

**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.
AUGUST 28, 2001**

CALL TO ORDER - The Joint Meeting of the City Council, Community Services District and the Community Redevelopment Agency of the City of Moreno Valley was called to order at 7:01 p.m. by Mayor Flickinger in the Council Chambers located at 14177 Frederick Street.

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

INVOCATION - The Invocation was given by Councilmember Stewart

ROLL CALL

Council:

Bonnie Flickinger	Mayor
Richard A. Stewart	Councilmember
Frank West	Councilmember
Charles R. White	Councilmember

Absent: William H. Batey Mayor Pro Tem

Staff:

Alice Reed	City Clerk
Steve Chapman	Finance Director/City Treasurer
Robert Herrick	City Attorney
Gene Rogers	City Manager
Barry McClellan	Assistant City Manager
John Terell	Planning Official
Richard Coz	Police Chief
Wes Alston	Fire Chief
Trent Pulliam	Public Works Director/City Engineer
George Price	Parks and Recreation Director
Cynthia Pirtle	Director of Library Services

SPECIAL PRESENTATIONS

The Public Works Director introduced new staff to the Public Works Department, Frank Smith, Principal Engineer.

Mayor Flickinger and Police Chief Coz presented Detective Duke Viveros with engraved handcuffs, honoring him as Officer of the Quarter.

Mayor Flickinger presented Cynthia Pirtle, Director of Library Services, with a proclamation recognizing September 2001 as "National Library Card Signup Month."

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

George Albanese – Address matter of record (Submitted discourse for the record)

- 1) Procedural safeguards
- 2) Defeated Library Measure

Tom Jerele – 24895 Sunnymead Blvd., #133

- 1) Thanked Moreno Valley Master Chorale
- 2) Public confidence

Daryl Terrell – Address matter of record

- 1) Denial of state monies for cities

Pete Bleckert – Address matter of record

- 1) Defeat of Library Measure
- 2) His contributions to the City

Melvin Wilcutt – Resident of Moreno Valley (Submitted discourse for the record)

- 1) Parking problem at Sunnymead Elementary School with red curbs

Priscilla Banks – 13560 Searson Drive

- 1) Utility User's Tax Initiative
- 2) Proposed Chevron Station

Debbie Walser – 22277 Scarlet Sage Way

- 1) Zone D parkway landscaping for Tract 21333

Ray Hosman – Address matter of record

- 1) Petition for Utility User's Tax
- 2) Moreno Valley library

Gary Painter – 25680 Vespucci Ave.

- 1) Constituents of City should be listened to

Raul Wilson – P.O. Box 702

- 1) Lack of diversity of City staff

Robert Anderson – 12188 Marigold

- 1) Petition for Utility User's Tax

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

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

Councilmember Stewart made a motion, seconded by Councilmember White to approve the Consent Calendars in their entireties, except for Item A3, pulled for separate discussion/action. Motion carried 4-0-1. Mayor Pro Tem Batey absent. 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. PA00-0064 – CHUCK E. CHEESE PIZZA RESTAURANT – ACCEPT AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENT (PARKWAY CONSTRUCTION AND ASSOCIATES, INC.)

Accepted the bonds and the Agreement for Public Improvements; authorized the Mayor to execute the Agreement for Public Improvements and directed the City Clerk to forward the signed agreement to the County Recorder's Office.

- A4. APPROVAL OF FINAL MAP 23553-3, SINGLE FAMILY RESIDENTIAL PROJECT, AND ACCEPT AGREEMENT AND BONDS FOR LANDSCAPE & IRRIGATION IMPROVEMENTS (MV DEVELOPMENT, LLC)
Approved Final Map 23553-3, authorized the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation; accepted the bonds and Agreement for Public Improvements and the bonds and Agreement for Landscape and Irrigation Improvements; authorized the Mayor to execute the agreements; and directed the City Clerk to forward the signed agreements to the County Recorder's Office for recordation.
- A5. TRACT 22379, LOTS 36 – 60 AND 98-113 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT RESOLUTION NO. 2001-47, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AUTHORIZING ACCEPTANCE OF THE PUBLIC RIGHT OF WAY IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PALO CEDRO DRIVE, PACATO ROAD AND PAMPAS COURT INTO CITY MAINTAINED SYSTEM (STEVEN WALKER HOMES)
Approved a 90% reduction to the Faithful Performance Bond; instructed the City Engineer to prepare a 90% reduction to the Faithful Performance Bond and adopted Resolution No. 2001-47 authorizing the acceptance of the public right-of-way improvements for Tract Map 22379, Lots 36-60 and 98-113 as complete and accepting Palo Cedro Drive, Pacato Road, and Pampas Court into the City maintained street system.

