

**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**

**REGULAR MEETING – 6:30 P.M.
MAY 28, 2002**

CALL TO ORDER - The 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 was called to order at 6:30 p.m. by Mayor White in the Council Chamber located at 14177 Frederick Street.

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

INVOCATION - Pastor David Miller, Lord of Life Lutheran Church

ROLL CALL

Council:

Charles R. White	Mayor
William H. Batey	Mayor Pro Tem
Bonnie Flickinger	Councilmember
Richard A. Stewart	Councilmember
Frank West	Councilmember

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 and Economic Development Director
William Di Yorio	Police Chief
Wes Alston	Fire Chief
Trent Pulliam	Public Works Director/City Engineer
Cynthia Pirtle	Director of Library Services
George Price	Parks and Recreation Director

JOINT CONSENT CALENDARS (SECTIONS A-C) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

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

Councilmember Flickinger made a motion, seconded by Mayor Pro Tem Batey to approve the Consent Calendars in their entireties. Motion carried 5-0. Roll call vote.

A. CONSENT CALENDAR - CITY COUNCIL

- A1. ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.
- A2. WARRANT REPORTS
Adopted Resolution No. 2002-32, approving the Warrant Reports, including wire transfers, dated April 2002 in the total amount of \$8,486,874.14
- Resolution No. 2002-32
- A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Reports Dated April 30, 2002
- A3. MINUTES – REGULAR MEETING OF APRIL 23, 2002
Approved as submitted.
- A4. MINUTES – SPECIAL MEETING OF MAY 7, 2002
Approved as submitted.
- A5. INLAND EMPIRE SMALL BUSINESS DEVELOPMENT CENTER AGREEMENT
Approved the agreement between the City of Moreno Valley and the Inland Empire Small Business Development Center for business counseling services and appropriate \$21,667 from unprogrammed funds to account number 144.73910.6821.
- A6. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE IRONWOOD AVENUE REHABILITATION FROM BARCLAY DRIVE TO PIGEON PASS ROAD, FEDERAL AID NO. STPL-5441 (031), PROJECT NO. 01-12566721 (INCORRECT NO.)(CORRECT NO. 99-25654)
Awarded the construction contract for the Ironwood Avenue Improvements to L.D. Anderson, Inc., 2750 South Lilac Avenue, Bloomington, California 92316, the lowest responsible bidder; authorized the Mayor to execute a contract agreement with L.D. Anderson, Inc. and authorized the issuance of a Purchase Order to L.D. Anderson, Inc. in the amount of \$967,191.61 (the amount of bid plus 10%

contingency) when both parties have signed the contract (Account No. 125.65420).

- A7. FINAL MAP 24043-1 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT RESOLUTION NO. 2002-33, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AUTHORIZING ACCEPTANCE OF THE PUBLIC RIGHT-OF-WAY IMPROVEMENTS AS COMPLETE AND ACCEPTING OLIVER STREET AND LAUREL COURT INTO THE CITY MAINTAINED STREET SYSTEM, SUBDIVIDER – BARRATT AMERICAN, INC., 2035 CORTE DEL NOGAL, SUITE 160, CARLSBAD, CA 92009
Approved a 90% reduction to the Faithful Performance Bond; instructed the City Engineer to prepare a 90% reduction to the Faithful Performance Bond and adopted Resolution No. 2002-33 authorizing the acceptance of the public right-of-way improvements for Tract Map 24043-1 as complete and accepting Oliver Street and Laurel Court into the City maintained street system.

