

**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.
JANUARY 10, 2006**

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 Flickinger in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Mayor Pro Tem White

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

ROLL CALL

Council:

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

Staff:

Alice Reed	City Clerk
Edith Houser	Controller
Robert Hansen	Assistant City Attorney
Robert Gutierrez	City Manager
Betsy Adams	Interim Assistant City Manager
Linda Guillis	Community Development Director
William Di Yorio	Police Chief
Stan Lake	Fire Chief
George Guayante	Interim Public Works Director
Cynthia Pirtle	Director of Library Services
Terry Nielsen	Interim Parks and Recreation Director
Denese Wilson	Human Resources Director
Barry Foster	Economic Development Director
Angela Rushen	Interim Administrative Services 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 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. WARRANT REPORT – NOVEMBER 30, 2005 (Report of: Finance Department)
Recommendation: Adopt Resolution No. 2006-01, approving the Warrant Report, dated November 2005, in the total amount of \$6,433,668.48.

Resolution No. 2006-01

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report Dated November 30, 2005

- A3. CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS), GRANT FUNDING OPPORTUNITY (Report of: Police Department)
Recommendation: Approve the application of the OTS grant in the amount of \$593,034 entitled "DUI Enforcement and Awareness Program."
- A4. ORDINANCE NO. 705 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 3.44.040 OF CHAPTER 3.44 OF TITLE 3 OF THE CITY MUNICIPAL CODE (TRANSPORTATION MITIGATION FEE PROGRAM) BY ADDING A DEFINITION OF A CLASS "A" OFFICE (RECEIVED FIRST READING AND INTRODUCTION ON DECEMBER 13, 2005 ON A 5-0 VOTE) (Report of: Community Development Department)
Recommendation: Adopt Ordinance No. 705.

Ordinance No. 705

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 3.44.040 of Chapter 3.44 of Title 3 of the City Municipal Code (Transportation Mitigation Fee Program) by Adding a Definition of a Class "A" Office

- A5. ORDINANCE NO. 706 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 8 OF THE MORENO VALLEY MUNICIPAL CODE BY ADDING A NEW CHAPTER 8.80, RELATING TO RECYCLING AND DIVERSION OF CONSTRUCTION AND DEMOLITION WASTE (RECEIVED FIRST READING AND INTRODUCTION ON DECEMBER 13, 2005 ON A 5-0 VOTE) (Report of: Public Works Department)
Recommendation: Adopt Ordinance No. 706.

Ordinance No. 706

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 8 of the Moreno Valley Municipal Code by Adding a New Chapter 8.80, Relating to Recycling and Diversion of Construction and Demolition Waste

- A6. ORDINANCE NO. 707 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTER 9.02 BY PROVIDING FOR THE INDEMNIFICATION OF THE CITY FOR ANY LEGAL PROCEEDINGS ARISING OUT OF DISCRETIONARY LAND USE APPROVALS (RECEIVED FIRST READING AND INTRODUCTION ON DECEMBER 13, 2005 ON A 5-0 VOTE) (Report of: City Attorney's Department)
Recommendation: Adopt Ordinance No. 707.

Ordinance No. 707

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Chapter 9.02 by Providing for the Indemnification of the City for any Legal Proceedings Arising out of Discretionary Land Use Approvals

- A7. 2004-05 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.

- A8. FINAL MAP 30318 – SINGLE FAMILY RESIDENTIAL PROJECT, AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION); EAST OF LASSELLE STREET, SOUTH OF KRAMERIA AVENUE IN THE MORENO VALLEY RANCH SPECIFIC PLAN AREA; SUBDIVIDER: BEAZER HOMES HOLDINGS CORP. (Report of: Public Works Department)

Recommendation: Authorize the Mayor to execute the Amendment to Agreement for Public Improvements for Final Map 30318; instruct the City Clerk to forward the completed Amendment to Agreement for Public Improvements to the County Recorder's Office for recordation; and authorize the City Engineer to execute any future amendments to the agreement if the required street improvements are not completed within said timeframe.

