

**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.
NOVEMBER 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 6:34 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 David Richardson, Jr.- Imani Praise Fellowship

ROLL CALL

Council:

| | |
|----------------------|----------------|
| Frank West | Mayor |
| Richard A. Stewart | Mayor Pro Tem |
| William H. Batey, II | Council Member |
| Bonnie Flickinger | Council Member |
| Charles R. White | Council Member |

Staff:

| | |
|------------------|---|
| Margaret Ayars | Assistant 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 |
| Abdul Ahmad | Fire Marshal |
| Trent Pulliam | Public Works Director/City Engineer |
| Cynthia Pirtle | Director of Library Services |
| George Price | Parks and Recreation Director |
| Denese Wilson | Human Resources Director |
| Betsy Adams | Administrative Services Director |

Introduction of the following new staff members:

Trent Pulliam introduced Marcella Balderas, Management Analyst II.

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 were none.

Council Member White made a motion, seconded by Council Member Batey to approve the Consent Calendars in their entireties with amendment to Item A20 and B5. 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 OCTOBER 12, 2004
Approved as amended.

Public Works Director, Trent Pulliam announced that the October 12, 2004 minutes reflected correction of a typographical error present on Item A8 Second Amendment to Agreement for Professional Consultant Services with Caltrop Engineering, Inc.

A3. MINUTES - SPECIAL MEETING OF OCTOBER 19, 2004
Approved as submitted.

A4. AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE TEA AQUEDUCT BIKE TRAIL IMPROVEMENTS, PROJECT NO. 02-46165321
Approved the 1st Amendment to Agreement for Professional Consultant Services with Engineering Resources of Southern California, Inc., 3550 East Florida Avenue, Suite B, Hemet, California 92544 to provide design engineering services for the Aqueduct Bike Trail Improvements; authorized the Mayor to execute the 1st Amendment to Agreement for Professional Consultant Services with Engineering Resources of Southern California, Inc.;

and authorized an increase in the Purchase Order to Engineering Resources of Southern California, Inc., in the not-to-exceed amount of \$55,160.00 for Account No. 461.65321 when the 1st Amendment to Agreement has been signed by all parties.

- A5. REQUEST FOR PURCHASE OF TWENTY-SIX (26) BATTERY BACKUP SYSTEM COMPONENTS – PROJECT NUMBER 04-12567322
Authorized the issuance of a Purchase Order to the JTB Supply Co., Inc. in the amount of \$162,776, which includes the purchase amount, plus 5% contingency (Account No. 125.67322.7400).
- A6. APPROVAL OF FINAL MAP 31889 – CONDOMINIUM PROJECT, AND ACCEPT BONDS & AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS - SOUTHWEST CORNER OF CACTUS AVENUE AND MORENO BEACH DRIVE - SUBDIVIDER -WESTERN PACIFIC HOUSING, 16755 VON KARMAN AVENUE, SUITE 200, IRVINE, CA 92606
Approved Final Map 31889; 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; 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 31890 – CONDOMINIUM PROJECT, AND ACCEPT BONDS & AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS - NORTHWEST CORNER OF JOHN F. KENNEDY DRIVE AND MORENO BEACH DRIVE - SUBDIVIDER - WESTERN PACIFIC HOUSING, 16755 VON KARMAN AVENUE, SUITE 200, IRVINE, CA 92606
Approved Final Map 31890; 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; 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.
- A8. APPROVAL OF FINAL MAP 29920-1 – SINGLE FAMILY RESIDENTIAL PROJECT, AND ACCEPT BONDS & AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS - SOUTH SIDE OF IRIS AVENUE, EAST OF LASSELLE STREET - SUBDIVIDER -CHT INVESTMENT, LLC - 1000 DOVE STREET, SUITE 100 – NEWPORT BEACH, CA 92660
Approved Final Map 29920-1; 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; 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.

