



AGENDA

**CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF
MORENO VALLEY
BOARD OF LIBRARY TRUSTEES AND SPECIAL MEETING OF
THE MORENO VALLEY INDUSTRIAL DEVELOPMENT
AUTHORITY**

FEBRUARY 12, 2008

REGULAR MEETING – 6:30 P.M.

City Council Closed Session

First Tuesday of each month – 6:00 p.m.

City Council Study Sessions

Third Tuesday of each month – 6:00 p.m.

City Council Meetings

Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber – 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's office at 951.413.3001 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

William H. Batey II, Mayor

Frank West, Mayor Pro Tem
Richard A. Stewart, Council Member

Bonnie Flickinger, Council Member
Charles R. White, Council Member

**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, THE BOARD OF LIBRARY TRUSTEES, AND SPECIAL MEETING
OF THE MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY**

FEBRUARY 12, 2008 – 6:30 P.M.

CALL TO ORDER (Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, 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 – Reverend Marvin Thomas – Cross Point 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.)

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)

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 or discussion will be heard after public hearing items.

A. CONSENT CALENDAR - CITY COUNCIL

A1. ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A2. MINUTES - REGULAR MEETING OF JANUARY 22, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

A3. CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

Recommendation: Receive and file the Reports on Reimbursable Activities for the period of January 16 - February 5, 2008.

A4. ADOPTION OF RESOLUTIONS DISSOLVING THE CLAIMS BOARD AND STAFF LITIGATION SETTLEMENT COMMITTEE AND ESTABLISHING NEW SETTLEMENT AUTHORITY FOR CLAIMS AND LITIGATION (Report of: Administrative Services Department)

Recommendation: That the City Council/Boards of Directors rescind Resolution No. IDA 89-05, which authorized the Claims Board of the City to serve in like capacity for the Moreno Valley Industrial Development Authority; and rescind Resolution Nos. 95-54, CSD 95-10, and RDA 95-07, which reaffirmed the establishment of a Claims Board and established a Staff Litigation Settlement Committee; and adopt the following Resolutions to establish new settlement authority for claims and litigation:

1. City Council adopt Resolution No. 2008-12, dissolving the Claims Board and Staff Litigation Settlement Committee, and establishing new settlement authority for claims and litigation pursuant to the California Government Code Sections 935.4 and 949.

Resolution No. 2008-12

A Resolution of the City Council of the City of Moreno Valley, California, Dissolving the Claims Board and Staff Litigation Settlement Committee, Establishing New Settlement Authority for Claims and Litigation, and Repealing Resolution 95-54

- A5. PARCEL MAP 30472 PHASE 2 – PERRIS BOULEVARD – REDUCE FAITHFUL PERFORMANCE LETTER OF CREDIT AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF PERRIS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM, DEVELOPER – WALGREEN CO., DEERFIELD, IL 60015 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2008-13 authorizing the acceptance of the public improvements for Parcel Map 30472 Phase 2 – Perris Boulevard as complete and accepting the portion of Perris Boulevard associated with the project into the City's maintained street system; and

Resolution No. 2008-13

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Parcel Map 30472 Phase 2 – Perris Boulevard, and Accepting the Portion of Perris Boulevard Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Letter of Credit, exonerate the Material and Labor Letter of Credit in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Letter of Credit in one year when all clearances are received.
- A6. REQUEST FOR STREET NAME CHANGE - ADOPT THE RESOLUTION AUTHORIZING THE STREET NAME CHANGE FROM WRENS COURT TO OVERLOOK CIRCLE, LOCATED ON THE EAST SIDE OF KITCHING STREET, SOUTH OF KALMIA AVENUE (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2008-14, and thereby change the street name of Wrens Court to Overlook Circle; and

Resolution No. 2008-14

A Resolution of the City Council of the City of Moreno Valley, California, Changing the Name of Wrens Court to Overlook Circle

2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the Riverside County Assessor's office, 911 Management at the Riverside County Sheriff's Department, as well as the Police Chief, Fire Chief, City Building Official, and the United States Postmaster at Moreno Valley, California.

- A7. WARRANT REPORT – NOVEMBER 30, 2007 (Report of: Finance Department)

Recommendation: Adopt Resolution No. 2008-15, approving the Warrant Report, dated November 2007, in the total amount of \$14,086,123.48.

Resolution No. 2008-15

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report Dated November 30, 2007

- A8. WARRANT REPORT – DECEMBER 31, 2007(Report of: Finance Department)

Recommendation: Adopt Resolution No. 2008-16, approving the Warrant Report, dated December 2007, in the total amount of \$12,520,735.16.

