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 MORE

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 P.M. MARCH 9, 2004

CALL TO ORDER - The Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:30 p.m. by Mayor West in the Council Chamber located at 14177 Frederick Street.

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

INVOCATION - Pastor Willie Behrends - CrossWinds Church

ROLL CALL

Council:

Frank West Mayor

Richard A. Stewart Mayor Pro Tem William H. Batey, II Council Member Bonnie Flickinger Council Member Council Member Council Member

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

Trent Pulliam Public Works Director/City Engineer

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Denese Wilson Human Resources Director Steve Kupsak Parks & Facilities Manager

JOINT CONSENT CALENDARS (SECTIONS A-D) 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

Mayor West opened the agenda items for the Consent Calendars for public comments.

Pete Bleckert – Address matter of record (Item A4)

1) Opposes City's Municipal Utility

Bernadette Burks – Address matter of record (Item A4)

1) Questions regarding City's Municipal Utility

<u>Council Member Flickinger made a motion, seconded by Council Member Stewart to</u> approve the Consent Calendars in their entireties. Motion carried 5-0. 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. NOTICE OF COMPLETION AND ACCEPTANCE OF THE TRAFFIC SIGNAL AT ALESSANDRO BOULEVARD AND MORENO BEACH DRIVE PROJECT NO. 02-13768121

Ratified Contract Change Order No. 1 (Final); accepted the work as complete for the traffic signal at Alessandro Boulevard and Moreno Beach Drive, constructed by DBX, Inc., 42066 Avenida Alvarado, Suite C, Temecula, California 92590; directed 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; authorized the Director of Finance to release the retention to DBX, 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's maintained road system.

- A3. MINUTES REGULAR MEETING OF FEBRUARY 24, 2004 Approved as submitted.
- A4. DEVELOPER COORDINATION/PLAN CHECK AND INSPECTION SERVICES BY ENCO UTILITY SERVICES MORENO VALLEY, LLC ON BEHALF OF MORENO VALLEY UTILITIES

Increased the revenue estimate in Account No. 601.6010.4293 by \$100,324

2 MINUTES

for additional Developer Coordination/Plan Check and Inspection Fees; and appropriated an additional amount of \$75,243 in Account No. 601.60110.6255 for fees to be paid to ENCO Utility Services Moreno Valley, LLC for Developer Coordination/Plan Check and Inspection Services.

- A5. APPROVAL OF PARCEL MAP 31750 SOUTH SIDE OF MARCH COMMERCE CENTER
 Approved Parcel Map 31750, authorized the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.
- A6. PA02-0041 BOX SPRINGS APARTMENTS ACCEPT LETTER OF CREDIT AND AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS, NORTHEAST CORNER OF MORTON ROAD AND BOX SPRINGS ROAD. SUBDIVIDER MORENO APARTMENTS I, L.P. Accepted the Letter of Credit and the Agreement for Public Improvements for PA02-0041; 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.
- A7. APPROVAL OF FINAL MAP 31120 SINGLE FAMILY RESIDENTIAL PROJECT, ACCEPT AGREEMENT & BONDS FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS, AND APPROVAL OF AGREEMENT REGARDING ISSUANCE OF BUILDING PERMITS. NORTHEAST CORNER OF JOHN F. KENNEDY DRIVE AND MORENO BEACH DRIVE. SUBDIVIDER-PINNACLE M.V.R. L.P. Approved the Final Map 31120, 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; approved the Agreement Regarding Issuance of Building Permits; 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.
- PROPOSED MULTI-YEAR STREET IMPROVEMENT PROGRAM (SIP) A8. CAPITAL **IMPROVEMENT PROGRAM** (CIP) TO **FACILITATE** AND ACCEPTANCE OF CERTAIN PRIVATE IMPROVEMENTS ROADWAYS INTO THE CITY MAINTAINED STREET SYSTEM Approved the proposed multi-year Street Improvement Program (SIP) Capital Improvement Program (CIP) and authorized the Public Works Director/City Engineer to proceed with construction of the selected Fiscal Year 2003/2004 streets in the proposed SIP CIP.

