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 Mayor West

INVOCATION - Pastor Glen Brady, Church of Jesus Christ of Latter-Day Saints

ROLL CALL

Council:

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

Staff:

Alice Reed City Clerk
Margaret Ayars Assistant City Clerk
Steve Chapman Finance Director/City Treasurer
Robert Hansen Assistant City Attorney
Gene Rogers City Manager
Barry McClellan Assistant City Manager
Linda Guillis Community and Economic Development Director
William Di Yorio Police Chief
Stan Lake Fire Chief
Trent Pulliam Public Works Director/City Engineer
George Price Parks and Recreation Director
Mayor West opened the agenda items for the Consent Calendars for public comments.

Council Member White made a motion, seconded by Council Member Flickinger to approve the Consent Calendars in their entireties. 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. APPROVAL OF BONDS AND AGREEMENT FOR MULTI-USE TRAIL, EQUESTRIAN STAGING AREA AND LINEAR PARK IMPROVEMENTS WITHIN TRACTS 30476, 30714, 30320, AND 30321 - LASSELLE STREET, SOUTH OF KRAMERIA AVENUE IN THE MORENO VALLEY RANCH SPECIFIC PLAN (SP193) AREA.
Approved the Agreement for Multi-Use Trail, Equestrian Staging Area and Linear Park Improvements within Tracts 30476, 30714, 30320, and 30321; accepted the accompanying Faithful Performance and Material & Labor Bonds; 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.

A3. APPROVAL OF FINAL MAP 30714 – SINGLE FAMILY RESIDENTIAL PROJECT, AND ACCEPT AGREEMENT & BONDS FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS - EAST OF LASSELLE STREET, SOUTH OF KRAMERIA STREET IN THE MORENO VALLEY RANCH SPECIFIC PLAN (SP193) AREA (SUBDIVIDER - K. HOVNANIAN FORECAST HOMES, INC.)
Approved Final Map 30714, 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.
A4. APPROVAL OF FINAL MAP 30476 – SINGLE FAMILY RESIDENTIAL PROJECT, AND ACCEPT AGREEMENT & BONDS FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS - EAST OF LASSELLE STREET, SOUTH OF KRAMERIA STREET IN THE MORENO VALLEY RANCH SPECIFIC PLAN (SP193) AREA (SUBDIVIDER - K. HOVANIAN FORECAST HOMES, INC.)

Approved Final Map 30476, 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.

A5. APPROVE TWO-YEAR EXTENSION OF AUDITING SERVICES AGREEMENT WITH LANCE, SOLL & LUNGHARD, CERTIFIED PUBLIC ACCOUNTANTS

Approved a two-year extension of the auditing services agreement with Lance, Soll & Lunghard, a certified public accounting firm; and directed the Finance Director/City Treasurer to sign the agreement on behalf of the City.

A6. APPROVAL OF FINAL MAP 30320 – SINGLE FAMILY RESIDENTIAL PROJECT, ACCEPT AGREEMENT & BONDS FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS, AND APPROVAL OF AGREEMENT REGARDING ISSUANCE OF BUILDING PERMITS - NORTHWEST CORNER OF OLEANDER AVENUE AND LASSELLE STREET (SUBDIVIDER - KB HOME COASTAL INC., A CALIFORNIA CORPORATION)

Approved Final Map 30320, 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; approved the agreement regarding issuance of building permits; authorized the Mayor to execute the agreements; and directed the City Clerk to forward the signed agreements to the County Recorder’s Office for recordation.

A7. APPROVAL OF FINAL MAP 30320-1 – SINGLE FAMILY RESIDENTIAL PROJECT, ACCEPT AGREEMENT & BONDS FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS, AND APPROVAL OF AGREEMENT REGARDING ISSUANCE OF BUILDING PERMITS - NORTHWEST CORNER OF OLEANDER AVENUE AND LASSELLE STREET (SUBDIVIDER- EMPIRE LAND, LLC.)

Approved Final Map 30320-1, 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; approved the agreement regarding issuance of building permits; authorized the Mayor to execute the agreements; and directed the City Clerk to forward the signed agreements to the County Recorder’s Office for recordation.

