

**MINUTES
JOINT SPECIAL 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
SPECIAL MEETING – 6:00 P.M.
SEPTEMBER 18, 2001**

CALL TO ORDER - The Special Meeting of the City Council, Community Services District and the Community Redevelopment Agency of the City of Moreno Valley was called to order at 6:03 p.m. by Mayor Flickinger in the Council Chambers located at 14177 Frederick Street.

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

INVOCATION - The Invocation was given by Pastor Charles E. Gibson, Breakthrough Church of God in Christ

ROLL CALL

Council:

Bonnie Flickinger	Mayor
William H. Batey	Mayor Pro Tem
Richard A. Stewart	Councilmember
Frank West	Councilmember
Charles R. White	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
John Terell	Planning Official
Richard Coz	Police Chief
Wes Alston	Fire Chief
Trent Pulliam	Public Works Director/City Engineer
George Price	Parks and Recreation Director
Cynthia Pirtle	Director of Library Services

SPECIAL PRESENTATIONS - None

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL ARE AS FOLLOWS:

Harnethia Mansell – P.O. Box 9062, Representing Cultural Heritage Performers

- 1) Ninth International Holiday Parade and Festival – November 10, 2001, beginning at 10:00 a.m.

Daryl C. Terrell – Address matter of record

- 1) September 11, 2001, Tragedy
- 2) America's unity, patriotism, heroic acts, and respect for communities

Wybe Schaafsma – Moreno Valley

- 1) Objected to criticism made by Councilperson

Ray Hosman – address matter of record

- 1) Objected to comments made by the Councilmembers Stewart and White

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

Councilmember Stewart made a motion, seconded by Councilmember White to approve the Consent Calendars in their entireties, except for Items A2 and A7, pulled for separate discussion/action. 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.
- A3. PARCEL MAP 27732 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT RESOLUTION NO. 2001-52, AUTHORIZING ACCEPTANCE OF THE PUBLIC RIGHT-OF-WAY IMPROVEMENTS AS COMPLETE AND ACCEPTING CACTUS AVENUE, COMMERCE CENTER DRIVE, AND GOLDENCREST DRIVE INTO THE CITY MAINTAINED STREET SYSTEM. SUBDIVIDER – MARCH COMMERCE CENTER, L.P. (CONTINUED FROM SEPTEMBER 11, 2001)
Approved a 65.7% reduction to the Faithful Performance Bond; instructed the City Engineer to prepare a 65.7% reduction to the Faithful Performance Bond; and adopted Resolution No. 2001-52 authorizing the acceptance of the Phase One public right-of-way improvements for Parcel Map 27732 as complete and accepting Cactus Avenue, Commerce Center Drive, and Goldencrest Drive into the City maintained street system.

Resolution No. 2001-52

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Phase One Public Right-Of-Way Improvements as Complete Within Parcel Map 27732, and Accepting Cactus Avenue, Commerce Center Drive, and Goldencrest Drive into the City Maintained Street System

- A4. REQUEST ADOPTION OF PLANS AND SPECIFICATIONS, AND AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS, PROJECT NO. CML 5441(024), CACTUS AVENUE, SUNNYMEAD BOULEVARD, AND PIGEON PASS ROAD. TRAFFIC SIGNAL INTERCONNECT INSTALLATION (CONTINUED FROM SEPTEMBER 11, 2001)
Adopted the plans and specifications, which are on file in the office of the Public Works Director; and authorized the City Clerk to advertise this project for construction bids.

- A5. REQUEST ADOPTION OF PLANS AND SPECIFICATIONS, AND AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS, FISCAL YEAR 2000/2001 ANNUAL PAVEMENT RESURFACING PROGRAM. PROJECT NO. 00-12556330 (CONTINUED FROM SEPTEMBER 11, 2001)
Adopted the plans and specifications, which are on file in the office of the Public Works Director; and authorized the City Clerk to advertise this project for construction bids.
- A6. APPROVAL OF QUARTERLY INVESTMENT REPORT – QUARTER ENDED JUNE 30, 2001 (CONTINUED FROM SEPTEMBER 11, 2001)
Approved and accepted the quarterly investment report, in compliance with California Government Code Section 53646.
- A8. MINUTES – REGULAR MEETING OF AUGUST 28, 2001
Approved as submitted.
- A9. MINUTES – EMERGENCY MEETING OF SEPTEMBER 11, 2001
Approved as submitted.

