

**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.  
FEBRUARY 8, 2005**

**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 6:52 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

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

**INVOCATION** - Pastor O.J. Philpot, Christ Community Church

**ROLL CALL**

Council:

Richard A. Stewart	Mayor
Bonnie Flickinger	Mayor Pro Tem
William H. Batey, II	Council Member
Charles R. White	Council Member
Frank West	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 Development Director
William Di Yorio	Police Chief
Stan Lake	Fire Chief
Trent Pulliam	Public Works Director/City Engineer
Cynthia Pirtle	Director of Library Services
Karen Reams	Recreation Operations Manager
Betsy Adams	Administrative Services Director

Angela Rushen

Assistant to the City Manager/Media &  
Communications

City Manager, Gene Rogers introduced new staff member to the Economic Development Division, George Guyante.

**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 Stewart opened the agenda items for the Consent Calendars for public comments; there being none, public comments were closed.

**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 JANUARY 25, 2005 (Report of: City Clerk's Department)  
Recommendation: Approve as submitted.
- A3. MAIL BALLOT PROCEEDING FOR TENTATIVE TRACT 32018 (AND ALL THE AFFECTED PHASES) FOR APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE. TRACT 32018 IS LOCATED SOUTH OF DRACAEA AVENUE AND WEST OF SILVER LANE (Report of: Public Works Department)  
Recommendation: Accept public comments regarding the mail ballot proceedings for Tentative Tract 32018 (and all the affected phases) for approval of the National Pollutant Discharge Elimination (NPDES) regulatory rate schedule.
- A4. ASSIGNMENT, ASSUMPTION AND MODIFICATION AGREEMENT WITH COACHELLA VALLEY HOUSING COALITION (Report of: Community Development Department)  
Recommendation: Execute the Assignment, Assumption and Modification Agreement with Coachella Valley Housing Coalition (CVHC); execute the Housing Assistance Agreement Extension with CVHC; and execute the Substitution of Attorney in conjunction with the Settlement Agreement with CVHC.

- A5. MAIL BALLOT PROCEEDING FOR TENTATIVE TRACTS 31129, 31213 AND 31326 (AND ALL THEIR AFFECTED PHASES) FOR APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE - TRACT 31129 IS LOCATED ON THE NORTH SIDE OF CACTUS AVENUE, SOUTH OF BRODIAEA AVENUE AND EAST OF OLIVER STREET; TRACT 31213 IS LOCATED ON THE NORTH SIDE OF ALESSANDRO BOULEVARD, WEST OF MORRISON STREET; AND TRACT 31326 IS LOCATED NORTH OF BAY AVENUE AND WEST OF MORRISON STREET (Report of: Public Works Department)  
Recommendation: Accept public comments regarding the mail ballot proceedings for Tentative Tracts 31129, 31213 and 31326 (and all their affected phases) for approval of the National Pollutant Discharge Elimination System (NPDES) regulatory rate schedule.
- A6. 2003/04 REPORT ON DEVELOPMENT IMPACT FEES (Report of: Finance Department)  
Recommendation: Approve and accept the Annual Report on Development Impact Fees in compliance with California Government Code Section 66006; and approve the finding that staff has demonstrated a continuing need to hold unexpended development impact fees.
- A7. TRACT 30967 - APPROVAL OF COOPERATIVE AGREEMENT FOR SUNNYMEAD MASTER DRAINAGE PLAN LINE D, STAGE 1, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND MORENO VALLEY MEADOWS, LLC, SOUTH SIDE OF KRAMERIA AVENUE, BETWEEN INDIAN STREET AND TARANO LANE – SUBDIVIDER: MORENO VALLEY MEADOWS, LLC (Report of: Public Works Department)  
Recommendation: Approve the Cooperative Agreement between the Riverside County Flood Control and Water Conservation District, City of Moreno Valley, and Moreno Valley Meadows, LLC for the Sunnymead Master Drainage Plan Line D, Stage 1; authorize the Mayor to execute the agreement; and direct the City Clerk to forward the signed agreement to the Riverside County Flood Control and Water Conservation District.
- A8. ORDINANCE NO. 682, AMENDING SECTION 8.04.030 OF CHAPTER 8.04 OF TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATED TO ROAD WORK AREA TRAFFIC CONTROL REFERENCE (RECEIVED FIRST READING AND INTRODUCTION JANUARY 25, 2005, ON A 5-0 VOTE) (Report of: Public Works Department)  
Recommendation: Adopt Ordinance No. 682.

