

**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.
OCTOBER 12, 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 Flickinger

INVOCATION - Father Ronald Guzman, St. Christopher Parish

ROLL CALL

Council:

Frank West	Mayor
Richard A. Stewart	Mayor Pro Tem
Bonnie Flickinger	Council Member
Charles R. White	Council Member

Absent: William H. Batey, II Council Member

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
Prem Kumar	Assistant City Engineer
Cynthia Pirtle	Director of Library Services
Karen Reams	Recreation Operations Manager

Betsy Adams
Denese Wilson

Administrative Services Director
Human Resources Director

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.

David Marquez – Address matter of record (Item A6)

- 1) Purchase of city vehicle

Pete Bleckert – Address matter of record (Item A3)

- 1) Council member comments

Ray Hosman – Address matter of record (Item A7)

- 1) October 5, 2004 Special Meeting

Michael Lanitas – Address matter of record (Items A5, A8 and A9)

- 1) Supports all items on A5, A8, and A9

Louise Palomarez – Address matter of record (Item A7)

- 1) October 5, 2004 Special Meeting

Mayor Pro Tem Stewart made a motion, seconded by Council Member White to approve the Consent Calendars in their entirety, except for Item A10 which was continued until October 26, 2004. Motion carried 4-0-1 (Council Member 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. REPLACEMENT VEHICLE PURCHASE FOR TRANSPORTATION DIVISION
Approved an appropriation of \$17,486.79 from the Equipment Replacement Reserve Account, 757.99401.6641.645, to replace the Transportation Division van due to excessive damage from a non-City fault collision.
- A3. MINUTES - REGULAR MEETING OF SEPTEMBER 28, 2004
Approved as submitted.

- A4. ACCEPTANCE OF GLOBAL LANGUAGE MATERIALS GRANT
Accepted the Global Language Materials Grant in the amount of \$6,000.
- A5. TELECOMMUNICATIONS LICENSE AGREEMENT WITH PACIFIC BELL WIRELESS, LLC, DBA CINGULAR WIRELESS
Authorized the Mayor to execute a Telecommunications License Agreement with Pacific Bell Wireless, LLC, a Nevada limited partnership, dba Cingular Wireless (Cingular) for approximately 272 square feet of ground space on the property known as Sunnymead Ranch Fire Station No. 48.
- A6. AWARD OF TRAFFIC SIGNAL MAINTENANCE TRUCK WITH AERIAL DEVICE
Awarded the purchase of one Traffic Signal Maintenance Truck with Aerial Device to Lake Chevrolet of Lake Elsinore, CA, as being in the best interest of the City; and authorized the Finance Director to issue a purchase order to Lake Chevrolet of Lake Elsinore, CA, in the amount of \$114,809.78.
- A7. MINUTES - SPECIAL MEETING OF OCTOBER 5, 2004
Approved as submitted.
- A8. SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH CALTROP ENGINEERING, INC.
Approved the Second Amendment to Agreement for Professional Consultant Services with Caltrop Engineering Inc., 1037 West 9th Street, Upland, California 91786; authorized the Mayor to execute said Second Amendment to Agreement for Professional Consultant Services with Caltrop Engineering Inc.; and authorized an increase in the Purchase Order to Caltrop Engineering Inc. in the amount of \$91,000, when all parties have signed the Second Amendment to Agreement for Professional Consultant Services.
- A9. AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR FIRE STATION NO. 58, PROJECT NO. 05-43472523
Approved the "Agreement for Professional Consultant Services" to be sole sourced by STK Architecture, Inc., 2575 South Jacinto Avenue, San Jacinto, California 92583-5318, for Fire Station No. 58; authorized the Mayor to execute said "Agreement for Professional Consultant Services" with STK Architecture, Inc.; and authorized the issuance of a Purchase Order to STK Architecture, Inc., in the amount of \$336,308.00 when the Agreement has been signed by all parties (Account No. 434.72523.7200).
- A10. LEASE AGREEMENT WITH AMR FOR FIRE STATION USE (Continued from September 28, 2004)
Continued this matter to October 26, 2004.

- A11. RATIFICATION OF THE APPROVAL FOR THE FIRST AMENDMENT TO POLICE CONTRACT
Ratified the approval of the First Amendment to the police contract.

