



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**

November 10, 2009

**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.

Bonnie Flickinger, Mayor Pro Tem
Jesse L. Molina, Council Member

Richard A. Stewart, Mayor

Robin N. Hastings, Council Member
William H. Batey II, Council Member

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
November 10, 2009

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Morning Optimist Club of Moreno Valley Presentations to the STARS Afterschool Program Poster Contest Winners
2. Moreno Valley Chamber of Commerce Presentation to the Boy Scouts of America Inland Empire Council – 5 Nations District
3. All-Star Recycling Award presented by Waste Management

**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 PM
NOVEMBER 10, 2009**

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 Ronderick Henry, New Direction Community 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.)

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

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF OCTOBER 27, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

A.3 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR CITYWIDE BRIDGE MAINTENANCE PROGRAM - PROJECT NO. 09-22679828 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Citywide Bridge Maintenance Program to Peterson-Chase General Engineering Construction, Inc. (Peterson-Chase), the lowest responsible bidder;
2. Authorize the City Manager to execute a contract with Peterson-Chase;
3. Authorize the issuance of a Purchase Order to Peterson-Chase in the amount of \$114,481 (\$91,585 base bid amount plus 25% contingency) when the contract has been signed by all parties;
4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Peterson-Chase, up to but not to exceed the Purchase Order contingency of \$22,896, subject to the approval of the City Attorney; and
5. Authorize the Public Works Director/City Engineer to incrementally accept completed portions of work and pay retainage based on the acceptance of said work in accordance with the Public Contract Code, Section 7107.

A.4 AMENDMENT NO. 1 TO THE AGREEMENT FOR THE REIMBURSEMENT OF TRANSPORTATION UNIFORM MITIGATION FEE FUNDS BETWEEN RIVERSIDE COUNTY TRANSPORTATION COMMISSION AND THE CITY OF MORENO VALLEY FOR PERRIS BOULEVARD WIDENING FROM IRONWOOD AVENUE TO MANZANITA

AVENUE - PROJECT NO. 11-41570225 (Report of: Public Works Department)

Recommendation:

1. Accept and approve Amendment No. 1 to the Agreement for the reimbursement of Transportation Uniform Mitigation Fee (TUMF) funds between Riverside County Transportation Commission (RCTC) and the City of Moreno Valley for Perris Boulevard Widening from Ironwood Avenue to Manzanita Avenue;
2. Authorize the Public Works Director/City Engineer to execute Amendment No. 1 to the Agreement for the reimbursement of TUMF funds between RCTC and the City of Moreno Valley;
3. Authorize the Public Works Director/City Engineer to execute any subsequent amendments to the Transportation Uniform Mitigation Fee Program Agreement between RCTC and the City of Moreno Valley for Perris Boulevard Widening from Ironwood Avenue to Manzanita Avenue;
4. Increase the appropriation for the Perris Boulevard Widening – Ironwood to Manzanita project (account no. 415.70225) by \$36,847 to fund Right-of-way Phase expenditures prior to reimbursement by RCTC ; and
5. Appropriate \$133,816 from Fund 201 (DIF Arterial Streets) Fund Balance to Account No. 416.78726 (DIF, Perris Boulevard Widening – Ironwood to Manzanita) to provide matching funds for Right-of-Way Phase expenditures reimbursed by RCTC for Right-of-way Phase services for Perris Boulevard Widening from Ironwood Avenue to Manzanita Avenue.

A.5 ACCEPT AND APPROVE AMENDMENT NO. 2 TO THE AGREEMENT FOR THE REIMBURSEMENT OF TRANSPORTATION UNIFORM MITIGATION FEE FUNDS BETWEEN RIVERSIDE COUNTY TRANSPORTATION COMMISSION AND THE CITY OF MORENO VALLEY FOR PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE - PROJECT NO. 11-41570125 (Report of: Public Works Department)

Recommendation:

1. Accept and approve Amendment No. 2 to the Agreement for the reimbursement of Transportation Uniform Mitigation Fee (TUMF) funds between Riverside County Transportation Commission (RCTC) and the City of Moreno Valley for Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue;

2. Authorize the Public Works Director/City Engineer to execute Amendment No. 2 to the Agreement between RCTC and the City of Moreno Valley; and
3. Authorize the Public Works Director/City Engineer to execute any subsequent amendments to the TUMF Agreement between RCTC and the City of Moreno Valley for Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue.

