



**NOTICE AND CALL OF SPECIAL MEETING
OF THE MORENO VALLEY CITY COUNCIL
Closed Session**

SEPTEMBER 24, 2002 – 6:00 P.M.

NOTICE IS HEREBY GIVEN that a special meeting of the City Council of the City of Moreno Valley will be held on September 24, 2002, commencing at 6:00 p.m., in the Finance Conference Room, Second Floor, City Hall, located at 14177 Frederick Street, Moreno Valley, California. Prior to recessing to Closed Session the Council will hear public comments, if any, on the Closed Session matter in the Council Chamber.

Said special meeting shall be for the purpose of:

- CALL TO ORDER
- ROLL CALL
- 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 LAVENDER 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.

- CLOSED SESSION - The Closed Session will be held pursuant to Government Code:

1) SECTION 54956.9(a) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Case: *City of Moreno Valley v. County of Riverside*
Court: Riverside Superior Court
Case No.: RSC 352554

Comment: Page: 2
Mayor Pro Tem Batey made a motion, seconded by Councilmember Stewart to add one item to the agenda:
SECTION 54956.9(a) -
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Case:→*Adelphia Communications Corporation, and Century- TCI California, L.P., a Delaware Limited Partnership vs. City of Moreno Valley*→→
Court:→→U.S. District Court→
Case No.:→EDCV 01-0181

Motion carried 5-0 .

2) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

- a) SECTION 54956.9(b)(1) - Significant exposure to litigation
Number of Cases: -2-
- b) SECTION 54956.9(c) - Initiation of litigation
Number of Cases: -2-

Dated: September 19, 2002

Alice Reed, City Clerk

**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**

**REGULAR MEETING – 6:30 P.M.
SEPTEMBER 24, 2002**

CALL TO ORDER (Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, and the Community Redevelopment Agency of the City of Moreno Valley - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Bill Martin, Jr., Palm Canyon Community 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 10:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 10:00 P.M. Those wishing to speak should submit a PINK 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-C) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

All items listed under the Consent Calendars, Sections A, B, and C, are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, or Redevelopment Agency 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 MYERS AVENUE IMPROVEMENTS FROM HEACOCK STREET TO PERRIS BOULEVARD; AND MISCELLANEOUS STREET IMPROVEMENTS WITHIN TRACT 22139, TRACT 24478, AND PLOT PLAN 1338, PROJECT NO. 98-92774-2 (Report of: Director of Public Works/City Engineer)
Recommendation: Ratify Contract Change Order Nos. 1 and 2; accept the work as completed for the Myers Avenue improvements from Heacock Street to Perris Boulevard, and miscellaneous street improvements within Tracts 22139 and 24478, Plot Plan 1338, and the Eastern Municipal Water District (EMWD) waterline relocation constructed by Vance Corporation, Rialto, California; direct the City Clerk to record the Notice of Completion within ten (10) 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 Vance Corporation, 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. WARRANT REPORT – AUGUST, 2002 (Report of: Director of Finance/City Treasurer)
Recommendation: Adopt Resolution No. 2002-62, approving the Warrant Report, dated August, 2002 in the total amount of \$8,603,035.24.

Resolution No. 2002-62

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report dated August 31, 2002

A4. RESOLUTION READOPTING A CONFLICT OF INTEREST CODE (Report of: City Clerk)

Recommendation: That the City Council:

1. Adopt Resolution No. 2002-63, 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;

Resolution No. 2002-63

A Resolution of the City Council of the City of Moreno Valley, California, Readopting a Conflict of Interest Code by Reference to the Fair Political Practices Commission's Standard Model Conflict of Interest Code, and Repealing all Prior Enactments on the Same Subject

2. 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;
3. 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.

A5. ACCEPTANCE OF OFFICE OF TRAFFIC SAFETY GRANT (Report of: Interim Fire Chief)

Recommendation: Authorize the acceptance of an Office of Traffic Safety Grant Award for \$41,000

A6. MINUTES – REGULAR MEETING OF SEPTEMBER 10, 2002 (Report of: City Clerk)

Recommendation: Approve as submitted.