A9. PARTICIPATION AGREEMENT WITH MARCH JOINT POWERS AUTHORITY

Authorized the Mayor to execute an agreement between the City of Moreno Valley and the March Joint Powers Authority (MJPA) in the amount of \$100,000 for lobbying services related to the 2005 Base Realignment and Closure (BRAC) Commission Activities. This is in the form of a loan to the March JPA. Funds for this expense can be made available from budget savings that have been accomplished in Program 010.21110.6255, therefore, no additional appropriation is necessary.

A10. REQUEST FOR ALL-WAY STOP CONTROLS AT THE INTERSECTION OF DAY STREET AND DRACAEA AVENUE, NASON AT ELDER AVENUE/WESTBOUND STATE ROUTE 60 AND NASON AT EASTBOUND STATE ROUTE 60

Adopted Resolution No. 2004-17 to establish all-way stop controls at the intersection of Day Street and Dracaea Avenue, the intersection of Nason Street and Elder Avenue/Westbound State Route 60, and Nason Street and Eastbound State Route 60.

Resolution No. 2004-17

A Resolution of the City Council of the City of Moreno Valley, Establishing Stop Controls for North and South Bound Traffic on Day Street at Dracaea Avenue, Nason Street at Elder Avenue/Westbound State Route 60, and Nason Street at Eastbound State Route 60

A11. REIMBURSEMENT OF ELECTRIC UTILITY INTERCONNECTION COSTS Approved Resolution No. 2004-18, a Resolution of the City Council of the City of Moreno Valley, acting for and on behalf of the Moreno Valley Municipal Utility, declaring its intention to be reimbursed for certain costs of electric utility interconnection costs from the proceeds of tax-exempt obligations.

Resolution No. 2004-18

A Resolution of the City Council of the City of Moreno Valley, Acting for and on Behalf of the Moreno Valley Municipal Utility, Declaring Its Intention to be Reimbursed for Certain Costs of Electric Utility Interconnection Costs from the Proceeds of Tax Exempt Obligations

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 FEBRUARY 24, 2004 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 FEBRUARY 24, 2004 Approved as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D1. ORDINANCES FIRST READING BY TITLE ONLY Waived reading of all Ordinance Introductions and read by title only.
- D2. MINUTES REGULAR MEETING OF FEBRUARY 24, 2004 Approved as submitted.

AGENDA ORDER

G5. PRESENTATION: SAN JACINTO BRANCH LINE COMMUTER RAIL (PERRIS VALLEY LINE) PROJECT

A presentation was made by Stephanie Wiggins, Manager of Rail Programs for Riverside County Transportation Commission

E. PUBLIC HEARINGS

E1. PUBLIC HEARING REGARDING MAIL BALLOT PROCEEDINGS FOR TENTATIVE TRACTS 31050, 31120, 31255 (AND ALL THEIR AFFECTED PHASES): INCLUSION INTO COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING); AND APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE

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

Board Member White made a motion, seconded by Board Member Batey directing the Secretary to tabulate the ballots. Motion carried 5-0. Roll call vote.

The Secretary announced the results as follows:

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Tract 31050 – Zone B – "Yes"
Tract 31050 – NPDES – "Yes"
Tract 31120 – Zone B – "Yes"
Tract 31120 – NPDES – "Yes"
Tract 31255 – Zone B – "Yes"
Tract 31255 – NPDES – "Yes"
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Board Member Batey made a motion, seconded by Board Member 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 applicable CSD charges and the NPDES regulatory rate for Tentative Tracts 31050, 31120 and 31255 (and all affected phases). Motion carried 5-0. Roll call vote.

E2. PUBLIC HEARING ON THE PROPOSED PARKWAY LANDSCAPE REFURBISHMENT AND REINSTATEMENT OF COMMUNITY SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) FOR TRACT NO. 20529 (AND ALL AFFECTED PHASES) – EAST OF MORENO BEACH DRIVE, SOUTH OF LOCUST AVENUE, AND WEST OF PETTIT STREET

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

Board Member White made a motion, seconded by Vice-President Stewart directing the Secretary to tabulate the ballots. Motion carried 5-0. Roll call vote.