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Approved Final Map 30321, 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 direct the City Clerk to forward the signed agreement to the County Recorder’s Office for recordation.

A9. **AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE TRAFFIC SIGNAL AT COTTONWOOD AVENUE AND MORENO BEACH DRIVE, PROJECT NO. 02-12566922**

Awarded the construction contract for the traffic signal at Cottonwood Avenue and Moreno Beach Drive to Macadee Electrical Construction, 14771 Cherry Circle, Chino Hills, California 91709, the lowest responsible bidder; authorized the Mayor to execute a contract with Macadee Electrical Construction; and authorized the issuance of a Purchase Order for Macadee Electrical Construction in the amount of $182,875.77, (the bid amount plus 10% contingency) when all parties have signed the contract (Account No. 125.66922).

A10. **REQUEST ADOPTION OF PLANS AND SPECIFICATIONS, AND AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR THE POSTAL AVENUE AND BACK WAY SIDEWALK IMPROVEMENTS, PROJECT NO. 03-14668423**

Adopted the plans and specifications for the Postal Avenue and Back Way Sidewalk Improvements that are on file in the office of the City Engineer; and authorized the City Clerk to advertise the project for construction bids.


Accepted the bonds and approved the Agreement for Public Improvements for Tract 22377; 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.
A12. PARCEL MAP 22701 - ACCEPT AGREEMENT AND BONDS FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS TO LASSELLE STREET - LASSELLE STREET, YANEZ TRAIL ROAD TO SOUTH CITY LIMITS (SUBDIVIDER - EMPIRE LAND, LLC.)
Approved the Agreement for Public Improvements and accepted the faithful performance and material & labor bonds for the Lasselle Street improvements located between Yanez Trail Road to south city limits, within Parcel Map 22701; 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.

A13. APPROVAL OF FINAL MAP 27523-1 – SINGLE FAMILY RESIDENTIAL PROJECT, AND ACCEPT AGREEMENT & BONDS FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS - SOUTH OF BRODIAEA AVENUE BETWEEN MORENO BEACH DRIVE AND WILMOT STREET (SUBDIVIDER - MORENO VALLEY CACTUS RANCH, LLC.)
Approved Final Map 27523-1, 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.

A14. TRACT 30317 - ACCEPT AGREEMENT AND BONDS FOR TRAFFIC SIGNAL IMPROVEMENTS. INTERSECTION OF IRIS AVENUE AND LOS CABOS DRIVE (SUBDIVIDER - K. HOVNANIAN FORECAST HOMES, INC.)
Accepted the bonds and approved the Agreement for Traffic Signal Improvements for Tract 30317; 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.

A15. MINUTES – REGULAR MEETING OF JANUARY 13, 2004 (CONTINUED FROM 1/27/04)
Approved as submitted.

A16. MINUTES – REGULAR MEETING OF JANUARY 27, 2004
Approved as submitted.

A17. AUTHORIZE OLYMPIC QUALIFYING AND NATIONAL TITLE CYCLING EVENT AND RELATED STREET CLOSURES
Authorized the Olympic Qualifying and National Title Cycling event to be held in Moreno Valley on Thursday, June 17, 2004 and approved related street closures as identified on Exhibit “C” of the staff report.
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 BID, ADOPT THE REVISED BID PACKAGE AND AUTHORIZE RE-ADVERTISING OF BID TO REPAIR ARTERIAL WALL FAÇADE SURFACES FOR THE MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. 03-18278240-50 MORENO VALLEY RANCH WALL FAÇADE MAINTENANCE
Rejected the one bid received to provide maintenance and repair of the Moreno Valley Ranch arterial wall façade areas, monuments, arbor structures, and wrought iron fencing; adopted the revised bid package, which is on file in the office of the Director of Public Works, to separate out items of work into job specialties (i.e., all painting & repair of stucco wall surfaces, all painting and repairs/replacement of wrought iron fencing, all painting and repairs to monuments, etc.) and obtained new bids on these items of work, based upon a revised estimated cost to perform each of the designated services; and authorized the City Clerk to re-advertise a Notice Requesting Bids Project No. 03-18278240-50 to provide repair and painting of the stucco arterial wall façade surfaces.

