



**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**

**JANUARY 8, 2008**

**REGULAR MEETING – 6:30 P.M.**

**City Council Closed Session**

First Tuesday of each month – 6:00 p.m.

**City Council Study Sessions**

Third Tuesday of each month – 6:00 p.m.

**City Council Meetings**

Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber – 14177 Frederick Street

Teleconference: 14951 Rembrandt Drive

*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  
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.  
JANUARY 8, 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** – Retired Pastor Dorsey Cloud - Assembly of God, 100 Year-Old Resident 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 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 DECEMBER 11, 2007  
(Report of: City Clerk's Department)

**Recommendation:** Approve as submitted.

A3. WARRANT REPORT (Report of: Finance Department)

**Recommendation:** Adopt Resolution No. 2008-01, approving the Warrant Report, dated October 2007, in the total amount of \$13,011,313.46.

Resolution No. 2008-01

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

A4. APPROVAL OF RESOLUTION AUTHORIZING STAFF TO DEVELOP REIMBURSEMENT AGREEMENTS FOR MORENO VALLEY ELECTRIC UTILITY FOR ELECTRIC DISTRIBUTION INFRASTRUCTURE (Report of: Public Works Department)

**Recommendation:** Adopt Resolution No. 2008-02 authorizing staff to develop Reimbursement Agreements for Moreno Valley Electric Utility for Electric Distribution Infrastructure on a "case by case" basis, and rescinding Resolution 2004-85.

Resolution No. 2008-02

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing Staff to Develop Reimbursement

Agreements for Moreno Valley Electric Utility Concerning Electric Distribution Infrastructure

- A5. PARCEL MAP 23244 – LOT 15 – EXECUTE THE ABUTTER’S RIGHT OF ACCESS RELINQUISHMENT TO THE OWNER OR OWNERS OF RECORD, WEST SIDE OF MORENO BEACH DRIVE NEAR AUTO MALL DRIVE, DEVELOPER – BROADSTONE AT VALLEY VIEW, LLC, PHOENIX, AZ (Report of: Public Works Department)

**Recommendation:**

1. Authorize the Mayor to execute the Abutter’s Right of Access Relinquishment to the owner or owners of record of the real property for Parcel Map 23244; and
2. Direct the City Clerk to forward the signed Abutter’s Right of Access Relinquishment to the County Recorder’s Office for recordation.

- A6. AUTHORIZATION TO AWARD AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES FOR KITCHING STREET IMPROVEMENTS FROM GENTIAN AVENUE TO ALESSANDRO BOULEVARD - PROJECT NO. 07-50182425 (Report of: Public Works Department)

**Recommendation:**

1. Approve the Agreement for Design Professional Consultant Services with Proactive Engineering Consultants, Inc. (Proactive), 1875 California Avenue, Corona, CA 92881 to provide design/project management and construction management services for Kitching Street Improvements project;
2. Authorize the City Manager to execute said Agreement for Design Professional Consultant Services with Proactive;
3. Authorize the issuance of a Purchase Order to Proactive, in the amount of \$1,111,000 (\$1,010,000) for the agreement plus the 10% contingency amount of \$101,000) from Account 501.82425, when the agreement has been signed by all parties; and
4. Authorize the City Engineer to execute any subsequent related minor amendments to the Agreement for Design Professional Consultant Services with Proactive, up to but not exceeding the

Purchase Order contingency authorization, subject to approval of City Attorney.

- A7. 2010 DECENNIAL LOCAL UPDATE OF CENSUS DATA (LUCA) PROGRAM (Report of: Administrative Services Department)

**Recommendation:** Authorize the Mayor to sign the Registration Form authorizing the City's participation in the 2010 Decennial Local Update of Census Addresses (LUCA) program at the highest participation level.

- A8. ORDINANCE NO. 762 APPROVING PROJECT 1 ZONE CHANGE (PA06-0113) FROM COMMUNITY COMMERCIAL (CC) TO R15 FOR 19.47 NET ACRES LOCATED NEAR THE SOUTHEAST CORNER OF ALESSANDRO AND PERRIS BOULEVARDS, BASED ON THE FINDINGS IN THE ORDINANCE, AND THE REVISED ZONING ATLAS PAGE AS ATTACHED TO THE ORDINANCE AS EXHIBIT A (RECEIVED FIRST READING AND INTRODUCTION ON DECEMBER 11, 2007 BY A 5-0 VOTE) (Report of: Community Development Department)

