

**AGENDA**  
**CITY COUNCIL OF THE CITY OF MORENO VALLEY**  
**SEPTEMBER 28, 2004**

**CALL TO ORDER**

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

1. Mayor's Award of Valor Recognizing Joseph Douglas
2. MVTV-3 Council Chamber Upgrade Recognition

**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 28, 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 Larry Orr, Wesleyan 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.) 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. WARRANT REPORT – AUGUST 31, 2004 (Report of: Finance Department)  
Recommendation: Adopt Resolution No. 2004-69, approving the Warrant Report, dated August 31, 2004 in the total amount of \$9,979,641.57.

Resolution No. 2004-69

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report dated August 31, 2004

A3. RESOLUTION READOPTING A CONFLICT OF INTEREST CODE (Report of: City Clerk's Department)  
Recommendation: Adopt Resolution No. 2004-70, readopting a Conflict of Interest Code to amend the list of designated employees having filing requirements, and repealing all prior enactments on the same subject.

A4. ACCEPTANCE OF THE PURCHASE REQUEST FOR A SURVEILLANCE COMMAND VAN AND DROP VEHICLE SYSTEM USING ASSET FORFEITURE FUNDS (Report of: Police Department)  
Recommendation: Staff recommends the use of approximately \$110,500.00 of the approximately \$119,000.00 in available asset forfeiture money to purchase a high-tech surveillance command van and drop vehicle system.

- A5. MINUTES REGULAR MEETING OF SEPTEMBER 14, 2004  
(Report of: City Clerk's Department)  
Recommendation: Approve as submitted.
- A6 PA03-0087 – ACCEPT BONDS AND AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS - AREA BOUNDED BY TOWNGATE BOULEVARD, MEMORIAL WAY, TOWN CIRCLE, AND HERITAGE WAY - SUBDIVIDER - THE FALLS APARTMENTS, LLC A NEVADA LIMITED LIABILITY COMPANY - 3930 HOWARD HUGHES PARKWAY, SUITE 340 – LAS VEGAS, NV 89109 (Report of: Public Works Department)  
Recommendation: Accept the bonds and the Agreement for Public Improvements for PA03-0087; 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. PA02-0120 - ACCEPT BONDS AND AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS FOR UTILITY ELECTRICAL INFRASTRUCTURE EAST OF PERRIS BOULEVARD, SOUTH OF GLOBE STREET, NORTH OF THE PERRIS VALLEY STORM DRAIN - SUBDIVIDER – GALENA STREET DEVELOPMENT, LLC – 18101 VON KARMAN AVENUE, SUITE 120, IRVINE, CA 92612 (Report of: Public Works Department)  
Recommendation: Accept the bonds and Agreement for Public Improvements for Utility Electrical Infrastructure for PA02-0120; 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.
- A8. FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES (Report of: Public Works Department)  
Recommendation: Approve the Fourth Amendment for Professional Consultant Services with SA Associates, 1130 West Huntington Drive, Unit 12, Arcadia, California 91007 to provide Professional Consultant Services; authorize the Mayor to execute said Fourth Amendment for Professional Consultant Services with SA Associates; and authorize an increase in the Purchase Order to SA Associates in the amount of \$78,000, when the Fourth Amendment to Agreement for Professional Consultant Services has been signed by all parties.
- A9. APPROVE CONTINUING APPROPRIATIONS FOR FY 04/05 BUDGET AND FY 03/04 BUDGET ADJUSTMENT (Report of: Finance Department)  
Recommendation: Approve the continuing appropriations for FY

04/05 as included on Attachment "A", and the FY 03/04 budget adjustment for Building and Safety.

- A10. APPROVAL OF FINAL MAP 31327 – SINGLE FAMILY RESIDENTIAL PROJECT, AND ACCEPT BONDS & AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS - NORTHEAST CORNER OF ALESSANDRO BOULEVARD AND MORRISON STREET - SUBDIVIDER - WESTERN PACIFIC HOUSING 16755 VON KARMAN AVENUE, SUITE 200 - IRVINE, CA 92606 (Report of: Public Works Department)  
Recommendation: Approve Final Map 31327, 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; 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. APPROVAL OF FINAL MAP 31212 – SINGLE FAMILY RESIDENTIAL PROJECT, AND ACCEPT BONDS & AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS SOUTHEAST CORNER OF COTTONWOOD AVENUE AND MORRISON STREET - SUBDIVIDER - WESTERN PACIFIC HOUSING 16755 VON KARMAN AVENUE, SUITE 200 - IRVINE, CA 92606 (Report of: Public Works Department)  
Recommendation: Approve Final Map 31212, 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; 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.
- A12. RESOLUTION NO. 2004-71 SUPPORTING THE COMMUNITY ENERGY PARTNERSHIP'S FLEX YOUR POWER NOW! ALERT SYSTEM (Report of: Assistant City Manager)  
Recommendation: Adopt Resolution No. 2004-71, supporting the Community Energy Partnership in its local implementation of the Flex Your Power NOW! alert system.

