



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**

AUGUST 26, 2008

**SPECIAL PRESENTATIONS – 6:00 P.M.
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.

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

William H. Batey II, Mayor

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

**AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
AUGUST 26, 2008**

CALL TO ORDER

SPECIAL PRESENTATIONS – 6:00 p.m.

1. Moreno Valley Public Library Summer Reading Program Awards
2. Recognition of Moreno Valley Rockets Track Team
3. Employee of the Quarter – Sylvia Rodriguez
4. Officer of the Quarter - Christopher Brown
5. Firefighter of the Quarter - Simon Gowing

**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.
AUGUST 26, 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 Willie Behrends, Crosswinds Church of Moreno Valley

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 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.

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 JULY 8, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

A3. MINUTES – SPECIAL MEETING OF AUGUST 5, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

A4. 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 July 2 – August 19, 2008.

A5. LEGISLATIVE UPDATE (Report of: Assistant City Manager)

Recommendation: Receive and file the informational report.

A6. APPROVAL OF CHECK REGISTER FOR JUNE, 2008 (Report of: Financial & Administrative Services Department)

Recommendation: Adopt Resolution No. 2008-99, approving the Check Register for the month of June, 2008 in the amount of \$24,676,996.10.

Resolution No. 2008-99

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of June,

2008

- A7. RECEIPT OF QUARTERLY INVESTMENT REPORT - QUARTER ENDED JUNE 30, 2008 (Report of: Financial & Administrative Services Department)

Recommendation: Receive and file the attached Quarterly Investment Report, in compliance with the City's Investment Policy.

- A8. ACCEPT AND APPROVE THE TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) PROGRAM AGREEMENT BETWEEN THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG) AND THE CITY OF MORENO VALLEY FOR THE IRONWOOD AVENUE FROM PERRIS BOULEVARD TO NASON STREET PROJECT, PROJECT NO. 10-41572727 (Report of: Public Works Department)

Recommendation:

1. Accept and approve the Transportation Uniform Mitigation Fee (TUMF) Program agreement between the Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for Project Approval and Environmental Documentation (PA&ED) services for the Ironwood Avenue from Perris Boulevard to Nason Street project;
2. Authorize the City Manager to execute the Transportation Uniform Mitigation Fee (TUMF) Program agreement between the Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for the Ironwood Avenue from Perris Boulevard to Nason Street project; and
3. Authorize the City Engineer to execute any subsequent amendments to the Transportation Uniform Mitigation Fee (TUMF) Program agreement between the Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for the Ironwood Avenue from Perris Boulevard to Nason Street project.

- A9. ADOPT A MITIGATED NEGATIVE DECLARATION (MND) FOR KITCHING STREET IMPROVEMENTS – GENTIAN AVENUE TO ALESSANDRO BOULEVARD; PROJECT NO. 07-50182425 (Report of: Public Works Department)

Recommendation:

1. Adopt a Mitigated Negative Declaration (MND) for the roadway improvements for Kitching Street from Gentian Avenue to Alessandro Boulevard, Project No. 07-50182425, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level.

A10. APPROVE THE MORENO VALLEY UTILITY (MVU) 2008 SOLAR SPECIAL PROGRAM (Report of: Public Works Department)

Recommendation:

1. Approve the MVU 2008 Solar Special Program and MVU Solar Electric Incentive Program Guidelines;
2. Authorize the Electric Utility Manager to implement and administer the MVU 2008 Solar Special Program and execute corresponding agreements; and
3. Approve the appropriation of \$150,000 from the MVU Public Purpose Program Fund for customer rebates, consulting services and marketing expenses directly related to the MVU 2008 Solar Special Program.

