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 Pro Tem West in the Council Chamber located at 14177 Frederick Street.

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

INVOCATION - Pastor Paul M. Cunningham, Calvary Baptist Church of Moreno Valley

ROLL CALL

Council:
Frank West Mayor Pro Tem
Bonnie Flickinger Councilmember
Richard A. Stewart Councilmember (arrived at 7:33 p.m.)
Charles R. White Councilmember

Absent:
William H. Batey, II Mayor

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
Trent Pulliam Public Works Director/City Engineer
George Price Parks and Recreation Director
Mayor Pro Tem West opened the agenda items for the Consent Calendars for public comments; there being none, public comments were closed.

Councilmember White made a motion, seconded by Councilmember Flickinger to approve the Consent Calendars in their entireties, except for Item A10 which was pulled for separate discussion/action. Motion carried 3-0-2, Batey and Stewart absent. 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. MINUTES – SPECIAL MEETING/CLOSED SESSION OF OCTOBER 7, 2003
Approved as submitted.

Approved as submitted.

A4. WARRANT REPORT
Adopted Resolution No. 2003-78, approving the Warrant Report, dated September, 2003 in the total amount of $9,586,287.78.

Resolution No. 2003-78

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report Dated September 30, 2003.

A5. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE FISCAL YEAR 2002/2003 ANNUAL SLURRY SEAL PROGRAM PROJECT, PROJECT NO. 02-12584830
Awarded the construction contract for the Fiscal Year 2002/2003 Annual Slurry Seal Program to Bond Black Top, Inc., 1147 Atlantic Street, Union City, CA 94587, the lowest responsible bidder; authorized the Mayor to execute a contract with Bond Black Top, Inc.; and authorized the issuance of a Purchase
Order in the amount of $1,262,874.69 (the bid amount plus 10% contingency) when the contract has been signed by all parties.

A6. ACCEPTANCE OF OFFICE OF TRAFFIC SAFETY (OTS) GRANT FUNDING, “CALIFORNIA SEAT BELT COMPLIANCE CAMPAIGN”
Accepted the OTS Grant in the amount of $14,377.00 entitled “California Seat Belt Compliance Campaign”. This will allow the MVPD to provide directed enforcement during the statewide campaign. This campaign will coincide with the Thanksgiving Holiday period this year and will be related to seat belt and child safety seat usage.

Approved an 80% reduction to the Faithful Performance Bond for Final Map 23455; authorized the City Engineer to reduce the Faithful Performance Bond by 80%; and adopted Resolution No. 2003-79 authorizing acceptance of the public right-of-way improvements for Final Map as complete and accepting Pete Dye Street and John F. Kennedy Drive into the City Maintained Street System.

Resolution No. 2003-79
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 23455, and Accepting Pete Dye Street and John F. Kennedy Drive Into the City Maintained Street System

A8. APPROVAL OF FINAL MAP 30316 – SINGLE FAMILY RESIDENTIAL PROJECT, AND ACCEPT AGREEMENT AND BONDS FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS, EAST OF LASSELLE STREET, NORTH OF IRIS AVENUE, AND NORTH SIDE OF CAMINO FLORES IN THE MORENO VALLEY RANCH SPECIFIC PLAN (SP193) AREA (K. HOVNANIAN FORECAST HOMES, INC.)
Approved Final Map 30316, authorized the City Clerk to sign the map and transmit said map to the County Recorder’s Office for recordation; accepted the bonds and Agreement for Public Improvements; authorized the Mayor to
execute the agreement; and directed the City Clerk to forward the signed agreement to the County Recorder’s Office for recordation.

A9. APPROVAL OF PARCEL MAP 31234 NORTHWEST CORNER OF PERRIS BOULEVARD AND IRIS AVENUE (SUBDIVIDER - HOME DEPOT U.S.A., INC, ORANGE, CA 92868)
Approved Parcel Map 31234, authorized the City Clerk to sign the map, and transmit said map to the County Recorder’s Office for recordation.

A11. RESOLUTION FOR THE ABATEMENT OF PUBLIC NUISANCES
Adopted Resolution No. 2003-80 of the City of Moreno Valley, California, confirming assessments on certain real properties as outlined in the Property Assessment List for the abatement of nuisances.

