

**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**

**REGULAR MEETING - 6:30 P.M.
JANUARY 13, 2004**

CALL TO ORDER (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 - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION –Dr. R. Dale Lacquement, Faith Southern 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.) Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

PUBLIC COMMENTS **ON MATTERS NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-C) 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 MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION

All items listed under the Consent Calendars, Sections A, B, and C, are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, or Redevelopment Agency requests that an item be removed for separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report/discussion will be heard after public hearing items.

A. CONSENT CALENDAR - CITY COUNCIL

- A1. ORDINANCES - FIRST READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinance Introductions and read by title only.
- A2. MINUTES – REGULAR MEETING OF NOVEMBER 25, 2003
(Report of: City Clerk’s Department)
Recommendation: Approve as submitted.
- A3. 2002-03 REPORT ON DEVELOPMENT IMPACT FEES (Report of: Finance Department)
Recommendation: Approve and accept the Annual Report on Development Impact Fees in compliance with California Government Code Section 66066; and approve the finding that staff has demonstrated a continuing need to hold unexpended development impact fees.
- A4. RESOLUTION RELATED TO EMPLOYER PAID MEMBER CONTRIBUTIONS (Report of: Human Resources Department)
Recommendation: Adopt Resolution No. 2004-01, noticing its intention to commence paying and reporting the value of employer paid member contributions (EPMC); authorize the Mayor and City Clerk to execute the resolution for the city to commence paying the EPMC benefit to all career status City of Moreno Valley employees effective July 1, 2005; and direct the City Clerk to forward to the California Public Employees’ retirement System (PERS) the original resolution or certified copy of the resolution for paying and reporting the value of EPMC.

Resolution No. 2004-01

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing Employer Paid Member Contributions

- A5. RECOMMENDATION TO ACCEPT PROJECT AS COMPLETE, PROJECT NO. 03-001, MORENO VALLEY EQUESTRIAN CENTER ARENA LIGHTING SYSTEM (Report of: Parks and Recreation Department)
Recommendation: Accept the work for subject project constructed by FEC Electric Inc., of Redlands California; direct the City Clerk to record the Notice of Completion within ten days at the office of the County Recorder as required by Section 3093 of the California Civil Code; and authorize the Finance Director to release a total of \$8,113.98 in retention funds from the Moreno Valley Equestrian Center Arena Lighting System project to FEC Electric, Inc. thirty-five days (35) calendar days after the date of recordation of the Notice of Completion.
- A6. APPROVAL OF FINAL MAP 31050 – SINGLE FAMILY RESIDENTIAL PROJECT, AND ACCEPT AGREEMENT & BONDS FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS - SOUTHEAST CORNER OF SADDLEBROOK LANE AND THE EXTENSION OF LURIN AVENUE (Subdivider - WL Homes LLC dba John Laing Homes) (Report of: Public Works Department)
Recommendation: Approve Final Map 31050, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation; accept the bonds and Agreement for Public Improvements; authorize the Mayor to execute the agreement; and direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation.
- A7. WARRANT REPORT – NOVEMBER, 2003 (Report of: Finance Department)
Recommendation: Adopt Resolution No. 2004-02, approving the Warrant Report, dated November, 2003 in the total amount of \$8,219,353.02.

Resolution No. 2004-02

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report dated November 30, 2003

- A8. SETTLEMENT OF LOCKHEED V. RIVERSIDE COUNTY HABITAT CONSERVATION AGENCY (RCHCA) (Report of: Administrative Services Department)
Recommendation: Approve the Settlement Agreement and General Release in the above referenced litigation.
- A9. APPROVAL OF COOPERATIVE AGREEMENT FOR LINE V-2 OF THE PERRIS VALLEY MASTER DRAINAGE PLAN, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND BEAZER HOMES HOLDING CORP. – EAST OF LASSELLE STREET, SOUTH OF KRAMERIA AVENUE IN THE MORENO VALLEY RANCH SPECIFIC PLAN AREA (BEAZER HOMES HOLDINGS CORP.) (Report of: Public Works Department)
Recommendation: Approve the cooperative agreement between the Riverside County Flood Control and Water Conservation District, City of Moreno Valley, and Beazer Homes Holdings Corp. for Perris Valley Master Drainage Plan Line V-2; authorize the Mayor to execute the agreement; and direct the City Clerk to forward the signed agreement to the Riverside County Flood Control and Water Conservation District.
- A10. RESOLUTIONS REGARDING UPDATED PROJECT BUDGET, LOCAL FUNDING COMMITMENT, SUPPLEMENTAL FUNDS, AND PUBLIC LIBRARY OPERATION FOR PROPOSED LIBRARY EXPANSION PROJECT (Report of: Department of Library Services)
Recommendation: Adopt Resolution No. 2004-03, certifying updated project budget, local funding commitment, supplemental funds, and public library operation for proposed Library Expansion Project.