Resolution No. 2002-33

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Right-of-Way Improvements as Complete Within Tract 24043-1, and Accepting Oliver Street and Laurel Court into the City Maintained Street System

- A8. FINAL MAP 24043-2 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT RESOLUTION NO. 2002-34, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AUTHORIZING ACCEPTANCE OF THE PUBLIC RIGHT-OF-WAY IMPROVEMENTS AS COMPLETE AND ACCEPTING TURNBERRY STREET AND OCEAN DUNES STREET INTO THE CITY MAINTAINED STREET SYSTEM, SUBDIVIDER – BARRATT AMERICAN, INC., 2035 CORTE DEL NOGAL, SUITE 160, CARLSBAD, CA 92009
Approved a 90% reduction to the Faithful Performance Bond; instructed the City Engineer to prepare a 90% reduction to the Faithful Performance Bond and adopted Resolution No. 2002-34 authorizing the acceptance of the public right-of-way improvements for Tract Map 24043-2 as complete and accepting Turnberry Street and Ocean Dunes Street into the City maintained street system.

Resolution No. 2002-34

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Right-of-Way Improvements as Complete Within Tract 24043-2, and Accepting Turnberry Street and Ocean Dunes Street into the City Maintained Street System

- A9. PARCEL MAP 29968 - EXECUTE A QUITCLAIM DEED TRANSFERRING THE CITY'S TITLE INTEREST IN A DRAINAGE EASEMENT TO THE UNDERLYING

FEE PROPERTY OWNER, SOUTH SIDE OF ALESSANDRO BOULEVARD, EAST SIDE OF ELSWORTH STREET, SUBDIVIDER -NEWHOPE PROPERTIES III, CGP, 9751 TALBERT AVENUE, FOUNTAIN VALLEY, CA 92708 Authorized the Mayor to execute the Quitclaim Deed transferring the City's title interest in the drainage easement recorded July 13, 1973, as Instrument No. 92262, in the Official Records of Riverside County, California; and directed the City Clerk to forward the signed Quitclaim Deed to the County Recorder's Office for recordation.

- A10. **FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE ROUTE 60/NASON STREET INTERCHANGE IMPROVEMENTS, PROJECT NO. 98-26897**
Approved the Fourth Amendment to Agreement for Professional Consultant Services as approved to form by the City Attorney, between the City and Parsons Brinckerhoff Quade and Douglas, Inc., for additional environmental and preliminary engineering services in a lump sum not to exceed \$50,980 (Account No. 125.89720); authorized the Mayor to execute the Fourth Amendment to Agreement for Professional Consultant Services with Parsons Brinckerhoff Quade and Douglas, Inc.; and authorized an increase in the purchase order to Parsons Brinckerhoff Quade and Douglas, Inc. in a lump sum not to exceed \$50,980 for the Route 60/Nason Interchange Improvements (Account No. 125.89720.)
- A11. **AUTHORIZE THE SECOND AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES WITH ENGINEERING RESOURCES**
Authorized the Second Amendment to the Agreement for Professional Engineering Services with Engineering Resources to increase the existing purchase orders by \$50,000 and authorized the City Manager to execute the Second Amendment to the Agreement with Engineering Resources.

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 APRIL 23, 2002**
Approved as submitted.
- B3. **MINUTES – SPECIAL MEETING OF MAY 7, 2002**
Approved as submitted.
- B4. **RIDGE CREST PARK – BUDGET APPROPRIATION FOR THE PURCHASE OF PICNIC SHELTERS**

Approved appropriation of \$50,000 for the purchase and installation of two picnic shelters for Ridge Crest Park; approved the purchase order to Miracle Playground Sales, 27464 Commerce Center Drive, Suite 1, Temecula, California 92590 for material and labor to install two picnic shelters at Ridge Crest Park and authorized the Finance Director to execute the necessary documents in an amount not to exceed \$50,000 as receipted from Ryland Homes on January 15, 2002 in account code #161.1610.4540.

B5. REQUEST ADOPTION OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR THE ROLLER HOCKEY/SKATEBOARD PARK AND RESTROOM SNACK BAR BUILDING AT MARCH FIELD PARK

Adopted the plans and specifications on file in the office of the Parks and Recreation Director for the construction of a Roller Hockey/Skateboard Park and restroom/snack bar facility at March Field Park; and authorized the City Clerk to advertise this project for construction bids.