Resolution No. 2004-71

A Resolution of the City Council of the City of Moreno Valley Authorizing the City to Enter into a Memorandum of Understanding with the Energy Coalition, A California Non-Profit Corporation

- A13. LEASE AGREEMENT WITH AMR FOR FIRE STATION USE  
(CONTINUED FROM SEPTEMBER 14, 2004) (Report of: Assistant  
City Manager)  
Recommendation: Continue this matter to October 12, 2004

**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. RESOLUTION READOPTING A CONFLICT OF INTEREST CODE  
(Report of: City Clerk's Department)  
Recommendation: That the City Council, acting in its capacity as  
Board of Directors of the Moreno Valley Community Services  
District ("District"), find that no change in the Conflict of Interest  
Code for the District is needed.
- B3. ADOPTION OF THE VOLUNTEER PARK PATROL RESERVE  
PROGRAM (Report of: Parks and Recreation Department)  
Recommendation: Adopt the proposed Volunteer Park Patrol  
Reserve Program, to be implemented and supervised by the Parks  
and Recreation Department, Parks & Facilities Division, Park  
Ranger staff.
- B4. MINUTES REGULAR MEETING OF SEPTEMBER 14, 2004  
(Report of: City Clerk's Department)  
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. RESOLUTION READOPTING A CONFLICT OF INTEREST CODE  
(Report of: City Clerk's Department)  
Recommendation: That the City Council, acting in its capacity as  
Members of the Community Redevelopment Agency ("Agency") of  
the City of Moreno Valley, find that no change in the Conflict of  
Interest Code for the Agency is needed.

C3. MINUTES REGULAR MEETING OF SEPTEMBER 14, 2004  
(Report of: City Clerk's Department)  
Recommendation: Approve as submitted.

C4. CONSIDERATION OF AUTO MALL IMPLEMENTATION AGREEMENT AND AMENDMENTS TO RELATED AGREEMENTS  
(Report of: Community & Economic Development Department)  
Recommendation: Approve the following agreements:  
Attachment 1) Implementation Agreement (Moreno Valley Auto Mall Participation Agreement; Attachment 2) First Amendment to Agreement Containing Covenants Affecting Real Property; and Attachment 3) Second Amendment to the Moreno Valley Auto Mall Declaration of Covenants, Conditions, Restrictions and Easements, Declaration of Annexation of Additional Land, and Termination of Declaration of Covenants, conditions, Restriction and Easements – Moreno Valley Auto Mall Landscaping Association.

**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 14, 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. PUBLIC HEARING FOR FISCAL YEAR 2004 LOCAL LAW ENFORCEMENT BLOCK GRANT (LLBEG) PROGRAM FUNDING ALLOCATION (Report of: Police Department)  
Recommendation: That the City Council take the following actions:

- 1) Hold a public hearing to allow public comments on the proposed use of the Local Law Enforcement Block Grant Program,
- 2) Consider the comments or views received by the public,

- 3) Adopt the proposed use of the Local Law Enforcement Block Grant Program funding, as appropriate, to address public and Council comments;
- 4) Accept the Local Law Enforcement Block Grant Program funding in the amount of \$85,576 (Total Program amount \$95,084; with City's 10% match) from the U.S. Department of Justice, Bureau of Justice Assistance, and;
- 5) Authorize a budget appropriation adjustment in the amount of \$9,508 from the General Fund account 62210.6291.295 to 255.62567 (Transfers to Fund 255) in order to satisfy the 10% matching requirement.

E2. A PUBLIC HEARING REGARDING AN ASSUMPTION OF JURISDICTION BY CITY COUNCIL FOR A PLOT PLAN APPLICATION (PA03-0014) CONSISTING OF THREE INDUSTRIAL BUILDINGS ON A 73-ACRE PARCEL OF LAND WITHIN A BUSINESS PARK AND INDUSTRIAL LAND USE DISTRICT. THE PROPOSED PROJECT, SUBMITTED BY THE APPLICANT, KCT CONSULTANTS, IS LOCATED ON THE SOUTHEAST SECTION OF HEACOCK STREET AND IRIS AVENUE (Report of Community & Economic Development Department)

Recommendation: That the City Council:

1. Adopt a Negative Declaration for PA03-0014 (Plot Plan), pursuant to the requirements of the California Environmental Quality Act (CEQA) Guidelines; and
2. Approve Resolution No. 2004-72, approving Plot Plan No. PA03-0014, based on the findings contained in the Resolution, and subject to the Conditions of Approval included as Exhibit A of the resolution.

Resolution No. 2004-72

A Resolution of the City Council of the City of Moreno Valley, approving PA03-0014, A Plot Plan to Construct Three Industrial Warehouse Buildings; Building "A" 449,040 Sq. Ft., Building "B" 649,682 Sq. Ft. and Building "C" 394,840 Sq. Ft. on A 73-Acre Parcel Within the Moreno Valley Industrial Specific Plan Area (SP208)



**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 Commission by Council Member White

G2. REQUEST TO INITIATE EMINENT DOMAIN PROCEEDING FOR RIGHT-OF-WAY ACQUISITION FOR PROPERTY LOCATED ON EAST SIDE OF DAY STREET BETWEEN STATE ROUTE 60 AND IRONWOOD AVENUE AND THE SOUTH SIDE – PROJECT NO. 05-41678724 (Report of: Public Works Department)  
Recommendation: That the City Council:

1. Accept the good faith estimate of fair market value of the property to be acquired and authorize and ratify the preparation of a more formal appraisal of the property;
2. Approve, ratify and direct the notification and offer of good faith estimate of just compensation made to the property owner and of notification of authorization to appraise the property.

G3. LEGISLATIVE UPDATE AND NOVEMBER ELECTION BALLOT MEASURES (Report of: Assistant City Manager)  
Recommendation: That the City Council:

- a) SUPPORT Propositions 1A and 59 and OPPOSE Propositions 65 and 70; and
- b) Receive and file the 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

- H1. 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 ALL ASSOCIATED PHASES (RECEIVED FIRST READING AND INTRODUCTION SEPTEMBER 14, 2004 ON A 5-0 VOTE) (Report of: Public Works Department)  
Recommendation: Adopt Ordinance No. CSD 46.

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

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-

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

### **ADJOURNMENT**