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 28, 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 September 28, 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 SEPTEMBER 28, 2004
Approved as submitted

E. PUBLIC HEARINGS

- E1. A PUBLIC HEARING ON THE PLANNING COMMISSION'S AUGUST 26, 2004 APPROVAL RECOMMENDATION OF A MUNICIPAL CODE AMENDMENT (PA04-0085) TO REDUCE REQUIRED PARKING FOR MULTIPLE FAMILY RESIDENTIAL LAND USES AND A PLOT PLAN (PA03-0039) TO CONSTRUCT A 26-UNIT APARTMENT PROJECT COMPRISED OF TWO 2-STORY BUILDINGS, WITH COVERED PARKING, LANDSCAPED OPEN SPACE, AND A PLAYGROUND ON 1.74-NET ACRES LOCATED NORTH OF HIGHWAY 60, ON THE SOUTH SIDE OF HEMLOCK AVENUE AND WEST OF PERRIS BOULEVARD

President West opened the public testimony portion of the public hearing; public testimony was received from Aileen Leithead and Michael Lanitis.

David Slawson, Winchester Associates, 23640 Towers St. Suite 3, Moreno Valley spoke on behalf of the applicant.

Council Member White made a motion, seconded by Mayor Pro Tem Stewart, that the City Council recognize that PA04-0085 (Municipal Code Amendment) as a minor alteration to land use limitations, is exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption; and to introduce City Council Ordinance No. 670 approving PA04-0085 (Municipal Code Amendment), based on the findings in City Council Ordinance No. 670. Motion Carried 4-0-1 (Council Member Batey absent). Roll call vote.

Ordinance No. 670

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Municipal Code Amendment (PA04-0085) to Change Parking Requirements for Multiple-Family Residential Land Uses in Table 9.11.040A-12, and Sections 9.11.040.C, 9.11.060.B, and 9.16.140.B22.d

Council Member White made a motion, seconded by Mayor Pro Tem Stewart, that the City Council recognize that PA03-0039 (Plot Plan) as an in-fill development project, is exempt under California Environmental Quality Act Guidelines, per Section 15332; as a Class 32 Categorical Exemption; and adopt City Council Resolution No. 2004-74 approving PA03-0039 (Plot Plan), based on the findings in City Council Resolution No. 2004-74, and the conditions of approval as attached to the resolution as Exhibit A. Motion carried 4-0-1 (Council Member Batey absent). Roll call vote.

Resolution No. 2004-74

A Resolution of the City Council of the City of Moreno Valley, California, Approving Plot Plan PA03-0039 for a 26-Unit Apartment Project to Be Developed on 1.74-Net Acres Located on the South Side of Hemlock Avenue and West of Perris Boulevard on Assessor's Parcel Number 481-322-045

- E2. AMENDED REPORT RECOMMENDING ADOPTION OF THE RESOLUTION OF NECESSITY AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR THE RIGHT-OF-WAY ACQUISITION OF PROPERTY LOCATED ON THE EAST SIDE OF DAY STREET BETWEEN STATE ROUTE 60 AND IRONWOOD AVENUE – PROJECT NO. 05-41678724 (Continued from October 5, 2004)

Item was continued until after Closed Session.

E3. A PUBLIC HEARING REGARDING AN AMENDMENT TO TITLE 9 OF THE MUNICIPAL CODE REGARDING THE DELINEATION OF ZONING BOUNDARIES

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

Council Member Flickinger made a motion, seconded by Mayor Pro Tem Stewart to determine that the proposed amendment to the Municipal Code is exempt from the California Environmental Quality Act (CEQA) in accordance with and pursuant to Section 15061 of the CEQA Guidelines; and to introduce Ordinance No. 671, thereby approving the proposed amendment to Title 9 of the Municipal Code regarding the delineation of zoning boundaries. Motion Carried 4-0-1 (Council Member Batey absent). Roll call vote.

Ordinance No. 671

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code Regarding the Delineation of Zoning Boundaries

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

G. REPORTS

G1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a. Report on March Joint Powers Commission by Mayor Pro Tem Stewart

Mayor Pro Tem Stewart reported the March Joint Powers meeting was well attended at the Riverside County Convention Center. The March Global Port was approved by the commission, allowing an air cargo carrier to operate, as well as environmental considerations and building issues. He was hopeful March Air Base would secure the lease.

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

G2. APPOINTMENTS TO THE SENIOR CITIZENS' BOARD AND TRAFFIC SAFETY COMMISSION

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

Mayor Pro Tem Stewart made a motion, seconded by Council Member Flickinger to appoint Owen Christian to the Senior Citizen's Board for a term expiring June 30, 2005, and appointed Gerald Bagley to the Traffic Safety Commission for a term expiring June 30, 2005. Motion Carried 4-0-1 (Council Member Batey absent). Roll call vote.

G3. LEGISLATIVE UPDATE

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

Council Member White made a motion, seconded by Mayor Pro Tem Stewart to receive and file the report. Motion Carried 4-0-1 (Council Member Batey absent). Roll call vote.