- A9. APPROVAL OF FINAL MAP 29920-2 – SINGLE FAMILY RESIDENTIAL PROJECT, AND ACCEPT BONDS & AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS - SOUTH SIDE OF IRIS AVENUE, EAST OF LASSELLE STREET - SUBDIVIDER -CHT INVESTMENT, LLC - 1000 DOVE STREET, SUITE 100, NEWPORT BEACH, CA 92660
Approved Final Map 29920-2; 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; 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.
- A10. FINAL MAP 27251-1 – SINGLE FAMILY RESIDENTIAL PROJECT, AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION) – NORTHEAST CORNER OF MORRISON STREET AND EUCALYPTUS AVENUE – SUBDIVIDER – RICHLAND MEADOWLAND, LTD. – 4100 NEWPORT PLACE, SUITE 800, NEWPORT BEACH, CA 92660
Authorized the Mayor to execute the Amendment to Agreement for Public Improvements for Final Map 27251-1; and instructed the City Clerk to forward the completed Amendment to Agreement for Public Improvements to the County Recorder's Office for recordation .
- A11. APPROVAL OF FINAL MAP 32145 – CONDOMINIUM PROJECT, AND ACCEPT BONDS & AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS - NORTHEAST CORNER OF IRIS AVENUE AND LOS CABOS DRIVE - SUBDIVIDER - K. HOVNANIAN FORECAST HOMES, INC. 3536 CONCOURS STREET, SUITE 100 - ONTARIO, CA 91764
Approved Final Map 32145; 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; 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.
- A12. REQUEST ADOPTION OF PLANS AND SPECIFICATIONS, AND AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR THE TRAFFIC SIGNALS AT IRONWOOD AVENUE AND NASON STREET, PROJECT NO. 03-12566923, AND AT IRONWOOD AVENUE AND MORENO BEACH DRIVE, PROJECT NO. 03-12566723
Adopted the plans and specifications on file in the office of the City Engineer; and authorized the City Clerk to advertise the project for construction bids.
- A13. MAIL BALLOT PROCEEDINGS FOR TENTATIVE TRACTS 31212 AND 31327 (AND ALL THE AFFECTED PHASES) FOR 1) INCLUSION INTO COMMUNITY SERVICES DISTRICT (CSD) ZONES B RESIDENTIAL

STREET LIGHTING) AND D (PARKWAY LANDSCAPE MAINTENANCE) AND APPROVAL OF THE ANNUAL CHARGES; 2) APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE. TENTATIVE TRACT 31212 IS LOCATED ON THE EAST SIDE OF MORRISON STREET BETWEEN COTTONWOOD AVENUE AND BAY AVENUE. TENTATIVE TRACT 31327 IS LOCATED ON THE EAST SIDE OF MORRISON STREET BETWEEN BAY AVENUE AND ALESSANDRO BOULEVARD

Accepted public comments regarding the mail ballot proceedings for Tentative Tracts 31212 and 31327 (and all their affected phases) for approval of the National Pollutant Discharge Elimination System (NPDES) regulatory rate schedule.

- A14. APPROVE THE ADDITION OF TWO NEW PART TIME CAREER CROSSING GUARD POSITION TO THE ADULT SCHOOL CROSSING GUARD PROGRAM TO STAFF THE INTERSECTIONS OF EUCALYPTUS AVENUE AT ELSWORTH STREET AND RED MAPLE LANE AT WESTERLY WAY

Approved the addition of two new part time career crossing guard positions to the Adult School Crossing Guard program to staff the intersection of Eucalyptus Avenue at Elsworth Street and the intersection of Red Maple Lane at Westerly Way; and approved the appropriation of \$15,200 from the General Fund Account Number 010-72110-6120 to fund the two additional part time career Adult School Crossing Guard positions for the remainder of the 2004/2005 fiscal year (December through June).

