

AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF
MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

November 9, 2010

SPECIAL PRESENTATIONS - 6:00 P.M. REGULAR MEETING - 6:30 P.M.

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

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City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Bonnie Flickinger, Mayor

Robin N. Hastings, Mayor Pro Tem Jesse L. Molina, Council Member Richard A. Stewart, Council Member William H. Batey II, Council Member

AGENDA CITY COUNCIL OF THE CITY OF MORENO VALLEY November 9, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

- 1. Proclamation Recognizing Epilepsy Awareness Month
- 2. "Spotlight on Moreno Valley Business"

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 PM NOVEMBER 9, 2010

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, 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 Terry A. Harts, Unity Christian Center Church of Moreno Valley

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.)

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 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.

JOINT CONSENT CALENDARS (SECTIONS A-D)

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 or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

- A.1 ORDINANCES READING BY TITLE ONLY **Recommendation:** Waive reading of all Ordinances.
- A.2 MINUTES REGULAR MEETING OF OCTOBER 26, 2010 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

A.3 <u>CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of:</u> City Clerk's Department)

Recommendation:

Receive and file the Reports on Reimbursable Activities for the period of October 20 – November 2, 2010.

A.4 TRACT MAP 31269 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING CELEBRITY COURT, PRANCER LANE, BAY MEADOWS AVENUE, MARANDA COURT, WEXFORD AVENUE, AND THE PORTION OF COTTONWOOD AVENUE AND DRACAEA AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: PINNACLE MORENO VALLEY 72, LLC, ALISO VIEJO, CA 92656 (Report of: Public Works Department)

Recommendation:

Adopt Resolution No. 2010-98 authorizing the acceptance of the public improvements within Tract Map 31269 as complete and accepting Celebrity Court, Prancer Lane, Bay Meadows Avenue, Maranda Court, Wexford Avenue and the Portion of Cottonwood Avenue and Dracaea Avenue Associated with the Project into the City's maintained street system; and

Resolution No. 2010-98

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 31269, and Accepting Celebrity Court,

Prancer Lane, Bay Meadows Avenue, Maranda Court, Wexford Avenue and the Portion of Cottonwood Avenue and Dracaea Avenue Associated with the Project Into the City's Maintained Street System

- 2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.
- A.5 NOTICE OF COMPLETION AND ACCEPTANCE OF THE EMERGENCY OPERATIONS CENTER -- PROJECT NO. 06-50182527 (Report of: Public Works Department)

Recommendation:

- Accept the work as complete for construction of the Emergency Operations Center building by United Contractors Company, Inc. (UCCI), 2050 S. Santa Cruz Street #2300, Anaheim, CA 92805;
- 2. 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;
- 3. Authorize the Financial and Administrative Services Director to release the retention to UCCI thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and
- 4. Accept the improvements into the City's maintained building system.
- A.6 RESOLUTION IN SUPPORT OF THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS' "BUSINESS FRIENDLY PRINCIPLES" (Report of: City Manager's Office)

Recommendation:

Adopt Resolution No. 2010-99 in support of the Southern California Association of Governments' "Business Friendly Principles."

Resolution No. 2010-99

A Resolution of the City Council of the City of Moreno Valley in Support of the Southern California Association of Governments' "Business Friendly Principles"

A.7 PARCEL MAP 34088 – EXONERATION OF CASH DEPOSIT FOR PUBLIC IMPROVEMENTS: EAST OF INDIAN AVENUE AND NORTH OF

ALESSANDRO BOULEVARD; DEVELOPER - OPT MORENO VALLEY, LLC, GREENWOOD VILLAGE, CO 80111 (Report of: Public Works Department)

Recommendation:

Authorize the City Engineer to execute the exoneration of the Faithful Performance and Material and Labor cash security associated with the Parcel Map 34088 for public improvements.

