

**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 11, 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 6:30 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 Ted Slattery, Valley Christian Church

ROLL CALL

Council:

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

Absent: William H. Batey, II Council Member

Staff:

Alice Reed	City Clerk
Steve Chapman	Finance Director/City Treasurer
Robert Herrick	City Attorney
Gene Rogers	City Manager
Betsy Adams	Interim Assistant City Manager
Linda Guillis	Community Development Director
William Di Yorio	Police Chief
Stan Lake	Fire Chief
Prem Kumar	Assistant City Engineer
Cynthia Pirtle	Director of Library Services
Steve Kupsak	Parks & Facilities Manager
Barry Foster	Economic Development Director
Angela Rushen	Interim Administrative Services Director

The following new employees were introduced:

Barry Foster, Economic Development Director

Janice Nollar, GIS Analyst II

Craig Chernos, Senior Applications Analyst

UPDATE ON THE LAKE PERRIS DAM PROJECT BY RICH SANCHEZ, ASSISTANT OF THE DIVISION CHIEF OF OPERATIONS AND MAINTENANCE OF THE STATE OF CALIFORNIA WATER RESOURCES DEPARTMENT

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

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 SEPTEMBER 27, 2005 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

A3. PARTICIPATION OF THE BUFFER ZONE PROTECTION PLAN GRANT FUNDING (Report of: Police Department)

Recommendation: Participate in the Buffer Zone Protection Plan (BZPP) grant funding for equipment for identified critical infrastructures.

A4. REQUEST ADOPTION OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR THE BOEING STREET AND MCDONNELL STREET SIDEWALK IMPROVEMENTS FROM ADRIENNE AVENUE TO BAY AVENUE, PROJECT NOS. 05-14768524 (Report of: Public Works Department)

Recommendation: Adopt the plans and specifications that are on file in the office of the City Engineer; and authorize the City Clerk to advertise the project for construction bids.

- A5. FIFTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH TIERRA RIGHT OF WAY SERVICES, LTD. (Report of: Public Works Department)
Recommendation: Approve the Fifth Amendment to Agreement for Professional Consultant Services with Tierra Right of Way Services, LTD., 1575 East River Road, Suite 201, Tucson, AZ 85718 to provide Professional Consultant Services; authorize the Mayor to execute the Fifth Amendment to Agreement for Professional Consultant Services with Tierra Right of Way Services, LTD.; and authorize an increase in the Purchase Order to Tierra Right of Way Services, LTD. in the amount of \$5,800, when the Fifth Amendment to Agreement for Professional Consultant Services has been signed by all parties.
- A6. FINAL MAP 30467 – SINGLE FAMILY RESIDENTIAL PROJECT, AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION), SKYLAND DRIVE EAST SIDE OF HUBBARD STREET - SUBDIVIDER: JAGDISH PATEL AND KUMUD PATEL, 1442 E. LINCOLN AVENUE, #444, ORANGE, CA 92865 (Report of: Public Works)
Recommendation: Authorize the Mayor to execute the Amendment to Agreement for Public Improvements for Final Map 30467; and instruct the City Clerk to forward the completed Amendment to Agreement for Public Improvements to the County Recorder's Office for recordation.
- A7. TRACT 31128 AND TRACT 31129 – APPROVAL OF COOPERATIVE AGREEMENT FOR MORENO MASTER DRAINAGE PLAN LINE H, H-2, H-6, H-7, AND H-8, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND WESTERN PACIFIC HOUSING, INC., SOUTHWEST CORNER OF CACTUS AVENUE & OLIVER STREET; NORTH SIDE OF CACTUS AVENUE, SOUTH SIDE OF BRODIAEA AVENUE, AND EAST OF OLIVER STREET, SUBDIVIDER – WESTERN PACIFIC HOUSING, INC., 16755 VON KARMAN AVENUE, SUITE 200, IRVINE, CA 92606 (Report of: Public Works)
Recommendation: Approve the Cooperative Agreement between the Riverside County Flood Control and Water Conservation District, City of Moreno Valley, and Western Pacific Housing, Inc. for the Moreno Master Drainage Plan Line H, H-2, H-6, H-7, and H-8; 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. AWARD OF CONTRACT FOR DOCUMENT IMAGING AND MANAGEMENT SYSTEM (DIMS) (Report of: City Clerk)
Recommendation: Award the contract for Document Imaging and

Management System (DIMS) to AlphaCorp, 3676 West California Avenue, Unit B100, Salt Lake City, Utah 84104, in the amount of \$112,997; authorize the Mayor to execute a Contract Agreement with AlphaCorp; and authorize the Finance Director to issue a purchase order upon execution of the contract to the above-referenced contractor not to exceed the amount of \$112,997. Funds were previously approved by the City Council during the FY 02/03 budget process, have been included in the annual capital projects budget rollover process, and are currently available in Account 13110.6360.361.

