

**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 – 6:30 P.M.  
OCTOBER 14 2003**

**CALL TO ORDER** - The Joint Meeting 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 was called to order at 6:30 p.m. by Mayor Batey in the Council Chamber located at 14177 Frederick Street.

**PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was led by Mayor Batey

**INVOCATION** - Councilmember Stewart

**ROLL CALL**

Council:

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

Staff:

Alice Reed	City Clerk
Steve Chapman	Finance Director/City Treasurer
Robert Herrick	City Attorney
Gene Rogers	City Manager
Barry McClellan	Assistant City Manager
Linda Guillis	Community and Economic Development Director
William Di Yorio	Police Chief
Stan Lake	Fire Chief
Prem Kumar	Assistant City Engineer
Cynthia Pirtle	Director of Library Services
George Price	Parks and Recreation Director

**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 Batey 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 Councilmember Flickinger to pull Items A8 & A9 from the Consent Calendar. Motion carried unanimously.

Councilmember White made a motion, seconded by Mayor Pro Tem West to approve the Consent Calendars in their entireties, except for Items A8 & A9 which were pulled. Motion carried. 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. MINUTES – REGULAR MEETING OF SEPTEMBER 23, 2003  
Approved as submitted.
- A3. ANNUAL REVIEW OF DEVELOPMENT AGREEMENT FOR THE TOWNGATE SPECIFIC PLAN (SP 200)  
Determined that the property owner(s) has complied in good faith with the terms and conditions of the Development Agreement for the Towngate Specific Plan.
- A4. PA02-0117 – RETAIL AND MINI-STORAGE FACILITY – ACCEPT AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, EAST SIDE OF PERRIS BOULEVARD BETWEEN RED MAPLE LANE AND KRAMERIA AVENUE (4M RED MAPLE, LLC)  
Accepted the bonds and the Agreement for Public Improvements for PA02-0117; 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.
- A5. PA02-0109 – LA PACIFICA APARTMENTS – ACCEPT AGREEMENT AND LETTERS OF CREDIT FOR PUBLIC IMPROVEMENTS, NORTHWEST CORNER OF HEMLOCK AVENUE AND GRAHAM STREET (M. TIMM DEVELOPMENT)

Accepted the Letters of Credit and the Agreement for Public Improvements for PA02-0109; 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.

- A6. NOTICE OF COMPLETION AND ACCEPTANCE OF THE EUCALYPTUS AVENUE SIDEWALK, EAST OF WICHITA WAY, FEDERAL AID NO. STPLHSR-5441 (035), PROJECT NO. 02-12568120

Accepted the work as complete for the Eucalyptus Avenue Sidewalk East of Wichita Way, Federal Aid No. STPLHSR-5441 (035), Project No. 02-12568120, constructed by EGN Construction, Inc., Upland, California, 91785, directed the City Clerk to record the Notice of Completion within ten 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 EGN Construction, 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 accepted the improvements into the City-maintained road system.

- A7. NOTICE OF COMPLETION AND ACCEPTANCE OF THE TRAFFIC SIGNAL AT KITCHING STREET AND KRAMERIA AVENUE, PROJECT NO. 02-12566921

Accepted the work as complete for the Traffic Signal at Kitching Street and Krameria Avenue, Project No. 02-12566921, constructed by Holland-Lowe Construction, Inc., 427 South Pershing Avenue, San Bernardino, California 92408; directed the City Clerk to record the Notice of Completion within ten 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 EGN Construction, 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 accepted the improvements into the City-maintained road system.

- A10. AUTHORIZATION TO CONDUCT A FULL STREET AND SIDEWALK CLOSURE ON A PORTION OF LEGENDARY DRIVE FROM OCTOBER 15, 2003 TO DECEMBER 5, 2003

Authorized the following full street closure in conjunction with the construction of Tract 29732-2: Legendary Drive from Via De La Real to South Access Road from October 15, 2003 to December 5, 2003.

- A11. REQUEST TO REJECT ALL BIDS, ADOPT REVISED SPECIFICATIONS, AND AUTHORIZE RE-ADVERTISING FOR CONSTRUCTION BIDS FOR THE

STREET IMPROVEMENTS ON ELSWORTH STREET FROM SHERMAN AVENUE TO BAY AVENUE, AND SHERMAN AVENUE FROM FARRAGUT AVENUE TO ELSWORTH STREET, PROJECT NO. 02-14568622

Rejected all bids received for the construction of Street Improvements on Elsworth Street from Sherman Avenue to Bay Avenue, and Sherman Avenue from Farragut Avenue to Elsworth Street; adopted the revised specifications; and authorized the City Clerk to re-advertise the subject project for construction bids.