Resolution No. 2003-80

A Resolution of the City Council of the City of Moreno Valley, California, Confirming Statements of Costs Against Real Property Located in the City of Moreno Valley, for Abatements of Public Nuisances and Direction that Said Statements of Costs Constitute a Lien upon Said Properties

A12. PALM DESERT DEVELOPMENT COMPANY (PDDC) HEACOCK COTTONWOOD II, LP (COTTONWOOD PLACE PHASE II) OWNER PARTICIPATION AGREEMENT
Adopted Resolution No. 2003-81 Approving the Owner Participation Agreement (OPA) between The Community Redevelopment Agency (Agency) and Heacock Cottonwood Limited Partnership II (Participant); and Intercreditor Agreement.

Resolution No. 2003-81

A Resolution of the City Council of the City of Moreno Valley, California, Approving an Owner Participation Agreement Between the Community Redevelopment Agency of the City of Moreno Valley and Heacock Cottonwood Limited Partnership II, and Making Findings in Connection Therewith

B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

4
B1. ORDINANCES - FIRST READING BY TITLE ONLY  
Waived reading of all Ordinance Introductions and read by title only.

Approved as submitted.

B3. MINUTES – REGULAR MEETING OF OCTOBER 14, 2003  
Approved as submitted.

B4. APPROVAL OF TENANT AGREEMENT WITH MORENO VALLEY CULTURAL ARTS FOUNDATION FOR USE OF SPACE AT THE PARK EL MORENO RECREATION CENTER, 13671 FREDERICK STREET  
Approved the execution of the Tenant Agreement between the Community Services District (CSD) and Moreno Valley Cultural Arts Foundation (MVCAF) for the use of building space at the Park El Moreno Recreation Center, located at 13671 Frederick Street, Moreno Valley, the term of the agreement is twelve months with an option to renew for additional three (3) twelve-month terms. Authorized the City Manager to execute agreement as well as the annual renewals.

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 – SPECIAL MEETING/CLOSED SESSION OF OCTOBER 7, 2003  
Approved as submitted.

Approved as submitted.

C4. PALM DESERT DEVELOPMENT COMPANY (PDDC) HEACOCK COTTONWOOD II, LP (COTTONWOOD PLACE PHASE II) OWNER PARTICIPATION AGREEMENT  
Adopted Resolution No. RDA 2003-05 approving the Owner Participation Agreement (OPA) between the Community Redevelopment Agency (Agency) and Heacock Cottonwood Limited Partnership II (Participant); and Intercreditor Agreement.

Resolution No. RDA 2003-05

5

MINUTES

OCTOBER 28, 2003
A Resolution of the Redevelopment Agency of the City of Moreno Valley, California, Approving an Owner Participation Agreement Between the Community Redevelopment Agency of the City of Moreno Valley and Heacock Cottonwood Limited Partnership II, and Making Findings in Connection Therewith

D. PUBLIC HEARINGS

D1. A PUBLIC HEARING REGARDING THE APPLICANT’S REQUEST TO CONSIDER REVISED PROPOSALS FOR PA03-0023 (PLOT PLAN) AND P02-058 (SPECIFIC PLAN AMENDMENT), INCLUDING A CHANGE IN LAND USE FROM C (COMMERCIAL) TO H (HIGH DENSITY RESIDENTIAL), A MODIFICATION TO EXISTING PARKING STANDARDS FOR TWO BEDROOM UNITS, AND A PROPOSED 176-UNIT APARTMENT COMPLEX FOR THE SOUTHEAST CORNER OF JOHN F. KENNEDY DRIVE AND MORENO BEACH DRIVE (PLANNING AREA 60) AND THE RECONSIDERATION OF PA03-0022 (PLOT PLAN) AND P02-058 (SPECIFIC PLAN AMENDMENT), A CHANGE IN LAND USE DESIGNATION FROM C (COMMERCIAL) TO H (HIGH DENSITY RESIDENTIAL), A MODIFICATION OF PARKING STANDARDS FOR TWO BEDROOM UNITS AND A PROPOSED 176-UNIT APARTMENT COMPLEX FOR THE SOUTHWEST CORNER OF IRIS AVENUE AND VIA DEL LAGO (PLANNING AREA 54) WITHIN THE MORENO VALLEY RANCH SPECIFIC PLAN (SP NO. 193), AS SUBMITTED BY ALLIANCE RESIDENTIAL INC.