Resolution No. 2008-16

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report Dated December 31, 2007

- A9. 2008 LEGISLATIVE UPDATE (Report of: Assistant to the City Manager)

Recommendation: Receive and file the informational report.

- A10. CONSIDERATION OF A RESOLUTION FOR THE ABATEMENT OF PUBLIC NUISANCES, APN 473-150-052 (CONTINUED FROM THE CITY COUNCIL MEETING OF DECEMBER 11, 2007) (Report of: Community Development Department)

Recommendation: Continue the discussion of the abatement of a public nuisance involving Assessor's Parcel Number 473-150-052 to the City Council meeting of March 11, 2008.

- A11. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR GRAHAM STREET IMPROVEMENTS FROM HEMLOCK AVENUE TO IRONWOOD AVENUE, PROJECT NO. 06-28068425 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for Graham Street Improvements from Hemlock Avenue to Ironwood Avenue to Trinity Construction, P.O. Box 246, Blue Jay, CA 92317, the lowest responsible bidder;
2. Authorize the City Manager to execute a contract agreement with Trinity Construction;
3. Authorize the issuance of a Purchase Order for Trinity Construction in the amount of \$597,778 (\$519,807 for the Base Bid and Additive Bid Alternate 2, plus \$77,971 for 15% contingency) for Graham Street Improvements from Hemlock Avenue to Ironwood Avenue (Account No. 280.68425); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with Trinity Construction up to, but not exceeding, the contingency amount of \$77,971, subject to the approval of the City Attorney.

- A12. APPROVE AND EXECUTE THE AGREEMENT FOR CONVEYANCE OF PROPERTY FOR THE PARTIAL ACQUISITION OF APN 475-280-012 FOR THE IRONWOOD SIDEWALK AND STREET IMPROVEMENT PROJECT FROM HEACOCK STREET TO PERRIS BOULEVARD AND AUTHORIZE THE FINANCE DIRECTOR TO WIRE TRANSFER FUNDS INTO ESCROW (Report of: Public Works Department)

Recommendation:

1. Approve and execute the Agreement for Conveyance of Property for the partial acquisition of APN 475-280-012; and
2. Authorize the Finance Director to wire transfer funds into escrow in the amount of \$12,300 for the acquisition and an additional amount of \$4,000 for escrow fees for the partial acquisition of APN 475-280-012.

A13. NOTICE OF COMPLETION AND ACCEPTANCE OF THE CONSTRUCTION FOR THE MORENO VALLEY SUBSTATION AND SWITCH YARD - PROJECT NO 06-60161225 (Report of: Public Works Department)

Recommendation:

1. Ratify Contract Change Order No. 1 (Final);
2. Accept the work as complete for the construction of Moreno Valley Substation and Switch Yard, Project No. 06-60161225, which was designed and constructed by ABB, Inc., Raleigh, North Carolina as part of the City-owned electric distribution system;
3. 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;
4. Authorize the Director of Finance to release the retention to ABB, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project;
5. Ratify the Grant of Easement, Certificate of Transfer of Ownership for Switch Yard (SCE) and transfer of warranty to SCE for the Switchyard portion of the project;
6. Accept the Provisional Acceptance Certificate for the Moreno Valley Substation; and
7. Ratify the expense for the rental of a temporary Transformer.

A14. PARCEL MAP 33532 LINE F – ACCEPT AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, SOUTH OF DELPHINIUM AVENUE TO NORTH OF IRIS AVENUE, AND FROM WEST OF THE FUTURE NASON STREET TO WEST OF OLIVER STREET, DEVELOPER – MORENO VALLEY PROPERTIES, LP, A DELAWARE LIMITED PARTNERSHIP, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Bonds for Public Improvements for Parcel Map 33532 Line F;
2. Authorize the Mayor to execute the Agreement;
3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and
4. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

A15. APPROVE AND EXECUTE THE AGREEMENT FOR CONVEYANCE OF PROPERTY FOR THE PARTIAL ACQUISITION OF APN 475-280-076 FOR THE IRONWOOD SIDEWALK AND STREET IMPROVEMENT PROJECT FROM HEACOCK STREET TO PERRIS BOULEVARD AND AUTHORIZE THE FINANCE DIRECTOR TO WIRE TRANSFER FUNDS INTO ESCROW (Report of: Public Works Department)

Recommendation:

1. Approve and execute the Agreement for Conveyance of Property for the partial acquisition of APN 475-280-076; and
2. Authorize the Finance Director to wire transfer funds into escrow in the amount of \$15,300 for the acquisition and an additional amount of \$4,000 for escrow fees for the partial acquisition of APN 475-280-076.

