

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

MARCH 9, 2004

CALL TO ORDER

SPECIAL PRESENTATIONS - 6:00 p.m.

1. Proclamation Recognizing International DeMolay Week, March 14-19, 2004
2. Proclamation Recognizing Energy Champion Day – March 9, 2004

**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 9, 2004**

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 Willie Behrends – CrossWinds 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. NOTICE OF COMPLETION AND ACCEPTANCE OF THE TRAFFIC SIGNAL AT ALESSANDRO BOULEVARD AND MORENO BEACH DRIVE - PROJECT NO. 02-13768121 (Report of: Public Works Department)
Recommendation: Ratify Contract Change Order No. 1 (Final); accept the work as complete for the traffic signal at Alessandro Boulevard and Moreno Beach Drive, constructed by DBX, Inc., 42066 Avenida Alvarado, Suite C, Temecula, California 92590; 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; authorize the Director of Finance to release the retention to DBX, Inc. thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and accept the improvements into the City's maintained road system.

- A3. MINUTES – REGULAR MEETING OF FEBRUARY 24, 2004 (Report of: City Clerk)
Recommendation: Approve as submitted.

- A4. DEVELOPER COORDINATION/PLAN CHECK AND INSPECTION SERVICES BY ENCO UTILITY SERVICES MORENO VALLEY, LLC ON BEHALF OF MORENO VALLEY UTILITIES (Report of: Public Works Department)
Recommendation: Increase the revenue estimate in Account No. 601.6010.4293 by \$100,324 for additional Developer

Coordination/Plan Check and Inspection Fees; and appropriate an additional amount of \$75,243 in Account No. 601.60110.6255 for fees to be paid to ENCO Utility Services Moreno Valley, LLC for Developer Coordination/Plan Check and Inspection Services.

- A5. APPROVAL OF PARCEL MAP 31750 - SOUTH SIDE OF MARCH COMMERCE CENTER (Report of: Public Works Department)
Recommendation: Approve Parcel Map 31750, authorize the City Clerk to sign the map, and transmit said map to the County Recorder's Office for recordation.
- A6. PA02-0041 – BOX SPRINGS APARTMENTS – ACCEPT LETTER OF CREDIT AND AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS, NORTHEAST CORNER OF MORTON ROAD AND BOX SPRINGS ROAD. SUBDIVIDER – MORENO APARTMENTS I, L.P. (Report of: Public Works Department)
Recommendation: Accept the Letter of Credit and the Agreement for Public Improvements for PA02-0041; 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.
- A7. APPROVAL OF FINAL MAP 31120 – SINGLE FAMILY RESIDENTIAL PROJECT, ACCEPT AGREEMENT & BONDS FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS, AND APPROVAL OF AGREEMENT REGARDING ISSUANCE OF BUILDING PERMITS. NORTHEAST CORNER OF JOHN F. KENNEDY DRIVE AND MORENO BEACH DRIVE. SUBDIVIDER-PINNACLE M.V.R. L.P. (Report of: Public Works Department)
Recommendation: Approve the Final Map 31120, 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; approve the Agreement Regarding Issuance of Building Permits; 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.
- A8. PROPOSED MULTI-YEAR STREET IMPROVEMENT PROGRAM (SIP) CAPITAL IMPROVEMENT PROGRAM (CIP) TO FACILITATE IMPROVEMENTS AND ACCEPTANCE OF CERTAIN PRIVATE ROADWAYS INTO THE CITY MAINTAINED STREET SYSTEM (Report of: Public Works Department)
Recommendation: Approve the proposed multi-year Street Improvement Program (SIP) Capital Improvement Program (CIP) and authorize the Public Works Director/City Engineer to proceed with construction of the selected Fiscal Year 2003/2004 streets in the proposed SIP CIP.

- A9. PARTICIPATION AGREEMENT WITH MARCH JOINT POWERS AUTHORITY (Report of: Community and Economic Development Department)

Recommendation: Authorize the Mayor to execute an agreement between the City of Moreno Valley and the March Joint Powers Authority (MJPA) in the amount of \$100,000 for lobbying services related to the 2005 Base Realignment and Closure (BRAC) Commission Activities. This is in the form of a loan to the March JPA. Funds for this expense can be made available from budget savings that have been accomplished in Program 010.21110.6255, therefore, no additional appropriation is necessary.

- A10. REQUEST FOR ALL-WAY STOP CONTROLS AT THE INTERSECTION OF DAY STREET AND DRACAEA AVENUE, NASON AT ELDER AVENUE/WESTBOUND STATE ROUTE 60 AND NASON AT EASTBOUND STATE ROUTE 60 (Report of: Public Works Department)

Recommendation: Adopt Resolution No. 2004-17 to establish all-way stop controls at the intersection of Day Street and Dracaea Avenue, the intersection of Nason Street and Elder Avenue/Westbound State Route 60, and Nason Street and Eastbound State Route 60.