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 10, 2002 (Report of: City Clerk)
Recommendation: Approve as submitted.
- B3. NAMING OF PA 46 PARK SITE (Report of: Director of Parks and Recreation)
Recommendation: Adopt the name as approved and submitted by the Parks and Recreation Advisory Committee for the park currently referred to as “PA 46” be named “Vista Lomas Park”.

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 10, 2002 (Report of: City Clerk)
Recommendation: Approve as submitted.

D. 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.

- D1. PUBLIC HEARING REGARDING MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) AT THE REDUCED STREET TREE SERVICE LEVEL FOR TRACT 19957 (Report of: Director of Public Works/City Engineer)
Recommendation: That the City Council acting in their capacity as the Board of Directors of the Moreno Valley Community Services District (CSD):

- 1) Tabulate the mail ballots for Tract 19957 regarding the reactivation of Zone D (Parkway Landscape Maintenance) at the Reduced Street Tree Service Level, one-time charges and the annual service change;
 - 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) Authorize and impose the applicable CSD Zone D annual service charge.
- D2. RESOLUTION NO. 2002-64 RELATING TO THE DENIAL OF THE TRANSFER OF CONTROL OF THE FRANCHISE AGREEMENT GRANTED TO AN ENTITY IN WHICH AT&T CORPORATION HOLDS A "CONTROLLING" INTEREST TO AT&T COMCAST CORPORATION (Report of: Assistant City Manager)
 Recommendation: That the City Council approve Resolution No. 2002-64, relating to the denial of the transfer of control of the franchise agreement granted to an entity in which AT&T Corporation holds a "controlling" interest to AT&T Comcast Corporation.

Resolution No. 2002-64

A Resolution of the City Council of the City of Moreno Valley, California, Relating to the Denial of the City of Moreno Valley, California to the Transfer of Control of the Franchise Agreement Granted to an Entity in Which AT&T Corp. Holds a "Controlling" interest to AT&T Comcast Corporation

- D3. DAVIS ROAD STREET VACATION (PUBLIC HEARING DATE OF SEPTEMBER 24, 2002 SET BY RESOLUTION NO. 2002-53 AT THE JULY 9, 2002 CITY COUNCIL MEETING) (Report of Director of Public Works/City Engineer)
 Recommendation: That the City Council:
1. Continue the public hearing for the vacation of the portion of Davis Road located within the City from the northerly boundary of the San Jacinto Wildlife Preserve southerly to the City Limits to November 26, 2002 at 6:30 pm, in the City Council Chambers at City Hall, and

2. Direct the City Clerk to re-publish and re-advertise the hearing notice as required by law.

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

F. REPORTS

- F1. UPDATE BY ASSEMBLYMEMBER RUSS BOGH
- F2. REPORT TO CONSIDER PUBLIC COMMENTS REGARDING MAIL BALLOT PROCEEDING FOR COMMUNITY SURVIVES DISTRICT ZONE E-4A (TRACT 30195 – INTERNAL LANDSCAPE MAINTENANCE) TENTATIVE TRACT 30195 (AND ALL AFFECTED PHASES) (Report of: Director of Public Works/City Engineer)
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 Tract 30195 (and all affected phases) into the CSD Zone E4A (Tract 30195 – Internal Landscape Maintenance) and the annual service charge.
- F3. APPROVAL OF CITY SPONSORSHIP FOR SPECIAL EVENTS (CONTINUED FROM SEPTEMBER 10, 2002) (Report of: Director of Parks and Recreation)
Recommendation: That the City Council approve the City Sponsorship Policy for Special Events.
- F4. AN AMENDMENT OF TITLE 7, CHAPTER 7.03 OF THE MUNICIPAL CODE (PA02-0086), AMENDING THE MAXIMUM NUMBER OF MEMBERS SERVING ON THE CULTURAL PRESERVATION ADVISORY COMMITTEE (CPAC) FROM NINE (9) MEMBERS TO SEVEN (7) MEMBERS AS SUBMITTED BY THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT (Report of: Director of Community and Economic Development)
Recommendation: The Cultural Advisory Committee (CPAC) recommends that the City Council:

