



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**

MARCH 11, 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, AND THE BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING - 6:30 P.M.
MARCH 11, 2008**

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 – Pastor Jim Preston, Lighthouse Baptist 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 FEBRUARY 26, 2008
(Report of: City Clerk's Department)

Recommendation: Approve as submitted.

A3. PURCHASE OF A REPLACEMENT THERMAL IMAGING
CAMERA (Report of: Fire Department)

Recommendation: Approve a transfer of \$8,614.61 from the Equipment Replacement Reserve Fund to the Fire Services Operations Fund 133.65110.6641.648 for the purchase of a replacement Thermal Imaging Camera.

A4. WARRANT REPORT - JANUARY 31, 2008 (Report of: Finance
Department)

Recommendation: Adopt Resolution No. 2008-24, approving the Warrant Report, dated January 2008, in the total amount of \$24,697,166.22.

Resolution No. 2008-24

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report Dated January 31, 2008

A5. ACCEPT AND APPROVE THE FIRST AMENDMENT TO THE
AGREEMENT FOR THE REIMBURSEMENT OF
TRANSPORTATION MITIGATION FEE FUNDS BETWEEN
RIVERSIDE COUNTY TRANSPORTATION COMMISSION AND
THE CITY OF MORENO VALLEY FOR PERRIS BOULEVARD
WIDENING FROM RAMONA EXPRESSWAY TO CACTUS

AVENUE PROJECT NO. 11-41570125 (Report of: Public Works Department)

Recommendation:

1. Accept and approve the First Amendment to the Agreement for the reimbursement of Transportation Uniform Mitigation Fee (TUMF) funds between Riverside County Transportation Commission (RCTC) and the City of Moreno Valley to change the project limits and to reduce the funding amount for Perris Boulevard widening from Ramona Expressway to Cactus Avenue; and
2. Authorize the Mayor to execute the First Amendment to the Agreement for the reimbursement of TUMF funds between RCTC and the City of Moreno Valley.

A6. 2008 LEGISLATIVE UPDATE (Report of: Assistant City Manager)

Recommendation: Receive and file the informational report.

A7. FY 2007-08 MID-YEAR BUDGET ADJUSTMENTS (Report of: Finance Department)

Recommendation: Approve the City Manager's list of recommended FY 2007-08 mid-year budget adjustments.

A8. CONSIDERATION OF A RESOLUTION FOR THE ABATEMENT OF PUBLIC NUISANCES (CONTINUED FROM FEBRUARY 12, 2008) (Report of: Community Development Department)

Recommendation: Pursue discussion on the abatement of a public nuisance involving Assessor's Parcel Number 473-150-052 at a future City Council meeting (to be determined) if requested by the property owner.

A9. CITY COUNCIL REPORTS ON REGIONAL AND REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

Recommendation: Receive and file the Reports on Reimbursable Activities for the period of February 20 - March 4, 2008.

A10. SUPPORTING FEDERAL APPROPRIATIONS FOR FLOOD CONTROL CHANNEL IMPROVEMENTS ON HEACOCK STREET AND CACTUS AVENUE (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2008-26 supporting Federal Appropriations for the funding of improvements necessary for the Heacock Street and Cactus Avenue Flood Control Channels; and

Resolution No. 2008-26

A Resolution of the City Council of the City of Moreno Valley, California, Supporting Federal Appropriations for Flood Control Channel Improvements on Heacock Street and Cactus Avenue

2. Authorize the Public Works Director/City Engineer to distribute certified copies of the Resolution to the various entities involved with the Federal Appropriations.
- A11. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA05-0106 (ZONE CHANGE) TO CHANGE THE LAND USE DISTRICT FOR APPROXIMATELY 6 ACRES CONSISTING OF ASSESSOR PARCEL NUMBERS 297-012-002, 003, 011, 012, AND 016 FROM THE COMMUNITY COMMERCIAL LAND USE DISTRICT TO THE BUSINESS PARK LAND USE DISTRICT AND TO CHANGE THE LAND USE DISTRICT FOR APPROXIMATELY 10 ACRES CONSISTING OF A PORTION OF ASSESSOR PARCEL NUMBER 297-100-007 FROM THE INDUSTRIAL LAND USE DISTRICT TO THE BUSINESS PARK LAND USE DISTRICT (RECEIVED FIRST READING AND INTRODUCTION ON FEBRUARY 26, 2008 ON A 5-0 VOTE) (Report of: Community Development Department)

Recommendation: Adopt Ordinance No. 769.