Item continued to later in the meeting after completion of tabulation of the ballots.

E3. A PUBLIC HEARING REGARDING THE APPLICANT'S REQUEST TO CONSIDER SPECIFIC PLAN AMENDMENT NO. 4 TO THE TOWNGATE

SPECIFIC PLAN NO. 200 (P03-040) TO MODIFY LAND USE DESIGNATION FOR A 33.24 GROSS ACRE PORTION OF LAND WITHIN PLANNNG AREA NO. 5 FROM (O) OFFICE TO H (HIGH DENSITY RESIDENTIAL) LOCATED ON THE NORTHEAST CORNER OF EUCALYPTUS AVENUE AND TOWNGATE BOULEVARD, WITHIN THE TOWNGATE SPECIFIC PLAN NO. 200, AND TO ALSO MODIFY THE SPECIFIC PLAN NO. 200 DESIGN MANUAL TO ALTER THE PERIMETER LANDSCAPE/EDGE REQUIREMENTS ALONG ALL PROPERTIES LOCATED ADJACENT TO HIGHWAY 60, AS SUBMITTED BY THE FRITZ DUDA COMPANY. THE PROJECT ALSO INCLUDES A PUBLIC HEARING TO CONSIDER A PLOT PLAN (PA03-0087) TO CONSTRUCT A 552-UNIT APARTMENT COMPLEX, INCLUDING THREE COMMUNITY CENTERS AND TWO SWIMMING POOLS ON A 33.24 ACRE PARCEL OF LAND BOUNDED BY TOWNGATE BOULEVARD, MEMORIAL WAY, TOWN CIRCLE AND HERITAGE WAY AND SUBMITTED BY LEGACY AT **TOWNGATE**

Mayor West opened the public testimony portion of the public hearing.

A presentation was made by John Loper of the Fritz Duda Company, the applicant for the project.

A presentation was made by David Michelson, representing the owner of the project, The Falls, a General Partnership.

Council Member Batey made a motion, seconded by Council Member White to recognize that the Towngate Specific Plan (SP No. 200) Amendment No. 4 is within the scope of the Program Environmental Impact Report (EIR) for the Towngate Specific Plan pursuant to the Addendum as provided within Section 15164 of the California Environmental Quality Act Guidelines, while no conditions in Section 15162 calling for a subsequent EIR have occurred (Attachment No. 9) and introduce Ordinance No. 658 thereby approving P03-040 (Specific Plan Amendment), based on the findings in the City Council Ordinance for Amendment No. 4 to the Towngate Specific Plan No. 200, including the associated amendment of the Official Zoning Atlas for a 33.24 acre parcel within Planning Area 5 located at the northeast corner of Eucalyptus Avenue and Towngate Boulevard from O (Office) to H (High Density Residential) and the modification of the Specific Plan No. 200 Design Manual to alter the perimeter landscape/edge requirements along properties located adjacent to Highway 60 (Attachment No. 3). Motion carried 5-0. Roll call vote.

Ordinance No. 658

An Ordinance of the City Council of the City of Moreno Valley, California, Approving P03-040 for a Specific Plan Amendment (No. 4) to the Towngate Specific Plan (No. 200), Modifying the Design Guidelines Regarding Perimeter/Edge Landscape Requirements for all Properties that Front Highway 60 and Changing the Land Use Designation from O (Office) to H (High Density Residential), While Amending the Official Zoning Atlas for a 33.24 Acre Parcel of Land Within Planning Area No. 5

Council Member Batey made a motion, seconded by Council Member White to recognize that PA03-0087 (Plot Plan) is within the scope of the Program Environmental Impact Report (EIR) for the Towngate Specific Plan pursuant to the Addendum as provided within Section 15164 of the California Environmental Quality Act Guidelines and approve Resolution No. 2004-16 thereby approving PA03-0087 (Plot Plan), based on the findings included in the Resolution, and Conditions of Approval. Motion carried 5-0. Roll call vote.