A12. SECOND AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES

Approved the Second Amendment to Agreement for Professional Consultant Services with SA Associates, 1130 West Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services; authorized the Mayor to execute said Second Agreement for Professional Consultant Services with SA Associates; and authorized an increase in the Purchase Order to SA Associates in the amount of \$75,000 to a total amount of \$174,000, when the Second Amendment to Agreement for Professional Consultant Services has been signed by all parties.

A13. AUTHORIZATION TO CONDUCT A FULL STREET CLOSURE ON MORNING DOVE WAY AND PARTIAL STREET CLOSURES OF PALA FOXIA PLACE AND LASSELLE STREET FOR THE DEPARTMENT OF WATER RESOURCES (DWR) TO REPAIR THE SANTA ANA VALLEY PIPELINE TO LAKE PERRIS FROM NOVEMBER 6, 2003 THRU NOVEMBER 23, 2003

Authorized the following full street closure and partial street closures in conjunction with DWR to repair the Santa Ana Valley Pipeline to Lake Perris: Full street closure at the DWR easement crossing at Morning Dove Way, located between Kensington Place and Heather Glen Road; Partial street closure at the DWR easement crossing on Pala Foxia Place, located between Morton Road and Lewisia Avenue; and Partial street closure at the DWR easement crossing on Lasselle Street, located south of Rio Tierra and north of Rancho Verde High School.

A14. RESOLUTION SUPPORTING BALLOT MEASURE PROTECTING LOCAL REVENUES

Adopted Resolution No. 2003-77 supporting a statewide ballot initiative to require voter approval before state government may shift local tax revenue for state purposes.

Resolution No. 2003-77

A Resolution of the City Council of the City of Moreno Valley, California, Supporting a Statewide Ballot Initiative to Require Voter Approval Before State Government May Take Local Tax Funds

**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 SEPTEMBER 23, 2003  
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 SEPTEMBER 23, 2003  
Approved as submitted.

**D. PUBLIC HEARINGS**

- D1. PUBLIC HEARING TO REINSTATE COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) AT THE FULL SERVICE LEVEL FOR TRACT 11848- WEST SIDE OF GRAHAM STREET, BETWEEN SUNNYMEADOWS DRIVE AND OLD VALLEY DRIVE

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

Boardmember Stewart made a motion, seconded by Boardmember White to

direct the Secretary to tabulate the ballots. Motion carried 5-0. Roll call vote.

President Batey directed the Secretary to tabulate the ballots.

Item continued until tabulation of ballots complete.

- D2. PUBLIC HEARING REGARDING MAIL BALLOT PROCEEDINGS FOR TENTATIVE TRACT 27523 (AND ALL AFFECTED PHASES) FOR: 1) INCLUSION INTO COMMUNITY SERVICES DISTRICT (CSD) ZONES B (RESIDENTIAL STREET LIGHTING) AND D (PARKWAY LANDSCAPE MAINTENANCE); 2) APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE

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

Boardmember White made a motion, seconded by Boardmember Stewart to direct the Secretary to tabulate the ballots. Motion carried 5-0. Roll call vote.

The Secretary announced the results as follows:

Zone B – “Yes”

Zone D – “Yes”

NPDES Regulatory Rate Schedule – “Yes”

Boardmember Stewart made a motion, seconded by Boardmember White to verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet and Assessor Parcel Number (APN) listing; receive and file with the City Clerk’s Office the accepted Official Tally Sheet and APN listing; and authorize and impose the annual CSD Zone B and D charges and NPDES regulatory rate. Motion carried 5-0. Roll call vote.

- D3. A PUBLIC HEARING REGARDING PA03-0026, A PLOT PLAN FOR THE CONSTRUCTION OF 304 MULTI-FAMILY RESIDENTIAL UNITS ON 15.2 ACRES ON THE EAST SIDE OF LASSELLE STREET BETWEEN IRIS AVENUE AND GENTIAN AVENUE)(CONTINUED FROM SEPTEMBER 2, 2003)

Jim Brooks of Empire Homes made a presentation to Council.