- A15. NOTICE OF COMPLETION AND ACCEPTANCE OF THE FISCAL YEAR 2003/2004 ANNUAL PAVEMENT RESURFACING PROGRAM, PROJECT NO. 03-12556330

Ratified Contract Change Order Nos. 1, 2, and 3 (Final); accepted the work as complete for the Fiscal Year 2003/2004 Annual Pavement Resurfacing Program, constructed by Sully-Miller Contracting Company, 1100 East Orangethorpe Avenue, Suite 200, Anaheim, California 92801; 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 Sully-Miller Contracting Company 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.

- A16. CONDITIONAL USE PERMIT 3105 – REDUCE FAITHFUL PERFORMANCE BOND BY 90% AND ADOPT RESOLUTION NO. 2004-75, 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 BOX SPRINGS ROAD INTO THE CITY MAINTAINED STREET SYSTEM - SUBDIVIDER – FOOTHILL BAPTIST CHURCH, 21401 BOX SPRINGS ROAD, MORENO VALLEY, CA 92557

Approved a 90% reduction to the Faithful Performance Bond for Conditional Use Permit 3105; authorized the City Engineer to reduce the Faithful Performance Bond by 90%; and adopted Resolution No. 2004-75 authorizing the acceptance of the public right-of-way improvements for Conditional Use Permit 3105 as complete and accepting Box Springs Road into the City Maintained Street System.

Resolution No. 2004-75

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 Conditional Use Permit 3105, and Accepting Box Springs Road into the City Maintained Street System

A17. NOTICE OF COMPLETION AND ACCEPTANCE OF THE NEWHOPE STREET IMPROVEMENT PROJECT, PROJECT NO. 01-12567421

Ratified Contract Change Order No. 1 (Final); accepted the work as complete for the Newhope Street Improvement Project constructed by Sialic Contractors Corporation (DBA Shawnan), 12240 Woodruff Avenue, Downey, CA 90241; 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 Sialic Contractors Corporation (DBA Shawnan) 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.

A18. APPROVAL OF QUARTERLY INVESTMENT REPORT – QUARTER ENDED SEPTEMBER 30, 2004

Approved and accepted the quarterly investment report, in compliance with California Government Code Section 53646.

A19. WARRANT REPORT – SEPTEMBER, 2004

Adopted Resolution No. 2004-76, approving the Warrant Report, dated September, 2004 in the total amount of \$9,246,628.34.

Resolution No. 2004-76

A Resolution of the City Council of the City of Moreno Valley, California, approving the Warrant Report dated September 30, 2004

- A20. MORENO VALLEY RANCH SPECIFIC PLAN 193 – REDUCE PARK FACILITY PAYMENT BOND FOR PLANNING AREAS 24, 25, 32, 49A, AND 50 – SUBDIVIDER – MC KENZIE VISTA, LP, P.O. BOX 178, BOW, WA 98232

Authorized the Director of Parks and Recreation to authorize a \$507,108.42 reduction to the Park Facility payment bonds for Planning Areas 24, 25, 32, 49, 49A and 50; and authorized the Director of Parks and Recreation to sign the documents relating to Moreno Valley Ranch Specific Plan 193.

- A21. LEASE AGREEMENT WITH AMR FOR FIRE STATION USE (CONTINUED FROM OCTOBER 12, 2004)
Continued this matter to November 23, 2004.

- A22. MODIFICATION TO CONDITIONS OF APPROVAL FOR TRACT 31128 TO PERMIT THE ISSUANCE OF ADDITIONAL BUILDING PERMITS
Approved the modification of the Conditions of Approval and allow DR Horton to obtain 73 building permits for Tract 31128 prior to the completion of the equestrian/multi-use trail.

- A23. APPROVAL OF PARCEL MAP 31781 – A THREE-PARCEL SUBDIVISION LOCATED WITHIN THE TOWNGATE SPECIFIC PLAN (SP200) – SOUTHWEST CORNER OF STATE ROUTE 60 AND FREDERICK STREET - SUBDIVIDER – FRITZ DUDA COMPANY - 3425 VIA LIDO, SUITE 250 NEWPORT BEACH, CA 92663
Approved Parcel Map 31781, authorized the City Clerk to sign the map, and transmit said map to the County Recorder's Office for recordation.

