

**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
AND SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FINANCING
AUTHORITY (MVPFA)**

DECEMBER 12, 2006 - 6:30 P.M.

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 Council Member West

INVOCATION - Pastor Lacy Sykes, Jr. – CrossWord Christian 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
Steve Chapman	Finance Director/City Treasurer
Robert Herrick	City Attorney
Robert Gutierrez	City Manager
Betsy Adams	Assistant City Manager
Rick Hartmann	Deputy City Manager
Steve Elam	Administrative Services Director
Linda Guillis	Community Development Director
Rick Hall	Police Chief
Stan Lake	Fire Chief
Chris Vogt	Public Works Director/City Engineer
Cynthia Pirtle	Director of Library Services
George Guayante	Interim Parks and Recreation Director

Denese Wilson
Barry Foster
Angela Rushen

Human Resources Director
Economic Development Director
Assistant to the City Manager

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 Flickinger 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. CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)
Recommendation: Receive and file the Reports on Reimbursable Activities for the period of November 22 – December 5, 2006.
- A3. MINUTES - REGULAR MEETING OF NOVEMBER 28, 2006 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.
- A4. WARRANT REPORT – OCTOBER 31, 2006 (Report of: Finance Department)
Recommendation: Adopt Resolution No. 2006-132, approving the Warrant Report, dated October 2006, in the total amount of \$16,045,007.84.

Resolution No. 2006-132

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report Dated October 31, 2006

- A5. REVIEW AND CONTINUE THE EMERGENCY ACTION REGARDING THE DESIGN AND CONSTRUCTION OF THE MORENO VALLEY UTILITIES (MVU) 115 KILOVOLT (KV) SUBSTATION AND SWITCHYARD FACILITY (Report of: Public Works Department)
Recommendation: Review and continue the Emergency Action taken by the Council during the September 26, 2006 Council Meeting under Resolution 2006-113 Making Findings of an Emergency and Authorizing the Execution of

the Design-Build Agreement for the Moreno Valley Utilities Substation and Switchyard Project between the City of Moreno Valley, as Owner, and ABB, Inc., a Delaware Corporation, as Design-Builder in accordance with Public Contract Code Sections 20168, 22050, and Government Code Section 5956.

- A6. PARCEL MAP 20995 – COMMERCIAL PROJECT – EXONERATION OF BONDS FOR PUBLIC IMPROVEMENTS, SOUTHEAST CORNER OF ELSWORTH STREET AND ALESSANDRO BOULEVARD, SUBDIVIDER – MORENO VALLEY HEALTH, LLC, DENVER, CO (Report of: Public Works Department)

Recommendation: Authorize the City Engineer to exonerate the Faithful Performance Bond and Material and Labor Bond currently owned by Moreno Valley Health, LLC, and previously submitted by Newhope Properties III.

- A7. TRACT MAP 25956 – SINGLE FAMILY RESIDENTIAL – EXONERATION OF BONDS FOR TRAFFIC SIGNAL MITIGATION, SOUTHSIDE OF FIR AVENUE AND WEST OF KITCHING STREET, SUBDIVIDER – AFFORDABLE CALIFORNIA ESTATES, MORENO VALLEY, CA (Report of: Public Works Department)

Recommendation: Authorize the City Engineer to exonerate the Traffic Signal Mitigation Bond for Affordable California Estates.

- A8. TRACT 28568 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE IMPROVEMENTS CONSTRUCTED PER PUBLIC STREET STANDARDS AS COMPLETE AND ACCEPTING THE PUBLIC UTILITY AND EMERGENCY INGRESS AND EGRESS EASEMENTS OVER THE FOLLOWING PRIVATE STREETS: SAN JACINTO DRIVE, GRANDVIEW DRIVE, ROCKY MOUNTAIN WAY, WHITE MOUNTAIN WAY, PIKES PEAK WAY, BIG BEAR DRIVE, EAGLEHEAD MOUNTAIN DRIVE AND THOSE PORTIONS OF JOHN F. KENNEDY DRIVE ASSOCIATED WITH THE PROJECT, DEVELOPER – RYLAND HOMES OF CALIFORNIA, INC. (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2006-133 authorizing the acceptance of the improvements constructed per public street standards as complete and accepting the public utility and emergency ingress and egress easements over the following private streets: San Jacinto Drive, Grandview Drive, Rocky Mountain Way, White Mountain Way, Pikes Peak Way, Big Bear Drive, Eaglehead Mountain Drive and those Portions of John F. Kennedy Drive Associated with the Project; and

