

**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.
SEPTEMBER 10, 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 Stewart

INVOCATION – Elder James E. Scott, Friendship Christian Fellowship

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
Robert Herrick	City Attorney
Gene Rogers	City Manager
Barry McClellan	Assistant City Manager
Linda Guillis	Community and Economic Development Director
William DiYorio	Police Chief
Kenneth Pimlott	Fire Chief
Trent Pulliam	Public Works Director
Cynthia Pirtle	Library Director
Karen Reams	Recreation Superintendent

INTRODUCTIONS

Recreation Superintendent Reams introduced the new Recreation Supervisor, Gary Olivas.

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.

George Albanese – Address matter of record (Item B2) (Submitted discourse for the public record)

- 1) Voiced opposition to funding this special interest item

Wybe Schaafsma – Address matter of record (Item B2)

- 1) Recommended a price cap on the skate park

Pete Bleckert – Address matter of record (Item B2)

- 1) Voiced opposition to the funding sources for this item.

Councilmember Flickinger made a motion, seconded by Mayor Pro Tem Batey to approve the Consent Calendars in their entirety, except for Item A8, which was combined with Item F1. 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. NOTICE OF COMPLETION AND ACCEPTANCE OF THE PIGEON PASS RD. REHABILITATION FROM IRONWOOD AVE. TO OLD LAKE DR., PROJECT NO. 01-12567021

Ratified contract Change Order No. 1 (Final); accepted the work as completed for the Pigeon Pass Road rehabilitation from Ironwood Avenue to Old Lake Drive, constructed by Vance Corporation, Rialto, 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 Finance Director to release the retention to Vance Corporation, thirty-five 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.

- A3. MINUTES – REGULAR MEETING OF AUGUST 27, 2002
Approved as submitted.
- A4. APPROVAL OF QUARTERLY INVESTMENT REPORT – QUARTER ENDED JUNE 30, 2002
Approved and accepted the quarterly investment report, in compliance with California Government Code Section 53646.
- A5. GENERAL LIABILITY INSURANCE RENEWAL FOR 2002/2003
Approved the payment of \$245,000 to Municipal Mutual Insurance Company for renewal of the City's general liability insurance coverage for FY 2002/2003.
- A6. USE OF DONATED FUNDS FOR COMMUNITY OUTREACH PROGRAMS
Approved the transfer of donated funds to a trust account that would allow the use of the donation money for specified programs.
- A7. FOURTH AMENDMENT TO AGREEMENT FOR AUTOMATED LIBRARY SERVICES
Approved the Fourth Amendment to the Agreement for Automated Library Services between Riverside County Library System and the City of Moreno Valley, for the period July 1, 2002, through June 30, 2003.

Resolution No. 2002-59

A Resolution of the City of Moreno Valley, California, Expressing Support for and Participating in A Coalition of Local Government Entities That are Local Franchising Authorities in Communities Where Adelphia Communications is A Cable Television Franchisee, Which Coalition Will Develop and Implement A Strategy for Protecting the Interests of Local Government, its Residents, and all Adelphia Cable Television Subscribers Impacted by the Adelphia Bankruptcy

- A9. BID AWARD – RECONSTRUCTION TRUCK (NO BID #. PIGGYBACK AWARD)
Awarded the purchase of one Reconstruction Truck to Pierce Manufacturing Inc. of Ontario, CA as being in the best interest of the City and authorized the Finance Director to issue a purchase order to Pierce Manufacturing Inc. of Ontario, CA in the amount of \$116,688.

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 REJECT ALL BIDS, AND AUTHORIZATION TO RE-ADVERTISE FOR CONSTRUCTION BIDS FOR THE MARCH FIELD PARK ROLLER HOCKEY/SKATEBOARD PARK – PROJECT NO. 02-0001
Rejected all bids from the bid opening on July 24, 2002 and authorized the City Clerk to re-advertise this project for construction bids.
- B3. MINUTES – REGULAR MEETING OF AUGUST 27, 2002
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 27, 2002
Approved as submitted.