Ordinance No. 682

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 8.04.030 of Chapter 8.04 of Title 8 of the City of Moreno Valley Municipal Code Related to Road Work Area Traffic Control Reference

- A9. APPROVAL OF FINAL MAP 29920-3 - SINGLE FAMILY RESIDENTIAL PROJECT, AND ACCEPT BONDS AND AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS, SOUTH SIDE OF IRIS AVENUE, EAST OF LASSELLE STREET – SUBDIVIDER: CHT INVESTMENT, LLC (Report of: Public Works Department)

Recommendation: Approve Final Map 29920-3, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation; accept the Bonds and Agreement for Public Improvements; authorize the Mayor to execute the Agreement; and direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

- A10. APPROVAL OF PARCEL MAP 30432 AND ACCEPT BONDS AND AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS, SOUTH OF HEMLOCK AVENUE AT LAMOS PLACE AND OPORTO DRIVE – SUBDIVIDER: CASITAS DEL VALLE HOUSING ASSOCIATES L.P. (Report of: Public Works Department)

Recommendation: Approve Parcel Map 30432, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation; accept the Bonds and Agreement for Public Improvements; authorize the Mayor to execute the Agreement; and direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

- A11. MEMORANDUM OF UNDERSTANDING BY AND BETWEEN WESTERN PACIFIC HOUSING, INC., A DELAWARE CORPORATION AND THE CITY OF MORENO VALLEY FOR THE CONSTRUCTION OF THE NASON STREET CORRIDOR ELECTRICAL DISTRIBUTION SYSTEM (Report of: Public Works Department)

Recommendation: Approve the Memorandum of Understanding (MOU) by and between Western Pacific Housing and the City of Moreno Valley for the Construction of the Nason Street Corridor Electrical Distribution System; authorize staff to reconcile final construction costs associated with the Western Pacific Housing advancement of funds to Moreno Valley Utility for the construction of additional sections of the Nason Street corridor electrical distribution system; and authorize the Mayor to execute the final MOU upon City Attorney's review and approval of the original MOU.

- A12. LEASE AGREEMENT BY AND BETWEEN THE MORENO VALLEY GATEWAY, LLC AND THE CITY OF MORENO VALLEY FOR OFFICE SPACE TO RELOCATE ENTERPRISE SERVICES ADMINISTRATION OFF SITE (Report of: Public Works Department)  
Recommendation: Approve the Lease Agreement by and between Moreno Valley Gateway, LLC and the City of Moreno Valley for office space to relocate Enterprise Services Administration off site; approve a budget appropriation from fund 149.3911, Enterprise Services Administration fund balance in the amount of \$285,000.00, to purchase furniture and pay for additional move expenses not covered by the lease; and authorize the Mayor to execute the final Lease Agreement upon City Attorney's review and approval of the Lease Agreement.
- A13. APPROVAL OF PARCEL MAP 31034, ACCEPT LETTERS OF CREDIT & AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS, AND CONSENT TO THE AGREEMENT TO TERMINATE THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR PARCEL MAP 24128, NORTH SIDE OF GLOBE STREET BETWEEN PERRIS BOULEVARD AND KITCHING ST., SUBDIVIDER - MIRA MESA SHOPPING CENTER, LLC (Report of: Public Works Department) Recommendation: Approve Parcel Map 31034, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation; accept the Letters of Credit and Agreement for Public Improvements; authorize the Mayor to execute the Agreement; authorize the City Manager to sign the "Agreement to Terminate the Declaration of Covenants, Conditions, and Restrictions for Parcel Map 24128"; and direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.
- A14. APPROVAL OF PARCEL MAP 32174 – SUBDIVIDE ONE PARCEL INTO THREE PARCELS, AND ACCEPT AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS, SOUTHEAST SIDE OF HEACOCK STREET AND COTTONWOOD AVENUE, SUBDIVIDER – HEACOCK COTTONWOOD III LIMITED PARTNERSHIP  
Recommendation: Approve Parcel Map 32174, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation; authorize the Mayor to execute the Agreement; and direct the City Clerk to forward the signed Agreement 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 JANUARY 25, 2005 (Report of: City Clerk's Department)  
Recommendation: Approve as submitted.
- B3. MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL/INDUSTRIAL IMPROVED MEDIAN MAINTENANCE). PA04-0121 – CVS PHARMACY – APN 485-081-030 - SOUTHWEST CORNER OF JOHN F. KENNEDY DRIVE AND PERRIS BOULEVARD; AND MAIL BALLOT PROCEEDING FOR TENTATIVE TRACT 32018 (AND ALL AFFECTED PHASES) FOR: 1) INCLUSION INTO (CSD) ZONE B (RESIDENTIAL STREET LIGHTING) AND 2) INCLUSION INTO CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) (Report of: Public Works Department)  
Recommendation: Accept public comments regarding the mail ballot proceedings for: PA04-0121 - CVS Pharmacy – APN 485-081-030 – inclusion into CSD Zone M (Commercial/Industrial Improved Median Maintenance); and Tentative Tract 32018 (and all the affected phases) for inclusion into CSD Zone B (Residential Street Lighting), CSD Zone D (Parkway Landscape Maintenance), and approval of the annual charges.
- B4. MAIL BALLOT PROCEEDING FOR TENTATIVE TRACTS 31129, 31213 AND 31326 (AND ALL THEIR AFFECTED PHASES) FOR INCLUSION INTO COMMUNITY SERVICES DISTRICT (CSD) ZONE B (RESIDENTIAL STREET LIGHTING), AND D (PARKWAY LANDSCAPE MAINTENANCE) OR E-14 (MAHOGANY FIELDS) HIGH-SERVICE LEVEL PARKWAY LANDSCAPE MAINTENANCE AND APPROVAL OF THE CSD PARCEL CHARGES (Report of: Public Works Department)  
Recommendation: Accept public comments regarding the mail ballot proceedings for Tentative Tracts 31129, 31213 and 31326 (and all their affected phases) for inclusion into CSD Zone B (Residential Street Lighting) and CSD Zone D (Parkway Landscape Maintenance) or CSD Zone E-14 (Mahogany Fields) High-Service-Level Parkway Landscape Maintenance, and approval of the annual charges.