Resolution No. 2004-16

A Resolution of the City Council of the City of Moreno Valley, California, Approving PA03-0087 (Plot Plan), for the Construction of 552 Apartments on 33.24 Acres Bounded by Towngate Boulevard, Memorial Way, Town Circle and Heritage Way

AGENDA ORDER

E2. (CONTINUED FROM EARLIER IN THE MEETING)
PUBLIC HEARING ON THE PROPOSED PARKWAY LANDSCAPE
REFURBISHMENT AND REINSTATEMENT OF COMMUNITY SERVICES
DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) FOR
TRACT NO. 20529 (AND ALL AFFECTED PHASES) – EAST OF MORENO
BEACH DRIVE, SOUTH OF LOCUST AVENUE, AND WEST OF PETTIT
STREET

The Secretary announced the results as follows:

Tract 20259 – "Yes" votes – 8, "No" votes – 13

Vice-President Stewart made a motion, seconded by Board Member Batey to verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and Assessor Parcel Number (APN) listing and receive and file with the City Clerk's Office the accepted Official Tally Sheet and APN listing. Motion carried 5-0. Roll call vote.

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

G. REPORTS

G1. REPORT TO CONSIDER PUBLIC COMMENTS REGARDING MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT ZONE M (COMMERCIAL/INDUSTRIAL IMPROVED MEDIAN MAINTENANCE) – TENTATIVE PARCEL MAP 31750 – SOUTH OF ALESSANDRO BOULEVARD BETWEEN GRANT STREET AND ELSWORTH STREET

President West opened the agenda item for public comments; there being none, public comments were closed.

G2. APPROVE THE ADDITION OF THREE NEW PART TIME CAREER CROSSING GUARD POSITIONS TO THE ADULT SCHOOL CROSSING GUARD PROGRAM; AND CONSIDER CHANGING THE CURRENT PRACTICE OF IMMEDIATELY POSTING CROSSING GUARDS AT LOCATIONS THAT MEET WARRANTS AFTER THE RECOMMENDATION OF THE TRAFFIC SAFETY ADVISORY COMMITTEE PENDING ESTABLISHMENT OF A PERMANENT POST BY CITY COUNCIL.

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

Councilmember Flickinger made a motion, seconded by Mayor Pro Tem Stewart to approve the addition of three new part time career crossing guard positions to the Adult School Crossing Guard program to staff the following intersections: Delphinium Avenue and Spinnaker Lane; Brodiaea Avenue and Kitching Street; and Davis Street and Sandy Glade Avenue and approve the appropriation of \$8,700 from the General Fund Account Number 010-72110-6120 to fund the three additional part time career Adult School Crossing Guard positions for the remainder of the current fiscal year (March through June). Motion carried 5-0. Roll call vote.

G3. POWERPOINT PRESENTATION – DEVELOPMENT SERVICES UPDATE

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

AGENDA ORDER

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

Oscar Valdepeña – 9829 Tamalpais Place

1) Signature gatherers are giving false information to the residents – would like someone to look into the problem

Curtis Reed – No address given

1) Black History and Cinco de Mayo – City sponsored events

Bernadette Burks - Address matter of record

1) Difference of opinion regarding the Utility Measure

Daryl Terrell – Address matter of record

- 1) Supports putting a measure on the November ballot to use the revenue generated from the Utility User's Tax for public safety purposes
- 2) Booking fee reimbursement

Pete Bleckert – Address matter of record

- 1) Signature gatherers
- 2) Raceway originally belonged to Riverside
- 3) Alessandro median a waste of money

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

Council Member Flickinger

- 1) Stated she has received complaints regarding signature gatherers at the post office
- 2) Responded regarding the Alessandro median funding source is the general fund and not from Parks and Recreation budget
- 3) Responded to the speaker regarding Cinco de Mayo and Black History Month- stated some cuts are necessary based on the cuts by the State and possibility of the repeal of the City's Utility User's Tax
- 4) Stated the Moreno Valley Campus of Riverside City College is now the Moreno Valley Community College

