

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

**SEPTEMBER 14, 2004**

**CALL TO ORDER**

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

1. Proclamation Recognizing Constitution Week
2. Recognition of the Moreno Valley Rockets Track Team

**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.  
SEPTEMBER 14, 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** – Reverend JoAnn Weeks, Grace Episcopal 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 AUGUST 24, 2004 (Report of: City Clerk’s Department)  
Recommendation: Approve as submitted.
- A3. MODIFICATION TO CONDITIONS OF APPROVAL FOR TRACTS 22709, 22709-1, AND 31128 TO PERMIT THE ISSUANCE OF ADDITIONAL BUILDING PERMITS IN TRACT 22709-1 (Report of: Parks and Recreation Department)  
Recommendation: Approve the modification of the Conditions of Approval and allow DR Horton (formally Western Pacific Housing) to obtain the final 29 building permits for Tracts 22709 and 22709-1, in exchange for holding building permits for 13 lots in their adjacent Tract 31128 until the park construction is completed.
- A4. ACCEPT AND APPROVE REIMBURSEMENT AGREEMENT BETWEEN CITY OF RIVERSIDE AND CITY OF MORENO VALLEY FOR IMPROVEMENTS TO DAY STREET BETWEEN STATE ROUTE 60 AND IRONWOOD AVENUE. PROJECT NO. 05-41678724 (Report of: Public Works Department)  
Recommendation: Accept and approve the Reimbursement Agreement between City of Riverside and City of Moreno Valley for Improvements to Day Street between State Route 60 and Ironwood Avenue; and authorize the Mayor to execute the Reimbursement Agreement between City of Riverside

and City of Moreno Valley for Improvements to Day Street between State Route 60 and Ironwood Avenue.

- A5. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE SB 821 PERRIS BOULEVARD SIDEWALK PROJECT BETWEEN DRACAEA AVENUE AND EUCALYPTUS AVENUE, AND ALESSANDRO BOULEVARD SIDEWALK IMPROVEMENTS BETWEEN ELSWORTH STREET AND GRANT STREET, PROJECT NOS. 04-12272220 AND 03-89280023 (Report of: Public Works Department)

Recommendation: Award the construction contract for the SB821 Perris Boulevard Sidewalk Project between Dracaea Avenue and Eucalyptus Avenue and Alessandro Boulevard Sidewalk Improvements between Elsworth Street and Grant Street to Elite Bobcat Service, Inc., 1320 East Sixth Street, Suite 100, Corona, California 92879-1700, the lowest responsible bidder; authorize the Mayor to execute a contract with Elite Bobcat Service, Inc.; and authorize the issuance of two Purchase Orders for Elite Bobcat Service, Inc. in the amounts of \$44,680 (the bid amount plus 10% contingency) for the Perris Boulevard Sidewalk Improvements (Account No. 122.72220), and \$201,933 (the bid amount plus 10% contingency) for the Alessandro Boulevard Sidewalk Improvements (Account No. 892.80023) when the contract has been signed by all parties.

- A6. MORENO VALLEY RECREATION & CONFERENCE CENTER – APPROVE OFFER OF DEDICATION FOR EASEMENT AND RIGHT OF WAY FOR PUBLIC UTILITY PURPOSES. SOUTH SIDE OF ALESSANDRO BOULEVARD, 200’ WEST OF FREDERICK STREET (Report of: Public Works Department)

Recommendation: Approve the Offer of Dedication dedicating an easement and right of way for public utility purposes for property located on the Moreno Valley Recreation & Conference Center site; authorize the Mayor to execute the Offer of Dedication; and direct the City Clerk to forward the signed Offer of Dedication to the County Recorder’s Office for recordation.

- A7. PARCEL MAP 20995 – APPROVE THE EXONERATION OF THE LANDSCAPE & IRRIGATION FAITHFUL PERFORMANCE AND MATERIAL & LABOR BONDS – SOUTHEAST CORNER OF ALESSANDRO BOULEVARD AND ELSWORTH STREET - SUBDIVIDER – NEWHOPE PROPERTIES III, CGP - FOUNTAIN VALLEY, CA 92708 (Report of: Public Works Department)

Recommendation: Approve the exoneration of the Landscape & Irrigation Faithful Performance and Material & Labor Bonds for

Parcel Map 20995; and authorize the City Engineer to exonerate the Landscape & Irrigation Faithful Performance and Material & Labor Bonds for Parcel Map 20995.