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 OCTOBER 12, 2004
Approved as submitted.
- B3. MAIL BALLOT PROCEEDINGS FOR TENTATIVE TRACTS 31212 AND 31327 (AND ALL THE AFFECTED PHASES) FOR: 1) INCLUSION INTO COMMUNITY SERVICES DISTRICT (CSD) ZONES B (RESIDENTIAL

STREET LIGHTING) AND D (PARKWAY LANDSCAPE MAINTENANCE) AND APPROVAL OF THE ANNUAL CHARGES; 2) APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE. TENTATIVE TRACT 31212 IS LOCATED ON THE EAST SIDE OF MORRISON STREET BETWEEN COTTONWOOD AVENUE AND BAY AVENUE. TENTATIVE TRACT 31327 IS LOCATED ON THE EAST SIDE OF MORRISON STREET BETWEEN BAY AVENUE AND ALESSANDRO BOULEVARD

Accepted public comments regarding the mail ballot proceedings for Tentative Tracts 31212 and 31327 (and all their affected phases) for inclusion into CSD Zone B (Residential Street Lighting), CSD Zone D (Parkway Landscape Maintenance), and approval of the annual charges.

B4. APPROVE RESOLUTIONS AND FILING OF GRANT APPLICATIONS FOR PROPOSITION 40 GRANT BONDS

Approved the filing of an application for local assistance funds in the amount of \$1,000,000 (\$1 million) to be funded from the Youth Soccer and Recreation Development Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002; adopt Resolution No. CSD 2004-23 certified the approval of the governing board to enter into this transaction with the California Department of Parks and Recreation for the purpose of applying for grant funding from the Youth Soccer and Recreation Development Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 and to authorized the designated personnel, as shown on the resolution, to sign contract documents for Fiscal Years 2004/2005 through 2012/2013; approved the filing of an application for local assistance funds in the amount of \$1,000,000 (\$1 million) to be funded from the State Urban Parks and Healthy Communities Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002; and adopt Resolution No. CSD 2004-24 certified the approval of the governing board to enter into this transaction with the California Department of Parks and Recreation for the purpose of applying for grant funding from the State Urban Parks and Healthy Communities Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 and to authorized the designated personnel, as shown on the resolution, to sign contract documents for Fiscal Years 2004/2005 through 2012/2013.

Resolution No. CSD 2004-23

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 for the City of Moreno Valley Parks and Recreation Department to Apply for Grant Funds for the Youth Soccer and Recreation Development Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002

Resolution No. CSD 2004-24

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 for the City of Moreno Valley Parks and Recreation Department to Apply for Grant Funds for the State Urban Parks and Healthy Communities Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002

- B5. MORENO VALLEY RANCH SPECIFIC PLAN 193 – REDUCE PARK FACILITY PAYMENT BOND FOR PLANNING AREAS 24, 25, 32, 49, 49A, AND 50 – SUBDIVIDER – MC KENZIE VISTA, LP, P.O. BOX 178, BOW, WA 98232

Authorized the Director of Parks and Recreation to authorize a \$507,108.42 reduction to the Park Facility payment bonds for Planning Areas 24, 25, 32, 49, 49A and 50; and authorized the Director of Parks and Recreation to sign the documents relating to Moreno Valley Ranch Specific Plan 193.

- B6. MODIFICATION TO CONDITIONS OF APPROVAL FOR TRACT 31128 TO PERMIT THE ISSUANCE OF ADDITIONAL BUILDING PERMITS
Approved the modification of the Conditions of Approval and allow DR Horton to obtain 73 building permits for Tract 31128 prior to the completion of the equestrian/multi-use trail.

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 –SPECIAL MEETING OF OCTOBER 12, 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 OCTOBER 12, 2004
Approved as submitted.

