

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

APRIL 12, 2005

CALL TO ORDER

SPECIAL PRESENTATIONS - 6:00 p.m.

1. Proclamation Recognizing National Fair Housing Month - April 2005
2. Recognition of Canyon Springs High School Girls Varsity Basketball Team
3. Governor's Budget Proposal Presentation – Moreno Valley Unified School District

**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.
APRIL 12, 2005**

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 David Richardson, Jr., Imani Praise 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. APPROVAL OF THE 2005/2006 FISCAL YEAR STORM WATER PROTECTION PROGRAM BUDGET FOR COUNTY SERVICE AREA (CSA) 152 (Report of: Public Works Department)
Recommendation: Approve the County Service Area (CSA) 152 Budget for FY 2005/2006 in the amount of \$445,392; and authorize the levy of CSA 152 Assessment at \$8.15 per Benefit Assessment Unit (BAU) for FY 2005/2006.

- A3. REQUEST TO REMOVE THE CROSSWALK ON CACTUS AVENUE AT REDWING DRIVE (Report of: Public Works Department)
Recommendation: Instruct Transportation Engineering Division to remove the crosswalk on Cactus Avenue at Redwing Drive on May 12, 2005.

- A4. RESOLUTION REPEALING RESOLUTION NO. 96-40, AND DESIGNATING AND AUTHORIZING CERTAIN CITY OFFICIALS TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING DISASTER RELATED FINANCIAL ASSISTANCE (Report of: Interim Assistant City Manager)
Recommendation: Adopt Resolution No. 2005-30, repealing Resolution No. 96-40, and designating and authorizing certain city officials to execute applications and documents for purposes of obtaining financial assistance under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988.

Resolution No. 2005-30

A Resolution of the City Council of the City of Moreno Valley, California, Repealing Resolution No. 96-40, and Designating and Authorizing Certain City Officials to Execute Applications and Documents for Purposes of Obtaining Financial Assistance under Section 404 of Public Law 93-288, as Amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988

- A5. PROFESSIONAL CONSULTANT SERVICES AGREEMENT FOR IRONWOOD AVENUE IMPROVEMENTS FROM PIGEON PASS ROAD TO GRAHAM STREET, PROJECT NO. 05-12567423 (Report of: Public Works Department)
Recommendation: Award the Agreement for Professional Consultant Services to Lim & Nascimento Engineering Corporation, 1887 Business Center Drive, Suite 6, San Bernardino, California 92408 to provide design services for the Ironwood Avenue Improvements; authorize the Mayor to execute the Agreement for Professional Consultant Services with Lim & Nascimento Engineering Corporation; and authorize the issuance of a Purchase Order to Lim & Nascimento Engineering Corporation, in the amount of \$131,261.00 (the proposal amount plus 10% contingency) when the Agreement has been signed by all parties (Account No. 125.67423.7200).
- A6. TRACT 30318 – APPROVE GRANT DEED TO BEAZER HOMES HOLDING CORPORATION FOR A PORTION OF LOT ‘A’ - EAST SIDE OF LASSELLE STREET, SOUTH OF KRAMERIA AVENUE - SUBDIVIDER - BEAZER HOMES HOLDING CORPORATION - 1100 TOWN & COUNTRY, SUITE 100 - ORANGE, CA 92868 (Report of: Public Works Department)
Recommendation: Approve the granting of a portion of Lot ‘A’ of Tract 30318 to Beazer Homes Holding Corporation; authorize the Mayor to execute the Grant Deed; and direct the City Clerk to forward the signed Grant Deed to Fidelity National Title Company for processing and forwarding to the County Recorder’s office for recordation.
- A7. ACCEPTANCE OF GRANT MONIES FROM THE 2005 STATE HOMELAND SECURITY GRANT (Report of: Interim Assistant City Manager)
Recommendation: Authorize the acceptance of grant monies in the amount of \$198,291.24 for fiscal year 2005/2006 from the State Homeland Security Grant for the purpose of preparedness.