B3. MINUTES – REGULAR MEETING OF JANUARY 13, 2004 (CONTINUED FROM 1/27/04)
Approved as submitted.

B4. MINUTES – REGULAR MEETING OF JANUARY 27, 2004
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 JANUARY 13, 2004 (CONTINUED FROM 1/27/04)
Approved as submitted.

C3. MINUTES – REGULAR MEETING OF JANUARY 27, 2004
Approved as submitted.

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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 JANUARY 13, 2004 (CONTINUED FROM 1/27/04)
Approved as submitted.

D3. MINUTES – REGULAR MEETING OF JANUARY 27, 2004
Approved as submitted.

E. PUBLIC HEARINGS

E1. PUBLIC HEARING ON THE PROPOSED REINSTATEMENT OF COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) AT THE STANDARD LEVEL FOR TRACT 20718 (AND ALL AFFECTED PHASES)

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

Board Member Batey made a motion, seconded by Vice-President Stewart directing the Secretary to tabulate the ballots. Motion carried 5-0. Roll call vote.

Item continued to later in the meeting after completion of tabulation of the ballots

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

G. REPORTS

G1. ORDINANCE NO. CSD 45 TO ESTABLISH ZONE E-8 (PROMONTORY PARK - TRACT 22709) AS SUBZONE OF ZONE E (HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE) AND RESOLUTION NO. CSD 2004-02 TO AUTHORIZE COLLECTION OF THE APPROVED CSD ZONE E-8 CHARGE
President West opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Vice-President Stewart made a motion, seconded by Board Member White to introduce Ordinance No. CSD 45. Motion carried 5-0. Roll call vote.

Ordinance No. CSD 45

An Ordinance of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Establishment of Zone E-8 (Promontory Park – Tract 22709) as a Subzone of Zone E (High-Service-Level Parkway Landscape Maintenance)

Vice-President Stewart made a motion, seconded by Board Member Batey to approve and adopt Resolution No. CSD 2004-02. Motion carried 5-0. Roll call vote.

Resolution No. CSD 2004-02

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Parcel Charge for Providing Maintenance/Monitoring of the Biofilters, Channel, Park Site, Parkway, Wall Façade and Bridge for Zone E-8 (Promontory Park - Tract 22709)

G2. MASTER POWER PURCHASE AND SALE AGREEMENT AND CONTEMPLATED CONFIRMATIONS BY AND BETWEEN THE CITY OF MORENO VALLEY, CALIFORNIA, AND SEMPRA ENERGY SOLUTIONS

Mayor West opened the agenda item for public comments. Public comments were received from Ray Hosman; Robert Burks; Pete Bleckert and Daryl Terrell.

Council Member White made a motion, seconded by Council Member Flickinger to approve and authorize the Mayor to execute the Master Power Purchase and Sale Agreement (Agreement), as amended, to include “Municipal Utility” after “City of Moreno Valley” on the cover sheet of the Master Power Purchase and Sale Agreement and to modify the section titled “Dispute Resolution” by replacing the language “binding arbitration” with “mediation,” “by and between the City of Moreno Valley, California, and Sempra Energy Solutions (Sempra), Los Angeles, California, subject to any modifications approved by the Enterprise Services Manager and the City Attorney; authorized the City Manager to execute Confirmation orders with Sempra in amounts necessary to provide electrical service to new
customers (Account Nos. to be provided by the Finance Department); and authorized the Finance Director to issue a Purchase Order to Sempra in the amount equal to the total of all Confirmations anticipated under this Agreement for the period from February 3, 2004 – June 30, 2004 totaling $40,000 (Account Nos. to be provided by the Finance Department). Motion carried 5-0. Roll call vote.