E. PUBLIC HEARINGS

- E1. A PUBLIC HEARING FOR AN ASSUMPTION OF JURISDICTION BY CITY COUNCIL FOR A PLOT PLAN APPLICATION (PA03-0014) CONSISTING OF THREE INDUSTRIAL BUILDINGS ON A 73-ACRE PARCEL OF LAND WITHIN A BUSINESS PARK AND INDUSTRIAL LAND USE DISTRICT. THE PROPOSED PROJECT, SUBMITTED BY THE APPLICANT, KCT CONSULTANTS, IS LOCATED ON THE SOUTHEAST SECTION OF HEACOCK STREET AND IRIS AVENUE (CONTINUED FROM SEPTEMBER 28, 2004)

Mayor West opened the public testimony portion of the public hearing. Public testimony was received from: Les Brown, Rados Properties; Yong Nam, HPA, Inc.; Travis Vincent, KCT Consultants; Melissa Dugan, Katz, Okita & Associates; Tony Chang, Ph.D., LSA Associates, Inc.; Shawna Flores; Denise McCrea; Sharon R. McDonough; Sharilyn Bankole; Eugene Wright; Loretta Goble; Ruthie Goldkorn; Tonneka Hall-Netterville; Patty Mora; Anna Brown; Lisha Smith; and Lillian Johnson.

Lisha Smith, South Coast Air Quality Management District read a letter from her staff regarding the negative declaration for Plot Plan PA03-0014. Mrs. Smith's letter urged the City Council to delay action on the item due to providing additional time for the lead agency to assess the potential adverse air quality and impacts of health risks.

Council Member Flickinger made a motion, seconded by Mayor Pro Tem Stewart not to adopt the negative declaration regarding PA03-0014. Motion carried 5-0. Roll call vote.

Council Member Flickinger made a motion, seconded by Council Member Batey to deny PA03-0014, a plot plan, and direct staff to prepare a "resolution of findings for denial" and present it to the City Council for action at the next regularly scheduled City Council meeting. Motion carried 5-0. Roll call vote.

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 Authority by Mayor Pro Tem Stewart

Mayor Pro Tem Stewart reported that to date there was no contract with DHL according to Phil Rizzo Director of MJPA. He stated he would be attending a meeting to consider the electric utility service for the March and March Joint Powers area, and a lawsuit had been filed challenging the CEQA report regarding the approval of the global port.

G2. TELECOMMUNICATIONS LICENSE AGREEMENT WITH SPRINT PCS ASSETS, LLC, A DELAWARE LIMITED LIABILITY COMPANY

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 authorize the Mayor to execute a Telecommunications License Agreement with Sprint PCS Assets, LLC, a Delaware Limited Liability Company for approximately 792 square feet of ground space on the property known as John F. Kennedy Park. Motion carried 5-0. Roll call vote.

G3. AFFIRMATION AND RATIFICATION OF RIGHT OF ENTRY AND ACCEPTANCE OF AGREEMENT FOR CONVEYANCE OF EASEMENT FROM MW INVESTMENT COMPANY TO CITY OF MORENO VALLEY; OR AFFIRMATION AND RATIFICATION OF RIGHT OF ENTRY, AND PROCEEDING WITH EMINENT DOMAIN FOR REAL PROPERTY INTERESTS AT SOUTHEAST CORNER OF DAY STREET AND IRONWOOD AVENUE, PROJECT NO. 04-41678724

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

Council Member Flickinger made a motion, seconded by Mayor Pro Tem Stewart, to affirm and ratify the "Right of Entry Including Reservation of Right to Contest Compensation" and authorized the City Manager to negotiate an 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 authorized staff to proceed with eminent domain if we are unable to reach an

agreement with MW Investment Company for real property interests at the Southeast corner within a reasonable period of time. Motion carried 5-0. Roll call vote.