- A8. APPROVAL OF PARCEL MAP 31475 – SUBDIVIDE 2.02 ACRES INTO 2 RESIDENTIAL LOTS - MATHEWS ROAD, SOUTH OF KALMIA AVENUE AND EAST OF PERRIS BOULEVARD - SUBDIVIDER – TIMOTHY CANFIELD - 28915 CAMPBELL AVE., MORENO VALLEY, CA 92555 (Report of: Public Works Department)
 Recommendation: Waive Special Conditions LD 7 and LD 8 (Required Road Improvements); and approve Parcel Map 31475, authorize the City Clerk to sign the map, and transmit said map to the County Recorder’s Office for recordation.
- A9. APPROVAL OF FINAL MAP 27593 – SINGLE-FAMILY RESIDENTIAL PROJECT, AND ACCEPT BONDS & AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS - NORTHEAST CORNER OF FIR AVENUE AND MORRISON STREET, SUBDIVIDER - MVGH 2004, LLC, 2 PARK PLAZA, SUITE G, IRVINE, CA 92614 (Report of: Public Works Department)
 Recommendation: Approve Final Map 27593, 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.
- A10. REQUEST FOR ALL-WAY STOP CONTROL AT THE INTERSECTION OF CACTUS AVENUE AND OLIVER STREET (Report of: Public Works Department)
 Recommendation: Adopt Resolution No. 2005-31 to establish all-way stop controls at the intersection of Cactus Avenue and Oliver Street.

Resolution No. 2005-31

A Resolution of the City Council of the City of Moreno Valley Establishing Stop Controls for West and East Bound Traffic on Cactus Avenue at Oliver Street

- A11. MINUTES - REGULAR MEETING OF MARCH 22, 2005 (Report of: City Clerk’s Department)
 Recommendation: Approve as submitted.
- A12. SWAP MEET ORDINANCE (RECEIVED FIRST READING AND INTRODUCTION MARCH 22, 2005 ON A 5-0 VOTE) (Report of: Community Development Department)
 Recommendation: Adopt Ordinance No. 684.

Ordinance No. 684

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code with Respect to Indoor Malls

- A13. AUTHORIZATION TO CONDUCT A FULL STREET CLOSURE ON A PORTION OF FIR AVENUE FROM APRIL 18, 2005 TO JUNE 24, 2005 - SUBDIVIDER: GRANITE HOMES, 2 PARK PLAZA, SUITE 700, IRVINE, CA 92614 (Report of: Public Works Department)

Recommendation: Authorize the following full street closure in conjunction with the construction of Tract 27593: Fir Avenue, from Morrison Street to 1000 feet east of Morrison Street, beginning Monday, April 18, 2005 to Friday, June 24, 2005.

- A14. APPROVAL OF GRANT APPLICATION SUBMITTAL FOR THE HAZARD ELIMINATION SAFETY (HES) PROGRAM, FEDERAL FISCAL YEAR (FFY) 2005/2006 (Report of: Public Works Department)

Recommendation: Approve the submittal of the grant application for the Hazard Elimination Safety Program, Federal Fiscal Year 2005/2006.

- A15. APPROVAL OF MICROSOFT ENTERPRISE LICENSE AGREEMENT ONE YEAR RENEWAL WITH COMPUCOM SYSTEMS, INC. (Report of: Interim Administrative Services Director)

Recommendation: Renew Microsoft Licensing maintenance and licenses on the County of Riverside's Microsoft Enterprise Agreement. Staff recommends CompuCom Systems, Inc. a Microsoft Large Account Reseller for one year renewal as being in the best interest of the City.

- A16. AUTHORIZATION TO APPROVE EXECUTIVE SEARCH CONTRACT WITH CPS EXECUTIVE SEARCH (Report of: Human Resources Director)

Recommendation: Authorize the Mayor to sign a contract with CPS Executive Search to conduct a recruitment for the new City Manager for the City of Moreno Valley subject to the review and approval of the City Attorney.

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. REQUEST ADOPTION OF PLANS AND SPECIFICATIONS, AND AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR THE INSTALLATION OF STREET TREE LANDSCAPING FOR TRACTS 13576, 19080, 19081 AND ALL AFFECTED PHASES, PROJECT NO. 121-85620-7200-04 (Report of: Public Works Department)

Recommendation: Adopt the plans and specifications on file in the office of the City Engineer; and authorize the City Clerk to advertise the project for construction bids.