A.8 TRACT MAPS 32834 AND 32835 – ADOPT THE RESOLUTION FOR A SUMMARY VACATION OF THE OFFER OF DEDICATION FOR RECREATIONAL USE AND PUBLIC SAFETY PURPOSES OVER LOTS C AND CC OF TRACT MAP 32834 AND OVER A PORTION OF TRACT MAP 32835; ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE MULTI-USE TRAIL AND LOT EE (COLD CREEK TRAIL HEAD) OF TRACT MAP 32834 AS COMPLETE AND INTO THE COMMUNITY SERVICES DISTRICT'S MAINTAINED SYSTEM; AND ACCEPTANCE OF EASEMENTS, AS DESCRIBED IN THE EASEMENT DEEDS WITHIN TRACT MAPS 32834 AND 32835, FOR MULTI-USE TRAIL PURPOSES; DEVELOPER - BEAZER HOMES HOLDING CORP., BREA, CA 92821 (ALSO LISTED AS AGENDA ITEM B.3) (Report of: Public Works Department)

Recommendation:

Adopt Resolution No. 2010-100, summarily vacating the offer of dedication for recreational use and public safety purposes, over Lots C and CC of Tract Map 32834 and the trail easement described as Easement Note No. 5 over a portion of Tract Map 32835 and direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recordation.

Resolution No. 2010-100

A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of Trail Easements Over Lots C and CC of Tract Map 32834, in Book 401, Pages 46 Through 61 and the Trail Easement, Described as Easement Note No. 5, Within Tract Map 32835, in Book 409, Pages 24 Through 30, in the City of Moreno Valley, County of Riverside, State of California

A.9 AGREEMENT FOR THE MAINTENANCE AND OPERATION OF TRAFFIC SIGNALS AND HIGHWAY SAFETY LIGHTING SHARED BETWEEN THE CITIES OF RIVERSIDE AND MORENO VALLEY (Report of: Public Works Department)

Recommendation:

- Enter into an agreement with the City of Riverside for the maintenance and operation of traffic signals and highway safety lighting jointly owned by the cities of Riverside and Moreno Valley; and
- 2. Authorize the Mayor to execute said "Agreement" with the City of Riverside for the maintenance of traffic signals and highway safety lighting jointly owned by the cities of Riverside and Moreno Valley.
- A.10 ADOPTION OF 2010 CALIFORNIA BUILDING CODES, CALIFORNIA CODE OF REGULATIONS, TITLE 24, INCORPORATING THE LATEST EDITIONS OF THE MODEL CODES WITH AMENDMENTS (RECEIVED FIRST READING AND INTRODUCTION ON OCTOBER 26, 2010 BY A 5-0 VOTE) (Report of: Community Development Department)

Recommendation:

Adopt Ordinance No. 816 amending Title 8, of the City of Moreno Valley Municipal Code by amending Chapter 8.14, repealing and replacing Chapters 8.20, 8.22, 8.24, 8.26, 8.36 and adding Chapter 8.23 and adopting, as modified, the California Building Standards Code, California Code of Regulations, Title 24; incorporating the 2009 International Building Code, 2009 Uniform Mechanical Code, the 2009 International Residential Code, the 2009 Uniform Plumbing Code, the 2009 International Fire Code, and the 2008 National Electrical Code; and adopting other regulations relating to Building and Fire Prevention requirements

Ordinance No. 816

An Ordinance of the City Council of the City of Moreno Valley, California, amending Title 8, of the City of Moreno Valley Municipal Code by amending Chapter 8.14, Repealing and Replacing Chapters 8.20, 8.22, 8.24, 8.26, 8.36, and adding Chapter 8.23 and adopting, as modified, the California Building Standards Code, California Code of regulations, Title 24: Incorporating the 2009 International Building Code, the 2009 Uniform Mechanical Code, the 2009 International Residential Code, the 2009 Uniform Plumbing Code, the 2009 International Fire Code, and the 2008 National Electrical Code; and adopting other regulations relating to Building and Fire Prevention requirements.

A.11 REVISIONS TO THE NSP GUIDELINES FOR THE SINGLE-FAMILY RESIDENTIAL ACQUISITION, REHABILITATION, AND RESALE ACTIVITY (Report of: Economic Development Department)

Recommendation:

Approve a revision to the NSP Guidelines for the Single-Family Residential Acquisition, Rehabilitation and Resale program.