- A9. ORDINANCE NO. 694 - ORDINANCE AMENDING CHAPTERS 1.10, 2.21, 2.29, 6.02, 6.04, 8.14, 8.60, 9.01, 9.02, 9.03, 9.07, 9.08, 9.09, 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 10.02, AND 11.06 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING MODIFICATIONS TO THE TITLE OF THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT AND DIRECTOR (RECEIVED FIRST READING AND INTRODUCTION SEPTEMBER 27, 2005 ON A 5-0 VOTE) (Report of: City Clerk)
Recommendation: Adopt Ordinance No. 694.

Ordinance No. 694

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Chapters 1.10, 2.21, 2.29, 6.02, 6.04, 8.14, 8.60, 9.01, 9.02, 9.03, 9.07, 9.08, 9.09, 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 10.02, and 11.06 of the City of Moreno Valley Municipal Code Regarding Modifications to the Title of the Community & Economic Development Department and Director

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 27, 2005 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.
- B3. FINAL MAP 31269-1--APPROVAL OF MAINTENANCE AGREEMENT BY AND BETWEEN MORENO VALLEY COMMUNITY SERVICES DISTRICT AND HERITAGE RANCH AT MORENO VALLEY HOMEOWNERS ASSOCIATION (Report of: Public Works Department)
Recommendation: Approve the Maintenance Agreement by and between the CSD and Heritage Ranch at Moreno Valley Homeowners Association; authorize the Mayor in his capacity as President of the CSD to execute the Maintenance Agreement; authorize the City Attorney to act on behalf of the

CSD to work with Heritage Ranch at Moreno Valley Homeowners Association to draft modifications or amendments to the Maintenance Agreement as necessary from time to time to clarify the intent and effectuate the provisions of said Agreement; authorize the City Treasurer to invest the required Trust Funds pursuant to the Paragraph 7 of the Maintenance Agreement; authorize the City Manager to act on behalf of the CSD to execute modifications or amendments to the Maintenance Agreement as prepared by the City Attorney; and authorize the City Clerk to transmit the executed Maintenance Agreement to the Office of the Recorder for the County of Riverside for recordation.

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 27, 2005 (Report of: City Clerk's Department)
Recommendation: Approve 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 SEPTEMBER 27, 2005 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.

Joint Consent Calendar Items A2 – D2 approved by a 4-0-1 vote. m/White, s/West, Batey absent.

E. PUBLIC HEARINGS

- E1. PUBLIC HEARING REGARDING MAIL BALLOT PROCEEDINGS FOR PROJECTS*: TENTATIVE TRACT 31257 – BALLOTTED ITEMS: CSD ZONE B, CSD ZONE D, NPDES; TENTATIVE TRACT 31591 – BALLOTTED ITEMS: CSD ZONE B, CSD ZONE D, NPDES; TENTATIVE TRACTS 32834 & 32836 – BALLOTTED ITEMS: CSD ZONE B, CSD ZONE E-12, NPDES; TENTATIVE TRACT 32835 – BALLOTTED ITEM: NPDES; APN 477-780-005 (EL POLLO LOCO RESTAURANT) – BALLOTTED ITEM: NPDES; APNS 297-140-029 -

297-140-032 (MORENO VALLEY HEALTH, LLC) - BALLOTTED ITEM: CSD ZONE M; APNS 297-140-029 - 297-140-036 (MORENO VALLEY HEALTH, LLC) – BALLOTTED ITEM: NPDES (*LOCATIONS OF THE PROJECTS ARE LISTED IN THE BODY OF THE STAFF REPORT) (Report of: Public Works Department)

Recommendation: That the City Council and the Board of Directors of the Moreno Valley Community Services District (CSD), after conducting the public hearing:

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

1. Tabulate the mail ballots for each described service, for Tentative Tracts 31257, 31591, 32834, 32835 and 32836 (and all their affected phases), APN 477-780-005 (and any division thereof)-El Pollo Loco Restaurant and APNs 297-140-029, 297-140-030, 297-140-031, 297-140-032, 297-140-033, 297-140-034, 297-140-035 and 297-140-036 (and any division thereof)-Moreno Valley Health, LLC;

Directed the City Clerk to tabulate the ballots. Motion carried 4-0-1. m/Flickinger, s/White, Batey absent.

The City Clerk announced the results as follows:

Tract 32834 – “Yes”
Tract 32825 – “Yes”
Tract 32826 – “Yes”

Tract 31257 - Incomplete
Tract 31591 - Incomplete

Tracts 31257 & 31591 continued to a future Council Meeting to allow rebaloting. Approved by a 4-0-1 vote. m/Flickinger, s/White, Batey absent.

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet and Assessor Parcel Number (APN) listing;

Approved by a 4-0-1 vote. m/White, s/Flickinger, Batey absent.

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 CSD Zones B, D, E-12 and M charges and the NPDES maximum regulatory rate to the projects participating in each identified program.

