

**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.  
AUGUST 27, 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 Councilmember White

**INVOCATION** - Pastor Pastor Rich Hall, CrossWinds 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
Ken Pimlott	Interim 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.

Mayor Pro Tem Batey made a motion, seconded by Councilmember Flickinger to approve the Consent Calendars in their entirety, except for Items A13 and A15 which were 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.
- A2. MINUTES – REGULAR MEETING OF JULY 9, 2002  
Approved as submitted.
- A3. PA01-0018 – MINI-STORAGE FACILITY – ACCEPT AGREEMENT & BONDS FOR PRIVATE LANDSCAPING AND IRRIGATION IMPROVEMENTS (U-HAUL FACILITY AT 23700 SUNNYMEAD BLVD.) (K-BAR CONSTRUCTION)  
Accepted the bonds and authorized the Mayor to execute the Agreement for the Construction of Private Landscaping and Irrigation Improvements for PA01-0018 and instructed the City Clerk to forward the completed Agreement for the Construction of Private Landscaping and Irrigation Improvements to the Riverside County Recorder's office for recordation.
- A4. WARRANT REPORT – JUNE, 2002  
Adopted Resolution No. 2002-54, approving the Warrant Report, dated June 30, 2002 in the total amount of \$12,309,715.94.

Resolution No. 2002-54

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report Dated June 30, 2002

- A5. WARRANT REPORT – JULY, 2002  
Adopted Resolution No. 2002-55, approving the Warrant Report, dated July 31, 2002 in the total amount of \$7,271,832.31.

Resolution No. 2002-55

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report Dated July 31, 2002

- A6. NOTICE OF COMPLETION AND ACCEPTANCE OF NASON STREET TRAFFIC SIGNAL IMPROVEMENTS AT THE INTERSECTIONS OF ALESSANDRO BOULEVARD, COTTONWOOD AVENUE, AND EUCALYPTUS AVENUE, PROJECT NO. 97-25897-2, FEDERAL-AID NO. CMLG-5441 (034)  
Ratified Contract Change Order Nos. 1 and 2; accepted the work for the Nason Street traffic signal improvements at the intersections of Alessandro Boulevard, Cottonwood Avenue, and Eucalyptus Avenue, constructed by DBX, Inc., 42066 Avenida Alvarado, Suite C, Temecula, California, 92590, as complete; directed the City Clerk to record the Notice of Completion within ten (10) days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code; authorized the Director of Finance to release the retention to DBX, Inc. thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and accepted the improvements into the City maintained road system.
- A7. YOUTH OPPORTUNITIES PROGRAM  
Accepted funding of \$1.6 million from Riverside County to operate the Youth Opportunities Program and authorized the City Manager to execute an agreement with the Riverside County Economic Development Agency for \$1.6 million for the period beginning July 1, 2002 and ending June 30, 2004 and the additional staff positions required to operate the grant.
- A8. FINAL MAP 28568-1 – SINGLE FAMILY RESIDENTIAL PROJECT – AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION) – SOUTHWEST CORNER OF CACTUS AVENUE AND JOHN F. KENNEDY DRIVE (RYLAND HOMES)  
Authorized the Mayor to execute the Amendment to Agreement for Public Improvements for Final Map 28568-1; and instructed the City Clerk to forward the completed Amendment to Agreement for Public Improvements to the County Recorder's Office for recordation.
- A9. FINAL MAPS 21040 AND 21040-5 – AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION) – NORTH OF ELDER AVENUE AND EAST OF MORRISON STREET (PROCOPIUS LAND COMPANY)  
Authorized the Mayor to execute the Amendments to Agreement for Public Improvements for Final Maps 21040 and 21040-5.
- A10. FINAL MAP 21461 – ACCEPT SUBSTITUTION OF BONDS AND AGREEMENT FOR PUBLIC RIGHT OF WAY IMPROVEMENTS – SOUTH SIDE OF SUNNYMEAD RANCH PARKWAY AND EAST OF PIGEON PASS ROAD (SUNNYMEAD RANCH, LLC)  
Accepted the substitution of bonds and Agreement for Public Improvements for

Final Map 21461; authorized the Mayor to execute the agreement; directed the City Clerk to forward the signed agreement to the County Recorder's Office for recordation; and instructed the City Engineer to prepare the exoneration of the Faithful Performance Bond and Material & Labor Bond placed by Premier Group, Inc., upon acceptance of the substitution bonds and agreement.

- A11. EXTENSION OF THE ESTABLISHED SERVICE AUTHORITY FOR THE ABANDONED VEHICLE ABATEMENT PROGRAM  
Adopted Resolution No. 2002-56 amending Resolution No. 98-22 and extending the established service authority for the Abandoned Vehicle Abatement Program to May 31, 2014.