A.12 CONSIDERATION OF A REQUEST FROM COMMUNITY HEALTH SYSTEMS, INC. TO SPONSOR ITS 3RD ANNUAL HOLIDAY CELEBRATION HEALTH FAIR (Report of: City Clerk's Department)

Recommendation:

Consider the request of Community Health Systems, Inc. to sponsor its 3rd Annual Holiday Celebration Health Fair, in the amount of \$2,500.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

- B.1 ORDINANCES READING BY TITLE ONLY Recommendation: Waive reading of all Ordinances.
- B.2 <u>MINUTES REGULAR MEETING OF OCTOBER 26, 2010 (Report of: City Clerk's Department)</u>

Recommendation:

Approve as submitted.

B.3 TRACT MAPS 32834 AND 32835 – ADOPT THE RESOLUTION FOR A SUMMARY VACATION OF THE OFFER OF DEDICATION FOR RECREATIONAL USE AND PUBLIC SAFETY PURPOSES OVER LOTS C AND CC OF TRACT MAP 32834 AND OVER A PORTION OF TRACT MAP 32835; ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE MULTI-USE TRAIL AND LOT EE (COLD CREEK TRAIL HEAD) OF TRACT MAP 32834 AS COMPLETE AND INTO THE COMMUNITY SERVICES DISTRICT'S MAINTAINED SYSTEM; AND ACCEPTANCE OF EASEMENTS, AS DESCRIBED IN THE EASEMENT DEEDS WITHIN TRACT MAPS 32834 AND 32835, FOR MULTI-USE TRAIL PURPOSES (ALSO LISTED AS AGENDA ITEM A.8) (Report of: Public Works Department)

Recommendation:

Adopt Resolution No. CSD 2010-24 authorizing the acceptance of the public improvements, related to the multi-use trail for Tract Map 32834 and Tract Map 32835 and public improvements related to Lot EE (Cold Creek Trail Head) for Tract Map 32834, as complete and into the Community Services District's maintained system;

Resolution No. CSD 2010-24

A Resolution of the City Council of the City of Moreno Valley, California, Acting in Their Respective Capacity as the Board of Directors of the Community Services District, Authorizing the Public Improvements, Related to the Multi-Use Trail for Tract Map 32834

and Tract Map 32835 and Public Improvements Related to Lot EE (Cold Creek Trail Head) for Tract Map 32834, as Complete and into the Community Services District's Maintained System

- 2. Authorize the President of the Board of Directors of the Community Services District (CSD) to accept the easements for multi-use trail purposes within Tract Map 32834 and Tract Map 32835, as described in the easement deeds; and
- Authorize the City Clerk to execute the Acceptance Certificate for multi-use trail purposes and to transmit the easement deeds with Acceptance Certificates to the County Recorder's office for recordation.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

- C.1 ORDINANCES READING BY TITLE ONLY **Recommendation:** Waive reading of all Ordinances.
- C.2 MINUTES REGULAR MEETING OF OCTOBER 26, 2010 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

C.3 AUTHORIZE THE GRANT OF ROADWAY EASEMENT FOR THE PARTIAL ACQUISITION OF ASSESSOR PARCEL NUMBER 291-191-007
AND GRANT OF UTILITY EASEMENT FOR ASSESSOR PARCEL NUMBERS 291-191-006, 291-191-007, AND 291-191-001 FOR DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE - PROJECT NO. 02-89266920 (Report of: Public Works Department)

Recommendation:

- Authorize the grant of roadway easement to the City of Moreno Valley for the partial acquisition of the Community Redevelopment Agency (RDA) parcel known as Assessor Parcel Number 291-191-007;
- 2. Authorize the Executive Director to execute the roadway easement to the City of Moreno Valley for the partial acquisition of the Community Redevelopment Agency parcel known as Assessor Parcel Number 291-191-007;
- 3. Authorize the grant of utility easement to Southern California Edison (SCE) from the Community Redevelopment Agency (RDA) parcels

known as Assessor Parcel Numbers 291-191-006, 291-191-007, and 291-191-001; and

4. Authorize the Executive Director to execute the utility easement to SCE from the Community Redevelopment Agency parcels known as Assessor Parcel Numbers 291-191-006, 291-191-007, and 291-191-001.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D.1 ORDINANCES READING BY TITLE ONLY Recommendation: Waive reading of all Ordinances.
- D.2 <u>MINUTES REGULAR MEETING OF OCTOBER 26, 2010 (Report of: City Clerk's Department)</u>

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.

