clerk's Department)
Recommendation: Approve as submitted.
- A3. PARTICIPATION OF THE BUFFER ZONE PROTECTION PLAN GRANT FUNDING (Report of: Police Department)
Recommendation: Participate in the Buffer Zone Protection Plan (BZPP) grant funding for equipment for identified critical infrastructures.
- A4. REQUEST ADOPTION OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR THE BOEING STREET AND MCDONNELL STREET SIDEWALK IMPROVEMENTS FROM ADRIENNE AVENUE TO BAY AVENUE, PROJECT NOS. 05-14768524 (Report of: Public Works Department)
Recommendation: Adopt the plans and specifications that are on file in the office of the City Engineer; and authorize the City Clerk to advertise the project for construction bids.
- A5. FIFTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH TIERRA RIGHT OF WAY SERVICES, LTD. (Report of: Public Works Department)

Recommendation: Approve the Fifth Amendment to Agreement for Professional Consultant Services with Tierra Right of Way Services, LTD., 1575 East River Road, Suite 201, Tucson, AZ 85718 to provide Professional Consultant Services; authorize the Mayor to execute the Fifth Amendment to Agreement for Professional Consultant Services with Tierra Right of Way Services, LTD.; and authorize an increase in the Purchase Order to Tierra Right of Way Services, LTD. in the amount of \$5,800, when the Fifth Amendment to Agreement for Professional Consultant Services has been signed by all parties.

- A6. FINAL MAP 30467 – SINGLE FAMILY RESIDENTIAL PROJECT, AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION), SKYLAND DRIVE EAST SIDE OF HUBBARD STREET - SUBDIVIDER: JAGDISH PATEL AND KUMUD PATEL, 1442 E. LINCOLN AVENUE, #444, ORANGE, CA 92865 (Report of: Public Works)

Recommendation: Authorize the Mayor to execute the Amendment to Agreement for Public Improvements for Final Map 30467; and instruct the City Clerk to forward the completed Amendment to Agreement for Public Improvements to the County Recorder's Office for recordation.

- A7. TRACT 31128 AND TRACT 31129 – APPROVAL OF COOPERATIVE AGREEMENT FOR MORENO MASTER DRAINAGE PLAN LINE H, H-2, H-6, H-7, AND H-8, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND WESTERN PACIFIC HOUSING, INC., SOUTHWEST CORNER OF CACTUS AVENUE & OLIVER STREET; NORTH SIDE OF CACTUS AVENUE, SOUTH SIDE OF BRODIAEA AVENUE, AND EAST OF OLIVER STREET, SUBDIVIDER – WESTERN PACIFIC HOUSING, INC., 16755 VON KARMAN AVENUE, SUITE 200, IRVINE, CA 92606 (Report of: Public Works)

Recommendation: Approve the Cooperative Agreement between the Riverside County Flood Control and Water Conservation District, City of Moreno Valley, and Western Pacific Housing, Inc. for the Moreno Master Drainage Plan Line H, H-2, H-6, H-7, and H-8; 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. AWARD OF CONTRACT FOR DOCUMENT IMAGING AND MANAGEMENT SYSTEM (DIMS) (Report of: City Clerk)
Recommendation: Award the contract for Document Imaging and Management System (DIMS) to AlphaCorp, 3676 West California Avenue, Unit B100, Salt Lake City, Utah 84104, in the amount of \$112,997; authorize the Mayor to execute a Contract Agreement with AlphaCorp; and authorize the Finance Director to issue a purchase order upon execution of the contract to the above-referenced contractor not to exceed the amount of \$112,997. Funds were previously approved by the City Council during the FY 02/03 budget process, have been included in the annual capital projects budget rollover process, and are currently available in Account 13110.6360.361.
- A9. ORDINANCE NO. 694 - ORDINANCE AMENDING CHAPTERS 1.10, 2.21, 2.29, 6.02, 6.04, 8.14, 8.60, 9.01, 9.02, 9.03, 9.07, 9.08, 9.09, 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 10.02, AND 11.06 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING MODIFICATIONS TO THE TITLE OF THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT AND DIRECTOR (RECEIVED FIRST READING AND INTRODUCTION SEPTEMBER 27, 2005 ON A 5-0 VOTE) (Report of: City Clerk)
Recommendation: Adopt Ordinance No. 694.

Ordinance No. 694

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Chapters 1.10, 2.21, 2.29, 6.02, 6.04, 8.14, 8.60, 9.01, 9.02, 9.03, 9.07, 9.08, 9.09, 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 10.02, and 11.06 of the City of Moreno Valley Municipal Code Regarding Modifications to the Title of the Community & Economic Development Department and Director

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 SEPTEMBER 27, 2005 (Report of: City Clerk's)
Recommendation: Approve as submitted.

