



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**

MAY 8, 2007

**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.

Charles R. White, Mayor

William H. Batey, II, Mayor Pro Tem
Richard A. Stewart, Council Member

Bonnie Flickinger, Council Member
Frank West, Council Member

**AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MAY 8, 2007**

CALL TO ORDER

SPECIAL PRESENTATIONS – 6:00 p.m.

1. Employee of the Quarter – Robert Roseen
2. Firefighter of the Quarter - Fire Captain Don Whitlock
3. Recognition of Corporal Conrad Cease, Recipient of the Hero Award from MADD (Mothers Against Drunk Drivers).
4. National Public Works Week Proclamation

**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.
MAY 8, 2007**

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 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/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. 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 April 18 – May 1, 2007.

- A3. PA04-0154 – MULTI-FAMILY RESIDENTIAL – REDUCE FAITHFUL PERFORMANCE LETTER OF CREDIT AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF MORENO BEACH DRIVE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM, DEVELOPER – BROADSTONE AT VALLEY VIEW, LLC, PHOENIX, AZ 85016 (Report of: Public Works Department)
Recommendation:
 - 1. Adopt Resolution No. 2007-45 authorizing acceptance of the public improvements for PA04-0154 as complete and accepting the portion of Moreno Beach Drive associated with the project into the City's maintained street system;

Resolution No. 2007-45

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within PA04-0154, and Accepting the Portion of Moreno Beach Drive 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.

- A4. TRACT MAP 27523-2 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTIONS OF ARBORGLENN DRIVE, AND BRODIAEA AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY’S MAINTAINED STREET SYSTEM, DEVELOPER – MORENO VALLEY CACTUS RANCH, LLC, TEMECULA, CA 92592 (Report of: Public Works Department) Recommendation:

1. Adopt Resolution No. 2007-46 authorizing the acceptance of the public improvements for Tract Map 27523-2 as complete and accepting the portions of Arborglenn Drive, and Brodiaea Avenue associated with the project into the City’s maintained street system;

Resolution No. 2007-46

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 27523-2, and Accepting the Portions of Arborglenn Drive, and Brodiaea 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.
- A5. TRACT MAPS 23008 AND 30527 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING CALLE LINDA, AVENIDA DE CALMA, AND THOSE PORTIONS OF BONITA HEIGHTS DRIVE, MESA VERDE DRIVE, GRANDE VISTA DRIVE, AVENIDA DE CIRCO, SANTA ROSA DRIVE, AND IRIS AVENUE ASSOCIATED WITH THE PROJECT INTO THE

CITY'S MAINTAINED STREET SYSTEM, DEVELOPER – PACIFIC COMMUNITIES BUILDERS, INC., NEWPORT BEACH, CA 92660 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2007-47 authorizing the acceptance of the public improvements for Tract Maps 23008 and 30527 as complete and accepting Calle Linda, Avenida De Calma, and those portions of Bonita Heights Drive, Mesa Verde Drive, Grande Vista Drive, Avenida de Circo, Santa Rosa Drive, and Iris Avenue associated with the project into the City's maintained street system;

Resolution No. 2007-47

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within Tracts 23008 and 30527, and Accepting Calle Linda, Avenida De Calma, and those Portions of Bonita Heights Drive, Mesa Verde Drive, Grande Vista Drive, Avenida de Circo, Santa Rosa Drive, and Iris 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.
- A6. PA04-0166 – COMMERCIAL – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THOSE PORTIONS OF SUNNYMEAD BOULEVARD AND GRAHAM STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM, DEVELOPER – AUTOZONE, INC., MEMPHIS, TN 38103 (Report of: Public Works Department)
- Recommendation:
1. Adopt Resolution No. 2007-48 authorizing the acceptance of the public improvements for PA04-0166 as complete and accepting those portions of Sunnymead Boulevard and Graham Street associated with the project into the City's maintained street system;

Resolution No. 2007-48

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within PA04-0166, and Accepting those Portions of Sunnymead Boulevard and Graham Street 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.
- A7. RESOLUTION NO. 2007-49 - APPROVE AND AUTHORIZE EXECUTION OF ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL AID PROJECTS NO. 08-5441R AND PROGRAM SUPPLEMENT AGREEMENT NO. N022 FOR FEDERAL-AID PROJECT NO. STPL-5441 (041), IRONWOOD AVENUE STREET IMPROVEMENTS, FROM PIGEON PASS ROAD TO GRAHAM STREET, PROJECT NO. 05-12567423 (Report of: Public Works Department)
Recommendation:

