

**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**

**REGULAR MEETING – 6:30 P.M.
JANUARY 8, 2002**

- **CALL TO ORDER** (Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, and the Community Redevelopment Agency of the City of Moreno Valley - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

- **PLEDGE OF ALLEGIANCE**

- **INVOCATION** – Pastor Ray Hahn, Moreno Valley Christian 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.)**

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.

There is a three-minute time limit per person and a 15-minute time limit per agenda item. The 15-minute limit may be waived. Please complete and submit a BLUE speaker slip to the Bailiff.

JOINT CONSENT CALENDARS (SECTIONS A-C) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

All items listed under the Consent Calendars are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, or Redevelopment Agency 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 Items withdrawn for report/discussion will be heard after public hearing items.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. WARRANT REPORTS – NOVEMBER 30, 2001 (Report of: Director of Finance/City Treasurer)
Recommendation: Adopt Resolution No. 2002-01, approving the Warrant Reports, including wire transfers, dated November 2001 in the total amount of \$7,319,635.86.

Resolution No. 2002-01

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Reports Dated November 30, 2001

- A3. CITY COUNCIL RESOLUTION OF SUPPORT – PROPOSITION 40 THE “CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS AND COASTAL PROTECTION ACT OF 2002” (Report of: Director of Parks and Recreation)
Recommendation: Support Proposition 40, which is on the March 5, 2002 ballot, and adopt and direct the Mayor to sign Resolution No. 2002-02.

Resolution No. 2002-02

A Resolution of the City Council of the City of Moreno Valley to Support Proposition 40, the “Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002”

- A4. FINAL MAP 23008-1 – ACCEPT SUBSTITUTION OF BONDS AND AGREEMENT FOR PUBLIC RIGHT OF WAY IMPROVEMENTS ON THE SOUTH SIDE OF IRIS AVENUE AND EAST OF LASSELLE STREET – SUBDIVIDER – MORENO VALLEY RANCH VENTURES I, LLC (TEMECULA) (Report of: Public Works Director/City Engineer)
Recommendation: Accept the substitution of bonds and Agreement for Public Improvements; authorize the Mayor to execute the agreement; direct the City Clerk to forward the signed agreement to the County Recorder’s Office for recordation; and instruct the City Engineer to prepare the exoneration of the Faithful Performance Bond and Material & Labor Bond placed by MVR Properties, LLC upon acceptance of the substitution bonds and agreement.
- A5. FINAL MAP 22381, LOTS 46-70 AND 93-216 – ACCEPT SUBSTITUTION OF BONDS AND AGREEMENT FOR PUBLIC RIGHT OF WAY IMPROVEMENTS - NORTHWEST CORNER OF LASSELLE STREET AND KRAMERIA AVENUE – SUBDIVIDER – MORENO VALLEY LAKES 146-VIA DEL REY, LLC (TEMECULA) (Report of: Public Works Director/City Engineer)
Recommendation: Accept the substitution of bonds and Agreement for Public Improvements; authorize the Mayor to execute the agreement; direct the City Clerk to forward the signed agreement to the County Recorder’s Office for recordation; and instruct the City Engineer to prepare the exoneration of the Faithful Performance Bond and Material & Labor Bond placed by Moreno Valley Ranch Investors, LLC upon acceptance of the substitution bonds and agreement.
- A6. APPROVE PARCEL MAP 27548 AND ACCEPT AGREEMENT AND DEED OF TRUST FOR PUBLIC RIGHT OF WAY IMPROVEMENTS– FRANKHALE ROAD, NORTH SIDE, EAST OF MORTON ROAD– SUBDIVIDER –MICHAEL P. JENNINGS (MORENO VALLEY) (Report of: Public Works Director/City Engineer)
Recommendation: Approve Parcel Map 27548, authorize the City Clerk to sign the map and transmit said map to the County Recorder’s Office for recordation; accept the Agreement for Public Improvements; authorize the Mayor to execute the agreement; accept the Deed of Trust, as reviewed and approved by the City Attorney, as security for the required public improvements; and direct the City Clerk to forward the signed agreement and the Deed of Trust to the County Recorder’s Office for recordation.