**Recommendation:** Adopt Ordinance No. 762.

Ordinance No. 762

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA06-0113 (Zone Change) to Change the Land Use from Community Commercial to R15 for the 19.47-Net Acres Located within Assessor's Parcel Numbers 484-020-006, 018 & 020

- A9. ORDINANCE NO. 764 APPROVING PROJECT 3 ZONE CHANGE (PA07-0018) FROM COMMUNITY COMMERCIAL TO RESIDENTIAL 20 FOR 12.11 NET ACRES LOCATED ON THE SOUTH SIDE OF BOX SPRINGS ROAD, EAST OF CLARK STREET (EXTENDED), BASED ON THE FINDINGS IN THE ORDINANCE, AND THE REVISED ZONING ATLAS PAGE AS ATTACHED TO THE ORDINANCE AS EXHIBIT (RECEIVED FIRST READING AND INTRODUCTION ON DECEMBER 11, 2007 BY A 5-0 VOTE) (Report of: Community Development Department)

**Recommendation:** Adopt Ordinance No. 764.

Ordinance No. 764

An Ordinance of the City Council of the City Of Moreno Valley, California, approving PA07-0018 (Zone Change) to Change the

Land Use District for Approximately 12 Acres Consisting of Assessor Parcel Numbers 291-050-003, 004, 012, and 013 from the Community Commercial Use Land Use District to the Residential 20 Land Use District

- A10. 2008 LEGISLATIVE UPDATE (Report of: Assistant to the City Manager)

**Recommendation:** Receive and file the informational report.

- A11. 2008 COUNCIL COMMITTEE PARTICIPATION APPOINTMENTS (Report of: City Clerk's Department)

**Recommendation:** Approve appointments to the various committees and regional bodies as recommended in the 2008 Council Committee Participation list submitted by Mayor William H. Batey, II.

- A12. 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 November 21, 2007 – January 1, 2008.

## **B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT**

- B1. ORDINANCES - READING BY TITLE ONLY  
Recommendation: Waive reading of all Ordinances.

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

**Recommendation:** Approve as submitted.

- B3. FINAL MAP 32018 – APPROVAL OF MAINTENANCE AGREEMENT BY AND BETWEEN MORENO VALLEY COMMUNITY SERVICES DISTRICT AND AUTUMN GLEN 4 HOMEOWNERS ASSOCIATION (Report of: Public Works Department)

**Recommendation:**

1. Approve the Maintenance Agreement by and between the CSD and Autumn Glen 4 Homeowners Association;
2. Authorize the Mayor in his capacity as President of the CSD

to execute the Maintenance Agreement;

3. Authorize the City Attorney to act on behalf of the CSD to work with Autumn Glen 4 Homeowners Association to draft modifications or amendments to the Maintenance Agreement as necessary from time to time to clarify the intent and effectuate the provisions of said Agreement;
4. Authorize the City Treasurer to invest the required Trust Funds pursuant to Section 7 of the Maintenance Agreement;
5. Authorize the City Manager to act on behalf of the CSD to execute modifications or amendments to the Maintenance Agreement as prepared by the City Attorney; and
6. Authorize the City Clerk to transmit the executed Maintenance Agreement to the Office of the Recorder for the County of Riverside for recordation.

**C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY**

- C1. ORDINANCES - READING BY TITLE ONLY  
Recommendation: Waive reading of all Ordinances.
- C2. MINUTES - REGULAR MEETING OF DECEMBER 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 DECEMBER 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. PUBLIC HEARING ON THE ANNEXATION OF ASSESSOR PARCEL NUMBER (APN) 297-170-005 TO COMMUNITY FACILITIES DISTRICT NO. 4 – INFRASTRUCTURE (Report of: Public Works Department)

**Recommendation:** That the City Council, acting in its capacity as the legislative body of Community Facilities District (CFD) No. 4-Infrastructure, after conducting the Public Hearing:

- a. Approve and adopt Resolution No. 2008-03; a Resolution of the City Council of the City of Moreno Valley, California, Acting in its Capacity as the Legislative Body of Community Facilities District No. 4-Infrastructure, Making Certain Determinations and Authorizing Submittal of the Levy of Special Taxes to the Qualified Electors of Certain Territory Proposed to be Annexed to such Community Facilities District;