1. Adopt the proposed Resolution and approve and authorize execution of Administering Agency-State Agreement for Federal Aid Projects No. 08-5441R and Program Supplement Agreement No. N022 for Federal-Aid Project No. STPL-5441 (041), Ironwood Avenue Street Improvements from Pigeon Pass Road to Graham Street;

Resolution No. 2007-49

A Resolution of the City Council of the City of Moreno Valley, California, Approving and Authorizing Execution of Administering Agency-State Agreement for Federal Aid Projects No. 08-5441R and Program Supplement Agreement No. N022, Between the State of California, Acting by and Through the Department of Transportation, and the City of Moreno Valley, for Federal-Aid Project No. STPL-5441 (041) and Other Projects

2. Authorize the Public Works Director/City Engineer to execute Administering Agency-State Agreement for Federal Aid

Projects No. 08-5441R and Program Supplement Agreement No. N022 for Federal-Aid Project No. STPL-5441 (041), Ironwood Avenue Street Improvements from Pigeon Pass Road to Graham Street.

- A8. RESOLUTION ENDORSING THE EFFORTS OF THE UNIVERSITY OF CALIFORNIA, RIVERSIDE (UCR) TO ESTABLISH A SCHOOL OF MEDICINE (Report of: Economic Development Department)
Recommendation: Adopt Resolution No. 2007-50, endorsing the efforts of the University of California, Riverside (UCR) to establish a school of medicine.

Resolution No. 2007-50

A Resolution of the City Council of the City of Moreno Valley, California, Endorsing the Efforts of the University of California, Riverside to Establish a School of Medicine

- A9. TRACT 33256 – REQUEST TO CONDUCT A FULL ROAD CLOSURE OF FIR AVENUE APPROXIMATELY 600 FEET WEST OF NASON STREET TO 900 FEET EAST OF MORRISON STREET FOR THE CONSTRUCTION OF TWO 18-INCH WATERLINE MAINS FROM MAY 9, 2007 TO JULY 9, 2007, SUBDIVIDER – MVGH 2004, LLC, IRVINE, CA 92614 (Report of: Public Works Department)
Recommendation: Authorize a full road closure of Fir Avenue approximately 600 feet west of Nason Street to 900 feet east of Morrison Street for the construction of two 18-inch waterline mains from May 9, 2007 to July 9, 2007.
- A10. AUTHORIZATION TO INCREASE FY 06/07 PURCHASE ORDER FOR ON-CALL INSPECTION SERVICES WITH VALI COOPER AND ASSOCIATES (VC&A) (PUBLIC WORKS) (Report of: Public Works Department)
Recommendation: Authorize the City Manager to execute a \$40,000 change order to the existing FY 06/07 purchase order with VC&A for “On-Call” inspection services.

- A11. REVIEW AND CONTINUE THE EMERGENCY ACTION REGARDING THE DESIGN AND CONSTRUCTION OF THE MORENO VALLEY UTILITIES (MVU) 115 KILOVOLT (KV) SUBSTATION AND SWITCHYARD FACILITY (Report of: Public Works Department)
Recommendation: Review and continue the Emergency Action taken by the Council during the September 26, 2006 Council

Meeting under Resolution 2006-113 Making Findings of an Emergency and Authorizing the Execution of the Design-Build Agreement for the Moreno Valley Utilities Substation and Switchyard Project between the City of Moreno Valley, as Owner, and ABB, Inc., a Delaware Corporation, as Design-Builder in accordance with Public Contract Code Sections 20168, 22050, and Government Code Section 5956.

A12. RATIFICATION OF GRANT APPLICATION SUBMITTALS FOR THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) (Report of: Public Works Department)

Recommendation:

1. Ratify the submittal of grant applications for the Highway Safety Improvement Program (HSIP).

A13. NOTICE OF COMPLETION AND ACCEPTANCE OF ALESSANDRO LIBRARY BUILDING REHABILITATION, (PROJECT NO. 07-41276326) (Report of: Public Works Department)

Recommendation:

1. Ratify Contract Change Order Nos. 1, 2, 3, 4, and 5 (Final) for the rehabilitation of the Alessandro Library Building at 25480 Alessandro Boulevard (Project No. 07-41276326);
2. Accept the work as complete for the rehabilitation of the Alessandro Library Building, constructed by Thomco Construction, Inc., 2121 W. Crescent Ave., Suite A, Anaheim, CA 92801;
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; and
4. Authorize the Director of Finance to release the retention to Thomco Construction, Inc. thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

A14. LEGISLATIVE UPDATE (Report of: Assistant to the City Manager)
Recommendation: Receive and file the informational report.