D. PUBLIC HEARINGS

- D1. PUBLIC HEARING FOR INCLUSION OF TENTATIVE TRACTS 30316, 30319 AND 29509 (AND ALL AFFECTED PHASES FOR EACH TENTATIVE TRACT) INTO THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING)

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 Mayor Pro Tem Batey to verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and Assessor Parcel Number (APN) listing; and receive and file with the City Clerk's Office the accepted Official Tally Sheet and APN listing; and authorize and impose the CSD Zone B charge. The motion carried 5-0.

- D2. A PUBLIC HEARING ON THE PLANNING COMMISSION'S AUGUST 8, 2002 APPROVAL RECOMMENDATION OF A GENERAL PLAN AMENDMENT (PA02-0040) AND A ZONE CHANGE (PA02-0039) FROM THE CURRENT OFFICE (O) ZONE TO THE RESIDENTIAL 20 (R20) ZONE, AND A PLOT PLAN FOR A 144-UNIT APARTMENT COMPLEX (PA02-0041 TO BE LOCATED ON 9.81 ACRES LOCATED ON THE NORTHEAST CORNER OF MORTON ROAD AND BOX SPRINGS ROADS

Mayor White opened the public testimony portion of the public hearing. Public comments were received by Jon Lee, Maria DeLaCobas, and Gale Mitzner.

Councilmember Stewart made a motion, seconded by Mayor Pro Tem Batey to Adopt a Negative Declaration for a General Plan Amendment (PA02-0040), a Zone Change (PA02-0039), and a Plot Plan for the apartment project (PA02-0041), in that the applications will not result in significant environmental impacts; and Adopt City Council Resolution No. 2002-60 approving a General Plan Amendment (PA02-0040), based on the findings in the Resolution, and the revised General Plan Map as attached to the resolution as Exhibit 1; and Introduce City Council Ordinance No. 608 approving a Zone Change (PA02-0039), based on the findings in the Ordinance, and the revised Zoning Map as attached to the ordinance as Exhibit 1; and Adopt City Council Resolution No. 2002-61 approving Plot Plan PA02-0041 for a 144-unit apartment project, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit 1; and language prepared by staff will be added to Conditions of Approval regarding installation of a traffic signal as determined by the City Engineer. Motion carried 5-0. Roll call vote.

Resolution No. 2002-60

A Resolution of the City Council of the City of Moreno Valley, California, Approving a General Plan Amendment (PA02-0040) Changing the Land Use Designation from Office (O) to Residential 20 for 9.81 Acres Located on the Northeast Corner Morton and Box Springs Roads

Ordinance No. 608

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Zone Change (PA02-0039), from Office to Residential 20 for

9.81 Acres Located on the Northeast Corner of Box Springs and Morton Roads

Resolution No. 2002-61

A Resolution of the City Council of the City of Moreno Valley Approving Plot Plan PA02-0041 for a 144-Unit Apartment Project to be Located on the Northeast Corner of Box Springs and Morton Roads

D3. PUBLIC HEARING FOR FISCAL YEAR 2002 LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) PROGRAM FUNDING ALLOCATION

Mayor White opened the public testimony of the public hearing. Public comments were received by Ray Hosman.

Mayor White made a motion, seconded by Councilmember West to adopt the proposed use of the Local Law Enforcement Block Grant Program funding, as appropriate, to address public and Council comments; and accept the Local Law Enforcement Block Grant Program funding in the amount of \$243,000 (Total Program amount \$270,000; 90% to City is \$243,000) from the U.S. Department of Justice, Bureau of Justice Assistance; and authorize a budget appropriation adjustment in the amount of \$27,000 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 5-0. Roll call vote.

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

None.

F. REPORTS

F1. REPORT ON ADELPHIA (CONTINUED FROM AUGUST 27, 2002)

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

Mayor Pro Tem Batey made a motion, seconded by Councilmember West to receive and file this report and approve Item A8. Motion carried 5-0. Roll call vote.