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 APRIL 23, 2002

Approved as submitted.

C3. MINUTES – SPECIAL MEETING OF MAY 7, 2002

Approved as submitted.

C4. PALM DESERT DEVELOPMENT COMPANY (PDDC) HEACOCK COTTONWOOD II, LP (COTTONWOOD PLACE PHASE II) FINANCIAL ASSISTANCE REQUEST AND RESOLUTION FOR TAX CREDIT APPLICATION
Adopted Resolution No. RDA 2002-03, supporting the revised Cottonwood Place Phase II Housing development and affirming the provision of assistance to Heacock Cottonwood II, LP, a subsidiary of the Palm Desert Development Company (PDDC).

Resolution No. RDA 2002-03

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Supporting the Cottonwood Place Phase II Housing Development and Affirming its Intention to Provide Assistance to Heacock Cottonwood II, LP, a Subsidiary of the Palm Desert Development Company

D. PUBLIC HEARINGS

- D1. A PUBLIC HEARING ON AN APPEAL OF THE PLANNING COMMISSION'S APRIL 11, 2002 APPROVAL OF CONDITIONAL USE PERMIT PA01-0084 FOR A CHILDCARE FACILITY TO BE LOCATED WITHIN AN OFFICE BUILDING LOCATED AT 21250 BOX SPRINGS ROAD. THE APPEAL APPLICATION WAS SUBMITTED BY MR. WILLIE D. MITCHELL. THE PROJECT PROPONENT IS FAMILY SERVICE ASSOCIATION OF WESTERN RIVERSIDE COUNTY

Mayor White opened the public testimony portion of the public hearing. Public comments were received from Richard Garcia, Deborah Clark, Steve Newman, Daniel Ferdon, Aram Sogomonian, Catalina Santana, Leticia Rios, Rebecca Davis, Celia Perez, Elias Teshome and Wayne Leach.

Councilmember Flickinger made a motion, seconded by Councilmember West to adopt a Negative Declaration for Conditional Use Permit PA01-0084, in that this application will not result in significant environmental impacts. Motion carried 3-2, Mayor Pro Tem Batey and Councilmember Stewart dissenting. Roll call vote.

Councilmember Flickinger made a motion, seconded by Councilmember West to adopt City Council Resolution No. 2002-35 approving Conditional Use Permit PA01-0084, based on the findings in City Council Resolution No. 2002-35, and the conditions of approval as attached to the resolution as Exhibit 1, thereby upholding the Planning Commission's approval of Conditional Use Permit PA01-0084. Motion carried 3-2, Mayor Pro Tem Batey and Councilmember Stewart dissenting. Roll call vote.

Resolution No. 2002-35

A Resolution of the City Council of the City of Moreno Valley, California, Approving Conditional Use Permit PA01-0084 for a Childcare Facility to be Located in an Existing Office Building Located at 21250 Box Springs Road

RECESS; RECONVENE

- D2. PUBLIC HEARING TO CONSIDER AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM 2001-02 ANNUAL ACTION PLAN – AMENDMENT 2 (CONTINUED FROM MAY 14, 2002)

Mayor White opened the public testimony portion of the public hearing. Public comments were received from Don Bedro.

Councilmember Flickinger made a motion, seconded by Councilmember West to approve the proposed amendment to the FY 2001-02 Annual Action Plan and

authorize the transfer of \$300,000 from account 142.84450 to new project account for child care center, recognizing that this action does not constitute approval of a loan agreement. Motion carried 3-2, Mayor Pro Tem Batey and Councilmember Stewart dissenting. Roll call vote.

D3. PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS ("GANN") LIMIT FOR THE CITY OF MORENO VALLEY FOR FY 2002-03

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

Councilmember West made a motion, seconded by Councilmember Flickinger that the City Council adopt Resolution No. 2002-36, establishing an appropriations limit for the City of Moreno Valley for FY 2002/03. Motion carried 5-0. Roll call vote.