Resolution No. 2004-03

A Resolution of the City Council of the City of Moreno Valley, California, Certifying Updated Project Budget Local Funding Commitment, Supplemental Funds, and Public Library Operation for Proposed Library Expansion Project

- A11. COPS AND CLERGY NETWORK (Report of: Administrative Services Department)
Recommendation: Adopt Proposed Resolution No. 2004-04, to support the Cops and Clergy Network (CCN), and direct the Chief of Police to encourage officers to participate in CCN activities.

Resolution No. 2004-04

A Resolution of the City Council of the City of Moreno Valley,
California, Supporting the Cops and Clergy Network

- A12. MODIFICATION TO CONDITIONS OF APPROVAL FOR TRACTS 22709 AND 22709-1 TO PERMIT THE ISSUANCE OF ADDITIONAL BUILDING PERMITS (Report of: Parks and Recreation Department)

Recommendation: Approve the modification of the Conditions of Approval and allow Western Pacific Housing to obtain 215 additional building permits for Tracts 22709 and 22709-1 prior to constructing the park in exchange for an additional \$500,000 in amenities on the park proposed for this project; an increase in the bonds from \$1.9 million to \$2.4 million; and strict adherence to a schedule that would result in the park completion by December 2004.

- A13. MINUTES – REGULAR MEETING OF DECEMBER 9, 2003 (Report of: City Clerk’s Department)

Recommendation: Approve as submitted

- A14. MINUTES – SPECIAL MEETING OF DECEMBER 9, 2003 (Report of: City Clerk’s Department)

Recommendation: Approve as submitted.

B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

- B1. ORDINANCES - FIRST READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinance Introductions and read by title only.

- B2. MINUTES – REGULAR MEETING OF NOVEMBER 25, 2003 (Report of: City Clerk’s Department)

Recommendation: Approve as submitted.

- B3. RECOMMENDATION TO ACCEPT PROJECT AS COMPLETE, PROJECT NO. 03-001, MORENO VALLEY EQUESTRIAN CENTER ARENA LIGHTING SYSTEM (Report of: Parks and Recreation Department)

Recommendation: Accept the work for subject project constructed by FEC Electric Inc., of Redlands California; direct the City Clerk to record the Notice of Completion within ten days at the office of the County Recorder as required by Section 3093 of the California Civil Code; and authorize the Finance Director to release a total of \$8,113.98 in retention funds from the Moreno Valley Equestrian

Center Arena Lighting System project to FEC Electric, Inc. thirty-five days (35) calendar days after the date of recordation of the Notice of Completion.

- B4. FINAL MAPS 22709 AND 22709-1 APPROVAL OF MAINTENANCE AGREEMENT BY AND BETWEEN MORENO VALLEY COMMUNITY SERVICES DISTRICT AND PROMONTORY PARK MV OWNERS ASSOCIATION (Report of: Public Works Department)

Recommendation: That the City Council, acting in its capacity of President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD): Approve the Maintenance Agreement by and between the CSD and Promontory Park MV Owners Association; authorize the Mayor in his capacity as President of the CSD to execute the Maintenance Agreement; authorize the City Attorney to act on behalf of the CSD to work with Promontory Park MV Owners Association to: draft a mutually acceptable Trust Agreement that incorporates the terms of the agreement, and draft modifications or amendments to either the Maintenance Agreement and Trust Agreement as necessary from time to time to clarify the intent and effectuate the provisions of said Agreements; authorize the City Manager to act on behalf of the CSD to: assign a trustee to the Trust, execute the Trust Agreement, and execute any amendments to either the Maintenance Agreement or Trust Agreement as prepared by the City Attorney; and authorize the City Clerk to transmit the executed Maintenance Agreement to the Office of the Recorder for the County of Riverside for recordation.