**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 JANUARY 25, 2005 (Report of: City Clerk's Department)  
Recommendation: Approve as submitted.
- C3. ASSIGNMENT, ASSUMPTION AND MODIFICATION AGREEMENT WITH COACHELLA VALLEY HOUSING COALITION (Report of: Community Development Department)  
Recommendation: Execute the Assignment, Assumption and Modification Agreement with Coachella Valley Housing Coalition (CVHC); execute the Housing Assistance Agreement Extension with CVHC; and execute the Substitution of Attorney in conjunction with the Settlement Agreement with CVHC.

**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 JANUARY 25, 2005 (Report of: City Clerk's Department)  
Recommendation: Approve as submitted

**Joint Consent Calendars items A2 – D2 approved by a 5-0 vote, m/White, s/West, except Items A4, A11 and C3 which were continued to February 22, 2005.**

**E. PUBLIC HEARINGS**

- E1. MAIL BALLOT PROCEEDINGS FOR TENTATIVE TRACT 31320 (AND ALL AFFECTED PHASES) FOR APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE – WEST OF VAL VIEW STREET AND SOUTH OF WEBSTER AVENUE (Report of: Public Works Department)  
Recommendation: That the City Council of the City of Moreno Valley after conducting the public hearing:
  - 1. Tabulate the mail ballot for Tentative Tract 31320 (and all affected phases) for the described service;
  - 2. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and Assessor Parcel Number (APN) listing;

3. Receive and file with the City Clerk's Office the accepted Official Tally Sheet and APN listing; and
4. If approved, authorize and impose the applicable NPDES regulatory rate to Tentative Tract 31320 (and all the affected phases).

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

**Directed the Secretary to tabulate the ballots. Motion carried unanimously, m/Flickinger, s/Batey.**

The Secretary announced the results as follows:

Tract 31320 – NPDES - “Yes”

**Ballot results and applicable charges re Tentative Tract 31320 approved by a 5-0 vote, m/Flickinger, s/Batey.**

- E2. CONTINUATION OF PUBLIC HEARING REGARDING MAIL BALLOT PROCEEDING FOR TENTATIVE PARCEL MAP 32213 (AND ALL AFFECTED PHASES) FOR APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE – SOUTH OF HEMLOCK AVENUE AND WEST OF PERRIS BOULEVARD (CONTINUED FROM JANUARY 25, 2005) (Report of: Public Works Department)

Recommendation: That the City Council, after conducting the said public hearing:

1. Tabulate the replacement ballot for Tentative Parcel Map 32213 (and all the affected phases) for the described service;
2. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and Assessor Parcel Number (APN) listing;
3. Receive and file with the City Clerk's Office the accepted Official Tally Sheet and APN listing; and
4. If approved, authorize and impose the applicable NPDES maximum annual regulatory rate to Tentative Parcel Map 32213.