- A9. FINAL MAP 26901 – SINGLE FAMILY RESIDENTIAL PROJECT, AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION); NORTH OF TENNYSON ROAD, EAST OF CHAUCER STREET, SOUTH OF CITY LIMITS; SUBDIVIDER: SWC BOX SPRINGS, LLC (Report of: Public Works Department)

Recommendation: Authorize the Mayor to execute the Amendment to Agreement for Public Improvements for Final Map 26901; instruct the City Clerk to forward the completed Amendment to Agreement for Public Improvements to the County Recorder's Office for recordation; and authorize the City Engineer to execute any future amendments to the agreement if the required street improvements are not completed within said timeframe.

- A10. MINUTES - REGULAR MEETING OF DECEMBER 13, 2005 (Report of City Clerk)

Recommendation: Approve as submitted.

- A11. FINAL MAP 30318 – PLANNING AREA 4C SPORTS PARK PROJECT, AMENDMENT TO AGREEMENT (TIME EXTENSION), EAST OF LASSELLE STREET, SOUTH OF KRAMERIA AVENUE IN THE MORENO VALLEY RANCH SPECIFIC PLAN AREA, SUBDIVIDER - EMPIRE LAND, LLC (Report of: Public Works Department)

Recommendation: Authorize the Mayor to execute the Amendment to Agreement for Park Improvements associated with Final Map 30318; instruct the City Clerk to forward the completed Amendment to Agreement for Park Improvements to the County Recorder's Office for recordation; and authorize the City Engineer to execute any future amendments to the agreement if the required park improvements are not completed within said timeframe.

- A12. FINAL MAP 30233 – SINGLE FAMILY RESIDENTIAL PROJECT, AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION), SOUTHEAST CORNER OF CHAMPIONSHIP DRIVE AND JOHN F. KENNEDY DRIVE IN THE MORENO VALLEY RANCH SPECIFIC PLAN AREA (SP193), SUBDIVIDER – KB HOMES GREATER LOS ANGELES, INC. (Report of: Public Works Department)

Recommendation: Authorize the Mayor to execute the Amendment to Agreement for Public Improvements for Final Map 30233; instruct the City Clerk to forward the completed Amendment to Agreement for Public

Improvements to the County Recorder's Office for recordation; and authorize the City Engineer to execute any future amendments to the agreement if the required street improvements are not completed within said timeframe.

- A13. AUTHORIZE THE EXECUTION OF PURCHASE REQUISITIONS AND ISSUANCE OF PURCHASE ORDERS FOR PROFESSIONAL CONSULTANT SERVICES TO VALI COOPER & ASSOCIATES FOR THE AQUEDUCT BIKE TRAIL AND LANDSCAPING IMPROVEMENTS FROM JOHN F. KENNEDY DRIVE TO PAN AM BOULEVARD, PROJECT NOS. 02-46165321 AND 98-92492 (Report of: Public Works Department)
Recommendation: Authorize the Mayor to execute two Purchase Requisitions for Professional Consultant Services to Vali Cooper and Associates, 3900 Market Street, Suite 250, Riverside, California 92501, for Construction Inspection Services for the Aqueduct Bike Trail and Landscaping Improvements from John F. Kennedy Drive to Pan Am Boulevard; and authorize the issuance of two (2) purchase orders totaling \$125,651 (proposal amount plus 10%). The Purchase Orders are to be issued in the amounts of \$97,573 from Account No. 125.67424 and \$28,078 from Account No. 892.94220.
- A14. FIFTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES (Report of: Public Works Department)
Recommendation: Approve the Fifth Amendment to Agreement for Professional Consultant Services with SA Associates, 1130 West Huntington Drive, Unit 12, Arcadia, California 91007 to provide Professional Consultant Services; authorize the Mayor to execute said Fifth Amendment to Agreement for Professional Consultant Services with SA Associates; and authorize an increase in the Purchase Order to SA Associates in the amount of \$50,000, when the Fifth Amendment to Agreement for Professional Consultant Services has been signed by all parties.
- A15. PA04-0168 – COMMERCIAL BUILDING – ACCEPT AGREEMENT & CASH DEPOSIT FOR PUBLIC IMPROVEMENTS, 24385 NANDINA AVENUE, SOUTH SIDE OF NANDINA AVENUE BETWEEN HEACOCK STREET AND INDIAN AVENUE, DEVELOPER – BUNKER FAMILY TRUST LLC (Report of: Public Works Department)
Recommendation: Accept the Agreement for Public Improvements and Cash Deposit for PA04-0168; authorize the Mayor to execute the agreement; direct the City Clerk to forward the signed agreement to the County Recorder's office for recordation; and authorize the City Engineer to execute any amendments to the agreement if the required street improvements are not completed within said timeframe.