Mayor Batey opened the public testimony portion of the public hearing. Public testimony was received from James DeAguilera; Eric Garcia; Wraymond Sawyer; Ted Young; Aquil Basheer; Pamela Elliott; Belinda Vargas; Johanna Lagandaon; Allison Guild; Violet Craig; Toxi Dixon; Daryl Terrell; Pete Bleckert; Dr. Ray Wortman; Charles Dodson and Lee McDuffie

Councilmember White made a motion, seconded by Councilmember Stewart to adopt a Negative Declaration for PA03-0026, in that the application will not result in significant environmental impacts; and adopt City Council Resolution No. 2003-68 approving PA03-0026 for the construction of 304 multi-family residential units on 15.2 acres, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit 1. Motion carried 3-2, Councilmember Flickinger and Mayor Pro Tem Batey dissenting. Roll call vote.

#### Resolution No. 2003-68

A Resolution of the City Council of the City of Moreno Valley, California, Approving PA03-0026 (Plot Plan), for the Construction of 304 Multi-Family Residential Units on 15.2 acres at the Northeast Corner of Iris Avenue and Lasselle Street

#### **RECESS; RECONVENE**

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

Daryl Terrell – Address matter of record

- 1) Home ownership in Moreno Valley

Pete Bleckert – Address matter of record

- 1) Alleged Brown Act violation
- 2) Municipal Utility
- 3) Placement of podium

RETURN TO ITEM D1.

D1. PUBLIC HEARING TO REINSTATE COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) AT THE FULL SERVICE LEVEL FOR TRACT 11848 - WEST SIDE OF GRAHAM STREET,

BETWEEN SUNNYMEADOWS DRIVE AND OLD VALLEY DRIVE

The Secretary announced the results as follows:

Tract 11848 - "Yes" votes – 11, "No" votes - 5

Boardmember White made a motion, seconded by Boardmember Flickinger to accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and Assessor Parcel Number (APN) listing; receive and file with the City Clerk's Office the accepted Official Tally Sheet and APN listing; and authorize and impose the adjusted CSD Zone D charge for Tract 11848. Motion carried 5-0. Roll call vote.

D4. REVIEW AND APPROVAL OF THE CITY'S ADOPTION OF THE MULTI-SPECIES HABITAT CONSERVATION PLAN (MSHCP) AND ADOPTION OF MITIGATION FEE PERTAINING TO THE MSHCP

Mayor Batey opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Councilmember White made a motion, seconded by Councilmember Flickinger to continue the item. Motion carried 5-0. Roll call vote.

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

**F. REPORTS**

F1. CERTIFICATION OF INITIATIVE MEASURE TO REPEAL THE CITY'S UTILITY USER'S TAX

Mayor Batey opened the agenda item for public comments, which were received from Daryl Terrell and Pete Bleckert.

Councilmember Stewart made a motion, seconded by Councilmember White to pursuant to the requirements of California Elections Code §9215, the City Council order a report on the effect of 1) Its fiscal impact; 2) Its effect on the internal consistency of the City's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under §65008 of the Government Code and Chapters 4.2 (commencing with §65913) and 4.3 (commencing with §65915) of Division



1 of Title 7 of the Government Code; 3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the City to meet its regional housing needs; 4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses; 5) Its impact on the community's ability to attract and retain business and employment; 6) Its impact on the uses of vacant parcels of land; 7) Its impact on agricultural lands, open spaces, traffic congestion, existing business districts, and developed areas designated for revitalization; and 8) Any other matters the City Council requests to be in the report, said report to be submitted to the City Council within 30 days, after which time the City Council shall either adopt the ordinance or order the ordinance to be submitted to the voters at the November 2, 2004 election: Motion carried 5-0. Roll call vote.

F2. DEVELOPMENT SERVICES SERVICE LEVELS – REQUEST FOR ADDITIONAL DEVELOPMENT SERVICES STAFF

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

Mayor Pro Tem West made a motion, seconded by Councilmember White to appropriate funds in the FY 2003-2004 budget for the requested additional resources that are required to maintain Development Services service levels: Community & Economic Development Department - Building & Safety Division: 1 Building Inspector II; Planning Division: 1 Senior Planner; Public Works Department - Land Development Division: 1 Construction Inspector; 1 Permit Technician 1 and 1 Contract Construction Inspector. Motion carried 5-0. Roll call vote.