- A7. ACCEPT AND APPROVE THE AGREEMENT BETWEEN RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND THE CITY OF MORENO VALLEY FOR THE MORENO MASTER DRAINAGE PLAN – NASON STREET DETENTION BASIN (Report of: Public Works Director/City Engineer)
 Recommendation: Accept and approve the Agreement between Riverside County Flood Control and Water Conservation District (RCFC and WCD) and the City of Moreno Valley for design, conveyance of easements for ingress and egress, and granting of fee simple title to certain real property necessary to construct, operate, and maintain the Moreno Master Drainage Plan; and authorize the Mayor to execute the Agreement.
- A8. MINUTES – REGULAR MEETING OF DECEMBER 11, 2001 (Report of: City Clerk)
 Recommendation: Approve as submitted.
- A9. APPROVAL OF FINAL MAP 30286-1 – SINGLE FAMILY RESIDENTIAL PROJECT, AND ACCEPT AGREEMENTS & BONDS FOR PARK AND PUBLIC RIGHT-OF-WAY IMPROVEMENTS - NORTH SIDE OF IRIS AVENUE, EAST OF LASSELLE STREET - SUBDIVIDER -FORECAST HOMES (CORONA) Report of: Public Works Director/City Engineer
 Recommendation: Approve Final Map 30286-1, 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; accept the bonds and Agreement for Park Improvement; authorize the Mayor to execute the agreements; and direct the City Clerk to forward the signed agreements 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 DECEMBER 11, 2001 (Report of: City Clerk)
 Recommendation: Approve as submitted.

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 DECEMBER 11, 2001 (Report of: City Clerk)

Recommendation: Approve as submitted.

D. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter must be limited to five minutes per individual and must pertain to the subject under consideration. Please complete and submit a GOLDENROD speaker slip to the Bailiff.

D1. PUBLIC HEARING FOR INCLUSION OF PARCEL MAP NO. 27548 (ASSESSOR PARCEL NO. (APN) 256-150-013) AND APNs 256-150-029, 256-150-030, 256-150-033, AND ANY DIVISION THEREOF INTO THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) SERVICE PROGRAM (Report of: Public Works Director/City Engineer)

Recommendation: That the City Council, acting in their capacity as the Board of Directors of the Moreno Valley Community Services District (CSD):

1. Conduct the Public Hearing to consider the inclusion of Parcel Map No. 27548 (APN 256-150-013), APNs 256-150-029, 256-150-030, 256-150-033, and any division thereof into the CSD Zone B (Residential Street Lighting) program and the associated annual service charge;
2. Tabulate the Zone B mail ballots;
3. Verify and accept the results of the mail ballot proceeding; and
4. Authorize and impose the CSD Zone B service charge.

D2. PUBLIC HEARING FOR MORENO VALLEY AUTO MALL SPECIFIC PLAN, AMENDMENT 3 (SP209A3); LOCATION: SOUTH OF STATE HIGHWAY 60 BOTH EASTERLY AND WESTERLY OF MORENO BEACH DRIVE (Report of: Community and Economic Development Director)
Recommendation: The Planning Commission recommends that the City Council conduct a public hearing and

1. Adopt a Subsequent Negative Declaration for SP209A3, the third Specific Plan Amendment; and
2. Introduce Ordinance No. 596, thereby approving the third amendment to Specific Plan 209.

Ordinance No. 596

An Ordinance of the City Council of the City of Moreno Valley, California, Approval of a Specific Plan Amendment (SP209A3) Amending the Official Zoning Atlas from SP209 (Dealerships and Commercial to Commercial and Commercial/Residential) on Acres Located in the Vicinity of State Highway 60 and Moreno Beach Drive

D3. A PUBLIC HEARING FOR P01-069 (AMENDED CONDITIONAL USE PERMIT), SUBMITTED BY STEVE PHARAR/SHIVALIK, INC., FOR A RECENTLY CONSTRUCTED TEXACO RETAIL AUTOMOBILE SERVICE STATION WITH ANCILLARY USES (PA99-0033), TO MODIFY CONDITION NOS. 11 AND 70 REGARDING THE TIMING AND COMPLETION OF REQUIRED TRAFFIC SIGNAL IMPROVEMENTS LOCATED ON 24840 SUNNYMEAD BOULEVARD ADJACENT TO THE HIGHWAY 60 OFF-RAMP TO PERRIS BOULEVARD WITHIN THE VILLAGE SPECIFIC PLAN (SP NO. 204) (Report of: Community and Economic Development Director)
Recommendation: That the City Council conduct a public hearing to:

1. RECOGNIZE that the proposed Modification to Conditions are not considered to have the potential for any direct or indirect impacts under CEQA and is therefore exempt under Section 15061 of the CEQA Guidelines; and
2. ADOPT Resolution No. 2002-03, thereby approving the Amended Conditional Use Permit (P01-069) and modifying condition Nos. 11

and 70 of PA99-0033.