- A16. APPROVAL OF PA02-0120 – KITCHING STREET – DISTRIBUTION WAREHOUSE BUILDING AND ACCEPT BONDS AND AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS, EAST SIDE OF PERRIS BOULEVARD, SOUTH OF GLOBE STREET AND NORTH OF THE PERRIS VALLEY STORM DRAIN WITHIN THE MORENO VALLEY CITY LIMITS, SUBDIVIDER – INDUSTRIAL DEVELOPMENT INTERNATIONAL, INC. (Report of: Public Works Director)
Recommendation: Accept the Bonds and Agreement for Public Improvements; authorize the Mayor to execute the Agreement; direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and authorize the City Engineer to execute any future amendments to the agreement if the required street improvements are not completed within said timeframe.
- A17. APPROVAL OF FINAL MAP 31284 – SINGLE FAMILY RESIDENTIAL PROJECT, AND ACCEPT BONDS AND AGREEMENT FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS, SOUTHWEST CORNER OF COTTONWOOD AVENUE AND QUINCY STREET, SUBDIVIDER – MERITAGE HOMES OF CALIFORNIA, INC. (Report of: Public Works Department)
Recommendation: Approve Final Map 31284, 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; direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and authorize the City Engineer to execute any future amendments to the agreement if the required street improvements are not completed within said timeframe.
- A18. PARCEL MAP 32326 – APPROVAL OF COOPERATIVE AGREEMENT FOR SUNNYMEAD MASTER DRAINAGE PLAN CENTERPOINTE AND BRODIAEA AVENUE STORM DRAIN SYSTEM, BETWEEN RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND RIDGE MORENO VALLEY, LLC, NORTH SIDE OF CACTUS AVENUE, BETWEEN FREDERICK STREET AND HEACOCK STREET, SUBDIVIDER – RIDGE MORENO VALLEY, LLC (Report of: Public Works Department)
Recommendation: Approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, City of Moreno Valley, and Ridge Moreno Valley, LLC for Parcel Map 32326 Sunnymead Master Drainage Plan Centerpointe and Brodiaea Avenue Storm Drain System; authorize the Mayor to execute the cooperative agreement pending the final review and approval of the City Attorney and the City Engineer for the City of

Moreno Valley; and direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

- A19. MORENO VALLEY UTILITIES' RATE ADJUSTMENTS AND ADDITION OF NEW TARIFFS (Report of: Public Works Department)
Recommendation: Approve Resolution No. 2006-05 amending the Electric Rates for Moreno Valley Utilities to include the "Excess Transformation Charge" and "Medical Baseline Allowance" and to make certain rate adjustments as on file in the Public Works Department.

Resolution No. 2006-05

A Resolution of the City Council of the City of Moreno Valley, California, to Amend the Electric Rates for Moreno Valley Utilities to Include Excess Transformation Charge, Medical Baseline Allowance and Make Adjustments to Electrical Rates

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. FINAL MAP 27523 - APPROVAL OF MAINTENANCE AGREEMENT BY AND BETWEEN MORENO VALLEY COMMUNITY SERVICES DISTRICT AND ESCALADE HOMEOWNERS ASSOCIATION (Report of: Public Works Department)
Recommendation: Approve the Maintenance Agreement by and between the CSD and Escalade 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 Escalade 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.
- B3. MINUTES - REGULAR MEETING OF DECEMBER 13, 2005 (Report of City Clerk)
Recommendation: Approve 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 DECEMBER 13, 2005 (Report of City Clerk)
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 only.
- D2. MINUTES - REGULAR MEETING OF DECEMBER 13, 2005 (Report of City Clerk)
Recommendation: Approve as submitted.

Joint Consent Calendar Items A2 – D2 approved by a 5-0 vote. m/White, s/Stewart.

