

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

OCTOBER 12, 2004

CALL TO ORDER

SPECIAL PRESENTATIONS - 6:00 p.m.

1. Update by Assemblymember Russ Bogh
2. Presentation of:
 - Mobil Command Center
 - Traffic Reconstruction Truck
 - Rapid Response Vehicle

**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.
OCTOBER 12, 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 – Rev. Romeo N. Seleccion, MS, St. Christopher Parish

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. REPLACEMENT VEHICLE PURCHASE FOR TRANSPORTATION DIVISION (Report of: Public Works Department)
Recommendation: Approve an appropriation of \$17,486.79 from the Equipment Replacement Reserve Account, 757.99401.6641.645, to replace the Transportation Division van due to excessive damage from a non-City fault collision.

- A3. MINUTES - REGULAR MEETING OF SEPTEMBER 28, 2004 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.

- A4. ACCEPTANCE OF GLOBAL LANGUAGE MATERIALS GRANT (Report of: Department of Library Services)
Recommendation: Accept the Global Language Materials Grant in the amount of \$6,000.

- A5. TELECOMMUNICATIONS LICENSE AGREEMENT WITH PACIFIC BELL WIRELESS, LLC, DBA CINGULAR WIRELESS (Report of: Public Works Department)
Recommendation: Authorize the Mayor to execute a Telecommunications License Agreement with Pacific Bell Wireless, LLC, a Nevada limited partnership, dba Cingular Wireless (Cingular) for approximately 272 square feet of ground space on the property known as Sunnymead Ranch Fire Station No. 48.

- A6. AWARD OF TRAFFIC SIGNAL MAINTENANCE TRUCK WITH AERIAL DEVICE (Report of: Public Works Department)
Recommendation: Award the purchase of one Traffic Signal Maintenance Truck with Aerial Device to Lake Chevrolet of Lake Elsinore, CA, as being in the best interest of the City; and authorize the Finance Director to issue a purchase order to Lake Chevrolet of Lake Elsinore, CA, in the amount of \$114,809.78.
- A7. MINUTES - SPECIAL MEETING OF OCTOBER 5, 2004 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.
- A8. SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH CALTROP ENGINEERING, INC. (Report of: Public Works Department)
Recommendation: Approve the Second Amendment to Agreement for Professional Consultant Services with Caltrop Engineering Inc., 1037 West 9th Street, Upland, California 91786 to provide Professional Consultant Services; authorize the Mayor to execute said Second Amendment to Agreement for Professional Consultant Services with Caltrop Engineering Inc.; and authorize an increase in the Purchase Order to SA Associates in the amount of \$91,000, when all parties have signed the Second Amendment to Agreement for Professional Consultant Services.
- A9. AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR FIRE STATION NO. 58, PROJECT NO. 05-43472523 (Report of: Public Works Department)
Recommendation: Approve the "Agreement for Professional Consultant Services" to be sole sourced by STK Architecture, Inc., 2575 South Jacinto Avenue, San Jacinto, California 92583-5318, for professional consultant services for Fire Station No. 58; authorize the Mayor to execute said "Agreement for Professional Consultant Services" with STK Architecture, Inc.; and authorize the issuance of a Purchase Order to STK Architecture, Inc., in the amount of \$336,308.00 when the Agreement has been signed by all parties (Account No. 434.72523.7200).
- A10. LEASE AGREEMENT WITH AMR FOR FIRE STATION USE (Continued from September 28, 2004) (Report of: Assistant City Manager)
Recommendation: Continue this matter to October 26, 2004.

A11. RATIFICATION OF THE APPROVAL FOR THE FIRST AMENDMENT TO POLICE CONTRACT (Report of: Police Department)

Recommendation: Ratify the approval of the First Amendment to the police contract.

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 SEPTEMBER 28, 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. MINUTES - REGULAR MEETING OF SEPTEMBER 28, 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 SEPTEMBER 28, 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. A PUBLIC HEARING ON THE PLANNING COMMISSION'S AUGUST 26, 2004 APPROVAL RECOMMENDATION OF A MUNICIPAL CODE AMENDMENT (PA04-0085) TO REDUCE REQUIRED PARKING FOR MULTIPLE FAMILY RESIDENTIAL LAND USES AND A PLOT PLAN (PA03-0039) TO CONSTRUCT A 26-UNIT APARTMENT PROJECT COMPRISED OF TWO 2-STORY BUILDINGS, WITH COVERED PARKING, LANDSCAPED OPEN SPACE, AND A PLAYGROUND ON 1.74-NET ACRES LOCATED NORTH OF HIGHWAY 60, ON THE SOUTH SIDE OF HEMLOCK AVENUE AND WEST OF PERRIS BOULEVARD (Report of: Community and Economic Development Department)
Recommendation: That the City Council conduct a public hearing for review of the recommended action taken by the Planning Commission to approve PA04-0085 (Municipal Code Amendment) and PA03-0039 (Plot Plan), and subsequent to the public hearing:

1. Recognize that PA04-0085 (Municipal Code Amendment) as a minor alteration to land use limitations, is exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption;
2. Introduce City Council Ordinance No. 670 approving PA04-0085 (Municipal Code Amendment), based on the findings in City Council Ordinance No. 670;

Ordinance No. 670

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Municipal Code Amendment (PA04-0085) to Change Parking Requirements for Multiple-Family Residential Land Uses in Table 9.11.040A-12, and Sections 9.11.040.C, 9.11.060.B, and 9.16.140.B22.d

3. Recognize that PA03-0039 (Plot Plan) as an in-fill development project, is exempt under California Environmental Quality Act Guidelines, per Section 15332, as a Class 32 Categorical Exemption; and
4. Adopt City Council Resolution No 2004-74 approving PA03-0039 (Plot Plan), based on the findings in City Council Resolution No. 2004-74, and the conditions of approval as attached to the resolution as Exhibit A.

Resolution No. 2004-74

A Resolution of the City Council of the City of Moreno Valley, California, Approving Plot Plan PA03-0039 for a 26-Unit Apartment Project to Be Developed on 1.74-Net Acres Located on the South Side of Hemlock Avenue and West of Perris Boulevard on Assessor's Parcel Number 481-322-045

E2. AMENDED REPORT RECOMMENDING ADOPTION OF THE RESOLUTION OF NECESSITY AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR THE RIGHT-OF-WAY ACQUISITION OF PROPERTY LOCATED ON THE EAST SIDE OF DAY STREET BETWEEN STATE ROUTE 60 AND IRONWOOD AVENUE – PROJECT NO. 05-41678724 (Continued from October 5, 2004) (Report of: Public Works Department)

Recommendation: That the City Council:

1. Accept the appraisal of the subject property as the probable amount of just compensation for the easement interests sought to be acquired, recognize and affirm the reduced size of the permanent easement sought, and ratify the offer made by staff as required by Government Code Section 7267.2;
2. Conduct a hearing, allowing the property owner, who has requested the right to appear, to provide additional evidence to the City Council;
3. Approve and adopt the Planning Division's findings that the project is exempt from CEQA as it is classified as a Class 1 Categorical Exemption (under section 15301C), and, therefore, environmental documents are not required;
4. Find and determine that each of the statements, findings, and facts in the form of the modified Resolution of Necessity are true and correct;
5. Find that the proposed Modified Factual Summary to Justify Findings as modified, and attached to the Staff's Amended Agenda Report, is true and correct;
6. Adopt the Resolution of Necessity No. 2004-73 as modified, authorizing eminent domain proceedings; and

Resolution No. 2004-73

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and

Necessity Require the Acquisition of Property for Public Street and Highway Purposes Including Related Improvements and Facilities; that the Acquisition and Taking of the Easements in the Herein-Described Property is Necessary for the Project; that the Project is Planned in a Manner that is Most Compatible with the Greatest Public Good and the Least Private Injury; that the Offer Required by Government Code Section 7267.2 Has Been Made, and Even if Not Made, or Completed, that the Project is an Emergency Project, Which Would Excuse Making of a Prior Offer Required by Government Code Section 7267.2; Authorizing Proceedings to Be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of Said Property; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Property

7. Direct the City Attorney/counsel for the City to file appropriate action in eminent domain, and including application for orders authorizing deposit of funds and seeking prejudgment possession.
- E3. A PUBLIC HEARING REGARDING AN AMENDMENT TO TITLE 9 OF THE MUNICIPAL CODE REGARDING THE DELINEATION OF ZONING BOUNDARIES (Report of: Community and Economic Development Department)
Recommendation: Staff and the Planning Commission recommend that the City Council conduct a public hearing regarding PA04-0161, an amendment to the Municipal Code regarding the delineation of zoning boundaries; and
1. Determine that the proposed amendment to the Municipal Code is exempt from the California Environmental Quality Act (CEQA) in accordance with and pursuant to Section 15061 of the CEQA Guidelines; and
 2. Introduce Ordinance No. 671, thereby approving the proposed amendment to Title 9 of the Municipal Code regarding the delineation of zoning boundaries

Ordinance No. 671

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 the Delineation of Zoning Boundaries

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 Mayor Pro Tem Stewart

G2. APPOINTMENTS TO THE SENIOR CITIZENS' BOARD AND TRAFFIC SAFETY COMMISSION (Report of: City Clerk's Department)

Staff recommends that the City Council, after reviewing the ballots provided by the City Clerk:

- 1. Appoint one member to the Senior Citizens' Board for a term expiring June 30, 2005;
- 2. Appoint one member to the Traffic Safety Commission for a term expiring June 30, 2005; or
- 3. If appointments are not made, declare the positions vacant and authorize the City Clerk to re-notice the positions as vacant

G3. LEGISLATIVE UPDATE (Report of: Assistant City Manager)
Recommendation: That the City Council receive and file the report.

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

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(a) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
- 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-

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

ADJOURNMENT