#### Resolution No. 2008-03

A Resolution of the City Council of the City of Moreno Valley, California, Acting in its Capacity as the Legislative Body of Community Facilities District No. 4-Infrastructure, Making Certain Determinations and Authorizing Submittal of the Levy of Special Taxes to the Qualified Electors of Certain Territory Proposed to be Annexed to Such Community Facilities District

- b. Direct staff to canvass the ballot received and report the result of the special election to the City Council;
- c. Approve and adopt Resolution No. 2008-04; a Resolution of the City Council of the City of Moreno Valley, California, Declaring the Results of a Special Election in Territory to be Annexed to Community Facilities District No. 4-Infrastructure and Declaring the Annexation of such Territory to such District; and



Resolution No. 2008-04

A Resolution of the City Council of the City of Moreno Valley, California, Declaring the Results of a Special Election in Territory to be Annexed to Community Facilities District No. 4-Infrastructure and Declaring the Annexation of Such Territory to Such District

- d. Introduce Ordinance No. 765; an Ordinance of the City Council of the City of Moreno Valley, California, acting as the legislative body of Community Facilities District No. 4-Infrastructure of the City of Moreno Valley, Authorizing the Levy of a Special Tax in Territory Annexed to Such Community Facilities District (Roll Call Required)

Ordinance No. 765

An Ordinance of the City Council of the City of Moreno Valley, California, Acting as the Legislative Body of Community Facilities District No. 4-Infrastructure of the City of Moreno Valley, Authorizing the Levy of a Special Tax in Territory Annexed to Such Community Facilities District

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

**G. REPORTS**

- G1. APPROVAL OF FY 2006-07 FINAL BUDGET ADJUSTMENTS (Report of: Finance Department)

**Recommendation:** That the City Council approve the FY 2006-07 final budget adjustments as presented in the staff report as a result of the year-end closing process and completion of the Comprehensive Annual Financial Report for the Year Ended June 30, 2007 (CAFR).

- G2. ORDINANCE AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO LOT LINE ADJUSTMENTS (Report of: Economic Development Department)

**Recommendation:** That the City Council introduce Ordinance No. 766 amending Section 9.14.150 A.1. of the Moreno Valley Municipal Code, relating to Lot Line Adjustments. Under Section 15061 of the CEQA Guidelines, this action is categorically exempt

from review under the California Environmental Quality Act in that there is no possibility of significant impact on the environment from the adoption of the ordinance.

Ordinance No. 766

An Ordinance of the City Council of the City of Moreno Valley, Amending Section 9.14.150 A.1 of the Moreno Valley Municipal Code Relating to Lot Line Adjustments

G3. PROPOSED ACTIONS RELATIVE TO ANNUAL DEVELOPMENT IMPACT FEES INCREASE SCHEDULED FOR JANUARY 16, 2008 (Report of: Finance Department)

**Recommendation:** That the City Council take any of the following actions:

1. Take no action at this time and allow the residential, commercial, industrial and non-class A office development impact fees to increase on January 16, 2008 as previously authorized by Resolution No. 2007-43, adopted on April 24, 2007; or
2. Adopt Resolution No. 2008-05, temporarily delaying the collection of residential development impact fees until certificate of occupancy, and temporarily suspending the increase in residential development impact fees as scheduled for January 16, 2008, until such time as the City Council adopts new fees based on staff's recommendations pursuant to the new 2007 development impact fee nexus study update; and/or

Resolution No. 2008-05

A Resolution of the City Council of the City of Moreno Valley, California, Temporarily Delaying the Collection of Residential Development Impact Fees until Certificate of Occupancy, and Temporarily Suspending the Residential Development Impact Fee Increase Scheduled for January 16, 2008, as Previously Approved by City Council in Adopting the Fee Resolution, No. 2007-43 on April 24, 2007

3. Adopt Resolution No. 2008-06, temporarily suspending the increase in commercial, industrial, and non-class A office development impact fees as scheduled for January 16, 2008, until such time as the City Council adopts new fees based on staff's recommendations pursuant to the new 2007 development

impact fee nexus study update.

Resolution No. 2008-06

A Resolution of the City Council of the City of Moreno Valley, California, Temporarily Suspending the Third and Final Phase-In of the Commercial, Industrial, and Non-Class A Office Development Impact Fee Increase Scheduled for January 16, 2008, Relative to the 2005 Impact Fee Nexus Study Update, and as Previously Approved by City Council in Adopting the Fee Resolution, No. 2007-43 on April 24, 2007

- G4. 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**