E. PUBLIC HEARINGS

- E1. PUBLIC HEARING REGARDING MAIL BALLOT PROCEEDINGS FOR: OUTBACK STEAKHOUSE RESTAURANT - APN 291-570-035, BALLOTTED ITEM: NPDES (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM); CACTUS COMMERCE, LLC - APN 297-130-050, BALLOTTED ITEM: NPDES; SUNNYMEAD VILLAS, LLC - APNS 479-050-005, 479-050-006 AND 479-050-007, BALLOTTED ITEM: NPDES; AND 4 CUSTOM HOMES - APNS 478-165-062, 478-165-063, 478-165-064 AND 478-165-065, BALLOTTED ITEM: COMMUNITY SERVICES DISTRICT (CSD) ZONE D (LOCATIONS OF THE PROJECTS ARE LISTED IN THE ATTACHMENTS TO 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:

President Flickinger 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 Outback Steakhouse Restaurant - APN 291-570-035 (and any division thereof), Cactus Commerce, LLC – APN 297-130-050 (and any division thereof), Sunnymead Villas, LLC – APNs 479-050-005, 479-050-006 and 479-050-007 (and any division thereof) and 4 Custom Homes – APNs 478-165-062, 478-165-063, 478-165-064 and 478-165-065 (and any division thereof);

Directed the City Clerk to tabulate the ballots. Motion carried 5-0. m/White, s/Batey.

The City Clerk announced the results as follows:

Outback Steakhouse Restaurant - APN 291-570-035 (and any division thereof) – NPDES – “Yes”

Cactus Commerce, LLC – APN 297-130-050 (and any division thereof) – NPDES – “Yes”

Sunnymead Villas, LLC – APNs 479-050-005, 479-050-006 and 479-050-007 (and any division thereof) – NPDES - “Yes”

4 Custom Homes – APNs 478-165-062, 478-165-063, 478-165-064 and 478-165-065 (and any division thereof) – Zone D – “Yes”

2. Verify and accept the results of the mail ballot proceedings 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 CSD Zone D charge and the NPDES maximum regulatory rate to the projects participating in each identified program.

Approved by a 5-0 vote to authorize and impose the applicable CSD Zone D charge. m/White, s/Batey.

Approved by a 5-0 vote to approve the NPDES maximum regulatory rate to the projects participating in each identified program. m/White, s/Stewart.

E2. PUBLIC HEARING TO ADOPT FISCAL YEAR 2003-2004 ANNUAL ACTION PLAN AMENDMENT #3 AND 2004-2005 ANNUAL ACTION PLAN AMENDMENT #3 (Report of: Economic Development Department)
Recommendation: That the City Council:

1. Conduct a Public Hearing to allow the public an opportunity to comment on the proposed 2003-04 Annual Action Plan Amendment #3 and the proposed 2004-05 Annual Action Plan Amendment #3;

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

2. Adopt the proposed 2003-04 Annual Action Plan Amendment #3; and
3. Adopt the proposed 2004-05 Annual Action Plan Amendment #3;
4. Return to the general fund balance \$275,000 appropriated to Account No. 010.66025.7200; and
5. Transfer \$275,000 from Account No. 147.68524.7200 to Account No. 146.68523.7200.

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

E3. AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO APPROVE PA04-0019 FOR A TENTATIVE TRACT MAP (TTM NO. 32005) AND PA04-0018 FOR A CONDITIONAL USE PERMIT (CUP) AND PLANNED UNIT DEVELOPMENT (PUD) CONSISTING OF 214 CLUSTERED AND STANDARD SIZED SINGLE-FAMILY RESIDENTIAL LOTS IN A GATED COMMUNITY, COMMON OPEN SPACE AREAS AND A COMMUNITY BUILDING, ON A 207 ACRE PARCEL OF LAND IN THE R-2 (RESIDENTIAL 2-TWO UNITS PER ACRE) AND HR (HILLSIDE RESIDENTIAL) LAND USE DISTRICTS. THE PROJECT IS LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTIONS OF HEACOCK STREET AND PERRIS BOULEVARD, AND WAS ORIGINALLY SUBMITTED BY REDHILL VILLAGE LLC. AN APPEAL OF THE PROJECT WAS FILED BY ALLAN AND CYNDI JOHNSON AND NANCY OLSON (Report of: Community Development Department)

COMMUNITY DEVELOPMENT DIRECTOR LINDA GUILLIS ANNOUNCED THE APPLICANT AND THE RESIDENTS HAVE REACHED AN AGREEMENT, THEREFORE THE APPEAL HAS BEEN WITHDRAWN.