Resolution No. 2006-133

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Improvements as Complete Within Tract 28568, and Accepting the Public Utility and Emergency Ingress and Egress Easements Over the Following Private Streets: San Jacinto Drive, Grandview Drive, Rocky Mountain Way, White Mountain Way, Pikes Peak Way, Big Bear Drive, Eaglehead Mountain Drive and those Portions of John F. Kennedy Drive Associated with the Project

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

- A9. TRACT 28568-1 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE IMPROVEMENTS CONSTRUCTED PER PUBLIC STREET STANDARDS AS COMPLETE AND ACCEPTING THE PUBLIC UTILITY AND EMERGENCY INGRESS AND EGRESS EASEMENTS OVER THE FOLLOWING PRIVATE STREETS: GRANDVIEW DRIVE, RAINIER WAY, EVEREST WAY, BIG PINE WAY, MAMMOTH DRIVE, MOUNTAIN VISTA DRIVE, AND THOSE PORTIONS OF CACTUS AVENUE AND JOHN F. KENNEDY DRIVE ASSOCIATED WITH THE PROJECT, DEVELOPER – RYLAND HOMES OF CALIFORNIA, INC., CARLSBAD, CA (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2006-134 authorizing the acceptance of the improvements constructed per public street standards as complete and accepting the public utility and emergency ingress and egress easements over the following private streets: Grandview Drive, Rainier Way, Everest Way, Big Pine Way, Mammoth Drive, Mountain Vista Drive, and those Portions of Cactus Avenue and John F. Kennedy Drive Associated with the Project; and

Resolution No. 2006-134

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing Acceptance of the Improvements as Complete Within Tract 28568-1 and Accepting the Public Utility and Emergency Ingress and Egress Easements Over the Following Private Streets: Grandview Drive, Rainier Way, Everest Way, Big Pine Way, Mammoth Drive, Mountain

Vista Drive, and those Portions of Cactus Avenue and John F. Kennedy Drive Associated with the Project

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A10. TRACT MAP 31257 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING BLUE JAY COURT AND THE PORTION OF PIGEON PASS ROAD AND SWAN STREET ASSOCIATED WITH THE PROJECT INTO THE CITY’S MAINTAINED STREET SYSTEM, DEVELOPER – MALTON CONSTRUCTION, RIVERSIDE, CA (Report of: Public Works Department)
Recommendation:

1. Adopt Resolution No. 2006-135 authorizing the acceptance of the public improvements for Tract Map 31257 as complete and accepting Blue Jay Court and the portion of Pigeon Pass Road and Swan Street associated with the project into the City’s maintained street system; and

Resolution No. 2006-135

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing Acceptance of the Public Improvements as Complete Within Tract 31257, and Accepting Blue Jay Court and the Portion of Pigeon Pass Road and Swan Street Associated with the Project into the City’s Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A11. TRACT 31269 – ACCEPT IMPROVEMENT CREDIT AGREEMENT DEVELOPMENT IMPACT FEES FOR ARTERIAL STREETS AND TRAFFIC SIGNALS, COTTONWOOD AVENUE FROM QUINCY CHANNEL TO 660’ EAST OF QUINCY CHANNEL, DEVELOPER – PINNACLE MORENO VALLEY 72, LLC, ALISO VIEJO, CA (Report of: Public Works Department)

Recommendation:

1. Accept the Improvement Credit Agreement Development Impact Fees for Arterial Streets and Traffic Signals (DIF Agreement) for Tract 31269; and
 2. Authorize the Mayor to execute the Agreement.
- A12. TRACT 31424 – ACCEPT IMPROVEMENT CREDIT AGREEMENT DEVELOPMENT IMPACT FEES FOR ARTERIAL STREETS AND TRAFFIC SIGNALS, EUCALYPTUS AVENUE FROM QUINCY STREET TO MOZART WAY, DEVELOPER – PINNACLE MORENO VALLEY 72, LLC, ALISO VIEJO, CA (Report of: Public Works Department)
Recommendation:
1. Accept the Improvement Credit Agreement Development Impact Fees for Arterial Streets and Traffic Signals (DIF Agreement) for Tract 31424; and
 2. Authorize the Mayor to execute the Agreement.
- A13. APPROVE TRACT MAP 31789 – SINGLE FAMILY RESIDENTIAL - ACCEPT AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, SOUTH OF IRONWOOD AVENUE AND EAST OF LASSELLE STREET, SUBDIVIDER – TOSEI MORENO VALLEY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, LOS ANGELES, CA (Report of: Public Works Department)
Recommendation:
1. Approve Tract Map 31789, authorize the City Clerk to sign the map and transmit said map to the County Recorder’s Office for recordation;
 2. Accept the Agreement and Bonds for Pubic Improvements;
 3. Authorize the Mayor to execute the Agreement;
 4. Direct the City Clerk to forward the signed Agreement to the County Recorder’s Office for recordation; and
 5. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.
- A14. APPROVE FINAL MAP 33256 – SINGLE FAMILY RESIDENTIAL – ACCEPT AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, SOUTH OF STATE ROUTE 60 ON THE NORTH SIDE OF FIR AVENUE, BETWEEN NASON STREET AND MORRISON STREET, DEVELOPER – MVGH 2004,

LLC, IRVINE, CA (Report of: Public Works Department)
Recommendation:

1. Approve Final Map 33256, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation;
2. Accept the Agreement and Bonds for Public Improvements;
3. Authorize the Mayor to execute the Agreement;
4. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and
5. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

A15. APPROVE PA02-0013 – COMMERCIAL PROJECT – ACCEPT AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, NORTH SIDE OF CACTUS AVENUE AND WEST OF ELSWORTH STREET, SUBDIVIDER – WALTER EMBREE DBA EMBREE CONSTRUCTION, WALNUT CREEK, CA (Report of: Public Works Department)
Recommendation:

1. Accept the Agreement and Bonds for Public Improvements;
2. Authorize the Mayor to execute the Agreement;
3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and
4. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

A16. PROPOSED PIGEON PASS AND RECHE CANYON ROAD CORRIDORS STUDIES MEMORANDUM OF UNDERSTANDING (Report of: Public Works Department)

Recommendation: Approve and authorize the Mayor to sign the proposed Memorandum of Understanding (MOU) regarding studies of transportation improvements in the Pigeon Pass and Reche Canyon Road Corridors, between the Cities of Moreno Valley, Colton, Grand Terrace, Loma Linda, Redlands, Riverside, and San Bernardino, the Counties of Riverside and San

Bernardino, San Bernardino Associated Governments (SANBAG), and Riverside County Transportation Commission (RCTC).

- A17. GRANT OF EASEMENT TO MORENO VALLEY UNIFIED SCHOOL DISTRICT SCHOOL FACILITY CORPORATION (Report of: Economic Development Department)

Recommendation: Authorize the Mayor to execute the Easement Deed to Moreno Valley Unified School District School Facility Corporation on behalf of the City and return the deed to the School District for acceptance and processing.

- A18. ADOPT RESOLUTION NO. 2006-136 AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR THE SAFE ROUTES TO SCHOOL PROGRAM (Report of: Public Works Department)

Recommendation:

1. Approve staff's proposed project recommendations for the Safe Routes to School program;
2. Adopt Resolution No. 2006-136 authorizing the submission of applications for the Safe Routes to School program; and

Resolution No. 2006-136

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Submission of Applications for the Safe Routes to School Program and Authorizing the Public Works Director to Submit Applications to the California Department of Transportation, District 8, Local Assistance Engineer for the Safe Routes to School Program

3. Authorize the Public Works Director/City Engineer to submit applications to the California Department of Transportation, District 8, Local Assistance Engineer for the Safe Routes to School program.

- A19. ANNUAL STATEMENT OF INVESTMENT POLICY (Report of: Finance Department)

Recommendation: Adopt the Annual Statement of Investment Policy.

- A20. 2005-06 REPORT ON DEVELOPMENT IMPACT FEES (Report of: Finance Department)

Recommendation:

1. Approve and accept the Annual Report on Development Impact Fees in compliance with California Government Code Section 66006; and

2. Approve the finding that staff has demonstrated a continuing need to hold unexpended development impact fees.

A21. AUTHORIZATION TO AWARD THE CONTRACT FOR THE CONSTRUCTION OF THE MORENO VALLEY VETERANS MEMORIAL, PROJECT NO. 06-41278424 (Report of: Public Works Department)
Recommendation:

1. Award the construction contract for the Moreno Valley Veterans Memorial to DELT Builders, Inc., the lowest responsible bidder, and waive all minor irregularities in their Bid;
2. Authorize the Mayor to execute a contract agreement with DELT Builders, Inc. ;
3. Authorize the issuance of purchase order for DELT Builders, Inc. in the amount of \$885,000.00 (\$806,536.32 for the Base Bid, Alternates A,B,J,N and O, plus \$78,463.68 for the 9.73% contingency), and authorize the Public Works Director/City Engineer to execute change orders within the contingency, subject to approval of the City Attorney (Account No. 412.78424); and
4. Authorize the Mayor to execute a Purchase Order with Vali Cooper and Associates, totaling \$108,292 (\$98,448 for the bid amount, plus \$9,844 for the 10% contingency), and authorize the Public Works Director/City Engineer to execute subsequent, related minor change orders within the 10% contingency, subject to approval of City Attorney (Account No. 412.78424).

A22. AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT FOR PROJECT ON ATWOOD AVENUE, PRINCESS LANE, STEVENS AVENUE, AND CAMPBELL AVENUE, AS PART OF THE STREET IMPROVEMENT PROGRAM (SIP), PROJECT NO. 02-12185520 (Report of: Public Works Department)
Recommendation:

1. Award the construction contract for the project on Atwood Avenue, Princess Lane, Stevens Avenue, and Campbell Avenue to RJ Noble Company, the lowest responsible bidder;
2. Authorize the Mayor to execute a contract with RJ Noble Company;
3. Authorize the issuance of a Purchase Order for RJ Noble Company in the

amount of \$376,873 (the bid amount plus 15% contingency) for the project on Atwood Avenue and Princess Lane (Account No. 225.68726) and Stevens Avenue and Campbell Avenue (Account No. 125.85523); and

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with RJ Noble Company up to, but not exceeding, the contingency amount of \$49,158, subject to the approval of the City Attorney.

A23. TRACT 30318 SPORTS PARK - 2ND AMENDMENT TO AGREEMENT FOR PARK IMPROVEMENTS (TIME EXTENSION), EAST OF LASSELLE STREET, SOUTH OF KRAMERIA AVENUE IN THE MORENO VALLEY RANCH SPECIFIC PLAN AREA, DEVELOPER – EMPIRE LAND, LLC, ONTARIO, CA (Report of: Public Works Department)

Recommendation:

1. Authorize the Mayor to execute the 2nd Amendment to Agreement for Public Improvements for Tract 30318 Sports Park; and
2. Instruct the City Clerk to forward the completed 2nd Amendment to Agreement for Public Improvements to the County Recorder's Office for recordation.

Item A23 continued to the City Council meeting of January 9, 2007. Approved by a 5-0 vote. m/Stewart, s/White.

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 NOVEMBER 28, 2006 (Report of: City Clerk's Department)
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 NOVEMBER 28, 2006 (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 only.
- D2. MINUTES - REGULAR MEETING OF NOVEMBER 28, 2006 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.

Joint Consent Calendar Items A2 – D2 approved by a 5-0 vote with the exception of A23 which was continued to the City Council meeting of 1/9/07. m/White, s/Batey.

ADJOURNED REGULAR CITY COUNCIL MEETING TO A SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FINANCING AUTHORITY (MVPFA)

SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FINANCING AUTHORITY (MVPFA) CALLED TO ORDER AT 6:45 P.M.