A11. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR ELECTRICAL SUBSTATION LANDSCAPE AND IRRIGATION IMPROVEMENTS FOR THE MORENO VALLEY SUBSTATION PROJECT NO. 06-601611225 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for Electrical Substation Landscape and Irrigation Improvements for the Moreno Valley Substation, Project No. 06-601611225, to Green It Up Landscape, Inc., 19792 El Rivino Road, Riverside, CA 92509, the lowest responsible bidder;
2. Authorize the Mayor to execute a contract with Green It Up Landscape, Inc., 19792 El Rivino, Road, Riverside, CA 92509;
3. Authorize the Financial and Administrative Services Director to issue a Purchase Order to Green It Up Landscape, Inc., 19792 El Rivino Road, Riverside, CA 92509, in the amount

of \$253,716.69 (\$173,834.54 for the base bid amount, plus \$56,817.00 for the Add Alternate No. 1, plus \$23,065.15 for the 10% contingency) for Electrical Substation Landscape and Irrigation Improvements for the Moreno Valley Substation, Project No. 06-601611225, when the contract has been signed by all parties. (Account No. 601.61225.7200); and

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Green It Up Landscape, Inc., up to, but not to exceed, the amount of the authorized Purchase Order.

A12. RESOLUTION NO. 2008-100, APPROVE AND AUTHORIZE THE PROJECT DEVELOPMENT COOPERATIVE AGREEMENT WITH THE STATE OF CALIFORNIA FOR THE INTERSTATE 215 (I-215)/CACTUS AVENUE INTERCHANGE IMPROVEMENTS PROJECT; PROJECT NO. 09-41570425 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2008-100 and approve the Project Development Cooperative Agreement with the State of California for the project development phase of the Interstate 215 (I-215)/Cactus Avenue Interchange Improvements project; and

Resolution No. 2008-100

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Project Development Cooperative Agreement, District Agreement No. 8-1382 with the State of California, Acting by and through its Department of Transportation, for the Project Development Phase of the Interstate 215 (I-215) Cactus Avenue Interchange Improvements Project and Authorizing the Mayor to Execute the Project Development Cooperative Agreement with the State of California.

2. Authorize the Mayor to execute the Project Development Cooperative Agreement with the State of California.

A13. NOTICE OF COMPLETION AND ACCEPTANCE OF THE CONSTRUCTION FOR THE CITYWIDE SCHOOL WALKWAY INFILL IMPROVEMENTS; PROJECT NO. 07-01087625 (Report of:

Public Works Department)

Recommendation:

1. Accept the work as complete for the Citywide School Walkway Infill Improvements constructed by J-RD MMAC, Inc., 14221 Whispering Sands, Victorville, CA 92392;
2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;
3. Authorize the Financial and Administrative Services Director to release the retention to J-RD MMAC, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and
4. Accept the improvements into the City's maintained sidewalk system.

A14. NOTICE OF COMPLETION AND ACCEPTANCE OF PAN AM BOULEVARD SIDEWALK IMPROVEMENTS, FROM BAY AVENUE TO COTTONWOOD AVENUE; PROJECT NO. 06-28068525 (Report of: Public Works Department)

Recommendation:

1. Ratify Contract Change Order No. 1 (Final) for Pan Am Boulevard Sidewalk Improvements, from Bay Avenue to Cottonwood Avenue (Project No. 06-20868525);
2. Accept the work as complete for Pan Am Boulevard Sidewalk Improvements, from Bay Avenue to Cottonwood Avenue constructed by AP Engineering Corporation, 1271 Columbia Avenue, Riverside, CA 92553;
3. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;
4. Authorize the Financial and Administrative Services Director to release the retention to AP Engineering Corporation thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project;

5. Authorize an increase to Purchase Order No. 34696 in the amount of \$10,492 for the Sidewalk Improvement work; and
 6. Accept the improvements into the City's maintained sidewalk system.
- A15. PA07-0021 – ACCEPT AGREEMENT, AND BONDS FOR PUBLIC IMPROVEMENTS, NORTH SIDE OF SUNNYMEAD BOULEVARD, EAST OF GRAHAM STREET, DEVELOPER - WESTERN STATES CONSTRUCTION, INC., ANAHEIM, CA 92807 (Report of: Public Works Department)

Recommendation:

1. Accept the agreement and bonds for Public Improvements;
 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.
- A16. TRACT MAP 33437 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING CHIPMAN HILL COURT, CLOVELLY COURT, AND THE PORTIONS OF RIO BRAVO ROAD AND DELPHINIUM AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - WESTERN PACIFIC HOUSING, INC., IRVINE, CA 92606 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2008-101 authorizing the acceptance of the public improvements for Tract Map 33437 as complete and accepting Chipman Hill Court, Clovelly Court, and the portions of Rio Bravo Road and Delphinium Avenue associated with the project into the City's maintained street system; and

Resolution No. 2008-101

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 33437, and Accepting the Portion of Chipman Hill Court, Clovelly Court, and the Portions of Rio Bravo Road and Delphinium Avenue 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 Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received.