- A8. RESOLUTION NO 2002-59 EXPRESSING SUPPORT FOR AND PARTICIPATING IN A COALITION OF LOCAL GOVERNMENT ENTITIES THAT ARE LOCAL FRANCHISING AUTHORITIES IN COMMUNITIES WHERE ADELPHIA COMMUNICATIONS IS A CABLE TELEVISION FRANCHISEE

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

Mayor Pro Tem Batey made a motion, seconded by Councilmember West to approve Resolution No. 2002-59 and receive and file Item F1. Motion carried 5-0. Roll call vote.

Approved Resolution No. 2002-59, expressing support for and participating in a coalition of local government entities that are local franchising authorities in communities where Adelphia Communications ("Adelphia") is a cable television franchisee, which coalition will develop and implement a strategy for protecting the interests of local government, its residents, and all Adelphia cable television subscribers impacted by the Adelphia Bankruptcy.

Resolution No. 2002-59

A Resolution of the City of Moreno Valley, California, Expressing Support for and Participating in A Coalition of Local Government Entities That are Local Franchising Authorities in Communities Where Adelphia Communications is A Cable Television Franchisee, Which Coalition Will Develop and Implement A Strategy for Protecting the Interests of Local Government, its Residents, and all Adelphia Cable Television Subscribers Impacted by the Adelphia Bankruptcy

- F2. APPROVAL OF CITY SPONSORSHIP FOR SPECIAL EVENTS (CONTINUED FROM AUGUST 27, 2002)

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

Councilmember Stewart made a motion, seconded by Councilmember Flickinger to continue Item F2 to September 24, 2002. Motion carried 5-0.

- F3. REPORT TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDING TO REACTIVATE ZONE D (PARKWAY

LANDSCAPE MAINTENANCE) AT THE REDUCED STREET TREE SERVICE LEVEL FOR TRACT 19957

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

Accepted public comments to reactivate Zone D (Parkway Landscape Maintenance) at the Reduced Street Tree Service Level for Tract 19957 and the associated annual and one-time charges.

F4. SIXTH AMENDMENT TO POLICE CONTRACT (CONTINUED FROM AUGUST 27, 2002)

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

Councilmember Stewart made a motion, seconded by Councilmember Flickinger to approve the Sixth Amendment to the Police Contract, as amended, with proposed language, as recommended by the City Attorney and accepted by the County, regarding indemnification and hold harmless. The motion carried 5-0.

F5. CONSIDERATION OF 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 (CONTINUED FROM AUGUST 27, 2002)

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

Councilmember Stewart made a motion, seconded by Councilmember Flickinger to approve applicant's request for extension of time and continue to October 8, 2002. The motion carried 5-0.

F6. LEGISLATIVE UPDATE

Mayor White opened the agenda item for public comments, which were received from George Albanese.

Councilmember Stewart made a motion, seconded by Councilmember West to receive and file the Legislative Status Report, which is provided as information. Motion carried 5-0.

- F7. CITY MANAGER'S REPORT (CONTINUED FROM 8/27/02)
(Informational Oral Presentation only – not for Council action)

G. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION

- G1. SPEED LIMIT RECERTIFICATION OF STREET SEGMENTS DEFERRED FOR FURTHER STUDY ON JULY 9, 2002 (CONTINUED FROM AUGUST 27, 2002)

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

Mayor Pro Tem Batey made a motion, seconded by Mayor White to receive and file this report; and introduce Ordinance No. 607, amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code designating prima facie speed limits on certain streets (as listed on the ordinance) and directing the City Engineer to take certain action in respect thereto. The motion carried 5-0. Roll call vote.