A16. APPROVE AND EXECUTE THE AGREEMENT FOR CONVEYANCE OF PROPERTY FOR THE PARTIAL ACQUISITION OF APN 475-280-026 FOR THE IRONWOOD SIDEWALK AND STREET IMPROVEMENT PROJECT FROM

HEACOCK STREET TO PERRIS BOULEVARD AND AUTHORIZE THE FINANCE DIRECTOR TO WIRE TRANSFER FUNDS INTO ESCROW (Report of: Public Works Department)

Recommendation:

1. Approve and execute the Agreement for Conveyance of Property for the partial acquisition of APN 475-280-026; and
2. Authorize the Finance Director to wire transfer funds into escrow in the amount of \$21,900 for the acquisition and an additional amount of \$4,000 for escrow fees for the partial acquisition of APN 475-280-026.

- A17. AUTHORIZE SUPPLEMENTAL APPROPRIATION FOR ENVIRONMENTAL AND RELATED SERVICES FOR THE LASSELLE SPORTS PARK PARKING LOT PROJECT - PROJECT NO. 461-66223 (Report of: Parks & Community Services Department)

Recommendation: Authorize the appropriation of \$18,000 from the unencumbered Quimby In-Lieu Park Fees fund balance (Fund 206) to the Lasselle Sports Park Parking Lot Project (Account No. 461.66223) to provide additional funding for environmental and other project-related costs.

- A18. SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE INTERSTATE 215 (I-215)/CACTUS AVENUE INTERCHANGE IMPROVEMENTS - PROJECT NO. 09-41570425 (Report of: Public Works Department)

Recommendation:

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with Kimley-Horn and Associates, Inc., 517 Fourth Street, Suite 301, San Diego, CA 92101 to provide additional Professional Consultant Services for the Interstate 215/Cactus Avenue Interchange Improvements;
2. Authorize the City Manager to execute said "Second Amendment to Agreement for Professional Consultant Services" with Kimley-Horn and Associates;
3. Authorize an increase in the Purchase Order to Kimley-Horn and Associates, Inc. in the amount of \$157,472.00 (\$103,200.00 proposal amount plus \$10,320.00 for a 10% contingency, and

\$43,952.00 to restore the total contract contingency to 10% of the contract total amount) from Account No. 415.70425 when the "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties; and

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the Agreement for Professional Consultant Services with Kimley-Horn and Associates, Inc. up to, but not to exceed the total contract 10% contingency amount of \$54,272.00 subject to approval of the City Attorney.

B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

B1. ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

B2. MINUTES - REGULAR MEETING OF JANUARY 22, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

B3. ADOPTION OF RESOLUTIONS DISSOLVING THE CLAIMS BOARD AND STAFF LITIGATION SETTLEMENT COMMITTEE AND ESTABLISHING NEW SETTLEMENT AUTHORITY FOR CLAIMS AND LITIGATION (Report of: Administrative Services Department)

Recommendation: That the City Council/Boards of Directors rescind Resolution No. IDA 89-05, which authorized the Claims Board of the City to serve in like capacity for the Moreno Valley Industrial Development Authority; and rescind Resolution Nos. 95-54, CSD 95-10, and RDA 95-07, which reaffirmed the establishment of a Claims Board and established a Staff Litigation Settlement Committee; and adopt the following Resolutions to establish new settlement authority for claims and litigation:

1. City Council, acting in its capacity as Board of Directors of the Moreno Valley Community Services District, adopt Resolution No. CSD 2008-01, dissolving the Claims Board and Staff Litigation Settlement Committee, and establishing new settlement authority for claims and litigation pursuant to the California Government Code Sections 935.4 and 949.

Resolution No. CSD 2008-01

A Resolution of the Moreno Valley Community Services District Dissolving the Claims Board and Staff Litigation Settlement Committee, Establishing New Settlement Authority for Claims and Litigation, and Repealing Resolution CSD 95-10

- B4. TRACT 32715 – APPROVE THE OFFER OF DEDICATION FOR AN EASEMENT FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF PUBLIC LANDSCAPE AND IRRIGATION, EAST SIDE OF PERRIS BOULEVARD SOUTH OF IRONWOOD AVENUE, DEVELOPER – GARDNER CONSTRUCTION & DEVELOPMENT, INCORPORATED, A CALIFORNIA CORPORATION, REDLANDS, CA 92373 (Report of: Public Works Department)

Recommendation:

1. Authorize the President of the Board of Directors of the Community Services District to approve the Offer of Dedication dedicating a perpetual easement for the construction, operation, and maintenance of public landscape and irrigation;
2. Authorize the City Clerk in her capacity as Secretary of the Moreno Valley Community Services District to execute the Acceptance Certification to accept the Offer of Dedication from Gardner Construction & Development, Incorporated, a California Corporation (Gardner Construction); and
3. Direct the City Clerk to forward the signed Offer of Dedication, with the Acceptance Certification attached, to the County Recorder's office for recordation.