A15. ANNUAL REVIEW (P07-046) OF THE AQUABELLA DEVELOPMENT AGREEMENT, A DEVELOPMENT AGREEMENT

BY AND BETWEEN THE CITY OF MORENO VALLEY AND MORENO VALLEY PROPERTIES, LP (Report of: Community Development Department)

Recommendation: Determine that the property owner has complied in good faith with the terms, obligations and conditions of the Aquabella Development Agreement.

A16. TRACT 32707 (CITY OF PERRIS) – SINGLE FAMILY RESIDENTIAL – ACCEPT SUBSTITUTION AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, SOUTH OF THE MORENO VALLEY CITY LIMITS, BETWEEN EVANS ROAD AND LAKE PERRIS DRIVE, IN THE CITY OF PERRIS, WITH A PORTION OF LASSELLE STREET IN THE CITY OF MORENO VALLEY, SUBDIVIDER – SHEFFIELD COMMUNITIES, INC., A DELAWARE CORPORATION, RIVERSIDE, CA 92506 (Report of: Public Works Department)

Recommendation:

1. Accept the substitution of Agreement for Public Improvements and bonds for Tract 32707;
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;
4. Authorize the City Engineer to exonerate the Faithful Performance Bond and Material and Labor Bond previously submitted by Centex Homes, a Nevada General Partnership, upon acceptance of the substitution agreement and bonds; and
5. 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.

A17. 2006 ANNUAL REPORT OF THE PLANNING COMMISSION (Report of: Community Development Department)

Recommendation:

- 1) Receive and file the 2006 Annual Report of the Planning Commission; and
- 2) Authorize transmittal to the California State Office of Planning and Research in accordance with Government Code Section 65040.5.

A18. APPROVE TRACT 29857-1 – COMMERCIAL - ACCEPT THE FINAL MAP, AGREEMENT, AND BONDS FOR PUBLIC IMPROVEMENTS, SOUTHEAST CORNER OF PERRIS BOULEVARD AND IRIS AVENUE, SUBDIVIDER – IRIS PARTNERS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, UPLAND, CA 91784 (Report of: Public Works Department)

Recommendation:

1. Approve Tract 29857-1, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation;
2. Accept the Agreement and Bonds for Public Improvements;
3. Authorize the Mayor to execute the Agreement;
4. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and
5. 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.

A19. ORDINANCE NO. 743 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA06-0044 (ZONE CHANGE) TO CHANGE THE LAND USE FROM LIGHT INDUSTRIAL TO BUSINESS PARK MIXED USE FOR THE 1.67-ACRES OF PARCEL 9, OF TENTATIVE PARCEL MAP NO. 34572, LOCATED AT THE NORTHWEST CORNER OF FREDERICK STREET AND CACTUS AVENUE (RECEIVED FIRST READING AND INTRODUCTION ON APRIL 24, 2007 ON A 5-0 VOTE) (Report of: Community Development Department)

Recommendation: Adopt Ordinance No. 743.

Ordinance No. 743

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA06-0044 (Zone Change) to Change the Land Use from Light Industrial to Business Park Mixed Use for the 1.67-Acres of Parcel 9, of Tentative Parcel Map No. 34572, Located at the Northwest Corner of Frederick Street and Cactus Avenue

- A20. ORDINANCE NO. 744 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 5 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, BY ADDING A NEW CHAPTER 5.22 REGARDING VIDEO FRANCHISE FEES, CUSTOMER SERVICE AND OTHER VIDEO-RELATED MATTERS (RECEIVED FIRST READING AND INTRODUCTION ON APRIL 24, 2007 ON A 5-0 VOTE) (Report of: Assistant to the City Manager)
Recommendation: Adopt Ordinance No. 744.

Ordinance No. 744

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 5 of the City of Moreno Valley Municipal Code, by Adding a New Chapter 5.22 Regarding Video Franchise Fees, Customer Service and other Video-Related Matters

- A21. MINUTES - REGULAR MEETING OF APRIL 24, 2007 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.