A17. APPROVE AND EXECUTE THE AGREEMENT FOR CONVEYANCE OF PROPERTY FOR THE PARTIAL ACQUISITION OF APN 263-230-005 FOR THE DAY STREET IMPROVEMENT PROJECT FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE AND AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES 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 263-230-005; and
2. Authorize the Financial and Administrative Services Director to wire transfer funds into escrow in the amount of \$23,550 for the purchase price and an additional amount of \$2,000 for escrow fees for the partial acquisition of APN 263-230-005.

A18. TRANSFER OF REAL PROPERTY LOCATED AT THE MORENO VALLEY COMMUNITY PARK (APN 296-060-003 AND 004, EXCEPT THE EASTERLY 20 FEET) FROM THE CITY OF MORENO VALLEY, A MUNICIPAL CORPORATION TO THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AND EXECUTION OF RIGHT OF WAY EASEMENT DEED FROM THE MORENO VALLEY COMMUNITY SERVICES DISTRICT TO THE CITY OF MORENO VALLEY FOR FREDERICK, DRACAEA AND COTTONWOOD STREETS (Report of: Public Works Department)

(Also listed as item B4)

Recommendation:

1. Authorize the Mayor to execute a quitclaim deed to transfer real property known as the Moreno Valley Community Park (APN 296-060-003 and 004, except the easterly 20 feet) from the City of Moreno Valley, a Municipal Corporation to the Moreno Valley Community Services District (CSD).

A19. AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE EDMONT WATER MASTER PLAN UPDATE WITH ALBERT A. WEBB AND ASSOCIATES (Report of: Economic Development Department)

Recommendation:

1. Approve the "Agreement for Professional Consultant Services" with Albert A. Webb Associates, 3788 McCray Street, Riverside, California 92506, due to an increase in the scope of work to conduct additional studies;
2. Authorize the City Manager to execute the "Agreement for Professional Consultant Services" with Albert A. Webb Associates; and
3. Authorize an increase in the Purchase Order (#33978) to Albert A. Webb Associates in the amount of \$191,500 from Account No. 193.19310 for the additional studies when the "Agreement for Professional Consultant Services" has been signed by all parties.

A20. TRACT MAP 34299 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF EUCALYPTUS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM; DEVELOPER – K. HOVNANIAN'S PARKSIDE AT TOWNGATE, LLC, CORONA, CA 92881 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2008-102 authorizing the acceptance of the public improvements for Tract Map 34299 as complete and accepting the portion of Eucalyptus Avenue associated

with the project into the City's maintained street system; and

Resolution No. 2008-102

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 34299, and Accepting the Portion of Eucalyptus Avenue Associated with the Project into the City's Maintained Street System; and

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received.

- A21. APPOINTMENT OF ECONOMIC DEVELOPMENT DIRECTOR BARRY FOSTER AS THE CITY'S VOTING DELEGATE TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE BUSINESS MEETING TO BE HELD SATURDAY, SEPTEMBER 27, 2008 (ORAL PRESENTATION ONLY – NO WRITTEN MATERIAL PROVIDED) (Report of: City Clerk's Department)

Recommendation: Appoint Economic Development Director Barry Foster as the City's Voting Delegate to the League of Cities Annual Conference Business Meeting.

B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

- B1. ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.
- B2. MINUTES - REGULAR MEETING OF JULY 8, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

- B3. NAMING OF PARK LOCATED ON THE NORTHEAST CORNER OF COTTONWOOD AVENUE AND INDIAN STREET (Report of: Parks and Community Services Department)

Recommendation:

Adopt the name as recommended and submitted by the Parks and

Recreation Commission for the new park located on the northeast corner of Cottonwood Avenue and Indian Street as "Cottonwood Park."