ROLL CALL

Bonnie Flickinger	Chairperson
Charles White	Vice Chairperson
William H. Batey, II	Board Member
Richard A. Stewart	Board Member
Frank West	Board Member

CONSENT CALENDAR

- 1. ADOPT REIMBURSEMENT RESOLUTION DECLARING INTENTION TO ISSUE TAX-EXEMPT OBLIGATIONS (Report of: Finance Department)
Recommendation:

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

- 1. Adopt Resolution No. MVPFA 2006-01, a Reimbursement Resolution declaring its intention to issue tax-exempt obligations.

Resolution No. MVPFA 2006-01

A Resolution of the Board of Directors of the Moreno Valley Public Financing Authority Regarding its Intention to Issue Tax-Exempt Obligations

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

ADJOURNMENT

RECONVENED JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AT 6:46 P.M.

E. PUBLIC HEARINGS

- E1. PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR THE PROPOSED INCREASE IN THE PREVIOUSLY APPROVED ANNUAL PARCEL CHARGE FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) FOR TRACT 27251 (AND ALL AFFECTED PHASES) (Report of: Public Works Director)
Recommendation: That the City Council, acting in their respective capacities as President and Members of the Board of Directors of the Moreno Valley CSD (the "CSD Board"), 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 the proposed CSD Zone D parcel charge for Tract 27251 (and all affected phases);

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

The Secretary announced the results as follows:

Tract 27251 – "Yes" – 151 weighted ballot count

2. Verify and accept the results 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 CSD Official Tally Sheet and APN listing; and
4. If approved, authorize and impose the proposed CSD Zone D annual

parcel charge for Tract 27251 (and all affected phases).

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

- E2. AN AMENDMENT TO TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY AMENDING SECTION 9.09.090 "AGRICULTURAL AND ANIMAL USES" OF CHAPTER 9.09 ENTITLED "SPECIFIC USE DEVELOPMENT STANDARDS" AND BY ADDING SECTION 9.07.080 "PRIMARY ANIMAL KEEPING OVERLAY (PAKO)" TO CHAPTER 9.07 ENTITLED "SPECIAL DISTRICTS", REFINING EXISTING ANIMAL KEEPING STANDARDS AND CREATING A PRIMARY ANIMAL KEEPING OVERLAY (PAKO) DISTRICT TO SUPPORT LARGE AND MEDIUM SIZED ANIMAL KEEPING ACTIVITIES WITHIN AN AREA BOUNDED BY NASON STREET TO THE WEST, THE CITY LIMITS LINE TO THE NORTH, THEODORE STREET TO THE EAST AND COTTONWOOD AVENUE TO THE SOUTH FOR PROPERTIES WITHIN THE RR (RURAL RESIDENTIAL), R1 (RESIDENTIAL-1) AND RA2 (RESIDENTIAL AGRICULTURAL-2) LAND USE DISTRICTS. APPLICANT - CITY OF MORENO VALLEY (Report of: Community Development Department)
Recommendation: Staff and the Medium/Large Animal Ad-hoc Committee recommend that the City Council:

City Attorney Herrick recused himself due to a conflict.

Mayor Flickinger opened the public testimony portion of the public hearing. Public testimony was received from Tim Shirk and Susan Gilchrist.

1. Recognize that the proposed amendment is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061 of the CEQA Guidelines; and

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

2. Introduce Ordinance No. 731, thereby approving amendments to Chapter 9.09 (Section 9.09.090) and Chapter 9.07 (Section 9.07.080) of the City of Moreno Valley Municipal Code.

Ordinance No. 731

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code by Amending Section 9.09.090 "Agricultural and Animal Uses" of Chapter 9.09 "Specific Use Development Standards and by Adding Section 9.07.080 "Primary Animal Keeping Overlay (PAKO)" to Chapter 9.07 Entitled "Special Districts"

for Designated Areas Within Animal Keeping Zones Citywide and Finding the Amendment (PA05-0048) is Exempt under Section 15061 of the California Environmental Quality Act Guidelines

Approved by a 5-0 vote to approve with the following change to 9.07.080 D1 - delete the word "All". m/Stewart, s/White.