Resolution No. 2002-36

A Resolution of the City Council of the City of Moreno Valley, California, Establishing an Appropriations Limit for Fiscal Year 2002/03 and Taking Other Actions in Relation Hereto

D4. PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS ("GANN") LIMIT FOR THE COMMUNITY SERVICES DISTRICT FOR FY 02/03

President White opened the public testimony portion of the public hearing. Public comments were received from Pete Bleckert.

Boardmember Stewart made a motion, seconded by Boardmember West that the City Council, acting in its capacity as the governing body of the Community Services District, adopt Resolution No. CSD 2002-05, establishing an appropriations limit for the Community Services District for FY 2002/03. Motion carried 5-0. Roll call vote.

Resolution No. CSD 2002-05

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Establishing an Appropriations Limit for Fiscal Year 2002/03 and Taking Other Actions in Relation Thereto

E. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

None

F. REPORTS

- F1. ADOPT RESOLUTION ESTABLISHING A JOINT EXERCISE OF POWERS AGREEMENT WITH THE MORENO VALLEY UNIFIED SCHOOL DISTRICT, AND APPROVE MEMORANDUM OF UNDERSTANDING

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

Councilmember Flickinger made a motion, seconded by Mayor Pro Tem Batey to adopt Resolution No. 2002-39, approving a Joint Exercise of Powers Agreement with the Moreno Valley Unified School District to create the Moreno Valley Unified School District Authority; approve the Memorandum of Understanding for the cooperative library services agreement with the Moreno Valley Unified School District; and authorize the Mayor to execute all documents pertaining to the formation of the Joint Exercise of Powers Agreement and the Memorandum of Understanding.

Resolution No. 2002-39

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Formation of a Joint Exercise of Powers Authority with the Moreno Valley Unified School District

- F2. REPORT TO CONSIDER PUBLIC COMMENTS REGARDING COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) MAIL BALLOT PROCEEDING FOR TENTATIVE TRACT 30195 (AND ALL AFFECTED PHASES)

President White opened the agenda item for public comments; there being none, public comments were closed.

- F3. REPORT TO CONSIDER PUBLIC COMMENTS REGARDING MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL SERVICE CHARGE FOR STREET TREE LANDSCAPING PROGRAM - TRACTS 10191/18468

President White opened the agenda item for public comments; there being none, public comments were closed.

- F4. REPORT TO CONSIDER PUBLIC COMMENTS REGARDING MORENO VALLEY COMMUNITY SERVICES DISTRICT PROPOSED 2002/2003 ANNUAL CHARGES

President White opened the agenda item for public comments; there being none, public comments were closed.

- F5. RESOLUTION NO. CSD 2002-06, APPROVING AND ADOPTING THE COMMUNITY SERVICES DISTRICT ZONES B AND C STREET LIGHTING POLICY

President White opened the agenda item for public comments; there being none, public comments were closed.

Boardmember Flickinger made a motion, seconded by Boardmember West to continue this item to the City Council meeting of June 11, 2002. Motion carried 5-0. Roll call vote.

- F6. ADOPTION OF FY 2002-03 BUDGET AND RELATED ACTIONS

Mayor White opened the agenda item for public comments; which were received from Pete Bleckert and Priscilla Banks (See motion and vote below)

- F7. ADOPTION OF THE 2002 REVISED 10-YEAR CAPITAL PLAN

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

Councilmember Flickinger made a motion, seconded by Councilmember Stewart to continue items F6 (Adoption of FY 2002-03 Budget and Related Actions) and F7 (Adoption of the 2002 Revised 10-Year Capital Plan) to the City Council meeting of 6/25/02. Motion carried 5-0. Roll call vote.

- F8. LEGISLATIVE UPDATE

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

Councilmember Flickinger made a motion, seconded by Councilmember Stewart to receive and file the Legislative Status Report. Motion carried unanimously.