Resolution No. 2004-17

A Resolution of the City Council of the City of Moreno Valley, Establishing Stop Controls for North and South Bound Traffic on Day Street at Dracaea Avenue, Nason Street at Elder Avenue/Westbound State Route 60, and Nason Street at Eastbound State Route 60

- A11. REIMBURSEMENT OF ELECTRIC UTILITY INTERCONNECTION COSTS (Report of: Public Works Department)

Recommendation: Approve Resolution No. 2004-18, a Resolution of the City Council of the City of Moreno Valley, acting for and on behalf of the Moreno Valley Municipal Utility, declaring its intention to be reimbursed for certain costs of electric utility interconnection costs from the proceeds of tax-exempt obligations.

Resolution No. 2004-18

A Resolution of the City Council of the City of Moreno Valley, Acting for and on Behalf of the Moreno Valley Municipal Utility, Declaring Its Intention to be Reimbursed for Certain Costs of Electric Utility Interconnection Costs from the Proceeds of Tax Exempt Obligations

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 FEBRUARY 24, 2004
(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 FEBRUARY 24, 2004
(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 FEBRUARY 24, 2004
(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 TENTATIVE TRACTS 31050, 31120, 31255 (AND ALL THEIR AFFECTED PHASES):
- INCLUSION INTO COMMUNITY SERVICES DISTRICT

ZONE B (RESIDENTIAL STREET LIGHTING); AND APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE (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 Tentative Tracts 31050, 31120 and 31255 for each described service;
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 charges and the NPDES regulatory rate for Tentative Tracts 31050, 31120 and 31255 (and all affected phases).

E2. PUBLIC HEARING ON THE PROPOSED PARKWAY LANDSCAPE REFURBISHMENT AND REINSTATEMENT OF COMMUNITY SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) FOR TRACT NO. 20529 (AND ALL AFFECTED PHASES) – EAST OF MORENO BEACH DRIVE, SOUTH OF LOCUST AVENUE, AND WEST OF PETTIT STREET (Report of: Public Works Department)

Recommendation: That the Mayor and Members of the City Council, acting in their capacity as Board Members of the Moreno Valley Community Services District (CSD), after conducting the public hearing:

Tabulate the mail ballots for the proposed parkway landscape refurbishment and reinstatement of CSD Zone D Parkway Landscape Maintenance at the standard service level for Tract 20529 (and all affected phases);

1. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and Assessor Parcel Number (APN) listing;
2. Receive and file with the City Clerk's Office the accepted Official Tally Sheet and APN listing; and

3. If approved, authorize and impose the one-time charge for parkway landscape improvements and annual service charge for standard level Zone D services.

E3. A PUBLIC HEARING REGARDING THE APPLICANT'S REQUEST TO CONSIDER SPECIFIC PLAN AMENDMENT NO. 4 TO THE TOWNGATE SPECIFIC PLAN NO. 200 (P03-040) TO MODIFY LAND USE DESIGNATION FOR A 33.24 GROSS ACRE PORTION OF LAND WITHIN PLANNING AREA NO. 5 FROM (O) OFFICE TO H (HIGH DENSITY RESIDENTIAL) LOCATED ON THE NORTHEAST CORNER OF EUCALYPTUS AVENUE AND TOWNGATE BOULEVARD, WITHIN THE TOWNGATE SPECIFIC PLAN NO. 200, AND TO ALSO MODIFY THE SPECIFIC PLAN NO. 200 DESIGN MANUAL TO ALTER THE PERIMETER LANDSCAPE/EDGE REQUIREMENTS ALONG ALL PROPERTIES LOCATED ADJACENT TO HIGHWAY 60, AS SUBMITTED BY THE FRITZ DUDA COMPANY. THE PROJECT ALSO INCLUDES A PUBLIC HEARING TO CONSIDER A PLOT PLAN (PA03-0087) TO CONSTRUCT A 552-UNIT APARTMENT COMPLEX, INCLUDING THREE COMMUNITY CENTERS AND TWO SWIMMING POOLS ON A 33.24 ACRE PARCEL OF LAND BOUNDED BY TOWNGATE BOULEVARD, MEMORIAL WAY, TOWN CIRCLE AND HERITAGE WAY AND SUBMITTED BY LEGACY AT TOWNGATE (Report of: Community and Economic Development Department)

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

1. Recognize that the Towngate Specific Plan (SP No. 200) Amendment No. 4 is within the scope of the Program Environmental Impact Report (EIR) for the Towngate Specific Plan pursuant to the Addendum as provided within Section 15164 of the California Environmental Quality Act Guidelines, while no conditions in Section 15162 calling for a subsequent EIR have occurred (Attachment No. 9);
2. Introduce Ordinance No. 658 thereby approving P03-040 (Specific Plan Amendment), based on the findings in the City Council Ordinance for Amendment No. 4 to the Towngate Specific Plan No. 200, including the associated amendment of the Official Zoning Atlas for a 33.24 acre parcel within Planning Area 5 located at the northeast corner of Eucalyptus Avenue and Towngate Boulevard from O (Office) to H (High Density Residential) and the modification of the Specific Plan No. 200 Design Manual to alter the perimeter landscape/edge requirements along properties located adjacent to Highway 60

(Attachment No. 3) (roll call required);