- B3. FINAL MAP 31269-1--APPROVAL OF MAINTENANCE AGREEMENT BY AND BETWEEN MORENO VALLEY COMMUNITY SERVICES DISTRICT AND HERITAGE RANCH AT MORENO VALLEY HOMEOWNERS ASSOCIATION (Report of: Public Works Department)

Recommendation: Approve the Maintenance Agreement by and between the CSD and Heritage Ranch at Moreno Valley Homeowners Association; authorize the Mayor in his capacity as President of the CSD to execute the Maintenance Agreement; authorize the City Attorney to act on behalf of the CSD to work with Heritage Ranch at Moreno Valley Homeowners Association to draft modifications or amendments to the Maintenance Agreement as necessary from time to time to clarify the intent and effectuate the provisions of said Agreement; authorize the City Treasurer to invest the required Trust Funds pursuant to the Paragraph 7 of the Maintenance Agreement; authorize the City Manager to act on behalf of the CSD to execute modifications or amendments to the Maintenance Agreement as prepared by the City Attorney; and authorize the City Clerk to transmit the executed Maintenance Agreement to the Office of the Recorder for the County of Riverside for recordation.

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 SEPTEMBER 27, 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 SEPTEMBER 27, 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. PUBLIC HEARING REGARDING MAIL BALLOT PROCEEDINGS FOR PROJECTS*: TENTATIVE TRACT 31257 – BALLOTTED ITEMS: CSD ZONE B, CSD ZONE D, NPDES; TENTATIVE TRACT 31591 – BALLOTTED ITEMS: CSD ZONE B, CSD ZONE D, NPDES; TENTATIVE TRACTS 32834 & 32836 – BALLOTTED ITEMS: CSD ZONE B, CSD ZONE E-12, NPDES; TENTATIVE TRACT 32835 – BALLOTTED ITEM: NPDES; APN 477-780-005 (EL POLLO LOCO RESTAURANT) – BALLOTTED ITEM: NPDES; APNS 297-140-029 - 297-140-032 (MORENO VALLEY HEALTH, LLC) - BALLOTTED ITEM: CSD ZONE M; APNS 297-140-029 - 297-140-036 (MORENO VALLEY HEALTH, LLC) – BALLOTTED ITEM: NPDES (*LOCATIONS OF THE PROJECTS ARE LISTED IN THE BODY OF THE STAFF REPORT) (Report of: Public Works Department)

Recommendation: That the City Council and the Board of Directors of the Moreno Valley Community Services District (CSD), after conducting the public hearing:

1. Tabulate the mail ballots for each described service, for Tentative Tracts 31257, 31591, 32834, 32835 and 32836 (and all their affected phases), APN 477-780-005 (and any division thereof)-El Pollo Loco Restaurant and APNs 297-140-029, 297-140-030, 297-140-031, 297-140-032, 297-140-033, 297-140-034, 297-140-035 and 297-140-036 (and any division thereof)-Moreno Valley Health, LLC;
2. Verify and accept the results of the mail ballot proceedings 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 CSD Zones B, D, E-12 and M charges and the NPDES maximum regulatory rate to the projects participating in each identified program.

E2. APPEAL OF PLANNING COMMISSION APPROVAL OF MULTI-FAMILY PROJECT (PA05-0074) (Report of: Community Development Department)

Recommendation: That the City Council deny the appeal and take the following actions:

- 1) Adopt a Negative Declaration for PA05-0074, in that the project will not have the potential for a significant impact on the environment; and
- 2) Approve Plot Plan PA05-0074, based on the Findings contained in the Planning Commission Resolution 2005-45, and the Conditions of Approval as modified by Planning Commission at their August 11, 2005 meeting.

E3. PUBLIC HEARING AND INTRODUCTION OF ORDINANCE TO REPEAL AND REENACT CHAPTERS 3.38 AND 3.42 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO DEVELOPMENT IMPACT FEES FOR RESIDENTIAL AND COMMERCIAL AND INDUSTRIAL DEVELOPMENT (CONTINUED FROM 9/27/05) (Report of: Finance Department)

Recommendation: That the City Council:

1. Conduct Public Hearing on Ordinance No. 695 amending Title 3 of the City of Moreno Valley Municipal Code by repealing and reenacting Chapters 3.38 and 3.42 relating to development impact fees for residential and commercial and industrial development;
2. Introduce Ordinance No. 695; and

Ordinance No. 695

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 3 of the City of Moreno Valley Municipal Code by Repealing and Reenacting Chapters 3.38 and 3.42 Relating to Development Impact Fees for Residential and Commercial and Industrial Development

3. Accept the Development Impact Fee Update Study Report (Final Draft Dated October 4, 2005) as submitted by Colgan Consulting.

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

G. REPORTS

G1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

Report on March Joint Powers Authority by Mayor Stewart

**G2. APPOINTMENT TO THE ECOLOGICAL PROTECTION BOARD
(Report of: City Clerk)**

Recommendation: That the City Council, after reviewing the ballot provided by the City Clerk:

1. Appoint Shelly J. Simpson to the Ecological Protection Board for a term expiring June 30, 2006; or
2. If appointment is not made, declare the position vacant and authorize the City Clerk to re-notice the position as vacant.

G3. LEGISLATIVE UPDATE AND NOVEMBER SPECIAL STATEWIDE ELECTION: A SUMMARY OF THE BALLOT MEASURES (Report of: (Interim Assistant City Manager)

Recommendation: That the City Council receive and file the informational report on ballot measures and the 2005 Legislative Update.

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 54957 – PUBLIC EMPLOYMENT APPOINTMENT
Title: City Manager
- 2) SECTION 54957.6 – LABOR NEGOTIATIONS
 - a) Agency Representative: Gene Rogers
Employee Organization: MVCEA
- 3) SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION
Number of Cases: -2-
- 4) SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
Number of Cases: -2-

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

ADJOURNMENT