- B3. PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) FOR: 1) TRACT 13585 – NORTH OF BAY AVENUE AND WEST OF LASSELLE STREET, 2) TRACT 19852 - NORTH OF COTTONWOOD AVENUE AND WEST OF MORRISON LANE, 3) TRACT 20032 - SOUTH OF COTTONWOOD AVENUE AND EAST OF INDIAN STREET, 4) TRACT 21806 – NORTH OF MARIPOSA AVENUE AND EAST OF PERRIS BOULEVARD, AND 5) TRACT 24721 - WEST OF SHUBERT STREET BETWEEN EUCALYPTUS AVENUE AND DRACAEA AVENUE (Report of: Public Works Department)

Recommendation: Accept public comments regarding mail ballot proceeding for the proposed increase in the CSD Zone D annual charges for Tracts 13585, 19852, 20032, 21806, and 24721.

- B4. MINUTES - REGULAR MEETING OF MARCH 22, 2005 (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 MARCH 22, 2005 (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 MARCH 22, 2005 (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. REBALLOT PROCEEDING FOR TENTATIVE TRACTS 31212 AND 31327 (AND ALL AFFECTED PHASES) FOR INCLUSION INTO COMMUNITY SERVICES DISTRICT (CSD) ZONE E-14 (MAHOGANY FIELDS) AND APPROVAL OF THE CSD ANNUAL CHARGE. TENTATIVE TRACT 31212 IS LOCATED ON THE EAST SIDE OF MORRISON STREET BETWEEN COTTONWOOD AVENUE AND BAY AVENUE. TENTATIVE TRACT 31327 IS LOCATED ON THE EAST SIDE OF MORRISON STREET BETWEEN BAY AVENUE AND ALESSANDRO BOULEVARD (Report of: Public Works Department)
Recommendation: That the Mayor and members of the Moreno Valley City Council, acting as President and members of 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 31212 and 31327 (and all the affected phases) for the described service;
 2. Verify and accept the results of the mail ballot proceeding 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 E-14 charges.

E2. A PUBLIC HEARING FOR AN APPEAL OF THE PLANNING COMMISSION'S DISAPPROVAL OF APPLICATION NOS. PA04-0173 AND PA04-0174. APPLICATION PA04-0173 IS AN AMENDMENT TO THE MORENO VALLEY MUNICIPAL CODE TO ALLOW VEHICLE SALES BUSINESSES ON A MINIMUM OF 0.75 ACRES AND LESS THAN 2.5 ACRES WITH A CONDITIONAL USE PERMIT IN THE COMMUNITY COMMERCIAL ZONE. PA04-0174 IS A CONDITIONAL USE PERMIT TO ESTABLISH A VEHICLE SALES BUSINESS ON APPROXIMATELY 0.89 ACRES AT 21115 BOX SPRINGS ROAD.(CONTINUED FROM MARCH 22, 2005) (Report of: Community Development Department)
Recommendation: That the City Council conduct a public hearing and take one of the following three actions:

1. Sustain the appeal in part by approving the Municipal Code Amendment with modifications and referring the Conditional Use Permit to the Planning Commission by taking the following actions:

Recognize that Application No. PA04-0173 is exempt from the California Environmental Quality Act in accordance with Section 15061 of the CEQA Guidelines; and introduce Ordinance No. 685, thereby approving Municipal Code Amendment Application No. PA04-0173, with changes to allow either one or two vehicle dealerships on 2.5 acres, based on the findings contained in the proposed ordinance; and refer Conditional Use Permit Application No. PA04-0174, to the Planning Commission with direction to add conditions of approval requiring the parcel in question to be merged with the parcel to the west containing an existing RV dealership without placing conditions on the RV dealership and prohibiting vehicle repair within the new dealership. Staff supports this modification to the original recommendation.

