

**REVISED 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 27, 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 Dennis Krueger, Shepherd of the Valley Lutheran 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 SEPTEMBER 13, 2005
(Report of: City Clerk's Department)
Recommendation: Approve as submitted.
- A3. WARRANT REPORT – AUGUST 31, 2005 (Report of: Finance Department)
Recommendation: Adopt Resolution No. 2005-92, approving the Warrant Report, dated August 2005, in the total amount of \$18,533,339.19.

Resolution No. 2005-92

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report Dated August 31, 2005

- A4. PUBLIC MEETING REGARDING MAIL BALLOT PROCEEDINGS FOR PROJECTS*: TENTATIVE TRACT 31257 – BALLOTTED ITEMS: CSD ZONE B, CSD ZONE D, NPDES; TENTATIVE TRACT 31591 – BALLOTTED ITEMS: CSD ZONE B, CSD ZONE D, NPDES; TENTATIVE TRACTS 32834 & 32836 – BALLOTTED ITEMS: CSD ZONE B, CSD ZONE E-12, NPDES; TENTATIVE TRACT 32835 – BALLOTTED ITEM: NPDES; APN 477-780-005 (EL POLLO LOCO RESTAURANT) – BALLOTTED ITEM: NPDES; APNS 297-140-029 - 297-140-032 (MORENO VALLEY HEALTH, LLC) - BALLOTTED ITEM: CSD ZONE M; APNS 297-140-029 - 297-140-036 (MORENO VALLEY HEALTH, LLC) – BALLOTTED ITEM:

NPDES (*LOCATIONS OF THE PROJECTS ARE LISTED IN THE BODY OF THE STAFF REPORT) (Report of: Public Works Department)

Recommendation: Accept public comments regarding the mail ballot proceedings for Tentative Tracts 31257, 31591, 32834, 32835 and 32836 (and all their affected phases), APN 477-780-005 (and any division thereof) El Pollo Loco Restaurant and APNs 297-140-029, 297-140-030, 297-140-031, 297-140-032, 297-140-033, 297-140-034, 297-140-035 and 297-140-036 (and any division thereof) Moreno Valley Health, LLC for approval of the National Pollutant Discharge Elimination System (NPDES) regulatory rate schedule.

- A5. ACCEPTANCE OF AWARD FOR FISCAL YEAR 2005 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FUNDING ALLOCATION (Report of: Police Department)

Recommendation: Accept the four-year Edward Byrne Memorial Justice Assistance Grant (JAG) funding award in the amount of \$132,361 to fund one Traffic Unit Community Service Officer II for a two-year period.

- A6. APPROVAL OF VAL VERDE UNIFIED SCHOOL DISTRICT LINE EXTENSION AGREEMENT FOR INDIAN MIDDLE SCHOOL (Report of: Public Works Department)

Recommendation: Approve the Line Extension Agreement by and between the City of Moreno Valley and the Val Verde Unified School District for Indian Middle School.

- A7. RATIFICATION OF MEMORANDUM OF UNDERSTANDING BY AND BETWEEN VOLUNTEER CENTER OF RIVERSIDE COUNTY AND THE CITY OF MORENO VALLEY FOR INFORMATION AND REFERRAL SERVICES VIA TOLL-FREE OR 211 NUMBER (Report of: Administrative Services Department)

Recommendation: Ratify the Memorandum of Understanding (MOU) by and between the Volunteer Center of Riverside County (VCRC) and the City of Moreno Valley for Information and Referral Services via toll-free or 211 Number.

- A8. FINAL MAP 22709 – SINGLE FAMILY RESIDENTIAL PROJECT, AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION); WEST SIDE OF MORENO BEACH DRIVE, NORTH OF JOHN F. KENNEDY DRIVE; SUBDIVIDER: WESTERN PACIFIC HOUSING, INC., 16755 VON KARMAN AVENUE, SUITE 200, IRVINE, CA 92606 (Report of: Public Works Department)

Recommendation: Authorize the Mayor to execute the Amendment to Agreement for Public Improvements for Final Map 22709; and instruct the City Clerk to forward the completed Amendment to Agreement for Public Improvements to the County Recorder's Office for recordation.

- A9. FINAL MAP 22709-1 – SINGLE FAMILY RESIDENTIAL PROJECT, AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION); WEST SIDE OF MORENO BEACH DRIVE, NORTH OF JOHN F. KENNEDY DRIVE; SUBDIVIDER: WESTERN PACIFIC HOUSING, INC., 16755 VON KARMAN AVENUE, SUITE 200, IRVINE, CA 92606 (Report of: Public Works Department)

Recommendation: Authorize the Mayor to execute the Amendment to Agreement for Public Improvements for Final Map 22709-1; and instruct the City Clerk to forward the completed Amendment to Agreement for Public Improvements to the County Recorder's Office for recordation.

- A10. REQUEST ADOPTION OF PLANS AND SPECIFICATIONS, AND AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR THE PEPPER STREET IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO SHERMAN AVENUE. PROJECT NO. 03-14668523 (Report of: Public Works Department)

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

- A11. REQUEST REJECTION OF ALL BIDS AND AUTHORIZATION TO RE-ADVERTISE FOR CONSTRUCTION BIDS FOR THE AQUEDUCT BIKE TRAIL FROM JOHN F. KENNEDY DRIVE TO CACTUS AVENUE, FROM GRAHAM STREET TO BAY AVENUE, AND COTTONWOOD AVENUE TO PAN AM BOULEVARD. PROJECT NOS. 02-46165321 AND 98-92492 (Report of: Public Works Department)

Recommendation: Reject all bids opened on August 30, 2005 for the construction of the Aqueduct Bike Trail; adopt the revised specifications that are on file in the office of the City Engineer; and authorize the City Clerk to re-advertise the Aqueduct Bike Trail project for construction bids.

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 13, 2005
(Report of: City Clerk's Department)
Recommendation: Approve as submitted.

- B3. PUBLIC MEETING REGARDING MAIL BALLOT PROCEEDINGS FOR PROJECTS*: TENTATIVE TRACT 31257 – BALLOTTED ITEMS: CSD ZONE B, CSD ZONE D, NPDES; TENTATIVE TRACT 31591 – BALLOTTED ITEMS: CSD ZONE B, CSD ZONE D, NPDES; TENTATIVE TRACTS 32834 & 32836 – BALLOTTED ITEMS: CSD ZONE B, CSD ZONE E-12, NPDES; TENTATIVE TRACT 32835 – BALLOTTED ITEM: NPDES; APN 477-780-005 (EL POLLO LOCO RESTAURANT) – BALLOTTED ITEM: NPDES; APNS 297-140-029 - 297-140-032 (MORENO VALLEY HEALTH, LLC) - BALLOTTED ITEM: CSD ZONE M; APNS 297-140-029 - 297-140-036 (MORENO VALLEY HEALTH, LLC) – BALLOTTED ITEM: NPDES (*LOCATIONS OF THE PROJECTS ARE LISTED IN THE BODY OF THE STAFF REPORT) (Report of: Public Works Department)

Recommendation: Accept public comments regarding the mail ballot proceedings for Moreno Valley Health, LLC – APNs 297-140-029, 297-140-030, 297-140-031, 297-140-032 (and any division thereof) for inclusion into CSD Zone M (Commercial/Industrial Improved Median Maintenance); Tentative Tracts 31257, 31591, 32834 and 32836 (and all their affected phases) for inclusion into CSD Zone B (Residential Street Lighting); Tentative Tracts 31257 and 31591 (and all their affected phases) for inclusion into CSD Zone D (Parkway Landscape Maintenance); and Tentative Tracts 32834 and 32836 (and all their affected phases) for inclusion into CSD Zone E-12 and approval of the annual charges.

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 13, 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 SEPTEMBER 13, 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. CONTINUATION OF THE PUBLIC HEARING FOR THE MAIL BALLOT PROCEEDING FOR TENTATIVE TRACT 31305 (AND ALL AFFECTED PHASES) FOR APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE. LOCATED AT THE NORTHWEST CORNER OF EUCALYPTUS AVENUE AND NASON STREET (Report of: Public Works Department)
Recommendation: That the City Council, after conducting the public hearing:

1. Tabulate the mail ballot for Tentative Tract 31305 (and all affected phases) for the NPDES regulatory rate schedule;
2. Verify and accept the result 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 NPDES maximum regulatory rate for Tentative Tract 31305.

- E2. REQUEST TO CONTINUE PUBLIC HEARING ON ORDINANCE REPEALING AND REENACTING CHAPTERS 3.28 AND 3.42 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO DEVELOPMENT IMPACT FEES FOR RESIDENTIAL AND COMMERCIAL AND INDUSTRIAL DEVELOPMENT, TO OCTOBER 11, 2005 (Report of: Finance Department)
Recommendation: That the City Council continue the Public Hearing on an ordinance repealing and reenacting Chapters 3.28 and 3.42 of the City of Moreno Valley Municipal Code relating to

development impact fees for residential and commercial and industrial development, to October 11, 2005.

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

G. REPORTS

G1. ORDINANCE AMENDING CHAPTERS 1.10, 2.21, 2.29, 6.02, 6.04, 8.14, 8.60, 9.01, 9.02, 9.03, 9.07, 9.08, 9.09, 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 10.02, AND 11.06 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING MODIFICATIONS TO THE TITLE OF THE COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR AND DEPARTMENT (Report of: City Clerk's Department)

Recommendation: That the City Council introduce Ordinance No. 694, amending Chapters 1.10, 2.21, 2.29, 6.02, 6.04, 8.14, 8.60, 9.01, 9.02, 9.03, 9.07, 9.08, 9.09, 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 10.02, and 11.06 of the City of Moreno Valley Municipal Code regarding modifications to the title of the Community & Economic Development Department and Director. (Roll call required).

Ordinance No. 694

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Chapters 1.10, 2.21, 2.29, 6.02, 6.04, 8.14, 8.60, 9.01, 9.02, 9.03, 9.07, 9.08, 9.09, 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 10.02, and 11.06 of the City of Moreno Valley Municipal Code Regarding Modifications to the Title of the Community & Economic Development Department and Director

G2. PRIORITIZATION AND USE OF FUNDS FOR THE PAVEMENT MANAGEMENT PROGRAM, STREET IMPROVEMENT PROGRAM, AND SPEED HUMP PROGRAM; ESTABLISHMENT OF A POLICY ON PRIORITIZATION OF USE OF FUNDS FOR THE CITY DEVELOPMENT IMPACT FEE (DIF) PROGRAM, AND ADOPT THE THREE-YEAR CAPITAL IMPROVEMENT PROGRAM REVISIONS (Report of: Public Works Department)

Recommendation: That the City Council:

1. Approve staff recommendations for Prioritization and Use of Funds for the Pavement Management Program, Private Street Improvement Program, and Speed Hump Program;
2. Approve staff recommendations for establishing a policy on prioritization of use of funds for the City Development Impact

Fee (DIF) Program and Western Riverside Council of Governments (WRCOG) Transportation Uniform Mitigation Fee (TUMF) Program;

3. Approve revisions to the Street Improvement Program to prioritize projects for FY 2005/2006, FY 2006/2007, and FY 2007/2008;
 4. Approve the Arterial Infill Program Priority List;
 5. Adopt the 3-year Capital Improvement Program Revisions to the Capital Projects list;
 6. Amend the FY 2005/2006 Budget to include revisions to the Capital Projects List of the Capital Improvements Program; and
 7. Authorize the Finance Director to amend the FY 2005/2006 Budget.
- G3. LEGISLATIVE UPDATE (Report of: Interim Assistant City Manager)
Recommendation: That the City Council receive and file this informational report.
- G4. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)
- G5. APPROVE A DESIGN-BUILD AGREEMENT WITH ABB, INC., A LEASE PURCHASE AGREEMENT AND A BASE LEASE WITH EPLUS GROUP, INC. FOR THE DESIGN, CONSTRUCTION, AND FINANCING OF THE SUBSTATION/SWITCHYARD AND APPROVE AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE CITY OF MORENO VALLEY AND ENCO UTILITY SERVICES MORENO VALLEY, LLC FOR THE OPERATIONS AND MAINTENANCE OF THE CITY'S MUNICIPALLY OWNED ELECTRICAL DISTRIBUTION SYSTEM (Report of: Public Works Department) (MATERIAL NOT AVAILABLE AT TIME OF PRINTING – TO BE PROVIDED UNDER SEPARATE COVER)

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION – NONE

ORDINANCES - 2ND READING AND ADOPTION

- H1. ORDINANCE NO. 693 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING

SECTION 9.02.020 OF TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE PERMITTED USES TABLE TO ESTABLISH A NEW LIGHT INDUSTRIAL ZONE WITH IDENTIFIED PERMITTED USES, AND MODIFY THE USES PERMITTED IN THE BUSINESS PARK DESIGNATION AND REQUIRE A CONDITIONAL USE PERMIT FOR STORAGE LOTS OR MINI-WAREHOUSES IN THE COMMUNITY COMMERCIAL; MODIFY SECTION 9.09.140 TO ADD ADDITIONAL WORDING WITH REGARD TO THE COMPATIBILITY OF SELF-STORAGE WAREHOUSES; AND MODIFY THE PURPOSE OF THE INDUSTRIAL ZONES (SECTION 9.05.020) TO PROVIDE A PURPOSE FOR THE NEWLY ESTABLISHED LIGHT INDUSTRIAL ZONING, AND TO REVISE THE PURPOSE OF THE BUSINESS PARK DESIGNATION. IN ADDITION, THE ZONING ATLAS WILL ALSO BE MODIFIED TO CHANGE ZONING FROM BUSINESS PARK TO LIGHT INDUSTRIAL. THE ZONE CHANGE WILL AFFECT PORTIONS OF THE AREA SOUTH OF ALESSANDRO BOULEVARD, NORTH OF CACTUS AVENUE, EAST OF ELSWORTH STREET, AND WEST OF HEACOCK STREET (RECEIVED FIRST READING AND INTRODUCTION SEPTEMBER 13, 2005 ON A 5-0 VOTE) (Report of: Community Development Department)

Recommendation: Adopt Ordinance No. 693.

Ordinance No. 693

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 9.02.020 of Title 9 of the City of Moreno Valley Municipal Code, Permitted Uses Table to Establish a New Light Industrial Zone with Identified Permitted Uses, and Modify the Uses Permitted in the Business Park Designation and Require a Conditional Use Permit for Storage Lots or Mini-Warehouses in the Community Commercial; Modify Section 9.09.140 to Add Additional Wording with Regard to the Compatibility of Self-Storage Warehouses; and Modify the Purpose of the Industrial Zones (Section 9.05.020) to Provide a Purpose for the Newly Established Light Industrial Zoning, and to Revise the Purpose of the Business Park Designation. In Addition, the Zoning Atlas will also be Modified to Change Zoning from Business Park to Light Industrial. The Zone Change will Affect Portions of the Area South of Alessandro Boulevard, North of Cactus Avenue, East of Elsworth Street, and West of Heacock Street

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, IF ANY, BY CITY ATTORNEY

ADJOURNMENT