Mayor Pro Tem Stewart

- Stated the March Joint Powers Authority wants to adopt the Moreno Valley Municipal Code in the semi "no man's land" area where the City has some parks
- 2) Profits from the City's Utility should be able to be used to support the City's general fund and to encourage new businesses to come into the City
- 3) Southern California Edison is backing the "Moreno Valley Residents for Responsible Utility" group
- 4) Southern California Edison is requesting a rate increase
- 5) Pleased that the school bond measure passed by 67%
- 6) Stated the "gadflies" have made good points in the past they need to remember the purchase of the current City Hall was a positive financial decision

Council Member White

1) Stated that if the Community allows the utility initiative to get placed on the ballot and it passes, then SCE will be running the City instead of the elected officials – asked SCE if the utility is so bad for our City then why is it so good for SCE to keep it – Edison wants to keep the profits for themselves – urged residents to pay attention to what they are signing and what they are voting on

Council Member Batey

- 1) Stated the Community of Promise has a meeting on Friday, March 12th
- 2) Received an e-mail regarding street racing and it has been forwarded to the Chief of Police
- Agrees with the speaker regarding dedicating the Utility User's Tax funds to public safety
- 4) Need to take a look at the booking fees situation
- 5) Questioned Chief DiYorio regarding the status of the POP team

Mayor West

- Announced on February 28th he joined with the Chamber of Commerce at March Air Reserve Base to welcome home an Army reserve unit that had spent a year in Iraq it was a very moving experience down the runway a little further was a group of young soldiers leaving for Iraq
- 2) Last Saturday, the Soroptomist group held an event to teach conflict resolution skills to young people very good cause
- 3) Diamond Girls Softball group held their opening attended along with Council Member Flickinger good event
- 4) Chamber of Commerce held a retreat at the Regional Medical Center attended as a speaker mood was very upbeat

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G4. POWERPOINT PRESENTATION - IMPACT OF INITIATIVE MEASURE ON THE CITY'S MUNICIPAL UTILITY

Mayor West opened the agenda item for public comments. Public comments were received from Arthur Murray (opposes); Bernadette Burks (opposes); Daryl Terrell (supports); Pete Bleckert (opposes); and Robert Burks (opposes).

Council Member Batey made a motion, seconded by by Council Member Flickinger to receive and file. Motion carried unanimously.

G6. INCREASED PENALTIES FOR UNAUTHORIZED PARKING IN SPACES RESERVED FOR DISABLED PERSONS

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

Council Member Batey made a motion, seconded by Council Member Flickinger to continue the item to the City Council meeting of 3/23/04. Motion carried unanimously.

G7. LEGISLATIVE UPDATE

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

<u>Council Member Batey made a motion, seconded by Mayor Pro Tem Stewart</u> to receive and file the report. Motion carried 5-0. Roll call vote.

G8. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action) – None given

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION

H1. ORDINANCE REGULATING THE USE OF CAMP FACILITIES AND CAMP PARAPHERNALIA IN THE CITY OF MORENO VALLEY

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

Council Member White made a motion, seconded by Council Member Batey to introduce Ordinance No. 659. Motion carried 5-0. Roll call vote.

Ordinance No. 659

An Ordinance of the City Council of the City of Moreno Valley, California, Adding Chapter 11.70 to the City of Moreno Valley Municipal Code, Regulating Camping and the Use of Camp Facilities and Camp Paraphernalia in the City of Moreno Valley

ORDINANCES - 2ND READING AND ADOPTION - NONE

ORDINANCES - URGENCY ORDINANCES - NONE

RESOLUTIONS - NONE

CLOSED SESSION

REPORT OF ACTION FROM CLOSED SESSION BY CITY ATTORNEY, IF ANY - NONE

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 10:32 p.m. by <u>unanimous informal consent.</u>

Submitted by:

MINUTES 13

Alice Reed, City Clerk

Secretary, Moreno Valley Community Services District

Secretary, Community Redevelopment Agency of the City of Moreno Valley

Secretary, Board of Library Trustees

Approved by:

Frank West, Mayor

President, Moreno Valley Community Services District Chairperson, Community Redevelopment Agency of the City of Moreno Valley Chairperson, Board of Library Trustees

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