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 AUGUST 28, 2001
Approved as submitted.
- B3. MINUTES – EMERGENCY MEETING OF SEPTEMBER 11, 2001
Approved 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 AUGUST 28, 2001
Approved as submitted.

C3. MINUTES – EMERGENCY MEETING OF SEPTEMBER 11, 2001
Approved as submitted.

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

E. PUBLIC HEARINGS

E1. PA01-0031 (GENERAL PLAN AMENDMENT); PA01-0026 (CHANGE OF ZONE); PA01-0027 (CONDITIONAL USE PERMIT); APPLICANT: LEADERS IN COMMUNITY ALTERNATIVES; LOCATION: ON THE WEST SIDE OF BUSINESS CENTER DRIVE, WEST OF ELSWORTH STREET. PROPOSAL: TO CHANGE THE GENERAL PLAN AND ZONING DESIGNATIONS FROM BUSINESS PARK TO INDUSTRIAL AND TO ESTABLISH A TRANSITIONAL HOUSING FACILITY FOR PAROLEES. (CONTINUED FROM SEPTEMBER 11, 2001)

Councilmember Stewart made a motion, seconded by Mayor Pro Tem Batey to continue Item E1 to the October 9, 2001, City Council meeting. Motion carried unanimously.

E2. MORENO VALLEY COMMUNITY SERVICES DISTRICT PUBLIC HEARING REGARDING MAIL BALLOT PROCEEDING TO REINSTATE ZONE D (PARKWAY LANDSCAPE MAINTENANCE) AT THE STANDARD SERVICE LEVEL FOR TRACT 21333 (CONTINUED FROM SEPTEMBER 11, 2001)

President Flickinger opened the public testimony portion of the public hearing at 6:22 p.m. – Comments were received from Debbie Walser.

President Flickinger announced that the ballot tabulation would be held in the public lobby of the Council Chamber in the interest of open government.

**RECESS;
RECONVENE**

The Secretary announced the results as follows: out of 127 ballots that were mailed out, the City Clerk's office received 57 ballots; 54 were validated; 31 – Yes votes; 23 – No votes.

Boardmember White made a motion, seconded by Boardmember West to verify and accept the results of the mail ballot proceeding; and to authorize and impose the CSD Zone D charge. Motion carried 5-0. Roll call vote.

• **ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION**

A2. AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES, IRIS AVENUE IMPROVEMENTS, INDIAN STREET TO PERRIS BOULEVARD, PROJECT NO. 01-12566721 (CONTINUED FROM SEPTEMBER 11, 2001)
Approved the Agreement for Professional Consultant Services with DMC Design Group, 170 North Maple Street, Suite 101, Corona, to design the street improvements; authorized the Mayor to execute said Agreement for Professional Consultant Services with DMC Design Group; and authorized the issuance of a purchase order to DMC Design Group, in the amount of \$130,230.00, when the Agreement has been signed by all parties (Account No. 225.68521).

A7. RESOLUTION ESTABLISHING CRITERIA TO GUIDE THE PROCESS OF REVISING THE BOUNDARIES OF COUNCILMANIC DISTRICTS (CONTINUED FROM SEPTEMBER 11, 2001)
Adopted Resolution No. 2001-53 establishing criteria to guide the process of revising the boundaries of the districts from which members of the City Council are elected.

Resolution No. 2001-53

A Resolution of the City Council of the City of Moreno Valley, California, Establishing Criteria to Guide the Process of Revising the Boundaries of the Districts from which Members of the City Council are Elected

Mayor Flickinger made a motion, seconded by Councilmember Stewart to approve agenda Items A2 and A7. Motion carried 5-0. Roll call vote.

F. REPORTS

F1. LEGISLATIVE UPDATE (CONTINUED FROM SEPTEMBER 11, 2001)

Councilmember Stewart made a motion, seconded by Councilmember White to continue agenda Item F1 to the September 25, 2001, City Council meeting. Motion carried unanimously.

- F2. RESOLUTION IMPLEMENTING THE ELIMINATION OF PERMIT FEES FOR ENERGY SAVINGS EQUIPMENT (CONTINUED FROM SEPTEMBER 11, 2001)

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

Councilmember Stewart made a motion, seconded by Mayor Pro Tem Batey to ratify its preliminary direction made at the meeting of August 28, 2001, and approve Resolution No. 2001-54 implementing a temporary 100% reduction in permit fees for minimum fee permits issued for whole house fans, evaporative coolers and **ENERGY STAR RATED** central air conditioners, room air conditioners, central heat pumps and water heaters. These reductions will apply only for replacement of existing appliances in existing owner occupied dwelling units. Motion carried 5-0. Roll call vote.

Resolution No. 2001-54

A Resolution of the City Council of the City of Moreno Valley, California, a Temporary Elimination of Specified Fees for Building Permits and Other Building Related Permits for Energy Savings Equipment for Existing Owner Occupied Dwelling Units

- F3. CALIFORNIA LEAGUE OF CITIES: ANNUAL CONFERENCE RESOLUTIONS (CONTINUED FROM SEPTEMBER 11, 2001)

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

Mayor Flickinger made a motion, seconded by Councilmember White to take

the positions described below regarding the proposed Annual Conference resolutions for the League of California Cities and to give the delegate authority to change the position if there are changes to these resolutions on the floor.
Motion carried unanimously.

Support – Resolution (1), which relates to the revision of the League of California Cities bylaws;

No Position – Resolution (2), which relates to day care services for children, adults and seniors;

Support – Resolution (3), which relates to excess retirement system assets and more options for employer use of those assets;

Support – Resolution (4), which relates to the flexibility in the wastewater permitting process by California State and Regional Water Control Boards as allowed by law;

Support - Resolution (5), which relates to the modification of California SB 709 (mandatory penalties) and the Federal Clean Water Act regarding frivolous citizen lawsuits;

Support – Resolution (6), which relates to incentives to improve the balance of jobs and housing in California;

Support – Resolution (7), which relates to supporting the passage of a ballot measure to stabilize and reform local government financing;

No Position – Resolution (8), which relates to the return of ERAF funds to cities;

Support – Resolution (9), which relates to telephone area codes.

AGENDA ORDER

A majority of Councilmembers agreed to allow public comments to be made regarding Item A7, for which a speaker slip with an incorrect agenda item number was submitted. Comments were then received from Bernadette Burks.

AGENDA ORDER

- F4. SIGNIFICANT CAPITAL PROJECTS COMPLETED IN THE LAST SIX YEARS AND IN PROGRESS (CONTINUED FROM SEPTEMBER 11, 2001)

Mayor Pro Tem Batey made a motion, seconded by Councilmember White to receive and file the report. Motion carried 4-0-1, Councilmember Stewart absent.

F5. UTILITY USER'S TAX STATUS REPORT (CONTINUED FROM SEPTEMBER 11, 2001)

Mayor Flickinger opened the agenda item for public comments, which were received from Wybe Schaafsma, Marcia Rodolf-Amino, Ray Hosman, Pete Bleckert, and Priscilla Banks.

Mayor Pro Tem Batey made a motion, seconded by Councilmember West to receive and file the staff report, which gave the current status of the utility user's tax rate reduction. Motion carried unanimously.

F6. RESOLUTION NO. 2001-55, REVISING THE CITY COUNCIL RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES

Mayor Flickinger opened the agenda item for public comments which were received from Marcia Rodolf-Amino and Ray Hosman.

Councilmember Stewart made a motion, seconded by Councilmember White to delete the first study session of the month and replace with a scheduled closed session. Motion carried 4-1, Mayor Pro Tem Batey opposed.

Mayor Pro Tem Batey made a motion, seconded by Councilmember Stewart to hold Special Presentations at 6:00 p.m. and regular Council meetings at 6:30 p.m. Motion carried unanimously.

Councilmember White made a motion, seconded by Councilmember West to receive public comments on matters not on the agenda at 10:00 p.m., followed immediately by City Council comments. If the business portion of the meeting has been completed, such public comments shall be heard earlier. Motion carried 4-1, Mayor Flickinger opposed.

Councilmember White made a motion, seconded by Mayor Pro Tem Batey that it is the presiding officer's prerogative to handle speaker slips and change the order of speakers. Motion carried unanimously.

Councilmember Stewart made a motion, seconded by Mayor Pro Tem Batey that speakers who wish to speak on any item included on the consent calendar must keep their comments to three minutes and may only speak once, prior to

the consideration of the consent calendar. Motion carried 3-2, Councilmember West and Mayor Flickinger opposed. Roll call vote.

Councilmember White made a motion, seconded by Councilmember West that the effective date of these changes would be October 1, 2001. Motion carried unanimously.

**RECESS;
RECONVENE**

Councilmember White made a made a motion, seconded by Mayor Pro Tem Batey to continue adoption of the resolution to the next City Council meeting of September 25, 2001. Motion carried unanimously.

- F7. CITY MANAGER'S REPORT (Oral presentation only)
No action required.

G. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING & INTRODUCTION - NONE

ORDINANCES - 2ND READING & ADOPTION - NONE

ORDINANCES - URGENCY ORDINANCES – NONE

RESOLUTIONS – NONE

CONTINUATION OF PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA, IF NEEDED - NONE

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

Councilmember White

- 1) Thanked Mayor Flickinger for her comments stated in a Press-Enterprise article on September 1, 2001
- 2) Referred to Mr. Albanese's comments in an article published in the Press-Enterprise on September 7, 2001– added that he was re-elected as a Councilmember in November 2000 with 73% of the votes
- 3) Commented on an article in today's issue (9/18/01) of The Press-Enterprise submitted by Marcia-Amino regarding funds being spent– asked Ms. Amino to be more specific and differentiate between frivolous and necessary items

Mayor Pro Tem Batey

- 1) Stated that a couple of Moreno Valley firefighters were in New York working hard to hopefully bring back survivors from the tragic event that occurred last week
- 2) Asked for prayers for everyone affected by this indescribable tragedy

Councilmember Stewart

- 1) Invited constituents to work together in a positive way and to discuss spending priorities for the City
- 2) Noted that City employees' benefits, including bonuses, are negotiated items. The bonus program is similar to the program implemented by the federal government, is based on a performance, and it is in lieu of additional pay raises. It was done in a fair and equitable way to make the City competitive with other surrounding cities and thus to attract qualified employees
- 3) Emphasized the importance of providing the best level of public service and public safety

Councilmember West

- 1) Stated he would like to recognize two outstanding citizens in his district: Enoch "Mac" McClain, President of the Moreno Valley Homeowners Association and retired Detective in the Los Angeles Police Department; and Bob Franz, teacher at Los Altos High School in L.A. area. Bob Franz has been involved in solar car activities and his high school has been named "Number One School" in the nation for solar cars and solar car activities.

Mayor Flickinger

- 1) Congratulated City staff on accomplishments the staff made in respect to conserving electric power at the City Hall building – this month's usage was reduced by 30% over last year's usage for the same month
- 2) Read a letter from Riverside City Mayor Ron Loveridge – the letter stated that in response to thousands of calls from citizens on what they could do to help the victims of the terrorist attack in New York and their families, the local American Red Cross, the United Way, the Riverside Press-Enterprise and the City of Riverside organized the Inland Empire Day of Giving on Sunday, September 23, 2001. It would be held at the Riverside Convention Center from noon until 5 p.m. Invited everybody to attend this event.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 10:20 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:

Bonnie Flickinger, Mayor
President, Moreno Valley Community Services District
Chairman, Community Redevelopment Agency of the City of Moreno Valley

Enl