- B4. TRANSFER OF REAL PROPERTY LOCATED AT THE MORENO VALLEY COMMUNITY PARK (APN 296-060-003 AND 004, EXCEPT THE EASTERLY 20 FEET) FROM THE CITY OF MORENO VALLEY, A MUNICIPAL CORPORATION TO THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AND EXECUTION OF RIGHT OF WAY EASEMENT DEED FROM THE MORENO VALLEY COMMUNITY SERVICES DISTRICT TO THE CITY OF MORENO VALLEY FOR FREDERICK, DRACAEA AND COTTONWOOD STREETS (Report of: Public Works Department)
(Also listed as item A18)

Recommendation:

1. Authorize the Chairman of the Board of Directors of the Community Services District to execute the Certificate of Acceptance, which will allow the transfer of real property known as the Moreno Valley Community Park (APN 296-060-003 and 004, except the easterly 20 feet) from the City of Moreno Valley, a Municipal Corporation to the Moreno Valley Community Services District; and
2. Authorize the Chairman of the Board of Directors of the Community Services District to execute Easement Deeds to the City of Moreno Valley, a Municipal Corporation for public highway purposes, public utility, and public service facilities of Frederick, Dracaea and Cottonwood Streets abutting Moreno Valley Community Park.

- B5. MINUTES – SPECIAL MEETING OF AUGUST 5, 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 JULY 8, 2008 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.
- C3. MINUTES – SPECIAL MEETING OF AUGUST 5, 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 JULY 8, 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. PUBLIC HEARING FOR FISCAL YEAR 2008, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FUNDING ALLOCATION, APPLICATION AND ACCEPTANCE OF APPROVED JAG FUNDING, AND PURCHASE OF APPROVED TECHNOLOGY WITH JAG FUNDS (Report of: Police Department)

Recommendation: That the City Council:

1. Hold a public hearing to allow public comments on the proposed use of the Justice Assistance Grant;
2. Consider the comments or views received by the public;
3. Adopt the proposed use of the Justice Assistance Grant funding, as appropriate, to address public and Council comments;
4. Approve application for the Justice Assistance Grant in the amount of \$29,699 from the U.S. Department of Justice, Bureau of Justice Assistance; and
5. Approve the purchase of Secure Cellular Data Transfer equipment, installation, and two years of cellular service for use with the Automated License Plate Reader (ALPR) equipped police vehicles, and approximately ninety-three

2GB flash drives for issue to law enforcement personnel upon receipt of 2008 Justice Assistance Grant funds.

- E2. HEARING ON PROPOSED RESOLUTION OF NECESSITY (RESOLUTION NO. 2008-103) TO ACQUIRE NECESSARY RIGHT-OF-WAY FOR THE WIDENING OF DAY STREET BETWEEN ALESSANDRO BOULEVARD AND COTTONWOOD AVENUE - PROJECT NO. 02-89266920 (Report of: Public Works Department)

Recommendation: That the City Council:

1. Conduct a hearing, allowing testimony, including the property owners who have requested the right to appear and be heard;
2. Approve and adopt the Planning Division's finding that the project is consistent with the General Plan;
3. Approve and adopt the Planning Division's findings that the project, including each proposed easement acquisition and the adoption of Resolution of Necessity No. 2008-103, is within the scope of the Negative Declaration adopted by the City Council on September 11, 2007 and that this proposal is exempt from any further environmental action under the California Environmental Quality Act (CEQA);

Resolution No. 2008-103

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Acquisition of Property for Public Street and Highway Purposes Including Related Improvements and Facilities; that the Acquisition and Taking of the Easements in the herein-described Property is Necessary for the Project; that the Project is Planned in a Manner that is Most Compatible with the Greatest Public Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of said Property; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Property

4. Find that the proposed Factual Summary to Support Findings Required in the Resolution, attached to the Staff's Agenda Report, is true and correct, as to the proposed Resolution of Necessity;

5. Find and determine that each of the statements, findings and facts in the proposed Resolution of Necessity is true and correct;
6. Adopt the proposed Resolution of Necessity, authorizing eminent domain proceedings; and
7. Direct the City Attorney and/or retained counsel for the City to file appropriate action in Eminent Domain, including Making Applications for Orders Authorizing Deposits of Probable Compensation and for Orders for Prejudgment Possession and for all other appropriate orders.

