

**MINUTES
CONTINUED SPECIAL MEETING
OF THE MORENO VALLEY CITY COUNCIL
JANUARY 9, 2001 – 6:00 P.M.**

CALL TO ORDER The Continued Special Meeting of the City Council was called to order at 6:00 p.m. by Mayor Flickinger in Council Chambers located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE The Pledge of Allegiance was led by Councilmember White

INVOCATION – Pastor O.J. Philpot, Christ Community Church

ROLL CALL

Council:	Bonnie Flickinger	Mayor
	William H. Batey	Mayor Pro Tem
	Richard A. Stewart	Councilmember
	Frank West	Councilmember
	Charles R. White	Councilmember

Staff:	Gene Rogers	City Manager
	Alice Reed	Acting City Clerk
	Steve Chapman	Finance Director
	Robert Herrick	City Attorney
	Barry McClellan	Assistant City Manager
	Linda Guillis	Community and Economic Development Director
	Richard Coz	Police Chief
	Wes Alston	Acting Fire Chief
	Trent Pulliam	Public Works Director
	Cynthia Pirtle	Library Director

E. PUBLIC HEARINGS

- E1. PUBLIC HEARING ON MATERIAL BREACHES RELATING TO CABLE TELEVISION LICENSES (CONTINUED FROM DECEMBER 19, 2000) (PUBLIC TESTIMONY CLOSED) Continued the public hearing for receipt of additional evidence/testimony.

Councilmember Stewart made a motion, seconded by Councilmember White to continue the Special Meeting to January 23, 2001 at 6:00 p.m., with all requested documents to be provided to Council, staff and opposing Counsel no later than January 18, 2001. Motion carried unanimously.

**ADJOURNED TO REGULAR MEETING
MINUTES
REGULAR MEETING OF THE MORENO VALLEY CITY COUNCIL
JANUARY 9, 2001 – 8:25 P.M.**

CALL TO ORDER The Regular meeting of the City Council was called to order by Mayor Flickinger at 8:25 p.m. in the Council Chambers located at 14177 Frederick Street.

ROLL CALL

Council:	Bonnie Flickinger	Mayor
	William H. Batey	Mayor Pro Tem
	Richard A. Stewart	Councilmember
	Frank West	Councilmember
	Charles R. White	Councilmember

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL ARE AS FOLLOWS:

Daniel Perezvertti – 11772 Betuza Circle – representing the Performing Arts Center

- 1) Submitted a business plan on behalf of the Bilingual Center for the Performing Arts

Daryl C. Terrell – Address matter of record

- 1) Voiced support of reduction in consumption of energy
- 2) Voiced support of State Legislature using portion of its surplus for assistance to Senior Citizens and rebates to low-to-moderate income residents to assist with utility bills
- 3) Voiced support for City lowering utility tax during energy crisis

Sharon Terrill – 10770 Mendoza Road, Moreno Valley

- 1) Voiced support of a Cultural Arts Center in Moreno Valley

Robert Anderson – Address matter of record

- 1) Recited a poem regarding tobacco usage
- 2) Expressed his pleasure that the Cable TV issue is not settled as utilities need to have competition and feels they should not have an exclusive contract

JOINT CONSENT CALENDARS (SECTIONS A-C) OF THE MORENO VALLEY CITY COUNCIL, COMMUNITY SERVICES DISTRICT, AND COMMUNITY REDEVELOPMENT AGENCY

Mayor Flickinger opened the agenda items for the Consent Calendars for public comments; there being none, public comments were closed.

Councilmember White made a motion, seconded by Mayor Pro Tem Batey to approve the Consent Calendars in their entireties absent items A4 and A5 pulled for separate action. Motion carried unanimously. Roll call vote.

A. CONSENT CALENDAR - CITY COUNCIL

- A1. ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.

- A2. WARRANT REGISTERS – NOVEMBER 30, 2000
Adopted Resolution No. 2001-01, approving the Warrant Registers, including wire transfers, dated November, 2000 in the total amount of \$2,435,082.71

Resolution No. 2001-01

A Resolution of the City Council of the City of Moreno Valley, Approving the Warrant Registers, Dated November 30, 2000

- A3. BID AWARD – ASPHALT PAVING TRUCK
Awarded the bid for the purchase of one Asphalt Paving Truck to Dieterich International Truck Sales, Inc. of San Bernardino, California and authorized the Finance Director to execute the necessary documents in the amount of \$95,229.95, as appropriated in fiscal year 00/01, for program 00010.55110.648.

