



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

SEPTEMBER 25, 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
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.
SEPTEMBER 25, 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 – Reverend Romeo Seleccion, St. Christopher Parish

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. MINUTES - REGULAR MEETING OF SEPTEMBER 11, 2007 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

A3. WARRANT REPORT – JULY 31, 2007 (Report of: Finance Department)

Recommendation: Adopt Resolution No. 2007-106 approving the Warrant Report, dated July 2007, in the total amount of \$21,641,611.61.

Resolution No. 2007-106

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

A4. PA03-0079 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTIONS OF FREDERICK STREET, AND TOWNGATE BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM, DEVELOPER – BRE PROPERTIES, INC., IRVINE, CA 92617 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2007-107 authorizing the acceptance of the public improvements for PA03-0079 as complete and accepting the portions of Frederick Street, and Towngate Boulevard associated with the project into the City's maintained

street system;

Resolution No. 2007-107

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements Associated with PA03-0079 as Complete, and Accepting the Portions of Frederick Street, and Towngate Boulevard Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance 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. SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services;
2. Authorize the Mayor to execute the "Second Amendment to Agreement for Professional Consultant Services" with SA; and
3. Authorize an increase in the Purchase Order to SA in the amount of \$250,000.00, when the "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

- A6. FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH VAS ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with VAS Associates, Inc. (VAS), 3174 Dogwood Drive, Corona, CA 92882 to provide Professional Consultant Services;
2. Authorize the Mayor to execute the "First Amendment to Agreement for Professional Consultant Services" with VAS;

and

3. Authorize an increase in the Purchase Order to VAS in the amount of \$250,000.00, when the "First Amendment to Agreement for Professional Consultant Services: has been signed by all parties.

A7. THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH NORRIS-REPKE, INC. – CIVIL ENGINEERING TECHNICIAN SERVICES (Report of: Public Works Department)

Recommendation:

1. Approve the "Third Amendment to Agreement for Professional Consultant Services" with Norris-Repke, Inc. (Norris-Repke), 400 North Tustin Avenue, Suite 230, Santa Ana, CA 92705 to provide Professional Civil Engineering Technician Services;
2. Authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with Norris-Repke; and
3. Authorize an increase in the Purchase Order to Norris-Repke in the amount of \$75,000.00 when "Third Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A8. THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH NORRIS-REPKE, INC. – CIVIL ENGINEERING PROJECT MANAGEMENT SERVICES (Report of: Public Works Department)

Recommendation:

- 1 Approve the "Third Amendment to Agreement for Professional Consultant Services" with Norris-Repke, Inc. (Norris-Repke), 400 North Tustin Avenue, Suite 230, Santa Ana, CA 92705 to provide Professional Consultant Services;
- 2 Authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with Norris-Repke; and
- 3 Authorize an increase in the Purchase Order to Norris-Repke in the amount of \$250,000.00 when "Third Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

- A9. APPROPRIATION OF \$37,434.12 FROM THE GENERAL FUND TO 133.65110.6641.641 TO PURCHASE NINE MURPHY BEDS WITH WARDROBES FOR FIRE STATION 65 AND AWARD BID TO MURPHY BEDS OF CALIFORNIA (Report of: Fire Department)

Recommendation:

1. Appropriate \$37,434.12 from the General Fund to 133.65110.6641.641 for the purchase and installation of nine Murphy Beds with wardrobes for Fire Station 65;
2. Award Bid for the purchase and installation of Nine Murphy Beds with wardrobes for Fire Station 65 to Murphy Beds of California; and
3. Direct the Finance Director to issue a Purchase Order in the amount of \$37,434.12 to Murphy Beds of California.

- A10. TRACT 20185 – SINGLE FAMILY RESIDENTIAL – AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION) AND SUBSTITUTION OF BONDS, FRAN LOU DRIVE, BETWEEN PERRIS BOULEVARD AND KITCHING STREET, SUBDIVIDER: LCTH INVESTMENT, L.P., NEWPORT BEACH, CA 92660 (Report of: Public Works Department)

Recommendation:

1. Authorize the Mayor to execute the Amendment to Agreement for Public Improvements for Tract 20185;
2. Accept the substitution bonds issued by Western Insurance Company for Tract 20185 submitted by LCTH Investment, L.P.;
3. Instruct the City Clerk to forward the completed Amendment to Agreement for Public Improvements 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 LCTH Investment, L.P., Inc. and issued by Insurance Company of the West upon acceptance of the substitution 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.