A.6 NOTICE OF COMPLETION AND ACCEPTANCE OF 2009 PAVEMENT RESURFACING PROJECT (PHASE I) - PROJECT NO. 08-12556330 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for 2009 Pavement Resurfacing Project (Phase I), constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705;
2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;
3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and
4. Accept the improvements into the City's maintained road system.

A.7 TRACT 31212 PRIVATE DRIVEWAY – RELEASE THE FAITHFUL PERFORMANCE BOND AND THE MATERIAL AND LABOR BOND - DEVELOPER - WESTERN PACIFIC HOUSING, INC., A DELAWARE CORPORATION, CORONA, CA 92880 (Report of: Public Works Department)

Recommendation:

Authorize the City Engineer to execute the release of the Faithful Performance Bond and the Material and Labor Bond.

A.8 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR PATRIOT PARK IMPROVEMENTS PROJECT - PROJECT NO. 08-28268628 (Report of: Public Works Department)

Recommendation:

1. Waive minor irregularities of the lowest Bidder's Proposal and award

the construction contract for the Patriot Park Improvements project to Desert Concepts Construction, Inc., 77-770 Country Club Drive, Suite D, Palm Desert, CA 92211, determined as the lowest responsive and responsible bidder;

2. Authorize the City Manager to execute a contract with Desert Concepts Construction, Inc., ;
3. Authorize the issuance of a Purchase Order to Desert Concepts Construction, Inc., in the amount of \$282,901.62 (\$246,001.41 base bid amount plus 15% contingency) when the contract has been signed by all parties;
4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Desert Concepts Construction, Inc., up to but not to exceed the Purchase Order contingency of \$36,900.21 subject to the approval of the City Attorney;
5. Authorize the Public Works Director/City Engineer to incrementally accept completed portions of work and pay retainage based on the acceptance of said work in accordance with Public Contract Code, Section 7107;
6. Re-appropriate \$49,000 from Account No. 282.68627 (CDBG Sheila Street Sidewalk) to Account No. 282.68628 (CDBG Patriot Park); and
7. Appropriate \$25,000 from Fund 282 (CDBG) Fund Balance to Account No. 282.68628 (CDBG, Patriot Park).

A.9 RECEIPT OF QUARTERLY INVESTMENT REPORT - QUARTER ENDED SEPTEMBER 30, 2009 (Report of: Financial & Administrative Services Department)

Recommendation:

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

A.10 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 October 21, 2009 – November 3, 2009.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF OCTOBER 27, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

B.3 ADOPT RESOLUTION NO. CSD 2009-21 APPROVING THE GRANT APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM (Report of: Parks and Community Services Department)

Recommendation:

Adopt Resolution No. CSD 2009-21 approving the grant application for grant funds from the Recreational Trails Program.

Resolution No. CSD 2009-21

Resolution of the Community Services District of the City Of Moreno Valley, California, Approving the Application for Grant Funds from the Recreational Trails Program

B.4 APPROVE RENEWAL OF AFTER SCHOOL EDUCATION AND SAFETY GRANT (Report of: Parks and Community Services Department)

Recommendation:

1. Authorize the City Manager to renew the After School Education and Safety Grant (ASES) with the California Department of Education for fiscal years 2010-2013; and
2. Authorize the City Manager to accept the funding in the amount of \$4,093,200 from the After School Education and Safety Grant (ASES) with the California Department of Education for fiscal years 2010-2013.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF OCTOBER 27, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

- C.3 WORK AUTHORIZATION FOR RELOCATION OF SOUTHERN CALIFORNIA GAS CO. SUPPLY LINE ON OLD 215 (Report of: Economic Development Department)

Recommendation:
Authorize execution of a Collectible Work Authorization for Southern California Gas Co. in the amount of \$196,461 to proceed with the work necessary for the relocation of a high pressure natural gas line on Old 215.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

- D.2 MINUTES - REGULAR MEETING OF OCTOBER 27, 2009 (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.

- E.1 CONTINUATION OF THE PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR IDENTIFIED PROPERTIES WITHIN TPM 35629 - BALLOTING FOR NPDES AND CSD ZONE M (CONTINUED FROM AUGUST 25, 2009) (Report of: Public Works)

Recommendation: That the City Council:

1. Staff recommends that the Mayor and City Council, after conducting the Public Hearing and accepting public testimony:
 - a) Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System ("NPDES") ballots for identified properties within Tentative Parcel Map ("TPM") 35629;
 - b) Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and Assessor Parcel Number ("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 identified properties within TPM 35629.