F3. LEGISLATIVE UPDATE

Mayor Batey opened the agenda item for public comments which were received from Daryl Terrell.

Councilmember White made a motion, seconded by Councilmember Stewart to receive, file and ratify the Legislative Status Report. Motion carried unanimously.

F4. CITY MANAGER'S REPORT – No report given

**G. LEGISLATIVE ACTIONS**

ORDINANCES - 1ST READING AND INTRODUCTION - NONE

ORDINANCES - 2ND READING AND ADOPTION

- G1. ORDINANCE NO. 638, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, (1) AMENDING THE MORENO VALLEY SPECIFIC ZONING DESIGNATION FOR PLANNING AREA 74 FROM PARK TO MEDIUM LOW DENSITY RESIDENTIAL; AND (2) AMENDING THE MORENO VALLEY RANCH SECOND AMENDMENT DEVELOPMENT AGREEMENT TO ALLOW PAYMENT OF FEES IN-LIEU OF DEDICATION OF PLANNING AREA 74 (INVOLVING PLANNING AREAS 69 AND 74, LOCATED AT THE SOUTHEAST CORNER OF CHAMPIONSHIP DRIVE AND JOHN F. KENNEDY DRIVE) (RECEIVED FIRST READING AND INTRODUCTION, AS AMENDED, SEPTEMBER 23, 2003 ON A 5-0 VOTE)

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

Councilmember Flickinger made a motion, seconded by Councilmember Stewart to adopt Ordinance No. 638. Motion carried 5-0. Roll call vote.

Ordinance No. 638

An Ordinance of the City Council of the City of Moreno Valley, California, (1) Amending the Moreno Valley Specific Plan (Amendment No. 11) and the Official Zoning Atlas by Changing the Zoning Designation for Planning Area 74 from Park to Medium Low Density Residential; and (2) Amending the Moreno Valley Ranch Second Amendment Development Agreement to Allow Payment of Fees In-Lieu of Dedication of Planning Area 74 (Involving Planning Areas 69 and 74, Located at the Southeast Corner of Championship Drive and John F. Kennedy Drive)

- G2. ORDINANCE NO. 636, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 12.20.020 OF CHAPTER 12.20 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO A PRIMA FACIE SPEED LIMIT FOR CERTAIN STREETS)

(RECEIVED FIRST READING AND INTRODUCTION ON SEPTEMBER 23, 2003)

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

Councilmember Flickinger made a motion, seconded by Mayor Pro Tem West to adopt Ordinance No. 636. Motion carried 5-0. Roll call vote.

Ordinance No. 636

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code Relating to a Prima Facie Speed Limit for Certain Streets

ORDINANCES - URGENCY ORDINANCES – NONE

RESOLUTIONS – NONE

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

Councilmember Flickinger

- 1) Announced that local resident Laura Froelich will have the opportunity to meet with President Bush tomorrow when he lands at March Air Reserve Base
- 2) Walgreen's Distribution Center has received temporary Certificate of Occupancy for the offices at the facility
- 3) Equestrian Center being dedicated tomorrow night – kudos to volunteers who raised funds to construct facility
- 4) On October 27<sup>th</sup> College Park will be dedicated– the park is a result of the partnership between the City and Riverside City College
- 5) Stated on October 28<sup>th</sup> the Library Grant funding will be known
- 6) Asked for Council support to add the “yellow sign board” issue on a future Study Session – Mayor Batey seconded

Councilmember White

- 1) Progress

Councilmember Stewart

- 1) Explained his response to the questions for the Public Hearing – he knew the answers but repeated them for the record

Mayor Pro Tem West – No comment

Mayor Batey

- 1) Announced that Moreno Valley had been designated as a “Community of Promise”, and Summit is scheduled for October 18<sup>th</sup> at Valley View High School from 10-3

**CLOSED SESSION – NONE HELD**

**ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 10:33 p.m. by unanimous informal consent.

Submitted by:

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

Approved by:

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Frank West, Mayor Pro Tem  
Vice-President, Moreno Valley Community Services District  
Vice-Chairperson, Community Redevelopment Agency of the City of Moreno Valley

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