- A11. 2007 LEGISLATIVE UPDATE (Report of: Assistant to the City

Manager)

Recommendation: Receive and file the informational report.

- A12. MORENO VALLEY UTILITY TEN (10) YEAR ENERGY EFFICIENCY PORTFOLIO PLAN AS REQUIRED BY ASSEMBLY BILL 2021 (AB2021)

Recommendation:

1. Adopt Moreno Valley Utility Ten (10) Year Energy Efficiency Portfolio Plan as Required by Assembly Bill 2021 (AB 2021); and
2. Approve proposed Resolution 2007-108 Adopting the Moreno Valley Utility Energy Efficiency Targets.

Resolution No. 2007-108

A Resolution of the City Council of the City of Moreno Valley, California, to Approve the Energy Efficiency Targets for the Moreno Valley Electric Utility Mandated by Assembly Bill 2021

- A13. TRACT 31494 – APPROVE FINAL MAP, SOUTH OF COTTONWOOD AVENUE, BETWEEN LASSELLE STREET AND NASON STREET, DEVELOPER: COLLIE COURT DEVELOPMENT, LLC, MORENO VALLEY, CA 92552-7599

Recommendation:

1. Approve Final Tract Map 31494; and
2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

- A14. AGREEMENT BETWEEN THE CITY OF MORENO VALLEY AND BOX SPRINGS MUTUAL WATER COMPANY FOR EDGEMONT WATER QUALITY AND WATER LINE INFRASTRUCTURE IMPROVEMENT PROJECT (Report of: Economic Development Department)

Recommendation:

Authorize the City Manager to execute the Agreement (and any subsequent and related minor amendments) between the City of Moreno Valley and Box Springs Mutual Water Company for the Edgemont Water Quality and Water Line Infrastructure Improvement Project.

- A15. 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 August 22 – September 18, 2007.

- A16. RESOLUTION NO. 2007-112, APPROVE AND AUTHORIZE THE PROJECT DEVELOPMENT COOPERATIVE AGREEMENT WITH THE STATE OF CALIFORNIA FOR THE MORENO BEACH DRIVE/SR-60 INTERCHANGE AND NASON STREET/SR-60 OVERCROSSING IMPROVEMENT PROJECT, PROJECT NO. 07-41570024 (Report of: Public Works Department)

Recommendation:

1. Adopt the proposed Resolution No. 2007-112, and approve the "Project Development Cooperative Agreement" with the State of California for the project development phase of the Moreno Beach Drive/SR-60 Interchange and Nason Street/SR-60 Overcrossing Improvement project; and

Resolution No. 2007-112

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Project Development Cooperative Agreement, District Agreement No. 8-1314 with the State of California, Acting by and through its Department of Transportation, for the Project Development Phase of the Moreno Beach Drive/SR-60 Interchange and Nason Street/SR60 Overcrossing Improvement 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.

B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

- B1. ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

- B2. MINUTES - REGULAR MEETING OF SEPTEMBER 11, 2007 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

- B3. RESOLUTION FOR IMPLEMENTING THE COMMUNITY SERVICES DISTRICT ZONE E (HIGH-SERVICE-LEVEL

PARKWAY LANDSCAPE MAINTENANCE) SERVICE PLAN
POLICY (Report of: Public Works Department)

Recommendation: Approve and Adopt Resolution No. CSD 2007-27, to implement the Community Services District Zone E (High-Service-Level Parkway Landscape Maintenance) Service Plan policy (the "Policy").

Resolution No. CSD 2007-27

A Resolution of the City Council of the City of Moreno Valley, California, Acting in its Capacity as the Board of Directors of the Moreno Valley Community Services District to Approve and Adopt the Community Services District Zone E (High-Service-Level Parkway Landscape Maintenance) Service Plan Policy to Provide Guidelines and Standards for the Landscape Maintenance of All Zone E Sub-Zones

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C1. ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

C2. MINUTES - REGULAR MEETING OF SEPTEMBER 11, 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 SEPTEMBER 11, 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. A PUBLIC HEARING ON THE FOLLOWING LAND USE PROPOSALS:

Project 1: General Plan Amendment (PA07-0065) from C (Commercial) to R10 (Residential), Specific Plan Amendment (P06-133) from SP 193 C (Commercial) to SP 193 MR (Medium Residential), Tentative Tract Map No. 34329 (PA05-0201), and Plot Plan (PA05-0203), to build 90 condominium units on 10.41 net acres located at the southwest corner of Iris Avenue and Via Del Lago. Applicant: Winchester Associates, Inc.;

Project 2: General Plan Amendment (PA07-0066) and Zone Change (PA07-0067) to change the land use designations for a portion (3.5+/- acres) of the 15.61-net acre project site from Business Park (BP) to Community Commercial (CC) for property located on the south side of State Route 60 at the northwest corner of Redlands Boulevard and Fir Avenue. The change is required to provide consistency with the current property line that was adjusted through approval of Lot Line Adjustment LLA #983 in early 2007. Applicant: Gascon Group, LLC; and

Project 3: General Plan Amendment (PA07-0038) and Zone Change (PA07-0037) from Office (O) to Neighborhood Commercial (NC) for the 1.77-net acres of Assessor's Parcel Number 291-242-018 in order to develop a 13,969-square foot grocery store at the southwest corner of Frederick Street and Cottonwood Avenue (Plot Plan PA07-0036). Applicant: TESCO.

Recommendation: That the City Council:

1. Conduct a public hearing for review of Project 1 and defer taking action on Project 1 until after the public hearing for Project 3;
2. Conduct a public hearing for review of Project 2, and defer taking action on Project 2 until after the public hearing for Project 3;
3. Conduct a public hearing for review of Project 3;
4. Adopt a Negative Declaration for Project 1 applications PA07-0065 (General Plan Amendment), P06-133 (Specific Plan Amendment), PA05-201 (Tentative Tract Map 34329), and PA05-0203 (Plot Plan). The projects, individually and cumulatively, will not result in a significant effect on the environment;

5. Adopt a Negative Declaration for Project 2 applications PA07-0066 (General Plan Amendment) and PA07-0067 (Zone Change). The projects, individually and cumulatively, will not result in a significant effect on the environment;
6. Adopt a Negative Declaration for Project 3 applications PA07-0038 (General Plan Amendment), PA07-0037 (Zone Change), and PA07-0036 (Plot Plan). The projects, individually and cumulatively, will not result in a significant effect on the environment;
7. Approve Resolution No. 2007-109 approving PA07-0065, PA07-0066, and PA07-0038, thereby establishing General Plan Land Use Map designations for Projects 1, 2, and 3 as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibits A, B, and C;

Resolution No. 2007-109

A Resolution of the City Council of the City of Moreno Valley, California, Approving a General Plan Amendment (PA07-0065) to Change the Land Use for the 10.41-Net Acres of Assessor's Parcel Number 304-260-007 from Commercial to Residential 10 Located at the Southwest Corner of Iris Avenue and Via Del Lago; a General Plan Amendment (PA07-0066) to Change the Land Use for a Portion (3.5+/- Acres) of the 15.61-Net Acre Project Site from Business Park to Commercial for Property Located on the South Side of State Route 60 at the Northwest Corner of Redlands Boulevard and Fir Avenue; and a General Plan Amendment (PA07-0038) from Office to Commercial for the 1.77-Net Acres of Assessor's Parcel Number 291-242-018 Located at the Southwest Corner of Frederick Street and Cottonwood , Thereby Establishing General Plan Land Use Map Designations for Certain Properties as Described in the Resolution, and the Revised General Plan Maps as Attached to the Resolution as Exhibits A, B, and C

8. Introduce Ordinance No. 753 approving Project 1 Specific Plan Amendment (P06-133) from Specific Plan 193 Commercial (SP193C) to Specific Plan 193 Medium Residential (SP193MR) for 10.41-net acres located at the southwest corner of Iris Avenue and Via Del Lago, based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A;

Ordinance No. 753

An Ordinance of the City Council of the City of Moreno

Valley, California, Approving P06-133 (Specific Plan Amendment) to Change the Land Use from SP193C (Commercial) to SP193MR (Medium Residential) for Assessor's Parcel Number 304-260-007 Approximately 10.31-Net Acres Located at the Southwest Corner of Iris Avenue and Via Del Lago

9. Introduce Ordinance No. 754 approving Project 2 Zone Change (PA07-0067) to change the land use designations for a portion (3.5+/- acres) of the 15.61-net acre project site from Business Park (BP) to Community Commercial (CC), based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A;

Ordinance No. 754

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA07-0067 (Zone Change) to Change the Land Use From Business Park to Community Commercial for the 3.49-Acres Located Within Portions of Parcel B and Parcel C of Lot Line Adjustment No. 983

10. Introduce Ordinance No. 755 approving Project 3 Zone Change (PA07-0037) from Office (O) to Neighborhood Commercial (NC) for 1.77-net acres located at the southwest corner of Frederick Street and Cottonwood Avenue, based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A;

Ordinance No. 755

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA07-0037 (Zone Change) to Change the Land Use for the 1.77-Net Acres of Assessor's Parcel Number 291-242-018 from Office to Neighborhood Commercial

11. Approve Resolution No. 2007-110 approving Project 1 Tentative Tract Map 34329 (PA05-0201) and Plot Plan (PA05-0203) to build 90 two-story condominium units on the 10.41-net acres of Assessor's Parcel Number 304-260-007, subject to a General Plan Amendment and Specific Plan Amendment based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A; and

Resolution No. 2007-110

A Resolution of the City Council of the City of Moreno Valley

Approving Application Numbers PA05-0201 (Tentative Tract Map 34329), and PA05-0203 (Plot Plan) to Build 90 Residential Condominium Units, on Assessor's Parcel Number 304-260-007 Approximately 10.41-Net Acres Located at the Southwest Corner of Iris Avenue and Via Del Lago

12. Approve Resolution No. 2007-111 approving Project 3 Plot Plan (PA07-0036) to develop a 13,969-square foot grocery store on the 1.77-net acres of Assessor's Parcel Number 291-242-018, subject to a General Plan Amendment and Zone Change and based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A;

Resolution No. 2007-111

A Resolution of the City Council of the City of Moreno Valley, California, Approving PA07-0036, a Plot Plan to Develop a 13,969-Square Foot Grocery Store on the 1.77-Net Acres of Assessor's Parcel Number 291-242-018, Located at the Southwest Corner of Frederick Street and Cottonwood Avenue

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

G. REPORTS

G1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

- a) Report on March Joint Powers Commission by Council Member Stewart

G2. PUBLIC MEETING REGARDING MAIL PROCEEDINGS FOR TENTATIVE TRACT 34407 (AND ALL AFFECTED PHASES) – BALLOTTED ITEM: NPDES MAXIMUM RESIDENTIAL REGULATORY RATE; TENTATIVE PARCEL MAP 35150 – BALLOTTED ITEM: NPDES MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE; TENTATIVE TRACT 35514 (AND ALL AFFECTED PHASES) – BALLOTTED ITEMS: NPDES MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND FOR CSD ZONE E-4 (HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE); AND TENTATIVE PARCEL MAP 34572 – BALLOTTED ITEMS: NPDES MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY

RATE AND CSD ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) (Report of: Public Works Department)

Recommendation:

1. That the Mayor and Members of the City of Moreno Valley City Council conduct the Public Meeting to accept public comments regarding the mail ballot proceedings for:
 - a. Tentative Tract 34407 (and all affected phases) for approval of the National Pollutant Discharge Elimination System (NPDES) maximum residential regulatory rate; and
 - b. Tentative Parcel Map 35150 for approval of the NPDES maximum commercial/industrial regulatory rate; and
 - c. Tentative Tract 35514 (and all affected phases) for approval of the NPDES maximum commercial/industrial regulatory rate; and
 - d. Tentative Parcel Map 34572 for approval of the NPDES maximum commercial/industrial regulatory rate.
 2. That the Members of the Board of Directors of the Moreno Valley Community Services District (the "CSD Board") conduct the Public Meeting to accept public comments regarding the mail ballot proceedings for:
 - a. Tentative Tract 35514 (and all affected phases) for inclusion into and approval of the annual acreage charge for CSD Zone E-4 (High-Service-Level Parkway Landscape Maintenance); and
 - b. Tentative Parcel Map 34572 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).
- G3. 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. ORDINANCE NO. 752 - 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 5.04 REGARDING THE LICENSURE OF TOBACCO RETAILERS

Recommendation: Adopt Ordinance No. 752

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 5.04 Regarding the Licensure of Tobacco Retailers

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

- 3) SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATOR
 - a) Property: Day Street Extension Project from Alessandro Boulevard to Cactus Avenue
Owner: Community Redevelopment Agency of the City of Moreno Valley
Buyer's Negotiator: Jacques S. Yeager, Trustee of the Yeager Family Trust
City's Negotiator: Robert G. Gutierrez, Barry Foster
Under Negotiation: Price and terms of payment

 - b) Property: APNs: 488-330-019 and 488-330-020
Owner: ProLogis
Seller's Negotiator: Michael Del Santo
City's Negotiator: Barry Foster
Under Negotiation: Price and terms of payment

- 4) SECTION 54957 – PUBLIC EMPLOYEE APPOINTMENT
Title: City Clerk

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

ADJOURNMENT