- F9. CITY MANAGER'S REPORT

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

G. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION - NONE

ORDINANCES - 2ND READING AND ADOPTION

- G1. ADOPTION OF ORDINANCE NO. 601, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA00-0021 (AMENDMENT NO. 1 TO THE EASTGATE RANCH SPECIFIC PLAN) WHICH ADDRESSES CHANGES TO ACCESS, INTERNAL CIRCULATION, THE FLOOD CONTROL CHANNEL, AND THE ZONING ORDINANCE (RECEIVED FIRST READING AND INTRODUCTION MAY 14, 2002 ON A 5 –0 VOTE)

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

Mayor Pro Tem Batey made a motion, seconded by Councilmember Stewart to adopt Ordinance No. 601. Motion carried 5-0. Roll call vote.

Ordinance No. 601

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA00-0021 (Amendment No. 1 to the Eastgate Ranch Specific Plan) Which Addresses Changes to Access, Internal Circulation, the Flood Control Channel, and the Zoning Ordinance

- G2. ADOPTION OF ORDINANCE NO. 602, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA00-0004, AMENDING CHAPTER 9.02 (SECTION (9.02.180) ENTITLED “NONCONFORMING USES AND PROVISIONS” AND RELATED SECTIONS OF THE MORENO VALLEY MUNICIPAL CODE CITYWIDE (RECEIVED FIRST READING AND INTRODUCTION MAY 14, 2002 ON A 4 – 1 VOTE, BATEY VOTING NO)

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

Councilmember Flickinger made a motion, seconded by Councilmember West to adopt Ordinance No. 602. Motion carried 5-0. Roll call vote.

Ordinance No. 602

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA00-0004, Amending Chapter 9.02 (Section (9.02.180) Entitled “Nonconforming

Uses and Provisions” and Related Sections of the Moreno Valley Municipal Code
Citywide

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:

Chris Porter – P.O. Box 9611

- 1) Stated he feels the Moreno Valley Police Department is abusive to citizens

Daryl C. Terrell - Address matter of record

- 1) Freedom is the unalienable right of all citizens

Priscilla Banks – 13560 Searson Drive

- 1) Proposed new library

Pete Bleckert – Address matter of record

- 1) City’s need for soccer fields

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

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

Mayor Pro Tem Batey

- 1) Congratulated the graduates of the class of 2002
- 2) Announced he will not be at the next meeting as he will be attending a graduation ceremony
- 3) Would like to explore the possibility of establishing a citizens’ committee to help the Police Department deal with some of the complaints coming in – feels it would give an objective third-party perspective to the issues

Councilmember Stewart

- 1) Stated the gentleman making the statement regarding abuse in the Police Department should file a written complaint – doesn’t feel the City needs a citizens’ committee to deal with these issues
- 2) Asked the Police Department to investigate the illegal street racing between Hidden Springs and Old Lake that is occurring late at night

- 3) Explained that the “windfall” money received by the City is not a permanent funding source – doesn’t happen every year – the money has been committed to the funding of the new fire station
- 4) Stated there has been some improvement in the road construction on Heacock – commended the Public Works Director on his response to the public on the issue
- 5) Sympathizes with Mr. Bleckert on the lack of ballfields in the City – it is a difficult issue
- 6) Wants to take a look at the options for a new library
- 7) San Diego County received 25% of all the state library bond money thanks to the Senator from Coronado Island – the City needs to push ahead to apply for some of the bond money made available by the state

Councilmember Flickinger

- 1) Agrees with Councilmember Stewart – feels we don’t need a citizens’ committee for Police Department complaints
- 2) Wished the City Manager well on his upcoming vacation

Mayor White

- 1) Extended an invitation to all citizens who question the budget process to come to City Hall and meet with him regarding their questions

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 10:12 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

Approved by:

Charles White, Mayor
 President, Moreno Valley Community Services District
 Chairperson, Community Redevelopment Agency of the City of Moreno Valley

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