Recommendation: That the City Council:

1. Adopt a Negative Declaration for PA04-0018 (Conditional Use Permit) and PA04-0019 (Tentative Tract Map No. 32005), pursuant to Section 21080(C) (1) and Section 15070(a) (2) of the California Environmental Quality Act (CEQA) Guidelines;
2. Approve Resolution No. 2006-03 thereby approving PA04-0018 (Conditional Use Permit), based on the findings included in the Resolution, and conditions of approval, attached as Exhibit A to the resolution (Attachment No. 5); and

Resolution No. 2006-03

A Resolution of the City Council of the City of Moreno Valley Approving PA04-0018 (Conditional Use Permit) for a Planned Unit Development Consisting of 214 Residential Lots, Including Lettered Lots to Include a Community Center, the Protection of a Natural Drainage Area, an MSHCP Habitat Linkage Area and Approximately 105 Acres of Hillside Terrain on a 207 (Net) Acre Parcel of Land within the R2 (Residential – 2) and HR (Hillside Residential) Land Use Districts

3. Approve Resolution No. 2006-04 thereby approving a slightly modified version of PA04-0019 (Tentative Tract Map No. 32005), based on the findings included in the Resolution, and conditions of approval, attached as Exhibit A to the resolution (Attachment No. 6);

Resolution No. 2006-04

A Resolution of the City Council of the City of Moreno Valley Approving PA04-0019 (Tentative Tract Map No. 32005) for 214 Single-Family Residential Lots and Various Lettered Lots for a Recreation Building, Drainage Areas, the Protection of a Natural Drainage Area, an MSHCP Habitat Linkage and Approximately 104 Acres of Hillside Terrain on a 207 (Net) Acre Parcel of Land within the R2 (Residential -2) and (HR) Hillside Residential Land Use Districts

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 Council Member Stewart

Council Member Stewart announced the flight path investigation continues but there has not been a decision made as of yet. There may be some answers after the MJPA meeting being held on January 18. Also announced that the Tax Sharing Agreement is moving ahead – not resolved yet.

- G2. ORDINANCE NO. 708 ESTABLISHMENT AND COLLECTION OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE FOR NEW RESIDENTIAL, COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE DEVELOPMENTS; AND RESOLUTION NO. 2006-02 AUTHORIZING AND APPROVING THE LEVY OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE FOR NEW COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE DEVELOPMENTS (Report of: Public Works Department)

Recommendation: That the City Council:

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

1. Approve the proposed NPDES Regulatory Rate for New Common Interest, Commercial, Industrial and Quasi-Public Use Developments to fund requirements under the federally mandated NPDES program;

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

2. Introduce Ordinance No. 708 repealing and reenacting Chapter 3.50 of Title 3 of the City of Moreno Valley Municipal Code, National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential, Common Interest, Commercial, Industrial and Quasi-Public Use Developments (Roll Call Required); and

Ordinance No. 708

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 Chapter 3.50 Relating to the Establishment and Collection of

the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential, Common Interest, Commercial, Industrial and Quasi-Public Use Developments

Approved by a 5-0 vote. m/Stewart, s/Batey.

3. Adopt Resolution No. 2006-02, a Resolution of the City Council of the City of Moreno Valley, California, authorizing and approving the levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Common Interest, Commercial, Industrial and Quasi-Public Use Developments on the County of Riverside Property Tax Roll.

Resolution No. 2006-02

A Resolution of the City of Moreno Valley, California, Authorizing and Approving the Levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for Common Interest, Commercial, Industrial and Quasi-Public Use Developments on the County of Riverside Property Tax Roll

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

- G3. JUVENILE DAYTIME CURFEW ORDINANCE (Report of: City Attorney's Office)

Mayor Flickinger opened the public testimony portion of the public hearing. Public testimony was received from: Raul Wilson (opposes); Patrick Abram, Sr. (supports); Ken Schmidt (supports); David Swift (supports); Vanessa Register (opposes); Louise Palomarez (opposes); and Branda Crawford (opposes).

Recommendation: That the City Council introduce Ordinance No. 709, An Ordinance of the City Council of the City of Moreno Valley, California, establishing a juvenile daytime curfew and prohibiting juvenile loitering between the hours of 7:00 A.M. and 3:30 P.M.

