

**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.
MARCH 22, 2005**

CALL TO ORDER - The Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:30 p.m. by Mayor West in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Council Member West

INVOCATION - Pastor Steve Overton, Christian Chapel Foursquare Church

ROLL CALL

Council:

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

Staff:

Alice Reed	City Clerk
Steve Chapman	Finance Director/City Treasurer
Robert Herrick	City Attorney
Gene Rogers	City Manager
Betsy Adams	Interim Assistant City Manager
Linda Guillis	Community and Economic Development Director
William Di Yorio	Police Chief
Abdul Ahmad	Fire Marshal
Trent Pulliam	Public Works Director/City Engineer
Cynthia Pirtle	Director of Library Services
George Price	Parks and Recreation Director
George Guayante	Interim Economic Development Director
Angela Rushen	Interim Administrative Services Director
Denese Wilson	Human Resources 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 Stewart opened the agenda items for the Consent Calendars for public comments; there being none, public comments were closed.

A. CONSENT CALENDAR - CITY COUNCIL

- A1. ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.
- A2. MINUTES - REGULAR MEETING OF MARCH 8, 2005 (Report of: City Clerk)
Recommendation: Approve as submitted.
- A3. PA02-0117 – REDUCE FAITHFUL PERFORMANCE BOND BY 90% AND ADOPT RESOLUTION NO. 2005-26, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING ACCEPTANCE OF THE PUBLIC RIGHT-OF-WAY IMPROVEMENTS AS COMPLETE AND ACCEPTING PERRIS BOULEVARD AND RED MAPLE LANE INTO THE CITY MAINTAINED STREET SYSTEM - SUBDIVIDER – 4M RED MAPLE (Report of: Public Works Department)
Recommendation: Approve a 90% reduction to the Faithful Performance Bond for PA02-0117; authorize the City Engineer to reduce the Faithful Performance Bond by 90%; and adopt Resolution No. 2005-26 authorizing the acceptance of the public right-of-way improvements for PA02-0117 as complete and accepting Perris Boulevard and Red Maple Lane into the City Maintained Street System.

Resolution No. 2005-26

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 for PA02-0117, and Accepting Perris Boulevard and Red Maple Lane into the City Maintained Street System

- A4. WARRANT REPORT – FEBRUARY, 2005 (Report of: Finance Department)
Recommendation: Adopt Resolution No. 2005-27, approving the Warrant Report, dated February, 2005 in the total amount of \$14,994,522.68.

Resolution No. 2005-27

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report dated February 28, 2005

- A5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY APPROVING PA03-0101 (TENTATIVE TRACT MAP NO. 31556) FOR A SINGLE-FAMILY RESIDENTIAL TRACT INCLUDING APPROXIMATELY 68 LOTS, TWO DETENTION AND CLEANSING BASIN LOTS, ONE FIRE ACCESS LOT AND VARIOUS OPEN SPACE LOTS ON A 75.6 ACRE PARCEL OF LAND (73.3 NET ACRES) WITHIN THE (RA-2) RESIDENTIAL AGRICULTURE-2 LAND USE DISTRICT AND (HR) HILLSIDE RESIDENTIAL LAND USE DISTRICT. THE PROJECT IS LOCATED ON THE NORTHWEST CORNER OF OLIVER STREET AND JUNIPER AVENUE AND WAS SUBMITTED BY THE APPLICANT, EMPIRE HOMES (Report of: Community Development Department)
Recommendation: Approve Resolution No. 2005-28 for the approval of the reconsideration of PA03-0101, thus approving Tentative Tract Map No. 31556.

Resolution No. 2005-28

A Resolution of the City Council of the City of Moreno Valley Approving PA03-0101 (Tentative Tract Map No. 31556) for a Single-Family Residential Tract Including Approximately 68 Lots, Two Detention and Cleansing Basin Lots, One Fire Access Lot and Various Open Space Lots on a 75.6 Acre Parcel of Land (73.3 Net Acres) Within the (RA-2) Residential Agriculture-2 Land Use District and (HR) Hillside Residential Land Use District

- A6. SECOND READING AND ADOPTION - ORDINANCE 683 - SEIZURE AND FORFEITURE OF NUISANCE VEHICLES (RECEIVED FIRST READING AND INTRODUCTION MARCH 8, 2005 ON A 5-0 VOTE) (Report of: City Attorney's Office)
Recommendation: Adopt Ordinance No. 683.

Ordinance No. 683

An Ordinance of the City Council of the City of Moreno Valley, California, Amending the City of Moreno Valley Municipal Code by Adding Chapter 12.13 Regarding Seizure and Forfeiture of Nuisance Vehicles

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. REQUEST TO ADVERTISE A NOTICE REQUESTING PROPOSALS – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-2/05 – MAINTENANCE OF EXTENSIVE PARKWAY AND OPEN SPACE LANDSCAPING AND IRRIGATION – HIDDEN SPRINGS (Report of: Public Works Department)
Recommendation: Adopt the area maps and maintenance specifications, which are on file in the office of the Director of Public Works; and authorize the City Clerk to advertise a Notice Requesting Proposals for Project E-2/05.
- B3. MINUTES - REGULAR MEETING OF MARCH 8, 2005 (Report of: City Clerk)
Recommendation: Approve as submitted.
- B4. REBALLOT PROCEEDING FOR TENTATIVE TRACTS 31212 AND 31327 (AND ALL THE AFFECTED PHASES) FOR INCLUSION INTO COMMUNITY SERVICES DISTRICT (CSD) ZONE E-14 (MAHOGANY FIELDS) AND APPROVAL OF THE CSD ANNUAL CHARGE. TENTATIVE TRACT 31212 IS LOCATED ON THE EAST SIDE OF MORRISON STREET BETWEEN COTTONWOOD AVENUE AND BAY AVENUE. TENTATIVE TRACT 31327 IS LOCATED ON THE EAST SIDE OF MORRISON STREET BETWEEN BAY AVENUE AND ALESSANDRO BOULEVARD (Report of: Public Works Department)
Recommendation: Accept public comment regarding the rebalLOT proceeding for inclusion of Tentative Tracts 31212 and 31327 (and all their affected phases) into CSD Zone E-14 (Mahogany Fields) and approval of the CSD annual charge .

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 MARCH 8, 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 MARCH 8, 2005 (Report of: City Clerk)
Recommendation: Approve as submitted.

Joint Consent Calendar items A2 – D2 approved by a 5-0 vote. m/Flickinger, s/White, with amendment to Item A5, changing the title of the Staff Report to match title of the Resolution.

E. PUBLIC HEARINGS

- E1. A PUBLIC HEARING FOR AN AMENDMENT TO TITLE 9 OF THE MUNICIPAL CODE REGARDING INDOOR MALLS (INDOOR SWAP MEETS) (Report of: Community Development Department)

Senior Planner Specter clarified the language in recommendation #1 should be corrected to read “Determine that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines”.

Mayor Stewart opened the public testimony portion of the public hearing. Public testimony was received from Steve Glusker (supports).

Recommendation: Staff and the Planning Commission recommend that the City Council conduct a public hearing regarding PA04-0181, an amendment to the Municipal Code regarding the indoor malls (indoor swap meets); and

1. Determine that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines; and
2. Introduce Ordinance No. 684, thereby approving the proposed amendment to Title 9 of the Municipal Code regarding indoor malls (indoor swap meets), based on the findings contained in the Ordinance.

Ordinance No. 684

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code with Respect to Indoor Malls

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

- E2. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME FY 2005/06 PROPOSED PROJECTS (Report of: Community Development

Department)

Mayor Stewart opened the public testimony portion of the public hearing. Public testimony was received from Johnnie B. Jones of the Fair Housing Council of Riverside County and Larry McAdara of the Riverside Area Rape Crisis Center.

Recommendation: That the City Council:

1. Conduct a Public Hearing for the Community Development Block Grant (CDBG) and HOME Programs to allow the public an opportunity to comment on the proposed projects and programs, and
2. Select programs and projects for funding as part of the City's Annual Action Plan for FY2005/2006, updating the 5-Year Consolidated Plan.

Approved by a 5-0 vote, as amended, with the following changes: \$24,162 will be taken off of the POP (Problem Orientated Policing) requested amount and used to fund 1) Edgemont After School Program in the amount of \$6,162; 2) MoVan in the amount of \$12,500; and 3) Riverside Area Rape Crisis Center in the amount of \$5,500. POP will be back filled with the budget process. m/Batey, s/West.

**RECESS;
RECONVENE**

E3. A PUBLIC HEARING FOR AN APPEAL OF THE PLANNING COMMISSION'S DISAPPROVAL OF APPLICATION NOS. PA04-0173 AND PA04-0174. APPLICATION PA04-0173 IS AN AMENDMENT TO THE MORENO VALLEY MUNICIPAL CODE TO ALLOW VEHICLE SALES BUSINESSES ON A MINIMUM OF 0.75 ACRES AND LESS THAN 2.5 ACRES WITH A CONDITIONAL USE PERMIT IN THE COMMUNITY COMMERCIAL ZONE. PA04-0174 IS A CONDITIONAL USE PERMIT TO ESTABLISH A VEHICLE SALES BUSINESS ON APPROXIMATELY 0.89 ACRES AT 21115 BOX SPRINGS ROAD. (Report of: Community Development Department)

Mark Raleigh, General Manager and representative of "Rock and Roll Motors", spoke on behalf of the project.

A presentation was made by the owner of the property, Robert M. King.

Recommendation: That the City Council conduct a public hearing and take either of the following actions:

1. Uphold the Planning Commission's disapproval by taking the following actions:
 - a. Uphold the Planning Commission's disapproval of Application Nos. PA04-0173 and PA04-0174 based on the findings contained in the Planning Commission Resolution 2005-5; and
 - b. Direct staff to prepare a City Council resolution upholding the Planning Commission's disapproval of Application Nos. PA04-0173 and PA04-0174.

or

2. Approve the project by taking the following actions:
 - a. Recognize that Application Nos. PA04-0173 and PA04-0174 are exempt from the California Environmental Quality Act in accordance with Sections 15061 and 15031 of the CEQA Guidelines; and
 - b. Introduce Ordinance No. 685, thereby approving Application No. PA04-0173, an amendment to Title 9 of the Municipal Code regarding vehicle sales businesses, based on the findings contained in the ordinance; and

Ordinance No. 685

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code to Allow Vehicle Sales Businesses Encompassing a Minimum of 0.75 Acres and Less Than 2.5 Acres with a Conditional Use Permit in the Community Commercial District and Subject to Specified Development Requirements

- c. Approve Resolution No. 2005-29, thereby approving Conditional Use Permit Application No. PA04-0174 based on the findings contained in the resolution, and subject to the conditions of approval attached to the resolution.

Resolution No. 2005-29

A Resolution of the City Council of the City of Moreno Valley Approving Application PA04-0174, a Conditional Use Permit to Establish a Vehicle Sales Business Located at 21115 Box Springs Road on Approximately 0.89 Acres

Continued to the Regular Council Meeting of April 12, 2005. Approved by a unanimous vote. m/Batey, s/Flickinger.

- E4. PUBLIC HEARING FOR FISCAL YEAR 2005 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FUNDING ALLOCATION (Report of: Police Department)
Mayor Stewart opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Recommendation: That the City Council take the following actions:

1. Hold a public hearing to allow public comments on the proposed use of the Justice Assistance Grant, and;
2. Consider the comments or views received by the public; and
3. Adopt the proposed use of the Justice Assistance Grant funding, as appropriate, to address public and Council comments, and;
4. Approve application for the Justice Assistance Grant in the amount of \$132,361 from the U.S. Department of Justice, Bureau of Justice Assistance.

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

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

G. REPORTS

- G1. POWERPOINT PRESENTATION BY SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) ON REGIONAL GROWTH ISSUES – To be rescheduled at a future Council meeting.
- G2. APPROVE LEGAL DEFEASANCE OF REMAINING PRINCIPAL RELATIVE

TO THE 1993 REFUNDING CERTIFICATES OF PARTICIPATION (CAPITAL PROJECTS) (Report of: Finance Department)

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

Recommendation: That the City Council:

1. Approve the legal defeasance of the remaining principal amount owed relative to the 1993 Refunding Certificates of Participation (Capital Projects); and
2. Approve an appropriation of \$30,000 in the 1993 Certificates of Participation (Capital projects) Debt Service Fund for legal, financial advisory, trustee and escrow verification services required to complete the defeasance of debt.

Approved by a 5-0 vote. m/Flickinger, s/West.