2. Staff recommends that the Mayor and City Council, acting in their capacities as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony:

a) Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballots for identified properties within TPM 35629;

b) Verify and accept the result of the mail ballot proceeding 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 annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to the identified properties within TPM 35629.

E.2 HEARING ON PROPOSED RESOLUTION OF NECESSITY, TO MAKE FINDING AND DETERMINATION AND TO AUTHORIZE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE NECESSARY RIGHT OF WAY FOR DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE (PROJECT) - PROJECT NO. 02-89266920 (Report of: Public Works Department)

Recommendation: That the City Council:

1. Conduct hearing, allowing testimony, including property owners who have requested the right to appear and be heard. Close the hearing;

2. Approve and adopt the Planning Division's finding that the Project is consistent with the General Plan;

3. Find the adoption of the proposed Resolution of Necessity and acquisition of the roadway easement and temporary construction easement necessary for the Project are exempt from CEQA in that under §15061 (b) (3) of the CEQA Guidelines, this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant impact on the environment and it

can be seen with certainty that there is no possibility this activity would have a significant effect on the environment. Further, it has been determined that the proposed activity is within the scope of and is consistent with the approved Negative Declaration (ND) prepared for the Project, that there have been no changes to the approved Project since the approval of the ND, and no changes to the circumstances under which the Project is to be undertaken that would alter the determination the Project is exempt;

4. Find that the proposed "Factual Summary to Support Findings Required in the Resolution," is true and correct as to the proposed Resolution of Necessity;
5. Find and determine that the statement, finding, and fact in the proposed Resolution of Necessity are true and correct;
6. If the City has not approved the "Agreement for Conveyance of Property" for the property necessary for the Project, adopt the following Resolution by a vote of two-thirds of all members of the City Council; and

Resolution No. 2009-107

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Acquisition of Property for Public Street and Highway Purposes Including Related Improvements and Facilities; that the Acquisition and Taking of the Easements in the Herein-Described Property is Necessary for the Project; that the Project is Planned in a Manner that is Most Compatible with the Greatest Public Good and the Least Private Injury; Authorizing Proceedings to be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of Said Property; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Property

7. Direct the City Attorney or retained counsel for the City to file appropriate actions in Eminent Domain, including Making Deposits of Probable Compensation and for Orders for Prejudgment Possession and for all other appropriate orders.

E.3 A PUBLIC HEARING ON A ZONE CHANGE (PA05-0069) FROM THE RESIDENTIAL 1 (SINGLE FAMILY - UP TO 1 UNIT PER ACRE) LAND USE DISTRICT TO THE RESIDENTIAL 2 (SINGLE FAMILY - UP TO 2 UNITS PER ACRE) DISTRICT, WHICH IS CONSISTENT WITH THE EXISTING RESIDENTIAL 2 GENERAL PLAN LAND USE DESIGNATION;

AND A TENTATIVE TRACT MAP NO. 32388 (PA05-0071) TO SUBDIVIDE APPROXIMATELY 9.5 ACRES LOCATED ON THE SOUTH SIDE OF MOUNTAIN RANCH ROAD AT NORTSHORE DRIVE INTO 14 SINGLE FAMILY LOTS (CONTINUED FROM SEPTEMBER 8, 2009) (Report of: Community Development Department)

Recommendation: That the City Council:

1. CONDUCT a public hearing for review of a proposed Zone Change from R1 to R2 and Tentative Tract Map No. 32388 to subdivide approximately 9.5 acres into 14 single family residential lots;
2. APPROVE Resolution No. 2009-84 ADOPTING a Mitigated Negative Declaration for the Zone Change and Tentative Tract Map No. 32388, in that, as designed and conditioned, this project will not result in significant environmental impacts;

Resolution No. 2009-84

A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Mitigated Negative Declaration for a Zone Change (PA05-0069), and Tentative Tract Map No. 32388 (PA05-0071) to change the land use for 9.5 net acres located within Assessor's Parcel Number 474-250-003 from Residential 1 to Residential 2 in order to develop a 14 lot single family residential subdivision

3. INTRODUCE Ordinance No. 795 thereby APPROVING a Zone Change from Residential 1 (R1) to Residential 2 (R2) for the 9.5 acres of Assessor's Parcel Number 474-250-003 located south of Mountain Ranch Road at Northshore Drive (PA05-0069), based on the findings in the City Council Ordinance; and

Ordinance No. 795

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Application PA05-0069 for an Amendment to the Official Zoning Atlas from Residential 1 to Residential 2 for the Approximately 9.5 Net Acres of Assessor's Parcel Number 474-250-003 in Order to Develop a 14 Lot Single Family Subdivision

4. APPROVE Resolution No. 2009-85 thereby APPROVING Tentative Tract Map No. 32388 (PA05-0071) to subdivide the 9.5 acres of Assessor's Parcel Number 474-250-003 located south of Mountain Ranch Road at Northshore Drive into 14 single family residential lots.