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

G. REPORTS

G1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

- a. Report on Western Riverside Council of Governments by Mayor Pro Tem White – none given as Council Member White had not received the information as of the Council meeting date
- b. Report on March Joint Powers Commission by Council Member Stewart
 - 1) Council Member Stewart announced that Lori Stone has been appointed as Interim Director of the March Joint Powers Authority and the selection process has begun for recruitment of a new Director;
 - 2) Noise committee held its first meeting at the DHL building. There has been a reduction in the complaints regarding the noise of the airplanes;
 - 3) Currently negotiating with a developer to do a medical facility at the northeast corner of March;
 - 4) Possible outdoor concert at East March is problematic – no provisions for doing that;
 - 5) Tesco lawsuit is proceeding; and
 - 6) Closed session at school board this evening.

**G2. ANNUAL REPORT OF BOARDS AND COMMISSIONS (Report of: City Clerk's Department) (Informational Oral Presentation)
Reports given by:**

Environmental and Historical Preservation Board – Shelley Simpson, Chairperson
Library Commission – Richard Adams, Vice-Chairperson
Parks & Recreation Commission – Ron Crothers, Chairperson
Planning Commission – George Riechers, Chairperson
Recreational Trails Board – Jackie LeSan, Chairperson
Senior Citizens' Board - Sara Anderson, Vice-Chairperson
Traffic Safety Commission - Gerald Bagley, Chairperson

**RECESS;
RECONVENE**

**G3. RESOLUTION CERTIFYING GENERAL MUNICIPAL ELECTION RESULTS
(Report of: City Clerk's Department)**

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

Recommendation: That the City Council adopt Resolution No. 2006-137 reciting the facts of the General Municipal Election held November 7, 2006, declaring the result and such other matters as provided by law.

Resolution No. 2006-137

A Resolution of the City Council of the City of Moreno Valley, California, Reciting the Facts of the General Municipal Election Held November 7, 2006, Declaring the Results and Such Other Matters as Provided by Law

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

G4. SWEARING-IN OF COUNCIL MEMBERS ELECT (Report of: City Clerk's Department)

City Clerk Alice Reed swore in Council Member Bonnie Flickinger and Council Member Richard Stewart each to serve a four-year term on the City Council.

G5. CITY COUNCIL REORGANIZATION – SELECTION OF MAYOR AND MAYOR PRO TEM (Report of: City Clerk's Department)

Mayor Flickinger opened the agenda item for public comment. Public comment was received from Daryl Terrell.

Recommendation: That the City Council conduct the reorganization of the

City Council by selecting two Council Members to serve one-year terms respectively as Mayor and Mayor Pro Tem.

Council Member Batey made a motion to nominate Mayor Pro Tem White as Mayor, seconded by Council Member Stewart. There were no other motions. Approved by a 5-0 vote.

Council Member West made a motion to nominate Council Member Batey as Mayor Pro Tem, seconded by Council Member Stewart. There were no other motions. Approved by a 5-0 vote.

- G6. APPOINTMENTS TO THE PARKS AND RECREATION COMMISSION AND SENIOR CITIZENS' BOARD (Report of: City Clerk's Department)
Recommendation: That the City Council, after reviewing the ballots provided by the City Clerk:

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

1. Appoint one member to the Parks and Recreation Commission for a term expiring June 30, 2007;

Approved by a 5-0 vote to appoint Alvin C. Horn to a term expiring June 30, 2007. m/Stewart, s/Batey.

2. Appoint one member to the Senior Citizens' Board for a term expiring June 30, 2007 or June 30, 2009;

Approved by a 5-0 vote to appoint Joseph H. Dixon to a term expiring June 30, 2009. m/Stewart, s/Batey.

3. If appointments are not made, declare the positions vacant and authorize the City Clerk to re-notice the positions as vacant.