Mayor Pro Tem West made a motion, seconded by Councilmember White to continue the item to a Special Council Meeting to be held on November 4, 2003 at 6:30 p.m. Motion carried 3-0-2, Mayor Batey and Councilmember Stewart absent. Roll call vote.

D2. PUBLIC HEARING FOR FISCAL YEAR 2003 LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) PROGRAM FUNDING ALLOCATION

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

Councilmember Flickinger made a motion, seconded by Mayor Pro Tem West to adopt the proposed use of the Local Law Enforcement Block Grant Program funding, accept the Local Law Enforcement Block Grant Program funding in the amount of $189,185 (Total Program amount $210,206; with City’s 10% match) from the U.S. Department of Justice, Bureau of Justice Assistance, and;
authorize a budget appropriation adjustment in the amount of $21,021 from the General Fund account 62210.6291.295 to 255.62567 (Transfers to Fund 255) in order to satisfy the 10% matching requirement. Motion carried 3-0-2, Mayor Batey and Councilmember Stewart absent. Roll call vote.

D3. A PUBLIC HEARING TO CONSIDER APPLICATION NOS. PA02-0021 AND P03-023. PA02-0021 IS AN AMENDMENT TO THE MORENO VALLEY RANCH SPECIFIC PLAN AND THE OFFICIAL ZONING ATLAS THAT WOULD CHANGE THE ZONING FOR THE SOUTHEAST CORNER OF IRIS AVENUE AND LASSELLE STREET FROM COMMERCIAL (10.5 ACRES), PARK (5 ACRES) AND HIGH DENSITY RESIDENTIAL (17-20 DWELLINGS PER ACRE ON 14.1 ACRES). PA02-0021 WOULD ALSO CHANGE THE ZONING FOR THE 5.7 ACRES AT THE SOUTHWEST CORNER OF IRIS AVENUE AND LASSELLE STREET FROM COMMERCIAL TO MEDIUM-LOW DENSITY RESIDENTIAL (4-8 DWELLINGS PER ACRE). IN ADDITION, PA02-0021 WOULD MODIFY THE PARKING AND BUILDING SEPARATION REQUIREMENTS FOR THE MEDIUM HIGH DENSITY RESIDENTIAL AND HIGH DENSITY RESIDENTIAL ZONES AND AMEND THE DESIGN MANUAL TO COINCIDE WITH THE PROPOSED ZONE CHANGES. P03-023 IS AN AMENDMENT TO THE MORENO VALLEY RANCH SECOND AMENDED DEVELOPMENT AGREEMENT TO ALLOW PAYMENT OF PARK FEES IN LIEU OF DEDICATION OF PLANNING AREA 28 FOR PARK PURPOSES. P03-023 WOULD REQUIRE IN-LIEU FEE PAYMENTS PRIOR TO DEVELOPMENT OF THE SITES OF THE PROPOSED ZONE CHANGES AS WELL AS THE NORTHEAST CORNER OF KRAMERIA AVENUE AND LASSELLE STREET.

Mayor Pro Tem West opened the public testimony portion of the public hearing. Public testimony was received from Norman Epps and Pete Bleckert.

Councilmember Flickinger made a motion, seconded by Councilmember White to adopt a Negative Declaration for Application Nos. PA02-0021 and P003-023; and introduce City Council Ordinance No. 640, based on the findings contained in the Ordinance, thereby approving: (1) Moreno Valley Ranch Specific Plan Amendment No. 12; (2) Amendment of the Official Zoning Atlas; and (3) Amendment to the Moreno Valley Ranch Second Amended Development Agreement between the City of Moreno Valley and Empire Land, LLC. (roll call required). Motion carried 3-0-2, Mayor Batey and Councilmember Stewart absent. Roll call vote.

Ordinance No. 640
An Ordinance of the City Council of the City of Moreno Valley, California, (1) Amending the Moreno Valley Specific Plan (Amendment No. 12) by Changing the Zoning Designations for Planning Areas 28, 29, 30, 31 and 32 (Generally Located at the Southeast and Southwest Corners of Iris Avenue and Lasselle Street), Amending the Moreno Valley Ranch Design Manual and Official Zoning Atlas in Accordance with Said Zone Changes and Amending Certain Parking and Building Separation Standards; and (2) Amending the Moreno Valley Ranch Second Amendment Development Agreement to Allow Payment of Fees In-Lieu of Dedication of Planning Area 28 Prior to Development of Planning Areas 28, 29, 30, 31, 32, 21 and 21A (21 and 21A are Generally Located at the Northeast Corner of Lasselle Street and Krameria Avenue)

