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 BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 P.M. SEPTEMBER 14, 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 - Reverend JoAnn Weeks, Grace Episcopal Church

ROLL CALL

Council:

Frank West Mayor

Richard A. Stewart
William H. Batey, II
Bonnie Flickinger
Charles R. White

Mayor Pro Tem
Councilmember
Councilmember
Councilmember

Staff:

Alice Reed City Clerk

Steve Chapman Finance Director/City Treasurer

Robert Hansen Assistant 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

Cynthia Pirtle Director of Library Services
Steve Kupsak Parks and Facilities Manager

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Denese Wilson Betsy Adams Human Resources Director Administrative Services Director

Introduction of the following new staff members:

John Terell introduced Antonia Cooney and Gabriel Diaz, Associate Planners;

Prem Kumar introduced Nabil Fraywat, Senior Engineer;

Cynthia Pirtle introduced Paula Smus, Librarian; and

Steve Kupsak introduced Kimberly Naucler, Management Analyst I

ADJOURNMENT TO SPECIAL CITY COUNCIL MEETING

SPECIAL MEETING OF THE MORENO VALLEY CITY COUNCIL

CALL TO ORDER

G. REPORTS

G1. RESOLUTION SUPPORTING THE MARCH JOINT POWERS AUTHORITY AIR CARGO PROPOSAL

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 Flickinger to adopt Resolution No. 2004-68. Motion carried 5-0. Roll call vote.

Resolution No. 2004-68

A Resolution of the City Council of the City of Moreno Valley, California, Supporting the March Joint Powers Authority Cargo Proposal

RECONVENE REGULARLY SCHEDULED CITY COUNCIL MEETING

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; there being none, public comments were closed.

Council Member Batey made a motion, seconded by Council Member White to approve the Consent Calendars in their entireties, except for Item A11, which was continued to the regular City Council meeting of September 28, 2004. 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. MINUTES REGULAR MEETING OF AUGUST 24, 2004 Approved as submitted.
- A3. MODIFICATION TO CONDITIONS OF APPROVAL FOR TRACTS 22709, 22709-1, AND 31128 TO PERMIT THE ISSUANCE OF ADDITIONAL BUILDING PERMITS IN TRACT 22709-1
 Approved the modification of the Conditions of Approval and allow DR Horton (formally Western Pacific Housing) to obtain the final 29 building permits for Tracts 22709 and 22709-1, in exchange for holding building permits for 13 lots in their adjacent Tract 31128 until the park construction is completed.
- A4. ACCEPT AND APPROVE REIMBURSEMENT AGREEMENT BETWEEN CITY OF RIVERSIDE AND CITY OF MORENO VALLEY FOR IMPROVEMENTS TO DAY STREET BETWEEN STATE ROUTE 60 AND IRONWOOD AVENUE PROJECT NO. 05-41678724

 Accepted and approved the Reimbursement Agreement between City of Riverside and City of Moreno Valley for Improvements to Day Street between State Route 60 and Ironwood Avenue; and authorized the Mayor to execute the Reimbursement Agreement between City of Riverside and City of Moreno Valley for Improvements to Day Street between State Route 60 and Ironwood Avenue.
- A5. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR

THE SB 821 PERRIS BOULEVARD SIDEWALK PROJECT BETWEEN DRACAEA AVENUE AND EUCALYPTUS AVENUE, AND ALESSANDRO BOULEVARD SIDEWALK IMPROVEMENTS BETWEEN ELSWORTH STREET AND GRANT STREET, PROJECT NOS. 04-12272220 AND 03-89280023

Awarded the construction contract for the SB821 Perris Boulevard Sidewalk Project between Dracaea Avenue and Eucalyptus Avenue and Alessandro Boulevard Sidewalk Improvements between Elsworth Street and Grant Street to Elite Bobcat Service, Inc., 1320 East Sixth Street, Suite 100, Corona, California 92879-1700, the lowest responsible bidder; authorized the Mayor to execute a contract with Elite Bobcat Service, Inc.; and authorized the issuance of two Purchase Orders for Elite Bobcat Service, Inc. in the amounts of \$44,680 (the bid amount plus 10% contingency) for the Perris Boulevard Sidewalk Improvements (Account No. 122.72220), and \$201,933 (the bid amount plus 10% contingency) for the Alessandro Boulevard Sidewalk Improvements (Account No. 892.80023) when the contract has been signed by all parties.

- A6. MORENO VALLEY RECREATION & CONFERENCE CENTER APPROVE OFFER OF DEDICATION FOR EASEMENT AND RIGHT OF WAY FOR PUBLIC UTILITY PURPOSES. SOUTH SIDE OF ALESSANDRO BOULEVARD, 200' WEST OF FREDERICK STREET Approved the Offer of Dedication dedicating an easement and right of way for public utility purposes for property located on the Moreno Valley Recreation & Conference Center site; authorized the Mayor to execute the Offer of Dedication; and directed the City Clerk to forward the signed Offer of Dedication to the County Recorder's Office for recordation.
- A7. PARCEL MAP 20995 APPROVE THE EXONERATION OF THE LANDSCAPE & IRRIGATION FAITHFUL PERFORMANCE AND MATERIAL & LABOR BONDS SOUTHEAST CORNER OF ALESSANDRO BOULEVARD AND ELSWORTH STREET SUBDIVIDER NEWHOPE PROPERTIES III, CGP FOUNTAIN VALLEY, CA 92708 Approved the exoneration of the Landscape & Irrigation Faithful Performance and Material & Labor Bonds for Parcel Map 20995; and authorized the City Engineer to exonerate the Landscape & Irrigation Faithful Performance and Material & Labor Bonds for Parcel Map 20995.
- A8. ADOPT RESOLUTION NO. 2004-67 TO APPROVE AMENDING THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM REQUIRED CONTRACT CLAUSES FOR PROMPT PAYMENT, RELEASE OF RETAINAGE TO THE CONTRACTORS AND SUBCONTRACTORS,

AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO ACCEPT INCREMENTAL COMPLETED PORTIONS OF THE WORK

Adopted Resolution No. 2004-67, to approve amending the Disadvantaged Business Enterprise (DBE) Program required contract clauses for prompt payment; approved prompt payment clause allowing for prompt progress payment to subcontractors and release of retainage to the contractors and subcontractors based on incremental acceptance of completed portions of the work in accordance with federal regulations 49 CFR 26.29; and authorized the Public Works Director to accept incremental completed portions of the work for prompt payment of retainage.

Resolution No. 2004-67

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Amendment of the Disadvantaged Business Enterprise (DBE) Program Required Contract Clauses for Prompt Payment, Release of Retainage to the Contractors and Subcontractors, and Authorize the Public Works Director to Accept Incremental Completed Portions of the Work

A9. AWARD BID FOR REPLACEMENT STREET SWEEPER
Appropriated an additional \$22,618.40 from equipment replacement reserve;
awarded the bid for purchase of an Elgin Eagle Street Sweeper to Haaker
Equipment Company, Pomona, California, as being in the best interest of the
City; authorized the Finance Director to issue a purchase order to Haaker
Equipment Company in the amount of \$230,618.40; and authorized the
Maintenance and Operations Manager to enter into contract with the Mobile
Source Air Pollution Reduction Review Committee (MSRC) Local

toward the purchase of the replacement Street Sweeper.

Government Match Program for reimbursement in the amount of \$20,000

- A10. PA02-0115 ACCEPT BONDS AND AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS SOUTH SIDE OF IRONWOOD AVENUE, EAST OF REDLANDS BOULEVARD SUBDIVIDER TRINITY BAPTIST CHURCH OF SUNNYMEAD, MORENO VALLEY, CA 92553

 Accepted the bonds and Agreement for Public Improvements for PA02-0115; 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.
- A11. LEASE AGREEMENT WITH AMR FOR FIRE STATION USE

 <u>Council Member Batey made a motion, seconded by Mayor Pro Tem Stewart</u>
 <u>to continue to the regular City Council Meeting of September 28, 2004.</u>

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 24, 2004 Approved as submitted.
- B3. MODIFICATION TO CONDITIONS OF APPROVAL FOR TRACTS 22709, 22709-1, AND 31128 TO PERMIT THE ISSUANCE OF ADDITIONAL BUILDING PERMITS IN TRACT 22709-1 Approved the modification of the Conditions of Approval and allow DR Horton (formally Western Pacific Housing) to obtain the final 29 building permits for Tracts 22709 and 22709-1, in exchange for holding building permits for 13 lots in their adjacent Tract 31128 until the park construction is completed.
- B4. ACCEPTANCE OF GRANT MONIES FROM THE CALIFORNIA DEPARTMENT OF EDUCATION, CHILD DEVELOPMENT SERVICES, FOR CHILD CARE SERVICES AND ADOPTION OF THE RESOLUTION TO CERTIFY THE APPROVAL OF THE GOVERNING BOARD Authorized the acceptance of grant money in the amount of \$619,635 for Fiscal Year (FY) 2004/2005 from the California Department of Education, Child Development Division, for the purpose of providing school age child care and development services; and adopted Resolution No. CSD 2004-21 to certify the approval of the governing board to enter into this transaction with the California Department of Education for the purpose of providing child care and development services and to authorize the designated personnel, as shown on the resolution, to sign contract documents for FY 2004/2005.

Resolution No. CSD 2004-21

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 Certifying the Approval of the Governing Board to Enter into a Transaction with the California Department of Education for the Purpose of Providing Child Care and Development Services and to Authorize Designated Personnel to Sign Contract Documents For FY 2004/2005

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 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 on
- D2. MINUTES REGULAR MEETING OF AUGUST 24, 2004 Approved as submitted.

E. PUBLIC HEARINGS

E1. MAIL BALLOT PROCEEDINGS FOR TRACTS 27593, 29920 AND 31319 (AND ALL THEIR AFFECTED PHASES) FOR: 1) APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE; AND 2) INCLUSION INTO COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) AND APPROVAL OF THE ANNUAL CHARGE; AND MAIL BALLOT PROCEEDING FOR TENTATIVE TRACT 31431 (AND ALL AFFECTED PHASES) FOR 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.

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

The Secretary announced the results as follows:

Tract 27593 – Zone B – "Yes" Tract 27593 – NPDES – "Yes"

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Tract 29920 – Zone B – "Yes"
Tract 29920 – NPEDS – "Yes"
Tract 31319 – Zone B – "Yes"
Tract 31319 – NPDES – "Yes"
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Tract 31431 - NPDES - "Yes"

Board Member Flickinger 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 Zone B charge and the NPDES regulatory rate to the tentative tracts participating in each identified program. Motion carried 5-0. Roll call vote.

E2. CONTINUATION OF A PUBLIC HEARING REGARDING AN ASSUMPTION OF JURISDICTION BY CITY COUNCIL FOR A PLOT PLAN APPLICATION (PA04-0004) CONSISTING OF 61 AFFORDABLE APARTMENT UNITS ON A 4.4-ACRE PARCEL OF LAND (3.6 NET ACRES) WITHIN THE R-20 (RESIDENTIAL-20) LAND USE DISTRICT. THE PROPOSED PROJECT, SUBMITTED BY THE APPLICANT, GLOBAL PREMIER INC., IS LOCATED ON THE SOUTHEAST CORNER OF BAY AVENUE AND PAN AM BLVD. (PUBLIC COMMENT PORTION CLOSED)

Stephen Hernandez, of Global Premier, Inc., spoke on behalf of the applicant.

Council Member Batey made a motion, seconded by Council Member Flickinger to continue the item to later in the meeting (after Reports section) to allow the applicant to meet with the homeowners to discuss their issues. Motion carried 5-0.

G. REPORTS

- G1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES
 - a) Report on March Joint Powers Authority by Mayor Pro Tem Stewart

Mayor Pro Tem Stewart announced he had hoped to have information to report on the MJPA meeting but due to on overflow crowd at the

meeting it was continued to September 22, 2004

AGENDA ORDER

G3. LEGISLATIVE UPDATE

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

Council Member Batey made a motion, seconded by Mayor Pro Tem Stewart to receive and file. Motion carried unanimously.

- G4. CITY MANAGER'S REPORT None given this evening.
- G5. INTRODUCE ORDINANCE NO. CSD 46 TO ESTABLISH ZONE E-15 (HIGH-SERVICE-LEVEL PARKWAY AND LIMITED FLOOD CONTROL CHANNEL LANDSCAPE MAINTENANCE) SERVICES FOR TRACT 31128 AND APPROVE AND ADOPT RESOLUTION NO. CSD 2004-22 TO AUTHORIZE COLLECTION OF THE APPROVED CSD ZONE E-15 CHARGE

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

Board Member White made a motion, seconded by Board Member Batey to introduce Ordinance No. CSD 46. Motion carried 5-0. Roll call vote.

Ordinance No. CSD 46

An Ordinance of the Moreno Valley Community Services District of the City of Moreno Valley, Approving the Establishment of Zone E-15 for the Purpose of Furnishing High-Service Level Parkway and Limited Flood Control Channel Landscape Maintenance Services to Tract No. 31128 and all Associated Phases

Board Member White made a motion, seconded by Board Member Batey to adopt Resolution No. CSD 2004-22. Motion carried 5-0. Roll call vote.

Resolution No. CSD 2004-22

A Resolution of the Community Services District of the City of Moreno Valley,

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California, Approving the Parcel Charge to Provide Zone E-15 (High-Service-Level Parkway and Limited Flood Control Channel Landscape Maintenance) Services

RECESS; RECONVENE

G2. 2004 CITIZEN OPINION SURVEY RESULTS

Mayor West opened the agenda item for public comments. Public comments were received from Pete Bleckert; Ray Hosman; and Victoria Baca.

CONTINUATION OF ITEM E2 FROM EARLIER IN THE MEETING

Council Member Batey made a motion, seconded by Council Member Flickinger to recognize that the proposed plot plan (PA04-0004) for a 61 unit apartment complex within the R-20 (Residential 20) land use district, is exempt from the California Environmental Quality Act pursuant to Section 15332 "In-Fill Development Projects" of the CEQA Guidelines. Motion carried 5-0. Roll call vote.

Council Member Batey made a motion, seconded by Council Member White to adopt City Council Resolution No. 2004-59, thereby approving PA04-0004 (Plot Plan), based on the findings included in the Resolution, **as amended**, to reflect the changes in the memo dated September 14, 2004 – the addition of Conditions of Approval No. 39 & No. 40 and modification of P5, as well as the amendments agreed upon at tonight's meeting - including establishment of a Neighborhood Watch; investigation of traffic calming devices on Bay Avenue and adoption of House Rules comparable or more stringent than those currently in place at the Cottonwood Place apartments, as well as a revision to the Police Department conditions changing the word "should" to "shall". Motion carried 5-0. Roll call vote.

Resolution No. 2004-59

A Resolution of the City Council of the City of Moreno Valley, California, Approving PA04-0004, for the Development of a 3.6 Net Acre Parcel of Land into a 61 Unit Affordable Apartment Complex with Accessory Uses

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION - NONE

ORDINANCES - 2ND READING AND ADOPTION - NONE

ORDINANCES - URGENCY ORDINANCES - NONE

RESOLUTIONS - NONE

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

Angel Florence – 11430 Count Fleet Court

1) Color of her store – Homeland Tactical Supply – wants to show her patriotism

<u>Jim Buchwald – 13742 McDonnell St.</u>

- 1) Fire hydrant on corner of Elsworth and Bay St. thanked Council for getting it fixed
- 2) Mess on corner of Frederick and Bay

Michael Lanitis - Address matter of record

1) Supports Daryl Terrell in his campaign for City Council

Wybe Schaefsma – Address matter of record

1) Utility Tax

Pete Bleckert – Address matter of record

- 1) Candidate for District 1
- 2) City's waste of money funding of Chamber of Commerce
- 3) Riverside Raceway & Redevelopment funds funds should have gone to schools

Priscilla Banks - Address matter of record

- Measures M and N
- 2) New Recreation & Conference Center

Victoria Baca – Address matter of record

1) Measure M

Louise Palomarez – Address matter of record

- 1) Measure M feels City Council using scare tactics
- 2) Recreation & Conference center

Bob Palomarez - Address matter of record

1) Vote in November – City needs change

Ray Hosman - Address matter of record

- 1) Citizen's survey contacted twice
- 2) Measure M

Margaret Adkins – 15774 Wedow Dr.

- 1) Presented petition to Council on behalf of Angel Florence regarding Code Enforcement Issue
- 2) Color of Homeland Tactical Supply building would like exemption

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

Council Member Batey

- 1) Spoke with Ms. Florence regarding the color of her building feels a standard should apply to all or none
- 2) Requested information from code staff regarding policy on maintaining swimming pools stated staff should physically check the condition of the pool and not rely on aerial photographs
- 3) Stated speakers have put out mistruths regarding the Utility Tax the tax relates directly to Public Safety and the quality of life in Moreno Valley residents need to be informed

Council Member White

- 1) Inquired of staff if individual needs a permit to re-paint a building
- Stated lies are being told by some people truth needs to be told by proponents of Measure M and Measure N
- 3) Measure M Utility Tax 10.6 million will be lost if Measure M passes and services will have to be cut
- 4) Stated library funds are coming from a State grant
- 5) Invited people to look at the budget and ask questions
- 6) Former skate park on Indian Street did not belong to the City
- 7) Wished Council candidates well on their campaigns and asked them to please tell the truth

Mayor Pro Tem Stewart

 Responded to resident who stated public safety was not a priority with the Council – asked them to look at the Public Safety and Animal Control buildings that were built by the City – look at fire stations that have been built

- 2) Stated that none of the current Council Members as well as City staff were in office in1987 when the mall was formed the reason the mall did not do well was the downturn in the economy as well as the reduction at March Air Base
- 3) Groundbreaking in October for the new 16 screen movie theater coming to the Towngate area and possibly a large bookstore will be housed in the movie theater
- 4) Stated the Utility Tax was not responsible for Target leaving Moreno Valley City of Riverside's residential electric rates are 25% less than Southern California Edison's rates in Moreno Valley City of Riverside gave Target a break on their electric rates which is saving them six digits
- 5) Announced a lawsuit was filed by the opponents of Measure N successful in getting the ballot arguments revised so the facts will be as they should be
- 6) Soccer fields and softball fields coming to March using land that is costing the City very little
- 7) The facts will come out on the Utility Tax

Council Member Flickinger

- 1) Stated destruction of political signs is a crime asked Police Department and City employees to look for and report any such activity
- 2) School overcrowding is being dealt with new schools will be built new residential development must go to the school district for approval
- 3) It is not the City's fault when businesses leave town
- 4) City does not owe any money on the Mall
- 5) Recreation & Conference Center will put a gymnasium across the street from a low-income neighborhood and will provide services to at-risk children
- 6) Announced the Parks & Recreation Department has once again won first place for "Best Community Event" in Riverside County for the Fourth of July Celebration and Family Fun Fest
- 7) Seven members of the City of Moreno Valley Emergency Response Team are being deployed to Florida with Federal Emergency Management Agency to help hurricane victims
- 8) Rancho Verde High School traffic issues are being dealt with traffic is being directed at the entrance to the school by flaggers until the temporary signal can be put in and a new decorative metal fence will be installed
- 9) Illegal "Used Car Lot" on Alessandro Boulevard is also being dealt with red curbs will be painted around the driveways and 2-hr. parking signs will be installed
- 10) Riverside County Vector Control is working with the City to provide abatement pertaining to the West Nile Virus City's Code Enforcement department is responding quickly to any calls regarding standing water
- 11) Announced she is chairing the committee to defeat Measure "N" Riverside Sheriff's Association has joined in the cause to defeat the measure

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 to closed session at 9:31 p.m. by <u>unanimous informal consent.</u>

Submitted by:
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

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Chairperson, Board of Library Trustees