Ordinance No. 709

An Ordinance of the City Council of the City of Moreno Valley, California, Establishing a Juvenile Daytime Curfew and Prohibiting Juvenile Loitering between the Hours of 7:00 A.M. and 3:30 P.M.

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

- G4. REPORT REGARDING PROPOSED TRANSFER OF CABLE TELEVISION FRANCHISE (Report of: Interim Administrative Services Director) – MATERIAL NOT AVAILABLE AT TIME OF PRINTING – TO BE PROVIDED UNDER SEPARATE COVER

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

Approved by a unanimous vote to continue the item to a date uncertain. m/Stewart, s/Batey.

- G5. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action) – None given

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:

Harold Trubo

- 1) Announced Bill Yearsley has been chosen as “Citizen of the Year” by the Moreno Valley Chamber of Commerce – he will be honored at a dinner to be held on Saturday, January 21

Arturo Benitez – Submitted discourse for the record

- 1) Complaint with the City regarding a building permit issue in 2004 – he was given differing information by City staff

Louise Palomarez

- 1) Asked who fines City staff when they make a mistake
- 2) School attendance issues all about money – where is the City's accountability

Daryl Terrell

- 1) Resources for funding activities for youth and seniors – Teeter funds
- 2) Supports Red Light Enforcement in the City

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

Council Member West

- 1) Great turnout for 21st Birthday Celebration
- 2) Future vision for the 3rd District:
Very strong Public Safety Program, anti-gang and crime prevention;
Fire Department with fast response time;
Smart growth and retain rural atmosphere of the East end as well as infrastructure;
Recreational opportunities for the children;
Potential multi-sports complex for the East end;
Senior programs; Education through cooperation with the School District; and
Diversity & harmony
- 3) Fresh start with new City Manager

Council Member Batey

- 1) Announced the “Black History Celebration & Parade” will be held on January 21 as well as “Citizen of the Year” dinner
- 2) Super Wal Mart will be opening on January 31 – Outback Steakhouse will also be opening at the end of the month
- 3) Hopeful there will be a mutual resolution with Robertson’s Ready Mix
- 4) Welcomed new City Manager, Robert Gutierrez
- 5) Chamber Mixer will be held on January 12 at the Conference and Recreation Center to meet our new City Manager, Bob Gutierrez
- 6) Congratulated Mayor Pro Tem White and Mayor Flickinger on a great 21st Birthday Celebration
- 7) Fritz Duda Company will be installing sidewalks adjacent to new restaurants to make crossing safer
- 8) Would like status on Veteran’s Memorial – stated he would like completed by Memorial Day

Council Member Stewart

- 1) Welcomed Bob Gutierrez
- 2) Announced the new non-emergency police number dedicated to Moreno Valley is 951.247.8700
- 3) On Friday, January 13, the last new C-17 airplane arrives at March Air Reserve Base – it is “The Spirit of Ronald Reagan” – Nancy Reagan is scheduled to be in attendance for the dedication
- 4) Public Safety Building expansion

- 5) Inquired of the Interim Parks & Recreation Director as to the status of the new March Field Soccer Complex – Mr. Nielsen will get information and report back

Mayor Pro Tem White

- 1) Welcomed Bob Gutierrez
- 2) Wished all a “Happy New Year”
- 3) Hopes to have more “clean sweeps” in his District this year

Mayor Flickinger

- 1) This is going to be an exciting year – 21st Birthday Celebration was the “spark” that lit the pride in the Community – celebration showcased the “best of Moreno Valley”
- 2) So much to be proud of in this Community – need to celebrate all of the good things about the City of Moreno Valley
- 3) Announced Interim Administrative Services Director, Angela Rushen, interviewed representatives from Caltrans on Q & A regarding the 60/215/91 Interchange Project—the interview can be seen at 6 a.m., 9 a.m. and 9 p.m. on MVT3
- 4) New non-emergency Police Department phone number is only for Moreno Valley and is very easy to use
- 5) Announced she will be accepting an award being presented to the City for “Facility Designed Community Centers” for the new Conference & Recreation Center, the award is being presented on March 18 in Ontario

CLOSED SESSION - NONE

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 8:31 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:

Bonnie Flickinger, 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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