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

A10. ENGAGEMENT LETTER FOR LEGAL SERVICES WITH LATHAM AND WATKINS, LLP TO REVIEW DRAFT MAINTENANCE AGREEMENT FOR STORM WATER MANAGEMENT SERVICES

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

Councilmember White made a motion, seconded by Councilmember Flickinger to approve the Engagement Letter for the Western Pacific matter as reviewed by the City Attorney; and authorize the Mayor to execute the Approval of Engagement, as amended, contingent upon the removal of the obligation for binding arbitration. Motion carried 4-0-1, Mayor Batey absent. Roll call vote.

F. REPORTS

F1. REPORT TO CONSIDER PUBLIC COMMENTS REGARDING MAIL BALLOT PROCEEDINGS FOR TENTATIVE TRACTS 30319 AND 30233 (AND ALL AFFECTED PHASES) FOR APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE - NORTHWEST CORNER OF IRIS AVENUE AND LASSELLE STREET

Mayor Pro Tem West opened the agenda item for public comments; there being none, public comments were closed.
Mayor Pro Tem West made a motion, seconded by Councilmember Stewart to receive and file. Motion carried unanimously.

F2. IMPACT OF PROPOSED UTILITY USER’S TAX REPEAL BALLOT MEASURE
Mayor Pro Tem West opened the agenda item for public comments, which were received from Pete Bleckert.

Councilmember White made a motion, seconded by Councilmember Flickinger to receive and file. Motion carried unanimously.

F3. INITIATIVE MEASURE TO REPEAL THE CITY’S UTILITY USER’S TAX
Mayor Pro Tem West opened the agenda item for public comments, which were received from Ray Hosman and Pete Bleckert.

Councilmember Stewart made a motion, seconded by Councilmember White to order proposed ordinance to be submitted to the voters at the November 2, 2004 election; adopt Resolution No. 2003-74, ordering the submission of the initiative measure to repeal the City’s utility user’s tax to the qualified electors; adopt Resolution No. 2003-75, directing the City Attorney to prepare an Impartial Analysis regarding said initiative measure; and adopt Resolution No. 2003-76, providing for the filing of Rebuttal Arguments for said initiative measure. Motion carried 4-0-1, Mayor Batey absent. Roll call vote.

Resolution No. 2003-74
A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Submission to the Qualified Electors of the City of Moreno Valley an Initiative Measure to Repeal the City’s Utility User’s Tax at the General Municipal Election to be Held on Tuesday, November 2, 2004

Resolution No. 2003-75
A Resolution of the City Council of the City of Moreno Valley, California, Directing the City Attorney to Prepare an Impartial Analysis Regarding the Measure Relating to the City’s Utility Users Tax

Resolution No. 2003-76
A Resolution of the City Council of the City of Moreno Valley, California,
PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR INITIATIVE MEASURES SUBMITTED AT MUNICIPAL ELECTIONS

F4. APPOINTMENTS TO THE LIBRARY ADVISORY BOARD, CULTURAL PRESERVATION ADVISORY COMMITTEE, AND CITIZENS ADVISORY COMMITTEE ON RECREATIONAL TRAILS

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

Councilmember Flickinger made a motion, seconded by Councilmember Stewart to appoint Ethel Rizzo to the Library Advisory Board (term expires 6/30/04); Richard Dozier to the Cultural Preservation Advisory Committee (term expires 6/3/05); and Arthur Dassow to the Citizen’s Advisory Committee on Recreational Trails (term expires 6/30/04). Motion carried 4-0-1, Mayor Batey absent. Roll call vote.

F5. ORDINANCE AMENDING TITLE 1 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING CIVIL CITATIONS

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

Councilmember White made a motion, seconded by Councilmember Flickinger to Introduce Ordinance No. 639. Motion carried 4-0-1, Mayor Batey absent. Roll call vote.

Ordinance No. 639

An Ordinance of the City Council of the City of Moreno Valley Amending Title 1 of the City of Moreno Valley Municipal Code, by Adding a New Chapter 1.10, Relating to Civil Citations

F6. CANYON CROSSINGS MEMORANDUM OF UNDERSTANDING BETWEEN THE CITIES OF RIVERSIDE AND MORENO VALLEY

Mayor Pro Tem West opened the agenda item for public comments, which were received from Norman Epps.
Councilmember Stewart made a motion, seconded by Councilmember White to approve the MOU between the Cities of Riverside and Moreno Valley concerning the Canyon Crossings project and authorize the Mayor to sign the MOU. Motion carried 4-0-1, Mayor Batey absent. Roll call vote.