- A22. TRACT 32715 – APPROVE THE AGREEMENT OF PURCHASE AND SALE OF CERTAIN REAL PROPERTY FOR PUBLIC RIGHT OF WAY, EAST SIDE OF PERRIS BOULEVARD, SOUTH OF IRONWOOD AVENUE, SUBDIVIDER – GARDNER CONSTRUCTION & DEVELOPMENT, INC., REDLANDS, CA 92373 (Report of: Public Works Department)
Recommendation:

1. Approve the Agreement of Purchase and Sale between the City of Moreno Valley, and Riverside County Flood Control and Water Conservation District for the purchase and sale of certain real property (Assessor's Parcel No. 479-020-036 for public right-of-way;
2. Authorize the Mayor to execute the agreement; and
3. Authorize the Finance Director to process a check to Riverside County Flood Control and Water Conservation District for the required funds, per the agreement, to complete the purchase of the certain real property.

B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

- B1. ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

- B2. MINUTES - REGULAR MEETING OF APRIL 24, 2007 (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 APRIL 24, 2007 (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 APRIL 24, 2007 (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 TO ADOPT ANNUAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME PROGRAM ACTION PLAN FOR FISCAL YEAR 2007/08 (Report of: Economic Development Department)
Recommendation: That the City Council:
1. Conduct a Public Hearing for the Community Development Block Grant (CDBG) and HOME Programs to provide the public with an opportunity to comment on the proposed 2007/08 Annual Action Plan; and

2. Approve the proposed 2007/08 Annual Action Plan.

E2. PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDINGS FOR ROSS STORES DISTRIBUTION FACILITY - BALLOTTED ITEM: NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) COMMERCIAL/INDUSTRIAL RATE SCHEDULE; TENTATIVE TRACT 33962 - BALLOTTED ITEMS: NPDES RESIDENTIAL RATE SCHEDULE AND COMMUNITY SERVICES DISTRICT (CSD) ZONES B AND D; AND TENTATIVE TRACT 32505 - BALLOTTED ITEMS: NPDES RESIDENTIAL RATE SCHEDULE AND CSD ZONES B AND E (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:

- a) Tabulate the National Pollutant Discharge Elimination System (NPDES) mail ballots for the Ross Stores Distribution Facility – Assessor Parcel Number (APN) 312-250-044 and Tentative Tracts 33962 and 32505 (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 the Ross Distribution Facility and the NPDES maximum residential regulatory rate to Tentative Tracts 33962 and 32505.

2. Staff recommends that the President and Members of the Board of Directors of the Moreno Valley CSD, after conducting the public hearing;

- a) Tabulate the CSD mail ballots for Tentative Tracts 33962 and 32505 (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 CSD Zone B and Zone D parcel charges to Tentative Tract 33962 and CSD Zone B and Zone E parcel charges to Tentative Tract 32505.

E3. A PUBLIC HEARING REGARDING A REQUEST TO CONSIDER AMENDMENT NO. 2 (PA05-0180) TO THE CACTUS CORRIDOR SPECIFIC PLAN (SP NO. 214) TO REMOVE THREE PARCELS TOTALING 27.36 ACRES FROM SP NO. 214 AND REVERT TO CITYWIDE ZONING DISTRICTS CONSISTENT WITH THE ADOPTED GENERAL PLAN, INCLUDING A RECENTLY APPROVED TOWNHOME PROJECT (8.97 ACRES/R15 OR RESIDENTIAL-15 ZONE), A RECENTLY APPROVED COMMERCIAL SHOPPING CENTER (8.90 ACRES/CC OR COMMUNITY COMMERCIAL ZONE) AND A VACANT SINGLE-FAMILY RESIDENTIAL PARCEL (9.39 ACRE/R5 OR RESIDENTIAL 5 ZONE). THE AFFECTED PARCELS ARE LOCATED AT THE SOUTHWEST CORNER OF MORENO BEACH DRIVE AND BRODIAEA AVENUE (APN # 486-250-008), THE NORTHWEST CORNER OF MORENO BEACH DRIVE AND CACTUS AVE., (APN # 486-250-017) AND ON THE SOUTH SIDE OF BRODIAEA AVENUE WEST OF MORENO BEACH DRIVE (APN # 486-250-007). THE APPLICANT IS EMPIRE COMMERCIAL REAL ESTATE L.P (Report of: Community Development Department)

Recommendation: That the City Council:

1. Recognize that the Cactus Corridor Specific Plan (SP No. 214) Amendment No. 2 (PA05-0180), satisfies requirements under Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) "Review for Exemption" in that there is no possibility that the Amendment will have a significant effect on the environment; and
2. Introduce Ordinance No. 745 thereby approving PA05-0180 (Specific Plan Amendment), based on the findings in the City Council Ordinance, Amendment No. 2 to the Cactus Corridor Specific Plan No. 214, including the modification of the Specific Plan to remove three individual parcels, totaling 27 acres of land within the R15 (Residential-15), CC (Community Commercial) and R5 (Residential 5) land use districts as attached as Exhibits A, to the resolution (Attachment No. 2).

Ordinance No. 745

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Specific Plan Amendment No. 2 (PA05-0180) to the Cactus Corridor Specific Plan No. 214 to Remove Three Parcels (Total of 27.36 Acres) from the Specific Plan and Revert to Zoning Districts that have been Previously Approved by and are Consistent with the General Plan Including a Recently Approved Townhome Project (8.97 Acres, APN No. 486-250-008) on the Southwest Corner of Moreno Beach Drive and Brodiaea Avenue within an R15 Land Use District, and Two Adjacent Sites, one Immediately to the South of the Townhome Project Site (8.90 Acres, APN No. 486-250-017) Located on the Northwest Corner of Moreno Beach Drive and Cactus Avenue, Including a Recently Approved Commercial Shopping Center within a CC (Community Commercial) Land Use District and a Vacant Parcel (9.39 Acres, APN #486-250-007) on the South Side of Brodiaea Avenue and West of Moreno Beach Drive Included in a R5 (Residential-5) District

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. PRESENTATION OF FY 2007-08 PROPOSED BUDGET SUMMARY – (POWER POINT PRESENTATION TO BE PROVIDED UNDER SEPARATE COVER) (Report of: Finance Department)

Recommendation: Receive and file the FY 2007-08 Proposed Budget Summary.

G3. ORDINANCE CREATING AN ARTS COMMISSION (Report of: Parks and Community Services Department)

Recommendation: That the City Council introduce Ordinance No. 746, amending Title 2 of the City of Moreno Valley Municipal Code, by adding thereto a new Chapter 2.26, creating an Arts Commission (roll call required).

Ordinance No. 746

An Ordinance of the City Council of the City of Moreno Valley, Amending Title 2 of the City of Moreno Valley Municipal Code, by Adding a New Chapter 2.26 Creating an Arts Commission

- G4. RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS OF COMMUNITY FACILITIES DISTRICT NO. 5 DESIGNATED 2007 SPECIAL TAX BONDS, APPOINTING THE FISCAL AGENT, APPROVING THE FORMS OF THE FISCAL AGENT AGREEMENT, PRELIMINARY OFFICIAL STATEMENT, BOND PURCHASE AGREEMENT AND CONTINUING DISCLOSURE AGREEMENT, AUTHORIZING NEGOTIATION OF TERMS OF THE SALE OF SAID BONDS, AND PREPARATION OF FINAL OFFICIAL STATEMENT (Report of: Public Works Department)
Recommendation: That the City Council, acting in its capacity as the legislative body of City of Moreno Valley Community Facilities District No. (CFD) 5 ("the District"):

- 1) Approve and adopt Resolution No. 2007-51, a Resolution of the City Council of the City of Moreno Valley, Acting as the Legislative Body of the CFD No. 5 of the City of Moreno Valley, Authorizing the Issuance of Bonds of CFD No. 5 Designated 2007 Special Tax Bonds, in an Aggregate Principal Amount Not to Exceed \$10,000,000, Appointing a Fiscal Agent, Approving the Forms of a Fiscal Agent Agreement, Preliminary Official Statement, Bond Purchase Agreement and Continuing Disclosure Agreement, Authorizing Negotiation of Terms of the Sale of said Bonds, and Authorizing the Preparation of the Final Official Statement.

Resolution No. 2007-51

A Resolution of the City Council of the City of Moreno Valley, Acting as the Legislative Body of the CFD No. 5 of the City of Moreno Valley, Authorizing the Issuance of Bonds of Community Facilities District No. 5 Designated 2007 Special Tax Bonds, in an Aggregate Principal Amount Not to Exceed \$5,900,000, Appointing a Fiscal Agent, Approving a Fiscal Agent Agreement, Preliminary Official Statement, Bond Purchase Agreement and Continuing Disclosure Agreement and Authorizing Negotiation of Terms of the Sale of said Bonds, and Authorizing Preparation of Final Official Statement

- 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 - 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