Approved by a 4-0-1 vote. m/White, s/Flickinger, Batey absent.

E2. APPEAL OF PLANNING COMMISSION APPROVAL OF MULTI-FAMILY PROJECT (PA05-0074) (Report of: Community Development Department) Recommendation: That the City Council deny the appeal and take the following actions:

- 1) Adopt a Negative Declaration for PA05-0074, in that the project will not have the potential for a significant impact on the environment; and
- 2) Approve Plot Plan PA05-0074, based on the Findings contained in the Planning Commission Resolution 2005-45, and the Conditions of Approval as modified by Planning Commission at their August 11, 2005 meeting.

Continued to October 25, 2005 by a unanimous vote. m/Flickinger, s/West, Batey absent.

E3. PUBLIC HEARING AND INTRODUCTION OF ORDINANCE TO REPEAL AND REENACT CHAPTERS 3.38 AND 3.42 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO DEVELOPMENT IMPACT FEES FOR RESIDENTIAL AND COMMERCIAL AND INDUSTRIAL DEVELOPMENT (CONTINUED FROM 9/27/05) (Report of: Finance Department)

Recommendation: That the City Council:

1. Conduct Public Hearing on Ordinance No. 695 amending Title 3 of the City of Moreno Valley Municipal Code by repealing and reenacting Chapters 3.38 and 3.42 relating to development impact fees for residential and commercial and industrial development;

Mayor Stewart opened the public testimony portion of the public hearing. Public testimony was received from: David Taussig (representing BIA); Steve Runk (representing BIA); Borre Winckel (representing BIA); Tom Jerele; and Vache Hanessian (representing Komar Investments)

2. Introduce Ordinance No. 695; and
Ordinance No. 695

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

California, Amending Title 3 of the City of Moreno Valley Municipal Code by Repealing and Reenacting Chapters 3.38 and 3.42 Relating to Development Impact Fees for Residential and Commercial and Industrial Development

Approved by a 4-0-1 vote to introduce Ordinance No. 695, as amended to remove Section 3.38.080 - Park Land Residential Development Impact Fees (Quimby Fees) in its entirety and renumber the sections following in the Ordinance. m/White, s/Flickinger, Batey absent.

3. Accept the Development Impact Fee Update Study Report (Final Draft Dated October 4, 2005) as submitted by Colgan Consulting.

Approved by a 4-0-1 vote. m/White, s/Flickinger, Batey absent.

**RECESS;
RECONVENE**

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

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

Daryl Terrell

- 1) Library situation

Tom Jerele, Sr.

- 1) New businesses coming to Moreno Valley
- 2) Proposition 76

G. REPORTS

G1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

Report on March Joint Powers Authority by Mayor Stewart

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

G2. APPOINTMENT TO THE ECOLOGICAL PROTECTION BOARD (Report of: City Clerk)

Recommendation: That the City Council, after reviewing the ballot provided by the City Clerk:

The City Clerk announced there is one opening on the Cultural Preservation Board with a term expiring June 30, 2008, and there is one opening on the Senior Citizen Board with a term expiring June 30, 2007. Invited any interested citizens to apply.

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

1. Appoint Shelly J. Simpson to the Ecological Protection Board for a term expiring June 30, 2006; or

Approved by a 4-0-1 vote. m/Flickinger, s/West, Batey absent.

2. If appointment is not made, declare the position vacant and authorize the City Clerk to re-notice the position as vacant.

- G3. LEGISLATIVE UPDATE AND NOVEMBER SPECIAL STATEWIDE ELECTION: A SUMMARY OF THE BALLOT MEASURES (Report of: (Interim Assistant City Manager)
Recommendation: That the City Council receive and file the informational report on ballot measures and the 2005 Legislative Update.

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

- G4. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action) - NONE

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION - NONE

ORDINANCES - 2ND READING AND ADOPTION - NONE

ORDINANCES - URGENCY ORDINANCES – NONE
RESOLUTIONS – NONE

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

Mayor Pro Tem Flickinger

- 1) Announced the Census Bureau will be conducting the “American Community Survey” every month which will alleviate the need for the long form of the Census – this survey may not be funded by Congress – will keep the public updated
- 2) Stated the manufacturer of the “pocket bikes” will be required per Assembly Bill 1051 to label the bikes as to where they can be ridden – this will be effective 1/1/06
- 3) Household Hazardous Waste Collection will be held at the City Yard on Friday, October 14 and Saturday, October 15 from 9am – 1pm

Council Member White

- 1) Feels it is best to have the Census long forms
- 2) 21st Birthday celebration coming up

Mayor Stewart

- 1) Attended the League of California Cities Conference in San Francisco – great conference – many interesting items at the Expo – very informative – attended very interesting seminar on disaster planning

Council Member Batey - Absent

Council Member West – No comments

CLOSED SESSION

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

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:35 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:

Richard Stewart, 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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