F7. INTRODUCTION OF ORDINANCE NO. 635 AND CSD ORDINANCE NO. 42 REPEALING AND REENACTING CHAPTER 11.40 OF TITLE 11 OF THE MORENO VALLEY MUNICIPAL CODE RELATING TO THE USE OF PARKS AND RECREATION FACILITIES (CONTINUED FROM SEPTEMBER 9, 2003)

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

Councilmember Stewart made a motion, seconded by Councilmember Flickinger to continue the item regarding the Use of Parks and Recreation Facilities to November 25, 2003, to allow the issues to be addressed. Motion carried 4-0-1, Mayor Batey absent. Roll call vote.

F8. JOINT RESOLUTION WITH THE CITY OF RIVERSIDE - ECONOMIC DEVELOPMENT

Mayor Pro Tem West opened the agenda item for public comments, which were received from Daryl Terrell, Norman Epps and Tom Jerele, Sr.

Councilmember Flickinger made a motion, seconded by Councilmember White to adopt Resolution No. 2003-84, a joint resolution with the City of Riverside supporting economic development cooperation, contingent upon Riverside agreeing to amend to correct the language reading “excessive” and “extraordinary”. Motion carried 4-0-1, Mayor Batey absent. Roll call vote.

Resolution No. 2003-84

A Joint Resolution of the City Council of the City of Moreno Valley and the City Council of the City of Riverside, supporting Economic Development Cooperation

F9. LEGISLATIVE UPDATE

Mayor Pro Tem West opened the agenda item for public comments; there being none, public comments were closed.
Councilmember White made a motion, seconded by Councilmember Stewart to receive, file and ratify the Legislative Status Report. Motion carried 4-0-1, Mayor Batey absent. Roll call vote.

F10. CITY MANAGER’S REPORT (Informational Oral Presentation – not for Council action) - None

G. 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:

W.J. McKinley – 13069 Pan Am Boulevard
1) Speed humps needed on Pan Am Boulevard

Daryl Terrell – Address matter of record
1) Supports small businesses

Pete Bleckert – Address matter of record
1) Voting habits
2) Municipal utility
3) Palm trees on Sunnymead Blvd.

Ray Hosman – Address matter of record
1) Debt service
2) Future City Hall and Council Chamber

Tom Jerele, Sr. – 24895 Sunnymead Blvd., #133
1) Dealings with Riverside
2) Directly-elected Mayor

MINUTES
OCTOBER 28, 2003
CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Councilmember Flickinger
1) Stated Mr. McKinley can attend the Traffic Safety Advisory Committee and voice concerns about necessity for speed humps on his street – asked Chief DiYorio to address the issue
2) Announced there is currently a speed hump pilot program in the City
3) Debt Service figures were presented in 1996 – the City Manager will bring those figures back to the public at a Council Meeting or Study Session
4) Proposed Civic Center will only be built if a need is demonstrated in the future
5) Moreno Valley firefighters have been assisting crews battling the firestorm – Moreno Valley fire stations are fully manned with backfill from other CDF stations
6) Moreno Valley Police Department is also assisting with the command post but PD is still fully-staffed
7) Shadow Mountain Park and Equestrian Center have been utilized for helicopter base and animal evacuation purposes
8) Announced the number for the Red Cross is 1-800-HELPNOW for those who wish to help and the Salvation Army in San Bernardino is accepting donations at 746 W. 5th St.
9) Attended the Rededication of Rancho Verde High School

Councilmember Stewart
1) Stated when a development is approved the School District must sign off on a Certificate of Compliance form stating if funding will be necessary to build additional schools – the money must be available before a school is built
2) City does “future planning” to assess future growth needs for city facilities
3) Challenged those citizens who state the city has a “hidden pot of money” to show it to him

Mayor Pro Tem West – No comments

Councilmember White – No comments

Mayor Batey - absent

CLOSED SESSION – None – Matter held in open session and concluded

ADJOURNMENT
There being no further business to conduct, the meeting was adjourned 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

Approved by:

________________________________________
William H. Batey, II, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley