

**MINUTES
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 - 7:00 P.M.
FEBRUARY 13, 2001**

CALL TO ORDER The Joint Meeting of the City Council of the City of Moreno Valley, the Moreno Valley Community Services District, and the Community Redevelopment Agency of the City of Moreno Valley was called to order at 7:00 p.m. by Mayor Flickinger in Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Mayor Pro Tem Batey

INVOCATION – The Invocation was given by Pastor Steve Overton, Christian Chapel

ROLL CALL

Council:	Bonnie Flickinger	Mayor
	William H. Batey	Mayor Pro Tem
	Richard A. Stewart	Councilmember
	Frank West	Councilmember
	Charles R. White	Councilmember
Staff:	Alice Reed	Acting City Clerk
	Tina Kundig	Controller
	Robert Herrick	City Attorney
	Barry McClellan	Assistant City Manager
	John Terell	Planning Official
	Joe DeArmond	Lieutenant
	Wes Alston	Interim Fire Chief
	Trent Pulliam	Public Works Director/City Engineer
	Cynthia Pirtle	Library Director
	George Price	Parks and Recreation Director

SPECIAL PRESENTATIONS

Chief Coz and Mayor Flickinger presented Officer Don Anderson with engraved handcuffs honoring him as Officer of the Year 2000.

Jamil Dada of United Way of the Inland Valleys presented Assistant City Manager McClellan with a plaque in recognition of the efforts of the employees of the City of Moreno Valley on behalf of the United Way. Sylvia Rodriguez, Campaign Coordinator for the City was also

presented with a plaque of behalf of United Way. She introduced the members of the City's United Way Committee.

Mary Drury, Project Manager in Public Affairs for Southern California Edison gave a Powerpoint presentation regarding State energy issues – she was assisted by George Hansen of SCE.

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

James Howard – 16350 Sabina Court

- 1) Spoke on behalf of the Youth Direction Program and expressed the need for funding assistance by the City

Daryl Terrell – Address matter of record

- 1) Expressed his displeasure with the negative comments being made about Moreno Valley such as “poverty stricken” and “crime ridden” – stated that he feels Moreno Valley is financially sound and a safe place in which to live

Mark Rogers – 26861 Prairie Dog Lane

- 1) Thanked the Police Department for their help after a recent car burglary
- 2) Requested that the Council put their money and energy toward building a roller hockey facility

Stacey Rogers – 26861 Prairie Dog Lane

- 1) Expressed her support for a facility in Moreno Valley on behalf of the women who play roller hockey

Jennifer and Casey Rogers – 26861 Prairie Dog Lane

- 1) Voiced their support for a roller hockey facility to be built in Moreno Valley

JOINT CONSENT CALENDARS (SECTIONS A-C) 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

Mayor Flickinger opened the agenda 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 entirety, with Item A4, Council Minutes of 12/12/00 as amended. Motion carried unanimously. Roll call vote.

A. CONSENT CALENDAR - CITY COUNCIL OF THE CITY OF MORENO VALLEY

- A1. ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.
- A2. TRACT 21322 – REDUCE FAITHFUL PERFORMANCE BOND – PARKLAND AVENUE AND BETH COURT, WEST OF HEACOCK STREET AND SOUTH OF MANZANITA AVENUE
Approved a 90% reduction to the Faithful Performance Bond and instructed the City Clerk to process the 90% reduction to the Faithful Performance Bond.
- A3. PARCEL MAP 24350, PARCELS 1, 3 & 4 – AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION) – MORTON ROAD, BETWEEN FRANKHALE ROAD AND PENUNURI PLACE
Authorized the Mayor to execute the Amendment to Agreement for Public Improvements.
- A4. MINUTES – REGULAR MEETING OF DECEMBER 12, 2000
Approved as amended.
- A5. MINUTES – SPECIAL MEETING OF DECEMBER 19, 2000
Approved as submitted.
- A6. MINUTES – SPECIAL MEETING OF JANUARY 2, 2001
Approved as submitted.
- A7. MINUTES – SPECIAL, CONTINUED SPECIAL AND REGULAR MEETING OF JANUARY 9, 2001
Approved as submitted.
- A8. MINUTES – CONTINUED SPECIAL MEETING AND REGULAR MEETING OF JANUARY 23, 2001
Approved as submitted.
- A9. STATE AND FEDERAL LEGISLATIVE ADVOCACY PRIORITIES (CONTINUED FROM JANUARY 23, 2001)
Approved the State/Federal Legislative Advocacy Priorities Policy.
- A10. QUARTERLY INVESTMENT REPORT – QUARTER ENDED DECEMBER 31, 2000
Approved and accepted the quarterly investment report, in compliance with California Government Code Section 53646.