G4. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

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:

Sam Fabela – Address matter of record

- 1) Council district representative
- 2) Police department
- 3) Identity theft
- 4) Mayor West

Rosalyn Carter – Address matter of record

- 1) Thanked Council and staff for job well done

David Marquez – 26205 Oshua Drive

- 1) Campaign contributions

Pete Bleckert – Box 217

- 1) Former Mayor, Marshall Scott
- 2) Measure “N”

Ray Hosman – Address matter of record

- 1) Campaign statements
- 2) Listed Expenditures

Michael Lanitis – 13237 Terry Court

- 1) Write-in candidate
- 2) Redistricting district 3
- 3) Yes on “M” and “N”

Louise Palomarez – Address matter of record

- 1) Trucking warehouse
- 2) Citizen survey
- 3) Yes on “M” and “N”

Victoria Baca – Address matter of record

- 1) Yes on “M”
- 2) Candidate for district 5

Priscilla Banks – 13560 Searson

- 1) Yes on “M”

Wybe Schaafsma – Address matter of record

- 1) Developer contributions regarding Measures “M” and “N”

Harold Trubo – 11067 Mountain Crest Drive

- 1) No on “M” and “N”

Daryl Terrell – Address matter of record

- 1) Service Reduction Plan

J. David Horspool – 10044 Rock Hill

- 1) Former council member
- 2) No on “M” and “N”

Bob Palomarez – Address matter of record

- 1) Yes on “M”

Robert Miller – 23920 Pine Field Drive

- 1) No on “M” and “N”

Jamil Dada – 12460 Heacock

- 1) No on “M” and “N”

Dick Heil – 27591 Cottonwood Avenue

- 1) No on “M” and “N”

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

Council Member Flickinger

- 1) Campaign forums – council meetings were replayed 14 times
- 2) Announced the projected revenues of City’s utility are \$22 million over the next 15 years; expect to be able to expand on police and fire services by \$22 million
- 3) Electric utility will contribute towards economic development; enable the City to compete and offer incentives for businesses to come to the City and provide non-tax revenue in order to pay for City services to benefit the residents
- 4) Highland Fairview headquarters in Moreno Valley
- 5) Political signs in the City
- 6) The need for citizens to call graffiti hot line – 413-3171
- 7) Distribution center delayed by the applicant
- 8) Supports City weaning itself from utility tax, not cutting off; loss of money disappearing from the cities due to the state and county; once the City has revenue they can provide services that residents wants
- 9) Harkins Theaters at Moreno Valley mall, 16 screens – attended groundbreaking
- 10) City birthday celebration postponed until 2005 due to conflicting activities that would take away from the celebration
- 11) All five Val Verde schools in Moreno Valley made substantial improvements in their API scores between 1998 and 2004 levels; proud of teachers and administrators of the school district for their accomplishments

Mayor Pro Tem Stewart

- 1) Mountain lion sighting in Hidden Springs
- 2) Sunnymead Ranch meeting regarding group homes
- 3) Edison spent 1.3 million towards campaign; address being used for the treasurer for Measure N is downtown Los Angeles and the same address is tied to a vulgar, vile, hate mail piece against an individual in the city of Corona
- 4) Council approved a resolution committing funds from the cities utility’s revenue to police and fire
- 5) District 3 redistricting is under control of State guidelines

- 6) General funds used for Park & Recreation program such as the senior van and the senior programs
- 7) City council working at eliminating blight and problems with neighborhoods
- 8) Interview by Press editorial board of candidates
- 9) Vote no if confused on Measures
- 10) New businesses and restaurants are coming; Lowe's, Costco, 16 Screen movie theater, Walgreens Distribution Center, Outback, BJ Breweries, Starbucks, Mimi's restaurant
- 11) Need more public safety, paramedic program; more fire stations and more police
- 12) No on "M" and "N"

Council Member White

- 1) City council working diligently on improving quality of life; looking out for the best interest of the city
- 2) Be truthful with facts on Measure "M"
- 3) City council spending lots of hours and for very little money
- 4) Some people trying to destroy the City of Moreno Valley
- 5) City's electric utility has exemptions for low income families and seniors
- 6) Southern California Edison has spent 1.3 million on campaign in favor of Measure "N"
- 7) No on "M" and "N" – keep city solvent and safe

Mayor West

- 1) Backers are not just developers, Riverside County Sheriff's department, firefighters
- 2) Campaign funds legal
- 3) Stated he will never violate the law because of campaign contributions – all contributions must be documented; strict guidelines; public may view documents
- 4) Must get his message out to the voters; campaign can be costly
- 5) Has made contributions to many non-profit organizations with campaign funds

CLOSED SESSION

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

Meeting reconvened from Closed Session at 9:26 p.m.

Assistant City Attorney Robert Hansen advised the Council to adopt a resolution of necessity authorizing eminent domain proceedings with the property owner located between Day Street and the 60 freeway. He further stated that staff had negotiated an agreement with the property owner regarding the right-of-way issues. This item came to the attention of the Council after the agenda was posted and there is a need for the Council to

take immediate action in order to take possession of the property and commence construction.

Mayor Pro Tem Stewart made a motion, seconded by Council Member Flickinger to add item G5 to the agenda with the finding that the matter and the need for immediate action due to taking possession of the property arose after the agenda was posted. Motion carried 4-0-1 (Council Member Batey absent). Roll call vote.

- G5 APPROVAL OF AGREEMENT FOR CONVEYANCE OF EASEMENT FROM MW INVESTMENT COMPANY TO CITY OF MORENO VALLEY FOR REAL PROPERTY INTERESTS AT SOUTHEAST CORNER OF DAY STREET AND IRONWOOD AVENUE, BEARING ASSESSOR PARCEL NO. 291-100-052 – PROJECT NO. 04-41678724.

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

Mayor Pro Tem Stewart made a motion, seconded by Council Member White to accept the Agreement for Conveyance of Easement from MW Investment Company to City of Moreno Valley for Real Property Interests at Southeast Corner of Day Street and Ironwood Avenue, bearing Assessor Parcel No. 291-100-052 and to authorize the Mayor to execute the Agreement for Conveyance of Easement from MW Investment Company to City of Moreno Valley for real property interests at southeast corner of Day Street and Ironwood Avenue, bearing Assessor Parcel No. 291-100-052, subject to the prior execution of the agreement by the real property owner. Motion Carried 4-0-1 (Council Member Batey absent). Roll call vote

- E2. AMENDED REPORT RECOMMENDING ADOPTION OF THE RESOLUTION OF NECESSITY AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR THE RIGHT-OF-WAY ACQUISITION OF PROPERTY LOCATED ON THE EAST SIDE OF DAY STREET BETWEEN STATE ROUTE 60 AND IRONWOOD AVENUE – PROJECT NO. 05-41678724 (Continued from October 5, 2004)

President West opened the public testimony portion of the public hearing. Public testimony was received from Pete Bleckert.

Council Member White made a motion, seconded by Council Member Flickinger to: 1) accept the appraisal of the subject property as the probable amount of just compensation for the easement interests sought to be acquired, recognize and affirm the reduced size of the permanent easement

sought, and ratify the offer made by staff as required by Government Code Section 7267.2; and 2) conduct a hearing, allowing the property owner, who has requested the right to appear, to provide additional evidence to the City Council; 3) approve and adopt the Planning Division's findings that the project is exempt from CEQA as it is classified as a Class 1 Categorical Exemption (under section 15301C), and, therefore, environmental documents are not required; 4) find and determine that each of the statements, findings, and facts in the form of the modified Resolution of Necessity are true and correct; 5) find that the proposed Modified Factual Summary to Justify Findings as modified, and attached to the Staff's Amended Agenda Report, is true and correct; 6) adopt the Resolution of Necessity No. 2004-73 as modified, authorizing eminent domain proceedings; and 7) direct the City Attorney/counsel for the City to file appropriate action in eminent domain, and including application for orders authorizing deposit of funds and seeking prejudgment possession. Motion Carried 4-0-1 (Council Member Batey absent). Roll call vote.

Resolution No. 2004-73

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Acquisition of Property for Public Street and Highway Purposes Including Related Improvements and Facilities; that the Acquisition and Taking of the Easements in the Herein-Described Property is Necessary for the Project; that the Project is Planned in a Manner that is Most Compatible with the Greatest Public Good and the Least Private Injury; that the Offer Required by Government Code Section 7267.2 Has Been Made, and Even if Not Made, or Completed, that the Project is an Emergency Project, Which Would Excuse Making of a Prior Offer Required by Government Code Section 7267.2; Authorizing Proceedings to Be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of Said Property; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Property

ADJOURNMENT

There being no further business to conduct, Mayor Pro Tem Stewart made a motion, seconded by Council Member White to adjourn the meeting at 9:40 p.m. by unanimous informal consent.

Council Member Flickinger announced MVTV3 will be preparing a special news report to be shown on Channel 3 showing the three new specialized vehicles the City has received.

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
Chairperson, Board of Library Trustees

jmh