- A6. ANNUAL STATEMENT OF INVESTMENT POLICY
Adopted the Annual Statement of Investment Policy, in compliance with California Government Code Section 53646.

- A7. PARCEL MAP 24350, PARCEL 2 – ACCEPT REPLACEMENT AGREEMENT AND DEED OF TRUST FOR PUBLIC IMPROVEMENTS AND RELEASE CASH DEPOSIT – FRANKHALE ROAD, SOUTH SIDE, EAST OF MORTON ROAD – JOSE N. SOTO AND SUZANNE B. SOTO
Approved the Replacement Agreement for Public Improvements; authorized the Mayor to execute the agreement; accepted the Deed of Trust, as reviewed and approved by the City Attorney, as security for the required public improvements; authorized the Finance Director to release the cash deposit in the amount of \$23,000 to Jose N. Soto and Suzanne B. Soto and directed the City Clerk to forward the signed agreement and the Deed of Trust to the County Recorder’s Office for recordation.

- A8. 1999-00 REPORT ON DEVELOPMENT IMPACT FEES
Approved the Annual Report on Development Impact Fees in compliance with California Government Code Section 66006.

B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

B1. ORDINANCES - FIRST READING BY TITLE ONLY

Waived reading of all Ordinance Introductions and read by title only.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C1. ORDINANCES - FIRST READING BY TITLE ONLY

Waived reading of all Ordinance Introductions and read by title only.

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

No reportable action by City Attorney.

ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

- A4. PA 99-0033 – TEXACO STARMART – ACCEPT AGREEMENT & BONDS FOR PUBLIC IMPROVEMENTS – 24840 SUNNYMEAD BOULEVARD – SUNNYMEAD BOULEVARD, NORTH SIDE, WEST OF PERRIS BOULEVARD – S.J. WEAVER AND ASSOCIATES, 2651 WALNUT AVENUE, SIGNAL HILL, CA 90806

Mayor Flickinger opened the agenda item for public comments; there being none, public comments were closed.

Councilmember White made a motion, seconded by Mayor Pro Tem Batey to approve Item A4 as amended, deleting the 8" bus bay shown on "Exhibit A" of the staff report and replacing it with an acceleration/deceleration lane. Motion carried unanimously. Roll call vote.

- A5. PA00-0030 – WESTERN STATES SELF STORAGE, LLC – ACCEPT AGREEMENT & BONDS FOR PUBLIC IMPROVEMENTS – NORTH OF HEMLOCK AVENUE, EAST OF PIGEON PASS ROAD– WESTERN STATES STORAGE, LLC, 6141 RIVERSIDE AVENUE, SUITE 3, RIVERSIDE, CA 92506

Mayor Flickinger opened the agenda item for public comments; there being none, public comments were closed.

Mayor Pro Tem Batey stated that he would be abstaining from

discussion/participation on Item A5 due to a potential conflict of interest. Mayor Pro Tem Batey then left the Council Chamber.

Councilmember Stewart made a motion, seconded by Councilmember White to accept the bonds and Agreement for Public Improvements; authorized the Mayor to execute the agreement and directed the City Clerk to forward the signed agreement to the County Recorder's office for recordation. Motion carried 4-0-1. Batey abstained due to a potential conflict of interest. Roll call vote.

F. REPORTS

F1. CITY AND CSD RESOLUTIONS TO APPROVE AND ADOPT THE POLICY FOR CONDUCTING MAIL BALLOT PROCEEDINGS

Mayor Flickinger opened the agenda items for public comments; there being none, public comments were closed.

Councilmember Stewart made a motion, seconded by Mayor Pro Tem Batey to approve and adopt Resolution No. 2001-02, The Policy for Conducting Mail Ballot Proceedings ("the Policy"). Motion carried unanimously. Roll call vote.

Resolution No. 2001-02

A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Policy for Conducting Mail Ballot Proceedings to Ensure That This Process is Conducted in a Uniform and Consistent Manner as Provided for in the Mandates of Proposition 218

Boardmember Stewart made a motion, seconded by Vice-President Batey to approve and adopt Resolution CSD 2001-01, The Policy for Conducting Mail Ballot Proceedings ("the Policy") as amended removing the word "certifies" from the resolution. Motion carried unanimously. Roll call vote.