B. CONSENT CALENDAR – MORENO VALLEY COMMUNITY SERVICES DISTRICT

- B1. **ORDINANCES - FIRST READING BY TITLE ONLY**
Waived reading of all Ordinance Introductions and read by title only.
- B2. **MINUTES – REGULAR MEETING OF DECEMBER 12, 2000**
Approved as amended.
- B3. **MINUTES – REGULAR MEETING OF JANUARY 9, 2001**
Approved as submitted.
- B4. **MINUTES – REGULAR MEETING OF JANUARY 23, 2001**
Approved as submitted.
- B5. **NOTICE OF AWARD CONSTRUCTION CONTRACT PROJECT NO. SL 00/01 CITYWIDE STREETLIGHT INSTALLATION – VARIOUS LOCATIONS**
Awarded the construction contract for Project No. SL 00/01 to DBX, Inc., Temecula, CA, the lowest responsible bidder; authorized the Mayor to execute a contract with DBX, Inc., and authorized the issuance of a purchase order to DBX, Inc. in the amount of \$172, 019.10 (the amount of bid plus contingency), when the contract has been signed by all parties (Account No. 172.87220.7200).
- B6. **REQUEST TO ADVERTISE A NOTICE REQUESTING PROPOSALS – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-1/01 – MAINTENANCE OF PARKWAY AND MEDIAN LANDSCAPING AND IRRIGATION – TOWNGATE CENTER**
Adopted the area maps and maintenance specifications, which are on file in the office of the Director of Public Works; acknowledged the previous Environmental Determinations relating to the existing landscape areas as approved per Specific Plan 200 EIR Certification, and authorized the City Clerk to advertise a Notice Requesting Proposals for Project E-1/01.
- B7. **REQUEST TO ADVERTISE A NOTICE REQUESTING PROPOSALS - MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-2/01 - MAINTENANCE OF PARKWAY OPEN SPACE LANDSCAPING AND IRRIGATION - HIDDEN SPRINGS**
Adopted the area maps and maintenance specifications, which are on file in the office of the Director of Public Works; acknowledged the previous Environmental Determinations relating to the existing landscape areas as approved per Specific Plan 195 EIR Certification, and authorized the City Clerk to advertise a Notice Requesting Proposals for Project E-2/01.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

- C1. ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.
- C2. MINUTES – REGULAR MEETING OF DECEMBER 12, 2000
Approved as amended.
- C3. MINUTES – REGULAR MEETING OF JANUARY 9, 2001
Approved as submitted.
- C4. MINUTES – REGULAR MEETING OF JANUARY 23, 2001
Approved as submitted.

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

No reportable action

E. PUBLIC HEARINGS

- E1. RESOLUTION NO. 2001-04, AND RESOLUTION NO. 2001-05, DETERMINING THAT A MATERIAL BREACH OF LICENSE HAS OCCURRED AND DIRECTING TCI CABLEVISION OF CALIFORNIA, INC., (“TCI”) AND AMERICAN CABLE TV INVESTORS 5, LTD (“ACT-V”) TO RESCIND OR CAUSE THE RESCISSION OF CERTAIN TRANSACTIONS THAT HAVE RESULTED IN THE TRANSFER OF TCI’S AND ACT-V’S LICENSES

Mayor Flickinger opened the public testimony of the public hearing at 7:58 p.m.

Ray Hosman - Address matter of record

- 1) Feels the City will not accomplish much by taking action against franchisees

Matt Weir – 233 Gilley St.

- 1) Stated that cable television is a monopoly and residents should take a look at the other options available such as satellites

There being no further public input, public testimony was closed at 8:05 p.m.

Councilmember White made a motion, seconded by Mayor Pro Tem Batey to approve Resolution No. 2001-04, determining that a material breach of license has occurred and directing American Cable TV Investors 5, LTD (“ACT-V”) to rescind or cause the rescission of certain transactions that have resulted in the

transfer of ACT-V's license and all rights and incidents of ownership associated therewith to Century-TCI of California, L.P ("Century-TCI") an entity controlled by Adelphia Communications Corporation ("Adelphia") and setting forth the grounds and reasons therefor. Motion carried unanimously. Roll call vote.

Resolution No. 2001-04

A Resolution of the City Council of the City of Moreno Valley, California, Determining that a Material Breach of License has Occurred and Directing TCI Cablevision of California, Inc. ("TCI") to Rescind or Cause the Rescission of Certain Transactions that have Resulted in the Transfer of TCI's License and all Rights and Incidents of Ownership Associated Therewith, to Century/TCI of California, L.P. ("Century/TCI") an Entity Controlled by Adelphia Communications Corporation ("Adelphia") and Setting Forth the Grounds and Reasons Therefor

Councilmember White made a motion, seconded by Mayor Pro Tem Batey to approve Resolution No. 2001-05, determining that a material breach of license has occurred and directing TCI Cablevision of California, Inc., ("TCI") to rescind or cause the rescission of certain transactions that have resulted in the transfer of TCI's license and all rights and incidents of ownership associated therewith, to Century/TCI of California, L.P. ("Century/TCI") an entity controlled by Adelphia Communications Corporation ("Adelphia") and setting forth the grounds and reasons therefor. Motion carried unanimously. Roll call vote.