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. PUBLIC MEETING REGARDING MAIL BALLOT PROCEEDINGS FOR TRACT 30268 FOR COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) (Report of: Public Works Department)

Recommendation: That the City Council, acting in their respective capacities as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board"), accept public comments regarding the mail ballot proceeding for Tract 30268 (and all affected phases) for inclusion into and approval of the annual parcel charge for CSD Zone B (Residential Street Lighting).

G3. REVIEW OF THE CITY COUNCIL'S POLICY ON SPONSORING OR CO-SPONSORING CITY EVENTS, ACTIVITIES, INDIVIDUALS, OR GROUPS (Report of: Deputy City Manager)

Recommendation: That the City Council provide direction to staff as it deems appropriate.

G4. DEVELOPMENT IMPACT FEE CREDIT AND REIMBURSEMENT POLICY (CONTINUED FROM JULY 8, 2008) AND A PROPOSED RESOLUTION TO PRIORITIZE DIF AND TUMF REVENUES

(Report of: Deputy City Manager)

Recommendation: That the City Council:

1. Adopt Resolution No. 2008-104, concerning the prioritization of development impact fees (DIF) and transportation uniform mitigation fees (TUMF) and repeal Resolution No. 2006-19, and

Resolution No. 2008-104

A Resolution of the City Council of the City of Moreno Valley, California, Concerning the Prioritization of Development Impact Fees (TUMF) and Repeal Resolution No. 2006-19

2. Approve the proposed Development Impact Fee Credit and Reimbursement Policy.
- G5. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION - NONE

ORDINANCES - 2ND READING AND ADOPTION

- H1. ADOPT ORDINANCE NO. 779, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA08-0046 (ZONE CHANGE) TO CHANGE THE LAND USE DISTRICT FOR APPROXIMATELY 3.0 ACRES CONSISTING OF ASSESSOR PARCEL NUMBER 297-130-060, 297-130-061, 297-130-062 FROM THE BUSINESS PARK MIXED (BPX) LAND USE DISTRICT TO THE INDUSTRIAL (1) (RECEIVED FIRST READING AND INTRODUCTION ON JULY 8, 2008 ON A 4-0-1 VOTE, BATEY ABSENT) (Report of: Community Development Department)

Recommendation: Adopt Ordinance No. 779.

Ordinance No. 779

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA08-0046 (Zone Change) to Change the Land Use District for Approximately 3.0 Acres Consisting of

Assessor Parcel Number 297-130-060, 297-130-062 from the Business Park Mixed (BPX) Land Use District to the Industrial (I)

- H2. ADOPT ORDINANCE NO. 780, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING P07-121 (SPECIFIC PLAN AMENDMENT) TO INCREASE THE LANDSCAPE SETBACKS AND REDUCE BUILDING SETBACKS IN THE RESIDENTIAL BUFFER ZONE (AREA ALONG INDIAN STREET, NORTH OF KRAMERIA AVENUE UP TO IRIS AVENUE) IN THE MORENO VALLEY INDUSTRIAL SPECIFIC PLAN (SP 208), AS AMENDED (RECEIVED FIRST READING AND INTRODUCTION ON JULY 8, 2008 ON A 4-0-1 VOTE, BATEY ABSENT) (Report of: Community Development Department)

Recommendation: Adopt Ordinance No. 780.

Ordinance No. 780

An Ordinance of the City Council of the City of Moreno Valley, California, Approving P07-121 (Specific Plan Amendment) to Increase The Landscape Setbacks and Reduce Building Setbacks in the Residential Buffer Zone (Area Along Indian Street, North of Krameria Avenue Up to Iris Avenue) in the Moreno Valley Industrial Specific Plan (Sp 208)

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**

***Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.**

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(a) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
 - a) Case: *City of Moreno Valley, Community Redevelopment Agency of the City of Moreno Valley v. County of Riverside, et al.*
Court: San Diego Superior Court
Case No.: 37-2007-00082461-CU-PT-CTL
- 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

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

ADJOURNMENT