Ordinance No. 658

An Ordinance of the City Council of the City of Moreno Valley, California, Approving P03-040 for a Specific Plan Amendment (No. 4) to the Towngate Specific Plan (No. 200), Modifying the Design Guidelines Regarding Perimeter/Edge Landscape Requirements for all Properties that Front Highway 60 and Changing the Land Use Designation from O (Office) to H (High Density Residential), While Amending the Official Zoning Atlas for a 33.24 Acre Parcel of Land Within Planning Area No. 5

3. Recognize that PA03-0087 (Plot Plan) is within the scope of the Program Environmental Impact Report (EIR) for the Towngate Specific Plan pursuant to the Addendum as provided within Section 15164 of the California Environmental Quality Act Guidelines, while no conditions in Section 15162 calling for a subsequent EIR have occurred (Attachment No. 10);
4. Approve Resolution No. 2004-16 thereby approving PA03-0087 (Plot Plan), based on the findings included in the Resolution, and Conditions of Approval, attached as Exhibit A to the resolution (Attachment No. 4).

Resolution No. 2004-16

A Resolution of the City Council of the City of Moreno Valley, California, Approving PA03-0087 (Plot Plan), for the Construction of 552 Apartments on 33.24 Acres Bounded by Towngate Boulevard, Memorial Way, Town Circle and Heritage Way

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

G. REPORTS

- G1. REPORT TO CONSIDER PUBLIC COMMENTS REGARDING MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT ZONE M (COMMERCIAL/INDUSTRIAL IMPROVED MEDIAN MAINTENANCE) – TENTATIVE PARCEL MAP 31750 – SOUTH OF ALESSANDRO BOULEVARD BETWEEN GRANT STREET AND ELSWORTH STREET (Report of: Public Works Department)

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 Tentative Parcel Map 31750 into the CSD Zone M (Commercial/Industrial Improved Median Maintenance)

- G2. APPROVE THE ADDITION OF THREE NEW PART TIME CAREER CROSSING GUARD POSITIONS TO THE ADULT SCHOOL CROSSING GUARD PROGRAM; AND CONSIDER CHANGING THE CURRENT PRACTICE OF IMMEDIATELY POSTING CROSSING GUARDS AT LOCATIONS THAT MEET WARRANTS AFTER THE RECOMMENDATION OF THE TRAFFIC SAFETY ADVISORY COMMITTEE PENDING ESTABLISHMENT OF A PERMANENT POST BY CITY COUNCIL. (Report of: Public Works Department)

Recommendation: That the City Council:

1. Approve the addition of three new part time career crossing guard positions to the Adult School Crossing Guard program to staff the following intersections:
 - A. Delphinium Avenue and Spinnaker Lane
 - B. Brodiaea Avenue and Kitching Street
 - C. Davis Street and Sandy Glade Avenue
 2. Approve the appropriation of \$8,700 from the General Fund Account Number 010-72110-6120 to fund the three additional part time career Adult School Crossing Guard positions for the remainder of the current fiscal year (March through June)
 3. Direct staff to defer posting of temporary crossing guards at locations that have met city warrants prior to being approved by City Council. This would discontinue current city practice, i.e., temporary crossing guards are posted following approval by the Traffic Safety Advisory Committee, but prior to approval by City Council.
- G3. POWERPOINT PRESENTATION – DEVELOPMENT SERVICES UPDATE (Report of: Community and Economic Development) (Slides to be provided under separate cover) (Oral Presentation – not for Council action)
- G4. POWERPOINT PRESENTATION - IMPACT OF INITIATIVE MEASURE ON THE CITY'S MUNICIPAL UTILITY (Report of: Public Works Department) – (Slides to be provided under separate

cover) (Oral Presentation – not for Council action)

- G5. PRESENTATION: SAN JACINTO BRANCH LINE COMMUTER RAIL (PERRIS VALLEY LINE) PROJECT (Report of: Public Works Department)
Recommendation: None. For presentation
- G6. INCREASED PENALTIES FOR UNAUTHORIZED PARKING IN SPACES RESERVED FOR DISABLED PERSONS (Report of: Administrative Services Department)
Recommendation: That the City Council direct staff to draft an Ordinance to increase by \$100 the fine for violation of Sections 4461 and 22507.8 of the Vehicle Code.
- G7. LEGISLATIVE UPDATE (Report of: Administrative Services Department)
Recommendation: Receive and file the report, which is provided as information.
- G8. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION

- H1. ORDINANCE REGULATING THE USE OF CAMP FACILITIES AND CAMP PARAPHERNALIA IN THE CITY OF MORENO VALLEY (Report of: City Attorney's Department)
Recommendation: That the City Council introduce Ordinance No. 659, amending Title 11 of the City of Moreno Valley Municipal Code, by adding a new Chapter 11.70, regulating camping and the use of camp facilities and camp paraphernalia in the City of Moreno Valley (roll call required).

Ordinance No. 659

An Ordinance of the City Council of the City of Moreno Valley, California, Adding Chapter 11.70 to the City of Moreno Valley Municipal Code, Regulating Camping and the Use of Camp Facilities and Camp Paraphernalia in the City of Moreno Valley

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 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(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

ADJOURNMENT