1. Recognize that the proposed amendment is not considered a project under the California Environmental Quality Act (CEQA), pursuant to Section 15378 (b) (5) of the CEQA Guidelines; and
2. Introduce Ordinance No. 610, thereby approving amendments to Title 7, Chapter 7.03 (Section 7.03.020) of the City of Moreno Valley Municipal Code, related to the establishment of an advisory board

Ordinance No. 610

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 7, Chapter 7.03 of the City of Moreno Valley Municipal Code, Changing the Number of Committee Members Serving on the Cultural Preservation Advisory Committee (CPAC) from Nine (9) to Seven (7) Total Members

- F5. SEMI-ANNUAL PRESENTATION ON ECONOMIC DEVELOPMENT (Report of: Director of Community and Economic Development)
Recommendation: That the City Council receive the Semi-Annual presentation on Economic Development.
- F6. LEGISLATIVE UPDATE (Report of: Assistant City Manager)
Recommendation: Receive and file the Legislative Status Report.
- F7. CITY MANAGER'S REPORT (Information Oral Presentation – not for Council action)

G. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION

- G1. ORDINANCE REPEALING AND REENACTING CHAPTER 11.50 RELATING TO THE GAME OF BINGO (Report of: City Attorney)
Recommendation: That the City Council introduce Ordinance No. 611, repealing and reenacting Chapter 11.50 of Title 11 of the City of Moreno Valley Municipal Code, relating to the game of bingo. (Roll call required)

Ordinance No. 611

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 11 of the City of Moreno Valley Municipal Code by Repealing and Reenacting Chapter 11.50, Relating to the Game of Bingo

ORDINANCES - 2ND READING AND ADOPTION

- G2. ADOPTION OF ORDINANCE NO. 607, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 12.20.020 OF CHAPTER 12.20 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO A PRIMA FACIE SPEED LIMIT FOR CERTAIN STREETS (RECEIVED FIRST READING AND INTRODUCTION SEPTEMBER 10, 2002 ON A 5-0 VOTE) (Report of: Director of Public Works/City Engineer)
Recommendation: Adopt Ordinance No. 607.

Ordinance No. 607

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code Relating to a Prima Facie Speed Limit for Certain Streets

- G3. ADOPTION OF ORDINANCE NO. 608, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A ZONE CHANGE (PA02-0039), FROM OFFICE TO RESIDENTIAL 20 FOR 9.81 ACRES LOCATED ON THE NORTHEAST CORNER OF BOX SPRINGS AND MORTON ROADS (RECEIVED FIRST READING AND INTRODUCTION SEPTEMBER 10, 2002 ON A 5-0 VOTE) (Report of: Director of Community and Economic Development)
Recommendation: Adopt Ordinance No. 608.

Ordinance No. 608

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Zone Change (PA02-0039), from Office to Residential 20 for 9.81 Acres Located on the Northeast Corner of Box Springs and Morton Roads

- G4. ADOPTION OF ORDINANCE NO. 609, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTERS 9.08 AND 9.14 OF TITLE 9, OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, REGARDING THE REQUIREMENTS FOR INSTALLATION OF TELECOMMUNICATIONS NETWORK FACILITIES (RECEIVED FIRST READING AND INTRODUCTION SEPTEMBER 10, 2002 ON A 50 VOTE) (Report of: Director of Public Works/City Engineer)
Recommendation: Adopt Ordinance No. 609.

Ordinance No. 609

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Chapters 9.08 and 9.14 of Title 9, of the City of Moreno Valley Municipal Code, Regarding the Requirements for Installation of Telecommunications Network Facilities

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 PINK 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

ADJOURNMENT