Ordinance No. 685

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code to Allow Vehicle Sales Businesses Encompassing a Minimum of 0.75 Acres and Less Than 2.5 Acres with a Conditional Use Permit in the Community Commercial District and Subject to Specified Development Requirements

or

2. Uphold the Planning Commission's disapproval by taking the

following actions:

Uphold the Planning Commission's disapproval of Application Nos. PA04-0173 and PA04-0174 based on the findings contained in the Planning Commission Resolution 2005-5; and direct staff to prepare a City Council resolution upholding the Planning Commission's disapproval of Application Nos. PA04-0173 and PA04-0174.

or

3. Approve the project by taking the following actions:

Recognize that Application Nos. PA04-0173 and PA04-0174 are exempt from the California Environmental Quality Act in accordance with Sections 15061 and 15301 of the CEQA Guidelines; and Introduce Ordinance No. 685, thereby approving Application No. PA04-0173, an amendment to Title 9 of the Municipal Code regarding vehicle sales businesses, based on the findings contained in the ordinance; and approve Resolution No. 2005-29, thereby approving Conditional Use Permit Application No. PA04-0174, based on the findings contained in the resolution; and subject to the conditions of approval attached to the resolution.

This action would be consistent with the original staff recommendation to the Planning Commission.

Ordinance No. 685

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code to Allow Vehicle Sales Businesses Encompassing a Minimum of 0.75 Acres and Less Than 2.5 Acres with a Conditional Use Permit in the Community Commercial District and Subject to Specified Development Requirements

Resolution No. 2005-29

A Resolution of the City Council of the City of Moreno Valley Approving Application PA04-0174, a Conditional Use Permit to Establish a Vehicle Sales Business Located at 21115 Box Springs Road on Approximately 0.89 Acres

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

G. REPORTS

G1. POWERPOINT PRESENTATION BY SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) ON REGIONAL GROWTH ISSUES (CONTINUED FROM MARCH 22, 2005)

G2. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a) Report on March Joint Powers Authority by Mayor Stewart

G3. RESOLUTION 2005-32 TO AMEND FEE RESOLUTION 2004-55 TO INCREASE PENALTIES FOR STREET SWEEPING PARKING VIOLATIONS (Report of: Community Development Department)
Recommendation: Approve Resolution 2005-32 to amend Resolution 2004-55 (Fee Resolution Schedule) to increase street sweeping parking violation fines from \$25 to \$35 per violation.

Resolution No. 2005-32

A Resolution of the City Council of the City of Moreno Valley, California, Amending Resolution No. 2004-55 to Increase Penalties for Street Sweeping Parking Violations

G4. DISCUSSION AND RECOMMENDATIONS FOR MODIFICATION OF THE EXISTING BUSINESS PARK STANDARDS (Report of: Community Development Department)
Recommendation: That the City Council direct staff to prepare a Municipal Code Amendment that would include the following:

A. Modify the existing Business Park standards to limit more intense warehousing and industrial uses within the Business Park designation that would not be appropriate adjacent to residential and other sensitive uses; and

B. Establish a new "Light Industrial" zone in the Municipal Code and zoning atlas that would apply to areas that are currently designated Business Park, but are appropriate for larger warehousing and industrial projects.

G5. LEGISLATIVE UPDATE (Report of: Interim Assistant City Manager)
Recommendation: That the City Council receive and file the informational report.

- G6. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION – NONE

- H1. ORDINANCE REPEALING PROVISIONS RELATING TO CAMPAIGN DISCLOSURE (Report of: City Clerk's Department)
Recommendation: Introduce Ordinance No. 686, repealing Ordinance No. 232 and Ordinance No. 391, which established provisions relating to campaign disclosure. (Roll call required)

Ordinance No. 686

An Ordinance of the City Council of the City of Moreno Valley, California, Repealing Ordinance No. 232 and Ordinance No. 391, which Established Provisions Relating to Campaign Disclosure

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(a) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
 - a) Case: *Vincent Monaco vs. City of Moreno Valley*
Court: Riverside Superior Court
Case No.: RIC 428221
- 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-
- 4) SECTION 54956.8 – REAL ESTATE NEGOTIATIONS
 - a) City Negotiator: John Strickler
Property: APN 486-084-001(Jrs. Market)
Address: 15310 Perris Boulevard
Owner: Kamal and Wafaa Batech

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

ADJOURNMENT