- A8. ADOPT RESOLUTION NO. 2004-67 TO APPROVE AMENDING THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM REQUIRED CONTRACT CLAUSES FOR PROMPT PAYMENT, RELEASE OF RETAINAGE TO THE CONTRACTORS AND SUBCONTRACTORS, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO ACCEPT INCREMENTAL COMPLETED PORTIONS OF THE WORK (Report of: Public Works Department)  
Recommendation: Adopt Resolution No. 2004-67, to approve amending the Disadvantaged Business Enterprise (DBE) Program required contract clauses for prompt payment; approve prompt payment clause allowing for prompt progress payment to subcontractors and release of retainage to the contractors and subcontractors based on incremental acceptance of completed portions of the work in accordance with federal regulations 49 CFR 26.29; and authorize the Public Works Director to accept incremental completed portions of the work for prompt payment of retainage.

Resolution No. 2004-67

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Amendment of the Disadvantaged Business Enterprise (DBE) Program Required Contract Clauses for Prompt Payment, Release of Retainage to the Contractors and Subcontractors, and Authorize the Public Works Director to Accept Incremental Completed Portions of the Work

- A9. AWARD BID FOR REPLACEMENT STREET SWEEPER (Report of: Public Works Department)  
Recommendation: Appropriate additional \$22,618.40 from equipment replacement reserve; award the bid for purchase of an Elgin Eagle Street Sweeper to Haaker Equipment Company, Pomona, California, as being in the best interest of the City; authorize the Finance Director to issue a purchase order to Haaker Equipment Company in the amount of \$230,618.40; and authorize the Maintenance and Operations Manager to enter into contract with the Mobile Source Air Pollution Reduction Review Committee (MSRC) Local Government Match Program for reimbursement in the amount of \$20,000 toward the purchase of the replacement Street Sweeper.

- A10. PA02-0115 – ACCEPT BONDS AND AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS - SOUTH SIDE OF IRONWOOD AVENUE, EAST OF REDLANDS BOULEVARD - SUBDIVIDER - TRINITY BAPTIST CHURCH OF SUNNYMEAD, MORENO VALLEY, CA 92553 (Report of: Public Works Department)  
Recommendation: Accept the bonds and Agreement for Public Improvements for PA02-0115; 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.
- A11. LEASE AGREEMENT WITH AMR FOR FIRE STATION USE (Report of: Assistant City Manager)  
Recommendation: Staff recommends that the City Council enter into a lease agreement with American Medical Response (AMR) for the use of two city fire stations (Sunnymead Ranch and College Park) in order to provide improved direct responsive ambulance services within the City of Moreno Valley.

**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 AUGUST 24, 2004 (Report of: City Clerk's Department)  
Recommendation: Approve as submitted.
- B3. MODIFICATION TO CONDITIONS OF APPROVAL FOR TRACTS 22709, 22709-1, AND 31128 TO PERMIT THE ISSUANCE OF ADDITIONAL BUILDING PERMITS IN TRACT 22709-1 (Report of: Parks and Recreation Department)  
Recommendation: Approve the modification of the Conditions of Approval and allow DR Horton (formally Western Pacific Housing) to obtain the final 29 building permits for Tracts 22709 and 22709-1, in exchange for holding building permits for 13 lots in their adjacent Tract 31128 until the park construction is completed.
- B4. ACCEPTANCE OF GRANT MONIES FROM THE CALIFORNIA DEPARTMENT OF EDUCATION, CHILD DEVELOPMENT SERVICES, FOR CHILD CARE SERVICES AND ADOPTION OF THE RESOLUTION TO CERTIFY THE APPROVAL OF THE GOVERNING BOARD (Report of: Parks and Recreation Department)  
Recommendation: Authorize the acceptance of grant money in the

amount of \$619,635 for Fiscal Year (FY) 2004/2005 from the California Department of Education, Child Development Division, for the purpose of providing school age child care and development services; and adopt Resolution No. CSD 2004-21 to certify the approval of the governing board to enter into this transaction with the California Department of Education for the purpose of providing child care and development services and to authorize the designated personnel, as shown on the resolution, to sign contract documents for FY 2004/2005.