G4. 2003-2004 LEGISLATIVE YEAR END SUMMARY

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, that the City Council receive and file the Legislative Year End Summary, which will be the final report for the year until the California Senate and Assembly reconvene and begin the 2005-2006 session. Motion carried 5-0. Roll call vote.

G5. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

City Manager, Gene Rogers reported on the passing of Proposition 1A, which received an 84% approval rating in the election. Riverside County placed 2nd in fund raising in the state of California, complimenting Riverside Mayor Ron Loveridge and the individual responsible for the Grassroots campaign. He also reported at the end of the month staff along with Council Member White would be attending a board hearing of the Library Bond Act.

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION

H1. INTRODUCE ORDINANCE NO. 673 DESIGNATING SPEED LIMIT RECERTIFICATION ON VARIOUS STREETS

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 introduce Ordinance No 673. Motion carried 5-0. Roll call vote.

Ordinance No. 673

An Ordinance of the City Council of the City of Moreno Valley, California,

Amending Section 12.20.020 of the City of Moreno Valley Municipal Code Relating to a Prima Facie Speed Limit for Certain Streets.

ORDINANCES - 2ND READING AND ADOPTION

- H2. ORDINANCE NO. 672 EXTENDING INTERIM URGENCY ORDINANCE NO. 652 PROHIBITING THE ESTABLISHMENT OF INDOOR SWAP MEETS/MINI-MALLS PENDING ADOPTION OF A PERMANENT ORDINANCE (RECEIVED FIRST READING AND INTRODUCTION OCTOBER 19, 2004 ON A 5-0 VOTE)

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

Council Member Flickinger made a motion, seconded by Mayor Pro Tem Stewart to adopt Ordinance No. 672. Motion carried 5-0. Roll call vote.

Ordinance No. 672

An Ordinance of the City Council of the City of Moreno Valley, California, Further Extending Interim Urgency Ordinance 652, Prohibiting the Establishment of Indoor Swap Meets/Mini-Malls Pending the Completion of a Study and Adoption of Permanent Ordinances, Policies and Standards Pursuant to Section 65858 of the California Government Code

- H3. 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 (RECEIVED FIRST READING AND INTRODUCTION OCTOBER 12, 2004 ON A 4-0-1 VOTE), (COUNCIL MEMBER BATEY ABSENT)

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

Council Member Flickinger made a motion, seconded by Council Member White to adopt Ordinance No. 670. Motion carried 5-0. 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.

- H4. 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 (RECEIVED FIRST READING AND INTRODUCTION ON OCTOBER 12, 2004 ON A 4-0-1 VOTE), (COUNCIL MEMBER BATEY ABSENT)

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

Council Member Flickinger made a motion, seconded by Mayor Pro Tem Stewart to adopt Ordinance No. 671. Motion carried 5-0. 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

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:

Daryl Terrell

- 1) "Comeback Kid"
- 2) City must come together

Dick Heil

- 1) Complimented public speakers
- 2) Measures "M" and "N"
- 3) Reduction of City tax
- 4) Campaign signs

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

Mayor Pro Tem Stewart

- 1) Congratulated three fellow Council Members
- 2) Council will be looking at possibly using sales taxes in lieu of utility tax
- 3) Measure N, Council will address in budget
- 4) Complimented public speakers at meeting

Council Member Batey

- 1) Thanked all voters in District 5

Council Member Flickinger

- 1) Congratulated colleagues
- 2) Thanked voters; election results good for the fiscal health of City
- 3) 20th anniversary of "Friends of Senior Center"
- 4) New Year's Eve RTA will give free bus rides
- 5) Car wash at Filaree and Perris due to be demolished
- 6) Old public notice signs
- 7) Read letter from pleased resident to Building & Safety Department

Council Member White

- 1) Agreed with Mayor Pro Tem Stewart
- 2) Thanked the voters of District 1
- 3) Happy Thanksgiving

Mayor West

- 1) Thanked voters of District 3 and City staff

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 10:25 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
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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