Resolution No. 2001-47

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Right-of-Way Improvements as Complete Within Tract 22379, Lots 36-60 and 98-113, and Accepting Palo Cedro Drive, Pacato Road, and Pampas Court into the City Maintained Street System

- A6. AWARD THE ANNUAL COPIER AGREEMENT TO XEROX CORPORATION
Awarded the annual copier agreement to Xerox Corporation as being in the best interest of the City.

- A7. NOTICE OF COMPLETION, PROJECT NO. 99-37661, HEACOCK STREET/JOHN F. KENNEDY DRIVE/MEYER DRIVE.
Accepted the work as complete for the traffic signal installation at Heacock Street and John F. Kennedy Drive/Meyer Drive, constructed by L.A. Signal Inc., of City of Industry, CA; directed the City Clerk to record the Notice of Completion within ten (10) days at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code; authorized the Director of Finance to release the retention to L.A. Signal Inc. thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project (Account No. 137.66120); and accepted the traffic signals into the City maintained road system.
- A8. GRANTING OF TITLE INTERESTS TO RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (RCFC & WCD) FOR UNDERGROUND STORM DRAIN FACILITIES KNOWN AS LINE A-A)
Executed the Easement Deed to Riverside County Flood Control and Water Conservation District; executed the Quitclaim Deeds to Riverside County Flood Control and Water Conservation District and returned the fully executed documents to the Special Districts Manager for transmittal to the title company for processing and recordation.
- A9. NOTICE OF AWARD FOR CONSTRUCTION CONTRACT, PROJECT NO. 97-25898, REDLANDS BLVD. STORM DRAIN LINE "F" REINFORCED CONCRETE BOX STRUCTURE
Awarded the construction contract to Bonadiman-McCain, Inc., San Bernardino, California, the lowest responsible bidder; authorized the Mayor to execute a contract Agreement with Bonadiman-McCain, Inc; authorized the issuance of a Purchase Order to Bonadiman-McCain, Inc., in the amount of \$349,292.32 (the amount of bid plus 10% contingency) when the contract has been signed by all parties (Account No. 125.89330); and authorized the street closure to through traffic on Redlands Boulevard, between Cactus Avenue and Alessandro Boulevard, for approximately three months.
- A10. RESOLUTION IN SUPPORT OF NATIONAL TRY TRANSIT WEEK, SEPTEMBER 9 THROUGH 15, 2001.
Adopted Resolution No. 2001-50 in support of National Try Transit Week, September 9 through 15, 2001.

Resolution No. 2001-50

A Resolution of the City Council of the City of Moreno Valley, California, to designate September 9 through 15 as Try Transit Week

A11. MINUTES – REGULAR MEETING OF AUGUST 14, 2001
Approved as submitted.

A12. WARRANT REPORT – JULY 31, 2001
Adopted Resolution No. 2001-51, approving the Warrant Reports, including wire transfers, dated July, 2001 in the total amount of \$4,966,463.98.

Resolution No. 2001-51

A Resolution of the City Council of the City of Moreno Valley, Approving the Warrant Reports, Dated July 31, 2001.

B. CONSENT CALENDAR - 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 AUGUST 14, 2001
Approved as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C1. ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.

C2. MINUTES – REGULAR MEETING OF AUGUST 14, 2001
Approved as submitted.

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

The City Attorney announced the following items had been added to the Closed Session agenda:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

a) SECTION 54956.9(b)(1) - Significant exposure to litigation
Number of Cases: 1

- b) SECTION 54956.9(c) - Initiation of litigation
Number of Cases: 1

The City Attorney indicated that technically there was no reportable action from the Closed Session; however, the City Council requested that he disclose some information arising from their discussion in Closed Session. The City Clerk received a letter from the Howard Jarvis Taxpayers Association threatening the City with a lawsuit regarding the election dates for a potential initiative measure regarding the City's utility user's tax. The letter indicated that the City Clerk had rejected the initiative petition; however, to date no petition has been submitted. There has been a disagreement with respect to interpretation of Proposition 218 relating to initiative measures affecting taxes and the signature requirements. This is a disagreement between lawyers that often happens particularly with new laws that are not yet interpreted by the Courts. At the City Council's direction, the City will seek an opinion from the Attorney General.

E. PUBLIC HEARINGS

- E1. PUBLIC HEARING FOR INCLUSION OF TRACT 29732 (AND ALL ASSOCIATED PHASES) INTO THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING)

President Flickinger opened the public testimony portion of the public hearing; there being none, public testimony was closed.

The Secretary tabulated the mail ballot for CSD Zone B, Tract 29732 and announced the results as follows:

<u>Tract No.</u>	<u>Yes</u>	<u>No</u>
29732	1	0

Boardmember White made a motion, seconded by Boardmember Stewart to accept the results of the mail ballot proceeding; and authorize and impose the CSD Zone B charge. Motion carried 4-0-1, Vice President Batey absent. Roll call vote.

E2. PUBLIC HEARING FOR INCLUSION OF TRACT 30026 (AND ALL ASSOCIATED PHASES) INTO THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING)

President Flickinger opened the public testimony portion of the public hearing; there being none, public testimony was closed.

The Secretary tabulated the mail ballot for CSD Zone B, Tract 30026 and announced the results as follows:

<u>Tract No.</u>	<u>Yes</u>	<u>No</u>
30026	1	0

Boardmember White made a motion, seconded by Boardmember Stewart to accept the results of the mail ballot proceeding; and authorize and impose the CSD Zone B charge. Motion carried 4-0-1, Vice President Batey absent. Roll call vote.

E3. PA01-0031 (GENERAL PLAN AMENDMENT); PA01-0026 (CHANGE OF ZONE); PA01-0027 (CONDITIONAL USE PERMIT); APPLICANT: LEADERS IN COMMUNITY ALTERNATIVES; LOCATION: ON THE WEST SIDE OF BUSINESS CENTER DRIVE, WEST OF ELSWORTH STREET

Mayor Flickinger opened the public testimony portion of the public hearing – Tom Jerele made comments.

Councilmember Steward made a motion, seconded by Councilmember White to continue this agenda Item E3 including the public comments portion to the next Council meeting on September 11, 2001. Motion carried 4-0-1. Mayor Pro Tem Batey absent. Roll call vote.

• **ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION**

A3. ALLOCATION OF AMR (American Medical Response) FINES

Councilmember Stewart made a motion, seconded by Councilmember West to approve the allocation of \$15,167 for a new extrication system (Jaws of Life) for Towngate Fire Station, from funds received by AMR response time penalties. Motion carried 4-0-1. Mayor Pro Tem Batey absent. Roll call vote.

F. REPORTS

- F1. RECOMMENDATION TO AWARD CONTRACT FOR DESIGN SERVICES OF PERFORMING ARTS AND CULTURAL CENTER RENOVATION – PROJECT NO. 01-1

President Flickinger opened the agenda item for public comments, which were received from Mark Vargas, Bethany Myers and Michael Geller.

RECESS; RECONVENE

Per Council direction, the City Attorney drafted and submitted the following language to amend the Contract:

“Delete the first sentence of Section B5 of Exhibit A (Scope of Services) and revise the second sentence to read as follows: ‘furnish recommendations and cost estimates for fire code compliance as necessary including installation of the fire sprinkler system’.”

The Consultant reviewed the above language and agreed to the above changes.

Boardmember Stewart made a motion, seconded by Boardmember West to: award the contract for the subject project to Meyer and Associates, 23265 South Pointe Drive, Suite 102, Laguna Hills, California 92653, in the amount of \$58,210; authorize the Mayor to execute a Contract Agreement with the above-mentioned contractor in the form attached hereto as modified and amended; and authorize the Finance Director to issue a purchase order upon execution of the contract to the above-mentioned contractor not to exceed the amount of \$58,210. Funds are available in CSD Zone A Account 161.66220.7200. Motion carried 4-0-1. Vice President Batey absent. Roll call vote.

- F2. APPOINTMENTS TO THE TRAFFIC SAFETY ADVISORY COMMITTEE AND CULTURAL PRESERVATION ADVISORY COMMITTEE

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

Councilmember Stewart made a motion, seconded by Councilmember West to appoint Ruben Madrid and Delanna Townsend to the Traffic Safety Advisory Committee with terms expiring June 30, 2004. Motion carried 4-0-1. Mayor Pro Tem Batey absent.