Ordinance No. 769

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA07-0119 (Zone Change) to Change the Land Use District for Approximately 6.62 Acres Consisting of Assessor Parcel Number 486-070-007 from the Neighborhood Commercial (NC) Land Use District to the Residential 20 (R20)

B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

- B1. ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

- B2. MINUTES - REGULAR MEETING OF FEBRUARY 26, 2008
(Report of: City Clerk's Department)

Recommendation: Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

- C1. ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

- C2. MINUTES - REGULAR MEETING OF FEBRUARY 26, 2008
(Report of: City Clerk's Department)

Recommendation: Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D1. ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

- D2. MINUTES - REGULAR MEETING OF FEBRUARY 26, 2008
(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 FOR A GENERAL PLAN AMENDMENT (PA07-0120) AND CHANGE OF ZONE (PA07-0119) FROM NEIGHBORHOOD COMMERCIAL (NC) TO RESIDENTIAL 20 (R20) ON THE 6.62-ACRES LOCATED ON THE EAST SIDE OF PERRIS BOULEVARD, SOUTH OF JOHN F. KENNEDY DRIVE AND NORTH OF FILAREE AVENUE (Report of: Community Development Department)

Recommendation:

1. Adopt a Negative Declaration for applications PA07-0119 (Change of Zone) and PA07-0120 (General Plan Amendment). The projects, individually and cumulatively, will not result in a significant effect on the environment;
2. Approve Resolution No. 2008-27 approving PA07-0120, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps.

Resolution No. 2008-27

A Resolution of the City Council of the City of Moreno Valley, California, Approving an Amendment to the General Plan Land Use Element (PA07-0120) to Change the Land Use Designation from Commercial to Residential 20 (R20) for the Approximately 6.62 Acres Located Within Assessor's Parcel Number 486-070-007, Located Near the East Side of Perris Boulevard, South of John F. Kennedy and North of Filaree Avenue

3. Introduce Ordinance No. 770 approving a Zone Change (PA07-0119) from Neighborhood Commercial (NC) to Residential 20 (R20), based on the findings in the Ordinance, and the revised Zoning Atlas page.

Ordinance No. 770

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA07-0119 (Zone Change) to Change the Land Use District for Approximately 6.62 Acres Consisting of Assessor Parcel Number 486-070-007 from the Neighborhood Commercial (NC) Land Use District to the Residential 20 (R20)

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

G. REPORTS

G1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

- a) Report on Riverside Transit Agency (RTA) by Council Member Flickinger

- G2. PALM DESERT DEVELOPMENT COMPANY, INC. RANCHO DORADO APARTMENTS FINANCIAL ASSISTANCE REQUEST AND RESOLUTION FOR TAX CREDIT APPLICATION (Report of: Economic Development Department)

Recommendation:

1. The City Council adopts Resolution No. 2008-25, a resolution of the City Council of the City of Moreno Valley regarding assistance to the Rancho Dorado Apartments proposed by Palm Desert Development Company, Inc.; and

Resolution No. 2008-25

A Resolution of the City Council of the City of Moreno Valley, Supporting the Rancho Dorado Apartment Housing Development and Affirming its Intention to Provide Assistance to Rancho Dorado LP, a Subsidiary of Palm Desert Development Company, Inc.

2. The Redevelopment Agency Board adopts Resolution No. RDA 2008-04, a resolution of the Community Redevelopment Agency of the City of Moreno Valley regarding assistance to the Rancho Dorado Apartments proposed by Palm Desert Development Company, Inc.

Resolution No. RDA 2008-04

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Supporting the Rancho Dorado Apartments Housing Development and Affirming its Intention to Provide Assistance to Rancho Dorado LP, a Subsidiary of Palm Desert Development Company, Inc.

- G3. CONSIDERATION OF APPOINTMENTS TO THE MARCH JOINT POWERS AUTHORITY GENERAL PLAN ADVISORY COMMITTEE (Report of: Community Development Department)

Recommendation: That the City Council discuss the process of appointing two citizen-at-large members (plus one alternate) to the March Joint Powers Authority General Plan Advisory Committee and make such appointments if circumstances permit.

- G4. 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 FEBRUARY 12, 2008, ORIGINAL ORDINANCE INTRODUCED ON A 5-0 VOTE ON DECEMBER 11, 2007) (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;
2. Reintroduce 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