Resolution No. 2002-03

A Resolution of the City Council of the City of Moreno Valley, California, Approving an Amended Conditional Use Permit (P01-069), Modifying Conditions 11 and 70 of the Original Conditional Use Permit for a 3,500 Square Foot Gas Station (Texaco), Including a Canopy with Five (5) Fuel Dispensers, a Food Mart with Beer and Wine Sales, a Fast Food/Drive through Restaurant and Car Wash

- D4. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME PROGRAM OBJECTIVES AND POLICIES FOR FISCAL YEAR 2002-2003 (Report of: Community and Economic Development Director)
Recommendation: That the City Council conduct a public hearing and approve the Community Development Block Grant (CDBG) and HOME Program Objectives and Policies for the 2002-2003 Program Year.

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

F. REPORTS

- F1. TRACT 29143 (AND ALL AFFECTED PHASES) - MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING), ZONE E-1 (HIGH-SERVICE LEVEL PARKWAY LANDSCAPE MAINTENANCE - TOWNGATE), AND ZONE E-1A (TRACT 29143 WALLS/ INTERNAL LANDSCAPE MAINTENANCE) (Report of: Public Works Director/City Engineer)
Recommendation: That the City Council, acting in their respective capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD), accept public comments regarding the proposed inclusion of Tract 29143 (and all affected phases) into the CSD Zone B (Residential Street Lighting), Zone E-1 (High-Service Level Parkway Landscape Maintenance - Towngate), Zone E-1A (Tract 29143 Walls/ Internal

Landscape Maintenance) and the annual service charges.

F2. IMPACT OF PROPOSED UTILITY USER'S TAX REPEAL BALLOT MEASURE (Report of: Finance Director/City Treasurer)

Recommendation: That the City Council receive and file report which includes the staff response to the City Council's request for a report on the impacts of repealing the utility user's tax.

F3. INITIATIVE MEASURE TO REPEAL THE CITY'S UTILITY USER'S TAX (Report of: City Clerk)

Recommendation: That the City Council must do either of the following:

- A. Adopt proposed ordinance (initiative measure) without alteration; or
- B. Order proposed ordinance to be submitted to the voters at the November 5, 2002 election; and
 - 1. Adopt Resolution No. 2001-73, ordering the submission of the initiative measure to repeal the City's utility user's tax to the qualified electors; and

Resolution No. 2001-73

A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Submission to the Qualified Electors of the City of Moreno Valley an Initiative Measure to Repeal the City's Utility User's Tax at the General Municipal Election to be Held on Tuesday, November 5, 2002

- 2. Adopt Resolution No. 2001-74, directing the City Attorney to prepare an Impartial Analysis regarding said initiative measure; and

Resolution No. 2001-74

A Resolution of the City Council of the City of Moreno Valley, California, Directing the City Attorney to Prepare an Impartial Analysis Regarding the Measure Relating to the City's Utility User's Tax

- 3. Adopt Resolution No. 2001-75, providing for the filing of Rebuttal Arguments for said initiative measure.

Resolution No. 2001-75

A Resolution of the City Council of the City of Moreno Valley,
California, Providing for the Filing of Rebuttal Arguments for
Initiative Measures Submitted at Municipal Elections

- F4. CITY MANAGER'S REPORT (Informational Oral Presentation only – not for Council action)

G. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION

ORDINANCES - 2ND READING AND ADOPTION

- G1. ADOPTION OF ORDINANCE NO. 595 (RECEIVED FIRST READING AND INTRODUCTION DECEMBER 11, 2001 ON A 5-0 VOTE) (Report of: Community and Economic Development Director)

Ordinance No. 595

An Ordinance of the City Council of the City of Moreno Valley, California, Approving the First Amendment to the Towngate Development Agreement and Changing the Requirement for a Park within Planning Area 11, to Include a 4,000 Square Foot Recreation Building in Lieu of a Community Swimming Pool, Relative to a Development Known as Western Pacific Housing Inc., Located in an Area Bounded by Day Street to the West, Eucalyptus Avenue to the North, Elsworth Street to the East and Cottonwood Avenue to the South

ORDINANCES - URGENCY ORDINANCES

RESOLUTIONS

- PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

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.

There is a three-minute time limit per person. Please complete and submit a PINK speaker slip to the Bailiff.

- **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. The Closed Session will be held pursuant to Government Code:

CLOSED SESSION

A Closed Session of the City Council of the City of Moreno Valley will be held in the Finance Conference Room, Second Floor, City Hall, pursuant to Government Code:

- 1) SECTION 54957.6 – LABOR NEGOTIATIONS
Agency Negotiator: City Manager
Employee Organization: Moreno Valley City Employees Association

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

ADJOURNMENT