F3. REDUCTION OF PERMIT FEES FOR ENERGY SAVINGS EQUIPMENT (CONTINUED FROM AUGUST 14, 2001)

Mayor Flickinger made a motion, seconded by Councilmember Stewart to direct the staff to come back with a resolution implementing the 100% reduction in minimum permit fees for energy saving equipment until the end of this fiscal year (until the next fee resolution in the next budget cycle). Motion carried 4-0-1. Mayor Pro Tem Batey absent. Roll call vote

**RECESS;
RECONVENE**

F4. DISCUSSION OF THE MYTHICAL \$14 MILLION FY 2001-02 BUDGET SURPLUS

President Flickinger opened the agenda item for public comments, which were received from Wybe Schaafsma, Gary Painter, Ray Hosman, John Hayes, Pete Bleckert, Henry S. Horst, and Tom Jerele.

No action required.

Councilmember White made a motion, seconded by Mayor Flickinger to continue the Council meeting beyond 11 p.m. Motion failed 2-2-1. Mayor Pro Tem Batey absent.

City Attorney recommended if the Council was considering adjournment at this point, a motion for continuance to a date specific would be more amenable than simply adjourning without those continuances.

Councilmember Stewart made a motion, seconded by Councilmember West to continue this Council meeting only long enough to complete those items that are necessary. Motion to continue: Item F5, Legislative Update; Item F6, Utility User's Tax

Status Report; Item F8, California League Of Cities: Annual Conference Resolutions; and Council Comments. Motion carried 3-1-1. Mayor Flickinger opposed. Mayor Pro Tem Batey absent. Roll call vote.

F7. REPORT TO CONSIDER PUBLIC COMMENTS REGARDING MAIL BALLOT PROCEEDING TO REINSTATE ZONE D (PARKWAY LANDSCAPE MAINTENANCE) AT THE STANDARD SERVICE LEVEL FOR TRACT 21333

President Flickinger opened public comments and announced that there are no speaker slips for this item.

Boardmember Stewart made a motion, seconded by President Flickinger that the earlier comments made by Debbie Walser be included, because she was really addressing F7. Motion carried 4-0-1. Vice President Batey absent.

G. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING & INTRODUCTION - NONE

ORDINANCES - 2ND READING & ADOPTION

G1. ADOPTION OF ORDINANCE NO. 590 (RECEIVED FIRST READING AND INTRODUCTION ON AUGUST 14, 2001 ON A 5-0 VOTE)

Councilmember White made a motion, seconded by Councilmember Stewart to adopt Ordinance No. 590. Motion carried 4-0-1. Mayor Pro Tem Batey absent. Roll call vote.

Ordinance No. 590

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Portions of Chapters 9.02, 9.04, 9.05, 9.06 and 9.15 of Title 9 of the City of Moreno Valley Municipal Code, Relating to Consolidation of Office Uses

in the Permitted Uses Table, Elimination of the Agriculture and Tourist Recreation Commercial Districts, the Definition of the Business Park – Mixed Use District, Modification of Industrial Site Development Standards, Relocation of the Residential Single Family District in the Permitted Uses Table, and Modification to the Business Park – Mixed Use Permitted Uses

- G2. ADOPTION OF ORDINANCE NO. 591 (RECEIVED FIRST READING AND INTRODUCTION ON AUGUST 14, 2001 ON A 4-1 VOTE, BATEY OPPOSED)

Councilmember Stewart made a motion, seconded by Councilmember White to adopt Ordinance No. 591. Motion carried 4-0-1. Mayor Pro Tem Batey absent. Roll call vote.

Ordinance No. 591

An Ordinance of the City Council of the City of Moreno Valley, California (PA01-0013), Amending the Official Zoning Atlas of Said City, Changing the Zone From Office (O) to Community Commercial on a 2.82 Acre Parcel of Land Located at 13870 Indian Avenue

ORDINANCES - URGENCY ORDINANCES – NONE
RESOLUTIONS – NONE

CONTINUATION OF PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA, IF NEEDED - NONE

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

Continued to the City Council Meeting of 9/11/2001.

ADJOURNMENT

The meeting was adjourned at 11:06 p.m. by unanimous informal consent.

Submitted by:

Alice Reed, City Clerk
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley

Approved by:

Bonnie Flickinger, Mayor
President, Moreno Valley Community Services District
Chairman, Community Redevelopment Agency of the City of Moreno Valley

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