ADJOURNMENT OF CITY COUNCIL TO MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION SPECIAL MEETING

**SPECIAL MEETING OF THE MORENO VALLEY
PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)**

ROLL CALL

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

G. REPORTS

- G1. Approve Legal Defeasance of Remaining Principal Relative to the 1993 Refunding Certificates of Participation (Capital Projects), and Other Actions as Necessary to Complete the Defeasance and Release the Lien on the Property Pledged as Security (Report of: Finance Department)
Recommendation: That the City Council, acting in its capacity as the President and Board of Directors of the Moreno Valley Public Facilities Financing Corporation:

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

1. Approve the legal defeasance of the remaining principal amount owed relative to the 1993 Refunding Certificates of Participation (Capital Projects);
2. Authorize the Finance Director/City Treasurer, subject to review and approval by the City Manager and City Attorney, to take any and all actions and execute any and all documents needed in order to legally defease the 1993 Certificates of Participation and release the lien on the property pledged as security; and
3. Authorize the Finance Director/City Treasurer, subject to review and approval by the City Manager and City Attorney, to retain the verification agent, bond counsel, and others whose services will be used in the legal defeasance of the 1993 Certificates of Participation

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

ADJOURNMENT

RECONVENE 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

- G3. LEGISLATIVE UPDATE (Report of: Interim Assistant City Manager)
Recommendation: That the City Council receive and file the informational report.

Approved by a unanimous vote. m/Batey, s/West.

- G4. 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:

Juanita Barnes - Spoke on behalf of Multi Cultural Civic Association (MCCA) of Moreno Valley

- 1) Stated she does not feel the organization has been accepted by the City
- 2) Did not like being referred to as “you people”
- 3) City should come together

William Barr

- 1) President of the Multi Cultural Civic Association – stated the organization sponsors many events in the City such as Black History Parade & Expo, Martin Luther King, Jr. Celebration and the Ebony Fashion Fair as well as providing training for high school students and providing three college scholarships
- 2) Thanked the City staff for their assistance and the Proclamation they received

Vonzetta Fielding

- 1) Long-time resident
- 2) MCCA referred to as a “militant” organization – concerned about lack of support received from the City – would like to see more ethnic orientated celebrations
- 3) Would like the Council to start holding town meetings

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

Council Member Batey

- 1) Stated he would like to speak with Juanita Barnes regarding the situation she mentioned in her public comments

Mayor Pro Tem Flickinger

- 1) Stated she has been a long time supporter of the Multi Cultural Civic Association - feels it is a great organization - would never refer to them as "those people"
- 2) Attended a wonderful live musical program presented by the Moreno Valley Master Chorale – "An Evening of Mozart" – their next performance will be held on ~~Saturday~~, June 4
- 3) Announced on June 4 & 5 the American Cancer Society will be holding its "Relay for Life" fundraiser at Valley View High School – it is an ongoing 24 hour relay – encouraged the public to participate
- 4) MVTV-3 is currently running informational slide on "pocket bikes" – they are illegal on public streets and public sidewalks – must be ridden on private property

Council Member West

- 1) Announced the Ribbon Cutting Ceremony was held for the completion of the High Occupancy Vehicle Lanes on Highway 60 on March 18 – great asset for the City

Council Member White

- 1) Stated he has always been a supporter of the Multi Cultural Civic Association events
- 2) Attended the Easter Egg Hunt held last Saturday – it was a great day – lots of energetic children in attendance
- 3) Senior Center has a designated movie day held on the third Tuesday of each month
- 4) Concerned with large amount of trash he sees around the City – informed citizens Waste Management will pick up the large items free of charge – help to clean up the City
- 5) Several programs being offered at the library: Homework Help Program offered every Tuesday from 4-8 p.m. at the library for children from kindergarten through high school; Chess Club offered every Wednesday from 3:30 to 6 p.m. for children 17 and 18 years – both programs staffed by volunteers; and literacy tutoring provided Monday through Friday for persons 14 years and older – contact the library for more information

Mayor Stewart

- 1) Attended the Ribbon Cutting Ceremony today at BJ's Brewhouse – open and already full – 206 employees hired and 80% from Moreno Valley – very competitive hiring process
- 2) Been a long time supporter of the Multi Cultural Civic Association

- 3) Received angry e-mail regarding “speed trap” on Alessandro – stated this is not speed trap just a way of letting people know how fast they are driving – this is only an educational tool – not anything “sneaky”
- 4) Thinks “town meetings” are a great idea
- 5) Announced there is a program at MARB sponsored by Riverside City College to train Dental Hygienists and the services are quite affordable – phone number is 951.571.6435
- 6) Informed residents of the Moreno Valley Navy and Marine Corp Reserve Center located at March Air Reserve Base
- 7) Announced the March Joint Powers Authority lawsuit was dismissed – very proud of the excellent work by the attorneys involved - many local jobs to be generated by the air cargo port

CLOSED SESSION - NONE

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

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:24 p.m. by unanimous informal consent.

Submitted by:

Alice Reed, City Clerk
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

Richard A. Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees
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