- B5. MODIFICATION TO CONDITIONS OF APPROVAL FOR TRACTS 22709 AND 22709-1 TO PERMIT THE ISSUANCE OF ADDITIONAL BUILDING PERMITS (Report of: Parks and Recreation Department)

Recommendation: Approve the modification of the Conditions of Approval and allow Western Pacific Housing to obtain 215 additional building permits for Tracts 22709 and 22709-1 prior to constructing the park in exchange for an additional \$500,000 in amenities on the park proposed for this project; an increase in the bonds from \$1.9 million to \$2.4 million; and strict adherence to a schedule that would result in the park completion by December 2004.

- B6. MINUTES – REGULAR MEETING OF DECEMBER 9, 2003 (Report of: City Clerk's Department)

Recommendation: Approve as submitted

- B7. MINUTES – SPECIAL MEETING OF DECEMBER 9, 2003 (Report of: City Clerk’s Department)
Recommendation: Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

- C1. ORDINANCES - FIRST READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinance Introductions and read by title only.
- C2. MINUTES – REGULAR MEETING OF NOVEMBER 25, 2003 (Report of: City Clerk’s Department)
Recommendation: Approve as submitted
- C3. MINUTES – REGULAR MEETING OF DECEMBER 9, 2003 (Report of: City Clerk’s Department)
Recommendation: Approve as submitted
- C4. MINUTES – SPECIAL MEETING OF DECEMBER 9, 2003 (Report of: City Clerk’s Department)
Recommendation: Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D1. ORDINANCES - FIRST READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinance Introductions and read by title only.
- D2. RESOLUTIONS REGARDING UPDATED PROJECT BUDGET, LOCAL FUNDING COMMITMENT, SUPPLEMENTAL FUNDS, AND PUBLIC LIBRARY OPERATION FOR PROPOSED LIBRARY EXPANSION PROJECT (Report of: Department of Library Services)
Recommendation: Adopt Resolution No. BLT 2004-01, endorsing the City Council’s certification of the updated project budget, local funding commitment, supplemental funds, and public library operation for proposed Library Expansion Project.

Resolution No. BLT 2004-01

A Resolution of the Board of Library Trustees of the City of Moreno Valley, Endorsing the City Council’s Certification of the Updated Project Budget, Local Funding Commitment, Supplemental Funds and Public Library Operation for Proposed Library Expansion Project

- D3. MINUTES – REGULAR MEETING OF DECEMBER 9, 2003
(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 REGARDING MAIL BALLOT PROCEEDING FOR TENTATIVE TRACT 31438 (AND ALL AFFECTED PHASES) FOR APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE – NORTH SIDE OF LAWLESS ROAD AND EAST TO PIGEON PASS ROAD. (Report of: Public Works Department)
Recommendation: That the City Council, after conducting the public hearing:

1. Tabulate the mail ballot for approval of the NPDES regulatory rate schedule and maximum annual rate;
2. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and Assessor Parcel Number (APN) listing;
3. Receive and file with the City Clerk’s Office the accepted Official Tally Sheet and APN listing; and
4. If approved, authorize and impose the applicable NPDES annual regulatory rate.

- E2. CDBG AND HOME PROGRAM OBJECTIVES AND POLICIES FOR PROGRAM YEAR 2004/05 (Report of: Community and Economic Development Department)
Recommendation: That the City Council:

1. Conduct a public hearing to allow the public an opportunity to comment on the needs of low and moderate income residents and the CDBG Target Areas; and
2. Approve CDBG & HOME Program Objectives and Policies for the 2004-2005 Program Year.

- E3. REVIEW AND APPROVAL OF THE CITY'S ADOPTION OF THE MULTI-SPECIES HABITAT CONSERVATION PLAN (MSHCP) (REPORT) ADOPTION OF MITIGATION FEE PERTAINING TO MSHCP (PUBLIC HEARING) (Report of: Community and Economic Development Department)

Recommendation: That the City Council:

Adopt Resolution No.2004-06, RECOGNIZING that an Environmental Impact Report has been prepared and certified by the County of Riverside for the project, approving the City's participation in the MSHCP, and making required findings pertaining to the Final EIR (Exhibit 2); and

Resolution No. 2004-06

A Resolution of the City Council of the City of Moreno Valley, California Making Responsible Agency Findings Pursuant to the California Environmental Quality Act for the Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan and Approving the Western Riverside County Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan, and Implementing Agreement, Adopting Environmental Findings Pursuant to the California Environmental Quality Act, and Adopting a Statement of Overriding Considerations

Adopt Resolution No. 2004-07, establishing procedures and requirements for implementation of the MSHCP (Exhibit 3); and

Resolution No. 2004-07

A Resolution of the City Council of the City of Moreno Valley to Establish Procedures and Requirements for Implementation of the Western Riverside County Multiple Species Habitat Conservation Plan

Approve the Joint Exercise of Powers Agreement creating the Western Riverside County Regional Conservation Authority (Exhibit 4); and

Introduce Ordinance No.654, amending Title 3 of the City of Moreno Valley Municipal Code by adding a new Chapter 3.46 authorizing establishing a local mitigation fee for funding the preservation of natural ecosystems in accordance with the Western Riverside County Multi-species Habitat Conservation Plan (Exhibit 5) (roll call required); and

Ordinance No. 654

An Ordinance of the City Council of the City of Moreno Valley Amending Title 3 of the City of Moreno Valley Municipal Code, by Adding a New Chapter 3.46, Establishing a Local Development Mitigation Fee for Funding the Preservation of Natural Ecosystems in Accordance With the Western Riverside County Multiple Species Habitat Conservation Plan

Authorize the Mayor to execute 25 signed copies of the Agreement; and

Direct the City Clerk to forward said executed copies to the Western Riverside Council of Governments

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

G. REPORTS

G1. PUBLIC MEETING REGARDING MAIL BALLOT PROCEEDINGS FOR:

- TENTATIVE TRACT 29732 (AND ALL AFFECTED PHASES) FOR: 1) INCLUSION INTO COMMUNITY SERVICES DISTRICT (CSD) ZONE B (RESIDENTIAL STREET LIGHTING) AND APPROVAL OF THE ANNUAL CHARGE AND 2) APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE;
- TENTATIVE TRACTS 30316 AND 30318 (AND ALL AFFECTED PHASES) FOR APPROVAL OF THE NPDES REGULATORY RATE SCHEDULE; AND
- TENTATIVE TRACT 30321 (AND ALL AFFECTED PHASES) FOR 1) INCLUSION INTO CSD ZONES B AND E-3A (INTERNAL WALLS/PARKWAY LANDSCAPE MAINTENANCE) AND APPROVAL OF THE ANNUAL CHARGES AND 2) APPROVAL OF THE NPDES REGULATORY RATE SCHEDULE (Report of: Public Works Department)

Recommendation: Staff recommends that the City Council and the Board of Directors of the Moreno Valley Community Services District (CSD) accept public comments regarding the mail ballot proceedings for Tentative Tract 29732 (and all affected phases) for 1) inclusion into CSD Zone B and approval of the annual charge and 2) approval of the NPDES regulatory rate schedule; Tentative Tracts 30316 and 30318

(and all affected phases) for approval of the NPDES regulatory rate schedule; and Tentative Tract 30321 (and all affected phases) for 1) inclusion into CSD Zones B and E-3A and approval of the annual charges and 2) approval of the NPDES regulatory rate schedule.

G2. RECOMMENDATIONS FOR REDUCTIONS TO ZONE A PARKS AND RECREATION BUDGET AND REPORT ON MANAGEMENT AUDIT OF THE PARKS AND RECREATION DEPARTMENT (Report of: Parks and Recreation Department)

Recommendation: That the City Council, acting in their capacity as the President and Board of Directors of the Moreno Valley Community Services District:

1. Review budget reduction recommendations from the Parks and Recreation Citizens Ad Hoc Budget Committee and provide direction to staff, and
2. Receive and file the management audit of the Parks and Recreation Department.

G3. REQUEST FOR CO-SPONSORSHIP AND WAIVER OF FEES FOR THE BLACK HISTORY CELEBRATION FESTIVITIES ON SATURDAY, FEBRUARY 14, 2004 (Report of: Parks and Recreation Department)

Recommendation: That the Mayor and City Council, acting in their capacity as President and Board of Directors for the Moreno Valley Community Services District, take no action to approve the request from the Multicultural Civic Association (MCA) to co-sponsor and waive fees for the Black History Celebration.

G4. 2004 COUNCIL COMMITTEE PARTICIPATION APPOINTMENTS (Report of: City Clerk's Department)

Recommendation: That the City Council approve appointments to the various committees as recommended in the 2004 Council Committee Participation list submitted by Mayor West.

G5. INTRODUCTION OF ORDINANCE NO. 635 REPEALING AND REENACTING CHAPTER 11.40 OF TITLE 11 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO THE USE OF PARKS AND RECREATION FACILITIES; AND INTRODUCTION OF CSD ORDINANCE NO. 42 APPROVING THE USE OF PARKS AND RECREATION FACILITIES AND RESCINDING CERTAIN PRIOR ENACTMENTS (CONTINUED FROM DECEMBER 9, 2003) (Report of: Parks and Recreation Department)

Recommendation: That the City Council introduce Ordinance No. 635, repealing and reenacting Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code relating to the use of parks and recreation facilities (roll call required); and

Ordinance No. 635

An Ordinance of the City Council of the City of Moreno Valley, California, Repealing and Reenacting Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code Relating to the Use of Parks and Recreation Facilities

That the City Council, acting in their capacity as President and Board of Directors for the Moreno Valley Community Services District, introduce CSD Ordinance No. 42 relating to the use of parks and recreation facilities and rescinding certain prior enactments (roll call required).

Ordinance No. CSD 42

An Ordinance of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Use of Parks and Recreation Facilities and Rescinding Certain Prior Enactments

- G6. ORDINANCE TO EMPOWER THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ADOPT, ENFORCE AND AMEND MORENO VALLEY UTILITIES' UNDERGROUND ELECTRICAL SERVICE REQUIREMENTS, RESIDENTIAL DISTRIBUTION PROCEDURES, UNDERGROUND CONSTRUCTION STANDARDS, AND SAFETY AND HEALTH PROCEDURES (Report of: Public Works Department)
Recommendation: That the City Council introduce Ordinance No. 653, that Empowers the Public Works Director/City Engineer to Adopt, Enforce and Amend Moreno Valley Utilities' Underground Electrical Service Requirements, Residential Distribution Design Procedures, Underground Construction Standards, and Safety and Health Procedures. The manuals are on file in the Public Works Department, Enterprise Services Administration Division.

Ordinance No. 653

An Ordinance of the City Council of the City of Moreno Valley, California, that Empowers the Public Works Director/City Engineer to Adopt, Enforce and Amend Moreno Valley Utilities' Underground Electrical Service Requirements, Residential Distribution Design Procedures, Underground Construction Standards, and Safety and

Health Procedures

- G7. RESOLUTION PROVIDING FOR THE ESTABLISHMENT OF ELECTRICAL RATES FOR MORENO VALLEY UTILITIES (Report of: Public Works Department)
Recommendation: That the City Council approve Resolution No. 2004-05 establishing the Electric Rates for Moreno Valley Utilities.

Resolution No. 2004-05

A Resolution of the City Council of the City of Moreno Valley, California, Establishing the Electric Rates for Moreno Valley Utilities

- G8. BRIEFING ON GOVERNOR'S PROPOSED BUDGET AND ITS EFFECT ON LOCAL REVENUES (Report of: City Manager) – Oral Presentation – No Written Material on this item
- G9. LEGISLATIVE UPDATE (Report of: Administrative Services Department)
Recommendation: That the City Council receive and file the report.
- G10. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION

- H1. **REINTRODUCTION** OF ORDINANCE NO. 646, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA03-0049, A ZONE CHANGE FOR ASSESSOR'S PARCEL NUMBERS 477-220-048 AND 049 FROM OFFICE TO R5 FOR 17.58-NET ACRES LOCATED AT THE NORTHEAST CORNER OF ALESSANDRO BOULEVARD AND MORRISON STREET (Report of: Community and Economic Development Department)
Recommendation: Reintroduce Ordinance No. 646.

Ordinance No. 646

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA03-0049, A Zone Change for Assessor's Parcel Numbers 477-220-048 and 049 from Office to R5 for 17.58-Net Acres Located at the Northeast Corner of Alessandro Boulevard and Morrison Street.

- H2. **REINTRODUCTION** OF ORDINANCE NO. 647, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, REPEALING ORDINANCE NO. 263, SPECIFIC PLAN 215 (SP215) FOR 80.04 ACRES LOCATED ON THE SOUTHWEST CORNER OF CACTUS AVENUE AND OLIVER STREET (Report of: Community and Economic Development Department)

Recommendation: Reintroduce Ordinance No. 647 as revised.

Ordinance No. 647

An Ordinance of the City Council of the City of Moreno Valley, California, Repealing Ordinance No. 263, Specific Plan 215 (SP215) for 80.04 Acres Located on the Southwest Corner of Cactus Avenue and Oliver Street.

- H3. **REINTRODUCTION** OF ORDINANCE NO. 648, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A ZONE CHANGE (PA03-0090), FROM SP215 ZONING TO RESIDENTIAL 5 FOR 80.04 ACRES LOCATED ON THE SOUTHWEST CORNER OF CACTUS AVENUE AND OLIVER STREET (Report of: Community and Economic Development Department)

Recommendation: Reintroduce Ordinance No. 648.

Ordinance No. 648

An Ordinance of the City Council of the City of Moreno Valley, California, Approving A Zone Change (PA03-0090), from SP215 Zoning to Residential 5 for 80.04 Acres Located on the Southwest Corner of Cactus Avenue and Oliver Street.

ORDINANCES - 2ND READING AND ADOPTION

- H4. ORDINANCE NO. 649, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING P03-129, OR AMENDMENT NO. 1 TO CACTUS CORRIDOR SPECIFIC PLAN (SP #214) TO REDUCE THE SIDE YARD SETBACK FOR A SINGLE-FAMILY RESIDENTIAL ZONE, AND TO REVISE THE DESIGN GUIDELINES TO ADDRESS CHANGES IN FENCE/WALL CRITERIA, LANDSCAPE CRITERIA, AND ARCHITECTURAL DESIGNS FOR SINGLE-FAMILY RESIDENCES (RECEIVED FIRST READING AND INTRODUCTION DECEMBER 9, 2003 ON A 5-0 VOTE) (Report of: Community and Economic Development Department)

Recommendation: Adopt Ordinance No. 649.

Ordinance No. 649

An Ordinance of the City Council of the City of Moreno Valley, California, Approving P03-129, or Amendment No. 1 to Cactus Corridor Specific Plan (SP #214) to Reduce the Side Yard Setback for a Single-family Residential Zone, and to Revise the Design Guidelines to Address Changes in Fence/wall Criteria, Landscape Criteria, and Architectural Designs for Single-family Residences.

- H5. ORDINANCE NO. 650, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, THAT PROVIDES FOR THE ESTABLISHMENT AND ADJUSTMENT OF ELECTRICAL RATES AND TARIFFS BY RESOLUTION FOR MORENO VALLEY UTILITIES (RECEIVED FIRST READING AND INTRODUCTION DECEMBER 9, 2003 ON A 5-0 VOTE) (Report of: Public Works Department)
Recommendation: Adopt Ordinance No. 650.

Ordinance No. 650

An Ordinance of the City Council of the City of Moreno Valley, California, That Provides for the Establishment and Adjustment of Electrical Rates and Tariffs by Resolution for Moreno Valley Utilities.

ORDINANCES - URGENCY ORDINANCES - NONE

RESOLUTIONS – NONE

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

CLOSED SESSION

PUBLIC COMMENTS ON CLOSED SESSION ITEMS

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the Finance Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

- **PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL**

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

- 1) SECTION 54956.9(a) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
 - a) Case: *Citizens to Enforce CEQA vs. City of Moreno Valley, et. al.*
Court: Riverside Superior Court
Case No.: 403114
 - b) Case: *Leaders in Community Alternatives, Inc. v. City of Moreno Valley, et. al*
Court: United States District Court, Central District of California
Case No.: EDCV-02-1207 VAP SGLx
 - c) Case: *Leaders in Community Alternatives, Inc. v. City of Moreno Valley*
Court: Riverside Superior Court
Case No. RIC 399376
- 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 BY CITY ATTORNEY, IF ANY

ADJOURNMENT