- B5. CERTIFICATION OF COMMUNITY FACILITIES DISTRICT NO. 1 (NEIGHBORHOOD PARK MAINTENANCE) ANNEXATION 2007-27 (Report of: Public Works Department)

Recommendation:

1. Approve and Adopt Resolution No. CSD 2008-02; a Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, certifying the results of an election and adding property to Community Facilities District No. 1 ("CFD No. 1") for Annexation No. 2007-27.

Resolution No. CSD 2008-02

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Certifying the Results of an Election and Adding Property to Community Facilities District No. 1

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

- C1. ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.
- C2. MINUTES - REGULAR MEETING OF JANUARY 22, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

- C3. ADOPTION OF RESOLUTIONS DISSOLVING THE CLAIMS BOARD AND STAFF LITIGATION SETTLEMENT COMMITTEE AND ESTABLISHING NEW SETTLEMENT AUTHORITY FOR CLAIMS AND LITIGATION (Report of: Administrative Services Department)

Recommendation: That the City Council/Boards of Directors rescind Resolution No. IDA 89-05, which authorized the Claims Board of the City to serve in like capacity for the Moreno Valley Industrial Development Authority; and rescind Resolution Nos. 95-54, CSD 95-10, and RDA 95-07, which reaffirmed the establishment of a Claims Board and established a Staff Litigation Settlement Committee; and adopt the following Resolutions to establish new settlement authority for claims and litigation:

- 1. City Council, acting in its capacity as Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2008-03, dissolving the Claims Board and Staff Litigation Settlement Committee, and establishing new settlement authority for claims and litigation pursuant to the California Government Code Sections 935.4 and 949.

Resolution No. RDA 2008-03

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Dissolving the Claims Board and Staff Litigation Settlement Committee, Establishing New

Settlement Authority for Claims and Litigation, and
Repealing Resolution RDA 95-07

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D1. ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.
- D2. MINUTES - REGULAR MEETING OF JANUARY 22, 2008 (Report
of: City Clerk's Department)
- Recommendation:** Approve as submitted.

**ADJOURNMENT OF CITY COUNCIL MEETING TO SPECIAL MEETING OF
THE MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)**

**SPECIAL MEETING OF THE MORENO VALLEY INDUSTRIAL
DEVELOPMENT AUTHORITY (IDA)**

CALL TO ORDER

ROLL CALL

**PUBLIC COMMENTS ON MATTERS UNDER THE JURISDICTION OF THE
AUTHORITY** – Those wishing to speak should submit a LAVENDER 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.

1. ADOPTION OF RESOLUTIONS DISSOLVING THE CLAIMS BOARD
AND STAFF LITIGATION SETTLEMENT COMMITTEE AND
ESTABLISHING NEW SETTLEMENT AUTHORITY FOR CLAIMS
AND LITIGATION (Report of: Administrative Services Department)

Recommendation: That the City Council/Boards of Directors rescind
Resolution No. IDA 89-05, which authorized the Claims Board of the City
to serve in like capacity for the Moreno Valley Industrial Development
Authority; and rescind Resolution Nos. 95-54, CSD 95-10, and RDA 95-
07, which reaffirmed the establishment of a Claims Board and established
a Staff Litigation Settlement Committee; and adopt the following
Resolutions to establish new settlement authority for claims and litigation:

1. That the City Council, acting in its capacity as Board of Directors of

the Moreno Valley Industrial Development Authority, adopt Resolution No. IDA 2008-01, dissolving the Claims Board and Staff Litigation Settlement Committee, and establishing new settlement authority for claims and litigation pursuant to the California Government Code Sections 935.4 and 949.

Resolution No. IDA 2008-01

A Resolution of the Moreno Valley Industrial Development Authority Dissolving the Claims Board, Establishing New Settlement Authority for Claims and Litigation, and Repealing Resolution IDA 89-05

ADJOURNMENT OF SPECIAL MEETING OF THE INDUSTRIAL DEVELOPMENT AUTHORITY

RECONVENE 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

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 REGARDING THE MAIL BALLOT PROCEEDINGS FOR JOE'S SUPER CARWASH - BALLOTTED ITEM: NPDES COMMERCIAL/INDUSTRIAL REGULATORY RATE; AND MORENO BEACH PLAZA PHASE II - BALLOTTED ITEM: NPDES COMMERCIAL/INDUSTRIAL REGULATORY RATE; AND TENTATIVE TRACT 32710 - BALLOTTED ITEMS: NPDES RESIDENTIAL REGULATORY RATE AND CSD ZONE B (RESIDENTIAL STREET LIGHTING) (Report of: Public Works Department)

Recommendation:

1. Staff recommends that the Mayor and Members of the City of Moreno Valley City Council, after conducting the public hearing to accept public comment:

- a. Tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for Joe's Super Carwash – Assessor Parcel Number (APN) 292-230-007 (and any division thereof), Moreno Beach Plaza Phase II – APNs 488-100-001, 488-100-003, 488-100-004, 488-100-005, 488-100-006, 488-100-007, 488-100-008, and 488-100-009 (and any division thereof), and Tentative Tract 32710 (and all affected phases);
 - b. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet and APN listing;
 - c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
 - d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to Joe's Super Carwash and Moreno Beach Plaza Phase II and the NPDES maximum residential regulatory rate to Tentative Tract 32710.
2. Staff recommends that the President and Members of the Board of Directors of the Moreno Valley CSD, after conducting the public hearing to accept public comment:
 - a. Tabulate the CSD ballot for Tentative Tract 32710 (and all affected phases);
 - b. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;
 - c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
 - d. If approved, authorize and impose the CSD Zone B (Residential Street Lighting) annual parcel charge to Tentative Tract 32710.

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 Stewart
- b) Report on Metrolink by Mayor Pro Tem West

G2. ORDINANCE NO. 767, AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADDING CHAPTER 11.10 TO TITLE 11 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE PROHIBITING THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES, AND DECLARING FACTS WHICH MAKE IT NECESSARY THAT THIS ORDINANCE TAKE EFFECT IMMEDIATELY (Report of: City Attorney's Office)

Recommendation: That the City Council:

- 1. Adopt Ordinance No. 767, an urgency ordinance banning the establishment of medical marijuana dispensaries in the City of Moreno Valley (requires four-fifths vote); and

Ordinance No. 767

An Urgency Ordinance of the City Council of the City of Moreno Valley, California, Adding Chapter 11.10 to Title 11 of the City of Moreno Valley Municipal Code Prohibiting the Establishment and Operation of Medical Marijuana Dispensaries, and Declaring Facts Which Make it Necessary that this Ordinance Take Effect Immediately

- 2. Introduce Ordinance No. 768, a permanent ordinance banning the establishment of medical marijuana dispensaries in the City of Moreno Valley

Ordinance No. 768

An Ordinance of the City Council of the City of Moreno Valley, California, Adding Chapter 11.10 to Title 11 of the City of Moreno Valley Municipal Code Prohibiting the Establishment and Operation of Medical Marijuana Dispensaries

- G3. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION

- H1. A PUBLIC MEETING REGARDING PA07-0006, A PROPOSAL TO AMEND TITLE 9 OF THE MUNICIPAL CODE, FOR FURTHER DISCUSSION AND CONSIDERATION AMENDING MUNICIPAL CODE PROVISIONS REGARDING RETAIL USE, TOWING, ADMINISTRATIVE REVOCATION OF ADMINISTRATIVE APPROVALS, APPEAL PERIOD OF GENERAL PLAN AMENDMENTS, LANDSCAPING SETBACKS, NEW APPLICATIONS FOLLOWING DENIAL, AND MULTIPLE FAMILY DEVELOPMENT STANDARDS; ORDINANCE NO. 757 (CONTINUED FROM DECEMBER 11, 2007, ORIGINAL ORDINANCE INTRODUCED ON A 5-0 VOTE) (Report of: Community Development Department)

Recommendation:

1. Recognize that PA07-0006 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines; and
2. Introduce revised Ordinance No. 757, thereby approving PA07-0006, amending various sections of Title 9 of the City of Moreno Valley Municipal Code.

Ordinance No. 757

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 Retail use, Towing, Administrative Revocation of Administrative Approvals, Landscaping Setbacks, New Applications Following Denial and Multiple-Family Development Standards

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

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 City Manager's 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