Resolution No. 2002-56

A Resolution of the City Council of the City of Moreno Valley, California, for Extension of the Established Service Authority for the Abandoned Vehicle Abatement Program

- A12. FIRE SERVICES CONTRACT RENEWAL  
Approved the cooperative agreement between Riverside County and the City of Moreno Valley for Fire Services.
- A14. NOTICE OF COMPLETION AND ACCEPTANCE OF THE MEDIAN NOSE MODIFICATIONS AT VARIOUS LOCATIONS, STORM DRAIN IMPROVEMENTS AT FREDERICK STREET AND ALESSANDRO BOULEVARD, AND INTERSECTION CROSSGUTTER IMPROVEMENTS AT PIGEON PASS ROAD AND IRONWOOD AVENUE, PROJECT NOS. 98-26765, 98-21767, 98-21768  
Ratified Contract Change Order No. 1; accepted the work as completed for the median nose modifications at various locations, storm drain improvements at Frederick Street and Alessandro Boulevard, and intersection crossgutter improvements at Pigeon Pass Road and Ironwood Avenue, constructed by H & H General Contractors, Inc., of San Bernardino, California; directed the City Clerk to record the Notice of Completion within ten (10) days, at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code; authorized the Director of Finance to release the retention to H & H General Contractors, Inc. thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project (Account Nos. 426.76520.125.66121, and 125.66621); and accepted the improvements into the City's maintained road system.

**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 JULY 9, 2002  
Approved as submitted.
- B3. NAMING OF ROLLER HOCKEY/SKATEBOARD PARK AT MARCH FIELD PARK  
Adopted the name as approved and submitted by the Parks and Recreation Advisory Committee for the facility currently referred to as the Roller Hockey/Skateboard Park be named “Valley Skate Park”.
- B4. REPLACEMENT OF PLAY SURFACES AND REPAIR/REPLACEMENT OF RUBBERIZED SURFACES AT THREE CITY PARKS  
Awarded a purchase order to Miracle Playground Sales, 27464 Commerce Center Drive, Suite 1, Temecula, California 92590 for material and labor to replace play structures and repair/replace rubberized surfaces at three City park playgrounds; and authorized the Finance Director to execute the necessary documents in an amount not to exceed \$171,300 as appropriated in FY 02/03, in account code 161.76210.6641.648.

**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 JULY 9, 2002  
Approved as submitted.

**D. PUBLIC HEARINGS**

- D1. A PUBLIC HEARING ON THE PLANNING COMMISSION’S JULY 25, 2002 APPROVAL RECOMMENDATION OF A GENERAL PLAN AMENDMENT (PA02-0024), AND A ZONE CHANGE (PA02-0023) FROM THE CURRENT R5 ZONE TO THE R10 ZONE, AND A PLOT PLAN FOR A SENIOR CITIZEN APARTMENT PROJECT (PA02-0022) TO BE LOCATED ON 9.39 ACRES LOCATED ON THE NORTH SIDE OF COTTONWOOD AVE. AND EAST OF PERRIS BLVD. AT WATSON WAY AS A SENIOR HOUSING PROJECT, THE PROPOSED PLOT PLAN QUALIFIES FOR A 100% DENSITY BONUS

Mayor White opened the public testimony portion of the public hearing. Public comments were received from Mohammad Akbari, Pete Bleckert and Jeri Roberts.

Mayor Pro Tem Batey made a motion, seconded by Councilmember Stewart to continue the item to the Council Meeting of September 10, 2002, with direction to staff to: 1) set up a site visit for interested Council at the northeast corner of the property; 2) modify Watson Street and refine the access point for the project; 3) design a steel gate at the northeast corner of the property with a Knox box to accommodate emergency public safety access and align with Patricia cul-de-sac; 4) gate and fully fence the project ensuring appropriate landscaping for the fencing elements; and 5) reduce the RV parking spaces by four and substitute standard parking spaces to maintain the City parking standards. Motion carried 5-0. Roll call vote.

**RECESS;  
RECONVENE**

**AGENDA ORDER**

**F. REPORTS**

- F4. APPROVE JOINT DEVELOPMENT AND USE AGREEMENT BETWEEN RIVERSIDE COMMUNITY COLLEGE DISTRICT MORENO VALLEY CAMPUS, THE CITY OF MORENO VALLEY AND MORENO VALLEY COMMUNITY SERVICES DISTRICT; AND APPROVE AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN RIVERSIDE COMMUNITY COLLEGE DISTRICT MORENO VALLEY CAMPUS, THE CITY OF MORENO VALLEY, AND MORENO VALLEY COMMUNITY SERVICES DISTRICT

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

Boardmember Flickinger made a motion, seconded by Boardmember Stewart to approve the Joint Development and Use Agreement between the Riverside Community College District (RCCD) Moreno Valley Campus, the City of Moreno Valley (City) and the Moreno Valley Community Services District (CSD) for the construction, maintenance and use of park facilities at a site within a portion of the RCCD Moreno Valley Campus and approve the amendment to the Joint Exercise of Powers Agreement adding the Moreno Valley Community Services District as a party to the agreement previously entered into between the City and RCCD. Motion carried 5-0. Roll call vote.

F2. RECOMMENDATION TO ENTER INTO A CONTRACT WITH THE PEPSI BOTTLING GROUP (PBG) FOR AN EXCLUSIVE SOFT DRINKS DISTRIBUTION PARTNERSHIP AGREEMENT FOR A TEN-YEAR PERIOD

President White opened the agenda item for public comments.

Marcia Amino – 10363 Crest Brook

- 1) Concerns with having soda machines in the schools and exclusivity of contract

Boardmember Flickinger made a motion, seconded by President White to approve the proposal of the Pepsi Bottling Group (PBG) and authorize the City Manager to enter into a contract with PBG for exclusive soft drink distribution for a ten-year period, substantially upon the terms and conditions set forth in the agreement and in form and substance acceptable to the City Manager and City Attorney. Motion carried 5-0. Roll call vote

F7. 800 MHZ RADIO STATUS OF UPGRADE – ORAL PRESENTATION BY JOHN WALKER, INFORMATION TECHNOLOGY, COUNTY OF RIVERSIDE

Mayor Pro Tem Batey made a motion, seconded by Councilmember Stewart to receive and file the presentation from John Walker, County of Riverside, Information Technologies, on the status of the 800 MHz radio upgrade. Motion carried unanimously.

**G. LEGISLATIVE ACTIONS**

G2. DISCHARGE OF FIREARMS ORDINANCE (CONTINUED FROM 6/11/02)

Mayor White opened the agenda item for public comments.

H. Paul Payne – 3565 La Ciotat Way, Riverside (Representing the NRA)

- 1) Feels the discharge of BB guns should not be a criminal misdemeanor
- 2) Offered assistance from the NRA – program entitled “Eddie Eagle Gun Safety Program” to provide gun safety education for children

Mayor Pro Tem Batey made a motion, seconded by Councilmember Flickinger to continue the discussion of the introduction of the Discharge of Weapons Ordinance to the Study Session scheduled on September 17, 2002. Motion carried 5-0. Roll call vote.

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

- A13. REMOVAL OF TRUCK PARKING ON THE SOUTH SIDE OF ALESSANDRO BOULEVARD, WEST OF GRANT ST.

Councilmember West made a motion, seconded by Mayor White to authorize the elimination of the remaining 470 feet of truck parking on the south side of Alessandro Boulevard west of Grant Street. Motion carried 4-1, Mayor Pro Tem Batey dissenting. Roll call vote.

- A15. SIXTH AMENDMENT TO POLICE CONTRACT

Mayor Pro Tem Batey made a motion, seconded by Councilmember Stewart to continue the item to the Council meeting of September 10, 2002, to be brought back by the City Manager and City Attorney with the appropriate contract language. Motion carried 5-0. Roll call vote.

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

George Albanese – Address matter of record (Submitted discourse for the public record)

- 1) Denial of equal time to speak at Council meetings
- 2) Asked the Council to grant him the same amount of time to speak as Councilmember Flickinger

Daryl C. Terrell – Address matter of record

- 1) Personal responsibility to improve the future of Moreno Valley

Pete Bleckert – Address matter of record

- 1) Feels truck parking could be designated on the west side of old 395
- 2) Davis Road closure
- 3) Residency of those in favor of Utility User's Tax

Ray Hosman – Address matter of record

- 1) Member of NRA
- 2) Davis Road closure
- 3) Announced that Measure "F" petition has been signed by over 2000 citizens

Jerry Malyszka – 10028 Rock Hill

- 1) Shadow Mountain development has been blasting without a City permit and grading that has not been approved by the City in the conditions of approval

Marcia Amino – 10363 Crest Brook

- 1) Asked the Council to explore listing the registered sex offenders on the City's website as Temecula and Palm Springs have done

Emil Dragovich, Jr. 15725 Biarritz Ct.

- 1) Parking problem at Moreno Beach and Iris– Lake Perris overflow parks on Moreno Beach Drive and leaves trash and other debris

Tom Jerele Jr. – 24895 Sunnymead Blvd., #133

- 1) Announced meeting on Tuesday, September 3<sup>d</sup> at 7:30 a.m. at the Perris WalMart featuring information regarding a proposed tunnel running to south Irvine from Corona or Lake Elsinore to ease commuter problems

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

Councilmember Flickinger

- 1) Announced listing of the sexual predators (Megan's Law) on the City's website is under review by city staff
- 2) Clarified the City is considering abandoning a portion of Davis Road - not closing it 3) Stated that equal time to speak is the same for all prospective candidates
- 4) Stated that the Utility User's Tax was approved by the voters (in 1996)
- 5) Asked Code and P.D. to look into the problems on Moreno Beach Drive
- 6) Arson at city parks – asked the public to notify the Police Department if they see any suspicious activity between 10 p.m. and 6 a.m.

Councilmember Stewart

- 1) Feels request for equal time to speak by candidate is ludicrous
- 2) Stated the Utility User's Tax is needed in light of current economic conditions
- 3) Vicious Dog Ordinance will be revisited on October 15th
- 4) Oleander dedication tomorrow at 8:30 a.m.

Mayor Pro Tem Batey

- 1) Thanked staff for meeting with developers today – to help improve communication
- 2) Talked with resident who has issues with the Police Department– he feels at some point the City will need to ask the citizens whether or not they want to run their own police force
- 3) Announced that arson in parks has happened in Julian again. Urged residents to clear their yards of brush

Councilmember West

- 1) Stated he has received many complaints of litter by residents in his district– City Attorney is looking into making illegal dumping a misdemeanor

- 2) Traffic Court has been considering closing its Moreno Valley office – asked the City Manager to look into this

Mayor White

- 1) Invited those proposing repeal of the Utility User's Tax to come and meet with him to discuss the budget – no one has taken him up on his offer
- 2) Stated the City will be commemorating the September 11<sup>th</sup> attacks at the Valley High School Football Stadium on Wednesday, September 11<sup>th</sup> at 6:00 p.m. – invited the residents to attend

**AGENDA ORDER**

**F. REPORTS**

- F1. REPORT TO CONSIDER PUBLIC COMMENTS REGARDING COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) MAIL BALLOT PROCEEDING FOR TENTATIVE TRACTS 30316, 30319, 29509 (AND ALL AFFECTED PHASES FOR EACH TENTATIVE TRACT)

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

Vice-President Batey made a motion, seconded by Boardmember Stewart to receive and file. Motion carried unanimously.

- F8. LEGISLATIVE UPDATE

Mayor White opened the agenda item for public comments.

George Albanese – Address matter of record (Submitted discourse for the public record)

- 1) Council should represent their constituents by providing additional copies of the agenda packet for their review

Receive and file the Legislative Status Report by unanimous consent.

- F5. APPOINTMENTS TO THE ACCESSIBILITY APPEALS BOARD AND TRAFFIC SAFETY ADVISORY COMMITTEE

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 appoint Ronald Dudeck and Keith Freiler to the Traffic Safety Advisory

Committee for terms expiring June 30, 2005 and to appoint Tommy L. Lewis to the Accessibility Appeals Board as Public Representative with a term expiring June 30, 2003. Motion carried 5-0. Roll call vote.

#### ORDINANCES - 2ND READING AND ADOPTION

- G3. ADOPTION OF ORDINANCE NO. 605, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 12.20.020 OF CHAPTER 12.20 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO A PRIMA FACIE SPEED LIMIT FOR CERTAIN STREETS (RECEIVED FIRST READING AND INTRODUCTION ON JULY 9, 2002 ON A 4-1 VOTE, BATEY ABSENT)

Councilmember Flickinger made a motion, seconded by Councilmember Stewart to adopt Ordinance No. 605. Motion carried 5-0. Roll call vote.

#### Ordinance No. 605

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code Relating to a Prima Facie Speed Limit for Certain Streets

- F3. REPORT ON ADELPHIA

Councilmember Flickinger made a motion, seconded by Councilmember West to continue the item to the Council meeting of September 10, 2002. Motion carried unanimously.

- F6. APPROVAL OF CITY SPONSORSHIP FOR SPECIAL EVENTS

Councilmember Flickinger made a motion, seconded by Councilmember West to continue the item to the Council meeting of September 10, 2002. Motion carried unanimously.

- F9. CITY MANAGER'S REPORT

Councilmember Flickinger made a motion, seconded by Councilmember West to continue the item to the Council meeting of September 10, 2002. Motion carried unanimously

- G1. SPEED LIMIT RECERTIFICATION OF STREET SEGMENTS DEFERRED FOR FURTHER STUDY ON JULY 9, 2002

Councilmember Flickinger made a motion, seconded by Councilmember West to continue the item to the Council meeting of September 10, 2002. Motion carried unanimously

**CLOSED SESSION - NONE**

**ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 10:58 p.m. by unanimous informal consent.

Submitted by:

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

Approved by:

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

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