Resolution No. 2009-85

A Resolution of the City Council of the City of Moreno Valley, California, Approving Tentative Tract Map No. 32388 (PA05-0071) to Develop a 14 Lot Single Family Residential Subdivision on 9.5 Net Acres Located on the South Side of Mountain Ranch Road at Northshore Drive, Within Assessor's Parcel Number 474-250-003

- E.4 APPEAL BY PACIFIC COMMUNITIES (TR 23008) OF TRANSPORTATION UNIFORM MITIGATION FEES (TUMF) UNDER WESTERN RIVERSIDE COUNCIL OF GOVERNMENT'S (WRCOG) ADMINISTRATIVE PLAN POLICIES (Report of: Community Development Department)

Recommendation: That the City Council:

APPROVE Resolution No. 2009-108, thereby denying the request of Pacific Communities for an appeal of the requirement for TUMF fee payment for six residential lots within Tract Map 23008.

Resolution No. 2009-108

A Resolution of the City Council of the City of Moreno Valley, California, Denying an Appeal by Pacific Communities regarding payment of TUMF Fees for six residential lots within Tract 23008

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

G. REPORTS

- G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a) Report by Mayor Stewart on March Joint Powers Commission (MJPA)

- G.2 CONSIDERATION OF A REQUEST FROM COMMUNITY HEALTH SYSTEMS, INC. TO SPONSOR ITS 2ND ANNUAL HOLIDAY CELEBRATION HEALTH FAIR (Report of: City Clerk's Department)

Recommendation: That the City Council:

Consider the request of Community Health Systems, Inc. to sponsor its 2nd Annual Holiday Celebration Health Fair, in the amount of \$1,750.

- G.3 CONSIDERATION OF AN ORDINANCE EXTENDING ORDINANCE NO. 791 WHICH EXTENDED THE EXPIRATION DATE OF CERTAIN DISCRETIONARY PERMITS OR ENTITLEMENTS APPROVED BY THE

CITY ON OR AFTER JANUARY 1, 2006, AN ADDITIONAL TWELVE MONTHS (Report of: City Manager's Office)

Recommendation: That the City Council:

Introduce Ordinance No. 803, extending Ordinance No. 791 extending expiration date of certain discretionary permits or entitlements approved by the City on or after January 1, 2006, by an additional twelve months.

Ordinance No. 803

An Ordinance of the City Council of the City of Moreno Valley, California, Extending Ordinance No. 791, Extending the Expiration Date of Certain Discretionary Permits or Entitlements Approved by the City on or After January 1, 2006, by an Additional Twelve Months

G.4 PARTICIPATION AGREEMENT WITH BURLINGTON COAT FACTORY OF CALIFORNIA LLC (Report of: Economic Development Department)

Recommendation: That the City Council:

Adopt Resolution No. 2009-109, a resolution of the City of Moreno Valley approving and authorizing a Participation Agreement with Burlington Coat Factory of California, LLC.

Resolution No. 2009-109

Resolution of the City Council of the City of Moreno Valley Authorizing a Participation Agreement With Burlington Coat Factory of California, LLC

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION

- H.1 .1 ORDINANCE NO. 804, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTER 36 OF TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY ADDING A NEW SECTION 095 PROHIBITING THE STORAGE, USE, SALE, POSSESSION, AND HANDLING OF SAFE AND SANE FIREWORKS AND AMENDING SECTION 20 OF CHAPTER 36 OF TITLE 8 OF THE MORENO VALLEY MUNICIPAL CODE TO ADOPT APPENDIX CHAPTER 1 FROM THE 2007 CALIFORNIA FIRE CODE AS AMENDED BY THE CITY OF MORENO VALLEY (Report of: Fire Department)

Recommendation: That the City Council:

Staff recommends that the City Council introduce Ordinance No. 804, an Ordinance of the City Council of the City of Moreno Valley, California, amending Chapter 36 of Title 8 of the City of Moreno Valley Municipal Code by adding a new Section 095 prohibiting the storage, use, sale, possession, and handling of safe and sane fireworks and amending Section 20 of Chapter 36 of Title 8 of the Moreno Valley Municipal Code to adopt Appendix Chapter 1 from the 2007 California Fire Code as amended by the City of Moreno Valley.

Ordinance No. 804

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Chapter 36 of Title 8 of the City of Moreno Valley Municipal Code by Adding a New Section 095 Prohibiting the Storage, Use, Sale, Possession, and Handling of Safe and Sane Fireworks and Amending Section 20 of Chapter 36 of Title 8 of the Moreno Valley Municipal Code to Adopt Appendix Chapter 1 from the 2007 California Fire Code in its Entirety as Amended by the City of Moreno Valley

H.2 ORDINANCES - 2ND READING AND ADOPTION

- H.2 .1 ORDINANCE NO. 802 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING SPECIFIC PLAN AMENDMENT NO. 5 (P09-052) OF THE MORENO VALLEY AUTO MALL SPECIFIC PLAN NO. 209 TO INCLUDE MODIFICATION OF AN EXISTING FREEWAY PYLON SIGN AND ENTRY/TENANT MONUMENT SIGNS, VACATION OF A PORTION OF MOTOR WAY, ADDITION OF LANDSCAPE PARKWAYS, POP-OUTS AND SIDEWALKS, NEW DRIVEWAYS FOR A PROPOSED VEHICLE DISPLAY AREA ON MOTOR WAY AND FROM NORTHBOUND MORENO BEACH DRIVE AS WELL AS OTHER MINOR CLEAN-UP AND TEXT CHANGES TO THE SPECIFIC PLAN AND AN APPROVED SIGN PROGRAM (RECEIVED FIRST READING AND INTRODUCTION ON A 3-0-1-1 VOTE, STEWART RECUSED AND MOLINA ABSTAINED.

Recommendation: That the City Council:

Adopt Ordinance No. 802.

Ordinance No. 802

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Specific Plan Amendment No. 5 (P09-052) of the Moreno Valley Auto Mall Specific Plan No. 209 to Include Modification of an Existing

Freeway Pylon Sign and Entry/Tenant Monument Signs, Vacation of a Portion of Motor Way, Addition of Landscape Parkways, Pop-Outs and Sidewalks, New Driveways for a Proposed Vehicle Display Area on Motor Way and from Northbound Moreno Beach Drive as Well as Other Minor Clean-Up and Text Changes to the Specific Plan and an Approved Sign Program

H.3 ORDINANCES - URGENCY ORDINANCES

- H.3 .1 ORDINANCE NO. 805, AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTER 36 OF TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY ADDING A NEW SECTION 095 PROHIBITING THE STORAGE, USE, SALE, POSSESSION, AND HANDLING OF SAFE AND SANE FIREWORKS AND AMENDING SECTION 20 OF CHAPTER 36 OF TITLE 8 OF THE MORENO VALLEY MUNICIPAL CODE TO ADOPT APPENDIX CHAPTER 1 FROM THE 2007 CALIFORNIA FIRE CODE AS AMENDED BY THE CITY OF MORENO VALLEY (Report Of: Fire Department)

Recommendation: That the City Council:

Adopt Ordinance No. 805, an urgency Ordinance of the City Council of the City of Moreno Valley, California, amending Chapter 36 of Title 8 of the City of Moreno Valley Municipal Code by adding a new Section 095 prohibiting the storage, use, sale, possession, and handling of safe and sane fireworks and amending Section 20 of Chapter 36 of Title 8 of the Moreno Valley Municipal Code to adopt Appendix Chapter 1 from the 2007 California Fire Code as amended by the City of Moreno Valley.

Ordinance No. 805

An Urgency Ordinance of the City Council of the City of Moreno Valley, California, Amending Chapter 36 of Title 8 of the City of Moreno Valley Municipal Code by Adding a New Section 095 Prohibiting the Storage, Use, Sale, Possession, and Handling of Safe and Sane Fireworks and Amending Section 20 of Chapter 36 of Title 8 of the Moreno Valley Municipal Code to Adopt Appendix Chapter 1 from the 2007 California Fire Code in its Entirety as Amended by the City of Moreno Valley

H.4 RESOLUTIONS - NONE

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

Those wishing to speak should complete and submit a BLUE speaker slip to the

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

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

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

CLOSED SESSION

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

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

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

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(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 54957 - PUBLIC EMPLOYEE APPOINTMENT/ PUBLIC EMPLOYMENT

a) Interim City Manager

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

ADJOURNMENT