Ordinance No. 607

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

- G2. AN ORDINANCE AMENDING CHAPTERS 9.08 AND 9.14 OF TITLE 9 OF THE MUNICIPAL CODE REGARDING THE REQUIREMENTS FOR INSTALLATION OF TELECOMMUNICATIONS NETWORK FACILITIES

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

Mayor Pro Tem Batey made a motion, seconded by Mayor White to introduce Ordinance No. 609 amending Chapters 9.08 and 9.14 of Title 9 of the City of Moreno Valley Municipal Code regarding the requirements for the installation of telecommunications network facilities. The motion carried 5-0. Roll call vote.

Ordinance No. 609

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Chapters 9.08 and 9.14 of Title 9, of the City of Moreno Valley Municipal Code, Regarding the Requirements for Installation of Telecommunications Network Facilities

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

Wybe Schaafsma - Address matter of record

- 1) Set-aside funds for the Library rejected by the voters during the special election
- 2) Cost of the special election

Daryl Terell – Address matter of record

- 1) Spoke of the 9/11 attack on the United States and the renewed American spirit that is stronger than ever

Ray Hosman – Address matter of record

- 1) Apologized to the Police Chief for his anger but reiterated his anger at the Council for campaigning from the dais
- 2) Indicated he had spoken once with the Mayor and it proved fruitless
- 3) Opponents to repeal of the utility tax have an axe to grind
- 4) City employees expressing an opinion on the utility tax during business hours; a complaint would be filed with the Fair Political Practices Commission if it continued

City Manager Rogers stated that making a random charge without any substantiation is damaging and if there were specific instances where employees are engaging in political activities during business hours he would like specific information so he could investigate. He stated employees had been given guidelines as to what they can and

cannot do on City time. He requested specific instances where there could be substantiation, and he would do what was necessary to curtail it.

Priscilla Banks – Address matter of record

- 1) Utility user fee defeated in 1996 at a cost of \$50,000; Councilmembers and staff lying about the need for the tax

George Albanese – Address matter of record

- 1) Councilmember Flickinger's support of placing the utility user tax on the ballot was not supported by public record
- 2) Reiterated his request for time to speak on matters on the agenda

Pete Bleckert – Address matter of record

- 1) Opposes skateboard/roller hockey park
- 2) Councilmember Flickinger did not support a reduction in the utility tax last year
- 3) Lack of parking at City Hall

Louise Palomarez - Address matter of record

- 1) Advised the Council that they had a personal agenda in supporting the utility tax

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

Mayor Pro Tem Batey

- 1) Offered to provide check stub to show Councilmember salary
- 2) Announced to District 5 that he had met with the Principal at Moreno Valley High School and was pleased with what was being planned for the campus
- 3) Encouraged everyone to attend the 9/11 commemoration at Valley View High School

Councilmember Flickinger

- 1) Thanked Daryl Terrell for his moving comments on 9/11
- 2) Advised everyone who had questions regarding her position on the utility user tax to review the tapes of the meetings which has been occurring since 1993
- 3) The charge that politicking from the dais was only true if Councilmembers running for re-election were behaving differently than they did in the past
- 4) Asked the City Manager to respond to the comments regarding the Library set-aside

City Manager Rogers stated that \$1 million had been set-aside for several years for capital projects for the Library as matching funds for State bond money at a rate of 2:1 to build an appropriate Library for Moreno Valley.

Councilmember West

- 1) Announced that he and Councilmember Flickinger had attended an Open House for Kaufman & Broad where they were commended for the turnaround in the City's reputation, lower crime rate and additional police officers.
- 2) Indicated he directly attributed the turnaround in Moreno Valley to the utility user tax and recommended that the tax be supported 100%

Councilmember Stewart

- 1) Stated he had announced impacts as part of the EIR which were all part of the apartment complex project before the Council which made it directly related to an issue before the Council and was, therefore not political in nature
- 2) Stated the subject of speed humps and test locations would be coming back before the Council
- 3) Staff was working on problems caused by blasting occurring at the Shadow Mountain project
- 4) Requested special effort for DUI's in Moreno Valley as there had been increased accidents recently
- 5) Stated that there were a variety of public safety needs that were awaiting funding to increase safety in Moreno Valley

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 9:27 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 R. White, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley

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