Resolution No. CSD 2001-01

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 a Policy for Conducting Mail Ballot Proceedings to Ensure That This Process is Conducted in a Uniform and Consistent Manner as Provided for in the Mandates of Proposition 218

F2. REPORT TO CONSIDER PUBLIC COMMENTS REGARDING THE INCLUSION OF KRISTEN COURT INTO THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING)

Mayor Flickinger opened the agenda items for public comments; there being none, public comments were closed.

F3. RESOLUTION CSD 2001-02, APPROVE AND ADOPT THE COMMUNITY SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) SERVICE PLAN POLICY

Mayor Flickinger opened the agenda items for public comments, there being none, public comments were closed.

Boardmember Stewart made a motion, seconded by President Pro Tem Batey to approve and adopt Resolution CSD 2001-02, Zone D (Parkway Landscape Maintenance) Service Plan Policy (the "Policy") as amended removing the word "certifies" from the Resolution. Motion carried 4-1, Councilmember West opposed.

Resolution No. CSD 2001-02

A Resolution of the City Council of the City of Moreno Valley, California, Acting District to Approve and Adopt the Community Services District Zone D (Parkway Landscape Maintenance) Service Plan Policy to Provide Guidelines and Standards for the Maintenance of Zone D Service Areas

G. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING & INTRODUCTION - NONE
ORDINANCES - 2ND READING & ADOPTION - NONE
ORDINANCES - URGENCY ORDINANCES - NONE
RESOLUTIONS - NONE

CONTINUATION OF PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA, IF NEEDED

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

Councilmember White

- 1) Stated that he would like to have the City look at some options regarding the utility user's tax during this energy crisis that could possibly assist the citizens – requested to have this item agendized for a future study session (second by Mayor Flickinger)

Mayor Pro Tem Batey

- 1) Supports Councilmember Whites concerns regarding the utility user's tax – feels that

the City should explore its options of assisting the citizens and local businesses during the energy crisis

Councilmember Stewart

- 1) Cautioned Council that the small increase currently granted in the energy costs is only an interim increase – the estimates given by the media could be as high as 80 to 100 percent or more of the existing amounts – these costs will affect all City facilities and the City will be paying a tremendous amount more for utilities – if City costs go up and revenues are reduced, the City will have to come up with the additional costs - feels we need to take a look at revenues with the next budget cycle
- 2) Would like to schedule for a council meeting or study session an initial thumbnail sketch of what it would take to build a power plant in conjunction with the cities north of the San Diego border (Temecula, Murietta, Hemet, San Jacinto, Perris and the County of Riverside (second by Councilmember White)
- 3) Stated there have been complaints about cars being towed at the DUI safety checkpoint – asked Chief Coz to comment on this

Councilmember West

- 1) Thanked Acting Fire Chief Wes Alston for making an excellent presentation at the Public Safety Subcommittee meeting
- 2) Thanked Chief Coz for taking care of a problem in his district with dirt bikes being ridden illegally

Councilmember White

- 1) Wanted to touch on the utility user's tax again – doesn't believe that Proposition 218 prohibits the City from temporarily reducing the tax
- 2) Stated that the receipts from the utility user's tax would be substantially more than the City's expenses – doesn't want to have a windfall for the City on the backs of the Community – now is the time to look at this

Mayor Flickinger

- 1) Asked the City Attorney for clarification on the City's Utility Tax Ordinance in regard to decreases
- 2) Asked Chief Coz if warning signs put up prior to the DUI checkpoints – Chief Coz responded that signs and appropriate markings are placed on the roadway
- 3) Stated that she spoke with a Councilmember from Temecula regarding a joint power generating plant
- 4) Thanked Laura Froehlich, Raj Desai - Leisure Enterprises, Charles James - Valley Party Rentals, Sally Ann Maas - March Field Museum, Leeann Dodwell Lawrence and the Moreno Valley Arts Association for all their help at the Mayor's swearing-in ceremony showcasing the best of Moreno Valley
- 5) Stated that she will be on vacation starting tomorrow morning until next Tuesday

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:25 p.m. by unanimous informal consent.

Submitted by:

Alice Reed, Acting City Clerk

Approved by:

Bonnie Flickinger, Mayor

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