- G7. RESOLUTION NO. 2006-138 ADOPTING THE MAJOR UTILITY PROJECT REVIEW POLICY AND RESCINDING RESOLUTION 2006-92, TEMPORARILY FORBEARING THE ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF CERTAIN TELECOMMUNICATION FACILITIES IN THE PUBLIC RIGHTS-OF-WAY (Report of: Assistant to the City Manager)

Mayor Flickinger opened the agenda item for public comments. Public comment was received from Gary George representing Verizon.

Recommendation: That the City Council adopt the proposed resolution

outlining major utility project construction guidelines and rescinding Resolution 2006-92.

Resolution No. 2006-138

A Resolution of the City Council of the City of Moreno Valley, California, Adopting the Major Utility Project Review Policy and Rescinding Resolution No. 2006-92

Approved by a 5-0 vote to approve Resolution No. 2006-138 but to amend the policy to read “noise element shall be kept to a minimum”. m/Stewart, s/West.

- G8. ORDINANCE APPROVING AND ADOPTING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE MORENO VALLEY REDEVELOPMENT PROJECT (Report of: Economic Development Department)
Recommendation: That the City Council introduce Ordinance No. 732, approving and adopting an amendment to the Redevelopment Plan for the Moreno Valley Redevelopment Project pursuant to the provisions of the California Community Redevelopment Law, Health and Safety Code Section 33333.6, et al.

Ordinance No. 732

An Ordinance of the City Council of the City of Moreno Valley Approving and Adopting an Amendment to the Redevelopment Plan for the Moreno Valley Redevelopment Project Pursuant to the Provisions of the California Community Redevelopment Law, Health and Safety Code Section 33333.6, et al.

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

Approved by a 5-0 vote to continue item to Adjourned Regular Meeting for second reading and adoption of Ordinance No. 732 to be held December 19, 2006 at 6:00 P.M. m/Stewart, s/White.

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:

Thomas Rudolph (Submitted discourse for the public record)

- 1) Supports PAKO issue – Item E2
- 2) Referenced letters dated 3/26/97 and 2/5/98 regarding Home Depot – items still being left outside overnight
- 3) Complemented animal shelter

Daryl Terrell

- 1) Public safety – how can City keep pace with growth?
- 2) City should consider forming a Community Facilities District to fund public safety
- 3) City needs a permanent revenue stream

Michael Lanitis

- 1) Congratulated incumbents on re-election
- 2) Problem with bees in neighborhood
- 3) Would like to see Study Sessions televised
- 4) Applauds graffiti cleanup

G9. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action) – None given

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

Council Member Batey

- 1) Wished everyone “Happy Holidays” and reminded everyone to keep those Christmas trees watered and mindful of the electricity on outdoor decorations
- 2) Speed hump issue on Pan Am will be addressed early next year

Mayor Pro Tem White

- 1) Traffic problem at Perris and Hemlock – need to take a look at it – could possibly cause some problems
- 2) Thanked Council for their confidence in him
- 3) Happy Holidays

Council Member Stewart

- 1) Stated today is the “Feast of Our Lady of Guadalupe”

- 2) Merry Christmas & Happy Hanukkah
- 3) Directly elected Mayor issue needs to be looked at closely
- 4) Christmas concert held on December 7th was great – really enjoyed it!
- 5) Hispanic Chamber Installation Dinner was great and had good turn out
- 6) Tesco lawsuit – people behind this are short-sighted in their thoughts

Mayor Flickinger

- 1) Attended the Christmas Concert presented by the Citrus Wind Symphony – the Symphony did an excellent job – it was standing room only – honored to be able to participate by reading letters from the front – it was very emotional
- 2) Two of the artists included in South Coast Air Quality Management's 2007 calendar are from Moreno Valley high schools – congratulations to these talented artists
- 3) Congratulated city staff on solving the problem of spontaneous and illegal car lots on Alessandro Boulevard – asked the public to let the City know if they see this happening again
- 4) Announced there will be an Adjourned Regular City Council meeting held on December 19th at 6:00 p.m. to act on items that must be handled before the end of the year – it will be televised
- 5) The meeting of December 26, 2006 is cancelled

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 to Closed Session and then to a Regular Adjourned Meeting to be held on December 19, 2006 at 6:00 p.m. at 9:20 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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