Resolution No. 2001-05

A Resolution of the City Council of the City of Moreno Valley, Determining that a Material Breach of License has Occurred and Directing TCI Cablevision of California, Inc. ("TCI") to Rescind or Cause the Rescission of Certain Transactions that have Resulted in the Transfer of TCI's License and all Rights and Incidents of Ownership Associated Therewith, to Century/TCI of California, L.P. ("Century/TCI") an Entity Controlled by Adelphia Communications Corporation ("Adelphia") and Setting Forth the Grounds and Reasons Therefor

ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - NONE

F. REPORTS

F1. LEGISLATIVE UPDATE

Councilmember Stewart made a motion, seconded by Mayor Pro Tem Batey to receive and file the Legislative Update. Motion carried unanimously.

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RECONVENE**

F2. APPOINTMENTS TO THE PLANNING COMMISSION

Mayor Pro Tem Batey made a motion, seconded by Councilmember West to appoint: Timothy K. Day; Michael S. Geller; Joshua Hill and Bruce Springer to the Planning Commission for a term expiring January 1, 2005. Motion carried unanimously. Roll call vote.

G. LEGISLATIVE ACTIONS

ORDINANCES – 1ST READING & INTRODUCTION – NONE

ORDINANCES – 2ND READING & ADOPTION – NONE

ORDINANCES - URGENCY ORDINANCES

G1. ORDINANCE ESTABLISHING MINIMUM NOTIFICATION REQUIREMENTS TO SUBSCRIBERS PRIOR TO THE TERMINATION OF CABLE TELEVISION SERVICE, THE TERMINATION OR ABANDONMENT OF A CABLE SYSTEM, AND/OR THE CANCELLATION OR ABANDONMENT OF SUBSCRIBER CONTRACT RELATING TO THE PROVISION OF CABLE SERVICES FOR A SUBSTANTIAL PORTION OF TOTAL SUBSCRIBERS, AND PROVIDING REMEDIES AND ENFORCEMENT MECHANISMS IN RELATION THERETO AND DECLARING THIS ORDINANCE TO BE AN URGENCY MEASURE

Mayor Flickinger opened the agenda item for public comments.

Ray Hosman – Address matter of record

1) Expressed that the City should get on with the business of dealing with this issue one way or another

Councilmember White made a motion, seconded by Mayor Pro Tem Batey to introduce and adopt Ordinance No. 584 of the City of Moreno Valley, California, establishing minimum notification requirements to subscribers prior to the

termination of cable television service, the termination or abandonment of a cable system and/or the cancellation or abandonment of subscriber contract relating to the provision of cable services for a substantial portion of total subscribers and providing remedies and enforcement mechanisms in relation thereto and declaring this Ordinance to be an urgency measure. Motion carried unanimously. Roll call vote.

Ordinance No. 584

An Ordinance of the City Council of the City of Moreno Valley Establishing Minimum Notification Requirements to Subscribers Prior to the Termination of Cable Television Service, the Termination or Abandonment of a Cable System, and/or the Cancellation or Abandonment of Subscriber Contract Relating to the Provision of Cable Services for a Substantial Portion of Total Subscribers, and Providing Remedies and Enforcement Mechanisms in Relation Thereto and Declaring this Ordinance to be an Urgency Measure

RESOLUTIONS – NONE

- **CONTINUATION OF PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA, IF NEEDED – NONE**
- **CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY**

Councilmember Stewart

- 1) Announced that Moreno Valley Hispanos Unidos would be holding “Tardeada Cultural” this Saturday, February 17th from 3 p.m. to 8 p.m. at Valley View High School – encouraged all to attend as proceeds benefit the Sister City Exchange Student Program

Mayor Flickinger

- 1) Attended a conference at March Air Reserve Base where she had the opportunity to welcome the Clean Cities Coalition
- 2) Stated she had been invited to attend the annual dinner of the Moreno Valley Community Band – they now have over 90 members and have a list of 30-35 engagements this year from Pasadena to Oceanside representing Moreno Valley
- 3) Announced there is new original artwork by Moreno Valley artists on display in the Council lobby

- 4) Announced that she was interviewed on KVCR Radio – it will air on February 15th at 4:50 p.m. and February 16th at 7:50 a.m.
- 5) Stated she would like to respond to the residents who sent the letter to the City regarding the conditions at Woodland Park but does not have a contact phone number – please call her at City Hall and she will provide a response

AGENDA ORDER

Closed Session (continued from 6:00 p.m.) The City Council reconvened to Closed Session at 8:33 p.m. with all members present. No reportable action anticipated.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:35 p.m. by unanimous informal consent, with no reportable action from Closed Session.

Submitted by:

Alice Reed, Acting City Clerk

Approved by:

Bonnie Flickinger, Mayor

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