Resolution No. CSD 2004-21

A Resolution of the City Council of the City of Moreno Valley, California, Acting in its Capacity as the Board of Directors of the Moreno Valley Community Services District Certifying the Approval of the Governing Board to Enter into a Transaction with the California Department of Education for the Purpose of Providing Child Care and Development Services and to Authorize Designated Personnel to Sign Contract Documents For FY 2004/2005

**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 AUGUST 24, 2004 (Report of: City Clerk’s Department)  
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 AUGUST 24, 2004 (Report of: City Clerk’s Department)  
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. MAIL BALLOT PROCEEDINGS FOR TRACTS 27593, 29920 AND 31319 (AND ALL THEIR AFFECTED PHASES) FOR: 1) APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE; AND 2) INCLUSION INTO COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) AND APPROVAL OF THE ANNUAL CHARGE; AND MAIL BALLOT PROCEEDING FOR TENTATIVE TRACT 31431 (AND ALL AFFECTED PHASES) FOR 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 27593, 29920, 31319 and 31431 (and all their affected phases) 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 Zone B charge and the NPDES regulatory rate to the tentative tracts participating in each identified program.

E2. A PUBLIC HEARING REGARDING AN ASSUMPTION OF JURISDICTION BY CITY COUNCIL FOR A PLOT PLAN APPLICATION (PA04-0004) CONSISTING OF 61 AFFORDABLE APARTMENT UNITS ON A 4.4-ACRE PARCEL OF LAND (3.6 NET ACRES) WITHIN THE R-20 (RESIDENTIAL-20) LAND USE DISTRICT. THE PROPOSED PROJECT, SUBMITTED BY THE APPLICANT, GLOBAL PREMIER INC., IS LOCATED ON THE SOUTHEAST CORNER OF BAY AVENUE AND PAN AM BLVD. (PUBLIC COMMENT PORTION CLOSED) (Report of: Community and Economic Development Department)

Recommendation: The Planning Commission recommends that the City Council:



1. Recognize that the proposed plot plan (PA04-0004) for a 61 unit apartment complex within the R-20 (Residential 20) land use district, is exempt from the California Environmental Quality Act pursuant to Section 15332 "In-Fill Development Projects" of the CEQA Guidelines; and
2. Approve City Council Resolution No. 2004-59, thereby approving PA04-0004 (Plot Plan), based on the findings included in the Resolution.

Resolution No. 2004-59

A Resolution of the City Council of the City of Moreno Valley, California, Approving PA04-0004, for the Development of a 3.6 Net Acre Parcel of Land into a 61 Unit Affordable Apartment Complex with Accessory Uses

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

**G. REPORTS**

G1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

- a) Report on March Joint Powers Authority by Mayor Pro Tem Stewart

G2. 2004 CITIZEN OPINION SURVEY RESULTS (Report of: Administrative Services Department)  
Recommendation: That the City Council receive and file the findings of the 2004 Citizen Opinion Survey.

G3. LEGISLATIVE UPDATE (Report of: Assistant City Manager)  
Recommendation: Receive and file the report, which is provided as information.

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

- G5. INTRODUCE ORDINANCE NO. CSD 46 TO ESTABLISH ZONE E-15 (HIGH-SERVICE-LEVEL PARKWAY AND LIMITED FLOOD CONTROL CHANNEL LANDSCAPE MAINTENANCE) SERVICES FOR TRACT 31128 AND APPROVE AND ADOPT RESOLUTION NO. CSD 2004-22 TO AUTHORIZE COLLECTION OF THE APPROVED CSD ZONE E-15 CHARGE (Report of: Public Works Department)

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

1. Introduce Ordinance No. CSD 46 to establish Zone E-15 (High-Service-Level Parkway and Limited Flood Control Channel Landscape Maintenance) services for Tract 31128; and

Ordinance No. CSD 46

An Ordinance of the Moreno Valley Community Services District of the City of Moreno Valley, Approving the Establishment of Zone E-15 for the Purpose of Furnishing High-Service Level Parkway and Limited Flood Control Channel Landscape Maintenance Services to Tract No. 31128 and all Associated Phases

2. Approve and adopt Resolution No. CSD 2004-22 to authorize collection of the approved Zone E-15 parcel charge on the property tax bill, as required by the County of Riverside, to support Zone E-15 services.

Resolution No. CSD 2004-22

A Resolution of the Community Services District of the City of Moreno Valley, California, Approving the Parcel Charge to Provide Zone E-15 (High-Service-Level Parkway and Limited Flood Control Channel Landscape Maintenance) Services

**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(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-
- 3) SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR
  - a) Property: A portion of APN 477-120-001  
Apparent Owner: Bonair Vista, LLC.  
City Negotiator: Daria Padegimas, Consultant Real Property Agent  
Buyers Negotiator: Jeff Palmer, Bonair Vista, LLC

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

**ADJOURNMENT**