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

**Directed the Secretary to tabulate the ballots. Motion carried unanimously, m/Batey, s/Flickinger.**

The Secretary announced the results as follows  
Tract 32213 – NPDES - “Yes”

**Ballot results and applicable charges re Tentative Tract 32213 approved by a 5-0 vote, m/Batey, s/Flickinger.**

- E3. AN ASSUMPTION OF JURISDICTION BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY FOR TENTATIVE TRACT MAP NO. 31556, THE SUBDIVISION OF A 75.6 GROSS ACRE PORTION OF LAND INTO 85 SINGLE-FAMILY RESIDENTIAL LOTS, TWO (2) DETENTION AND CLEANSING BASIN LOTS, ONE FIRE ACCESS LOT AND FOUR (4) OPEN SPACE LOTS WITHIN THE RA-2 (RESIDENTIAL AGRICULTURE –2) AND HR (HILLSIDE RESIDENTIAL) LAND USE DISTRICTS. THE PROJECT IS LOCATED ON THE NORTHEAST CORNER OF OLIVER STREET AND JUNIPER AVENUE AND WAS SUBMITTED BY THE APPLICANT, EMPIRE HOMES (CONTINUED FROM 1/25/05) (Report of: Community Development Department) (PUBLIC HEARING CLOSED) – Material not available at time of printing, to be provided under separate cover.

Resolution No. 2005-16

A Resolution of the City Council of the City of Moreno Valley Denying PA03-0101 (Tentative Tract Map No. 31556) for 85 Single-Family Residential Lots, Two Detention and Cleansing Basin Lots, One Fire Access Lot and Four (4) Open Space Lots on a 75.6 Acre Parcel of Land (73.3 Net Acres) Within the (RA-2) Residential Agriculture-2 Land Use District and (HR) Hillside Residential Land Use District

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

**Approved by a 4-0-1 vote (White opposed), m/Flickinger, s/Batey.**

Schedule reconsideration of the Council’s decision at the March 8, 2005 Council meeting for a possible modification of the project.

**Approved by a 3-2 vote (Batey and West opposed), m/Stewart, s/Flickinger.**

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

**G. REPORTS**

G1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

- a) Report on Southern California Association of Governments by Mayor Pro Tem Flickinger (Continued from January 25, 2005)

**Approved by a 5-0 vote, m/Flickinger, s/White to place PowerPoint presentation by SCAG on future council agenda.**

- G2. LEGISLATIVE UPDATE (Report of: Assistant City Manager)  
Recommendation: Receive and file the report.

**Approved by a 5-0 vote, m/White, s/West.**

- G3. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

City Manager, Gene Rogers announced temporary positions:  
Betsy Adams – Interim Assistant City Manager  
Trent Pulliam – Designated Acting City Manager when the City Manager is unavailable  
Angela Rushen – Interim Administrative Services Director

**H. LEGISLATIVE ACTIONS**

- H1. SEIZURE AND FORFEITURE OF NUISANCE VEHICLES (Report of: City Attorney's Department)  
Recommendation: That the City Council introduce proposed Ordinance 683 adding Chapter 12.13 to the Moreno Valley Municipal Code, related to the forfeiture of vehicles used in the commission of illegal dumping.

Ordinance No. 683

An Ordinance of the City Council of the City of Moreno Valley, California, Amending the City of Moreno Valley Municipal Code by Adding Chapter 12.13 Regarding Seizure and Forfeiture of Nuisance Vehicles

**Motion carried unanimously to continue item to February 22, 2005, 5-0 vote, m/Flickinger, s/Batey.**

ORDINANCES - 2ND READING AND ADOPTION

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:

Timeka Alverson - Address matter of record

- 1) MVUSD policy regarding tardiness; school riots; neighborhood vandalism

Andrew P. Foley III - Address matter of record

- 1) Harrassment by Code Compliance Officer; disabled veteran unable to change tire

Thomas David Rudolph - Address matter of record

- 1) Home Depot; cited case regarding rights to enjoy peace and quiet

Daryl Terrell - Address matter of record

- 1) Unity; quality of life of citizens; educational opportunities; build a bridge of cooperation and partnership between schools and city.

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

Council Member West

- 1) Thanked Barry McClellan for his good work with the city.

Council Member White

- 1) Importance of education
- 2) Mr. Foley's tires; code compliance doing their job
- 3) Thanked Barry McClellan

Council Member Batey

- 1) Thanked Barry McClellan for his good work

Mayor Pro Tem Flickinger

- 1) Mr. Foley's vehicle
- 2) City's 21<sup>st</sup> birthday celebration

3) Valentine's Day

Mayor Stewart

- 1) Home Depot noise problems have improved greatly
- 2) Farewell to Barry McClellan; true gentleman, fair and ethical

### **ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 7:53 p.m.  
by unanimous informal consent.

Submitted by:

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

Approved by:

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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