E.1 PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE MUNICIPAL CODE (PA09-0024) ALLOWING SECOND UNITS IN ALL RESIDENTIAL ZONES, DELETING GRANNY UNIT PROVISIONS, UPDATING SINGLE FAMILY DESIGN GUIDELINES TO REQUIRE FOUR SIDED ARCHITECTURE AND SPECIFY DESIGN CRITERIA, UPDATING INTRODUCTION FOR DESIGN GUIDELINES, CHANGING LANDSCAPE REQUIREMENTS TITLE AND REVISING FRONT YARD LANDSCAPING MATERIAL REQUIREMENTS (Report of: Community Development Department)

Recommendation: That the City Council:

- RECOGNIZE that PA09-0024 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines; and
- Introduce Ordinance No. 817 approving PA09-0024, amending Sections 9.09.130 Second Unit, 9.09.120 Granny Unit, 9.16.010 Design Guidelines, 9.16.130 Single Family Design Guidelines and 9.17 Landscape Requirements of Title 9 of the City of Moreno Valley Municipal Code.

Ordinance No. 817

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 Sections 9.09.130 Second Unit, 9.09.120 Granny Unit, 9.16.010 Design Guidelines, 9.16.130 Single Family Design Guidelines and 9.17, Landscape Requirements and Landscape Standards

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

G. REPORTS

- G.1 <u>CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation not for Council action)</u>
 - a. Council Member Richard A. Stewart report on March Joint Powers Commission (MJPC)
- G.2 CONSIDERATION OF INTENT TO MODIFY THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES WITH RESPECT TO COMMUNITY FACILITIES DISTRICT NO. 4-INFRASTRUCTURE (Report of: Public Works Department)

Recommendation: That the City Council:

Acting on behalf of itself and as the Legislative Body for Community Facilities District No. 4-Infrastructure adopt Resolution No. 2010-101; a Resolution of Intention to Consider Modifications to the Rate and Method of Apportionment of Special Taxes with Respect to Community Facilities District No. 4–Infrastructure of the City of Moreno Valley.

Resolution No. 2010-101

A Resolution of Intention to Consider Modifications to the Rate and Method of Apportionment of Special Taxes with Respect to Community Facilities District No. 4–Infrastructure of the City of Moreno Valley

G.3 APPOINTMENT OF CITY COUNCIL REPRESENTATIVE FOR THE MARCH OPERATIONS ASSURANCE TASK FORCE (Report of: Community Development Department)

Recommendation: That the City Council:

Select a City Council representative for the March Operations Assurance Task Force.

G.4 <u>CITY MANAGER'S REPORT (Informational Oral Presentation - not for</u>

Council action)

H. LEGISLATIVE ACTIONS

- H.1 ORDINANCES 1ST READING AND INTRODUCTION
 - H.1.1 ORDINANCE DESIGNATING SPEED LIMIT CERTIFICATION ON VARIOUS STREETS (Report of: Public Works Department)

Recommendation: That the City Council:

- Receive and file this report; and
- Introduce Ordinance No. 818, amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code declaring prima facie speed limits on certain streets (as listed on the ordinance). (Roll call required)

Ordinance No. 818

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

- H.2 ORDINANCES 2ND READING AND ADOPTION NONE
- H.3 ORDINANCES URGENCY ORDINANCES NONE
- H.4 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

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal

business hours.

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 City Manager's 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
 - a Case: Arch Insurance Company v. City of Moreno Valley,

Safeguard Insurance Company

Court: Riverside Superior Court

Case No: RIC 513196

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

- 4 SECTION 54957 PUBLIC EMPLOYMENT
 - a) Public Employee Annual Performance Evaluation: City Clerk
- 5 SECTION 54957 PUBLIC EMPLOYEE APPOINTMENT/PUBLIC EMPLOYMENT

a) City Manager Recruitment

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