AGENDA ORDER

E1. (CONTINUED FROM EARLIER IN MEETING)
PUBLIC HEARING ON THE PROPOSED REINSTATEMENT OF COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) AT THE STANDARD LEVEL FOR TRACT 20718 (AND ALL AFFECTED PHASES)

The Secretary announced the results as follows:

Tract 20718 – “Yes” votes – 22 “No” votes - 8

Board Member Batey made a motion, seconded by Vice-President Stewart to verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and Assessor Parcel Number (APN) listing; receive and file with the City Clerk’s Office the accepted Official Tally Sheet and APN listing; and authorize and impose the charge for standard level Zone D services. Motion carried 5-0. Roll call vote.

G3. STATE AND FEDERAL LEGISLATIVE ADVOCACY PRIORITIES
(CONTINUED FROM 1/27/04)

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

Mayor Pro Tem Stewart made a motion, seconded by Council Member White to approve the State/Federal Legislative Advocacy Priorities Policy with the inclusion of support for federal legislation to support March Air Reserve Base to include support of the additional C-17 airplanes and support for joint services at March Air Reserve Base. Motion carried 3-2, Mayor West and Council Member Batey dissenting (with regard to binding arbitration).

G4. LEGISLATIVE UPDATE (CONTINUED FROM 1/27/04)

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

G5. CITY MANAGER’S REPORT (Informational Oral Presentation – not for Council action)

City Manager Rogers gave an update on the status of the League of California Cities initiative to protect local revenues. The initiative will be placed on the statewide ballot in November if the required number of signatures are gathered on the petition.

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION - NONE

ORDINANCES - 2ND READING AND ADOPTION

H1. ORDINANCE NO. 655, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING THE PERMITTED USES TABLE CONTAINED IN SUBSECTION 9.02.020 OF THE MORENO VALLEY MUNICIPAL CODE (Received First Reading and Introduction January 27, 2004 on a 5-0 Vote)

Council Member Flickinger made a motion, seconded by Mayor Pro Tem Stewart to adopt Ordinance No. 655. Motion carried unanimously.

Ordinance No. 655

An Ordinance of the City Council of the City of Moreno Valley, California, Amending the Permitted Uses Table Contained in Subsection 9.02.020 of the Moreno Valley Municipal Code

H2. ORDINANCE NO. 656, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 3 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY ADDING CHAPTER 3.50 RELATING TO THE ESTABLISHMENT AND COLLECTION OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE FOR NEW RESIDENTIAL DEVELOPMENTS BASED ON THE APPROVED NPDES RATE SCHEDULE AND AUTHORIZATION OF SUBSEQUENT RATE ADJUSTMENTS BY RESOLUTION (Received First Reading and Introduction January 27, 2004 on a 5-0 Vote)
Council Member Flickinger made a motion, seconded by Council Member White to adopt Ordinance No. 656. Motion carried unanimously.

Ordinance No. 656

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 3 of the City of Moreno Valley Municipal Code by Adding Chapter 3.50 Relating to the Establishment and Collection of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential Developments Based on the Approved NPDES Rate Schedule and Authorization of Subsequent Rate Adjustments by Resolution

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:

Curtis C. Reed – 10070 Thornbird Ct.
1) Issues with Wal Mart

Joseph Lorenzana – 28834 Big Pine Way
1) City’s Municipal Utility

Burnadette Burks – Address matter of record
1) Moreno Valley Residents for Responsible Utility Service

Daryl Terrell – Address matter of record
1) City residents need to act towards common goal
2) Supports Wal Mart

Priscilla Banks – Address matter of record
1) Proposed School Bond
2) Parks & Recreation budget
3) Measure “A”

Ray Hosman – Address matter of record
1) Questions don’t get answered
2) City starting a business
3) Binding arbitration
Marcia Amino – Address matter of record
1) Supports prevailing wage
2) Municipal Utility

Pete Bleckert – Address matter of record
1) City’s Municipal Utility
2) RDA funds

Louise Palomarez – Address matter of record
1) School Bond issue
2) Developer money
3) Measure “A” – no guarantee of funds

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

Council Member Batey
1) Stated the mini-malls were closed due to Health & Safety Code violations not racial or ethnic cultures
2) City’s Municipal Utility will benefit the City in the long run – Southern California Edison is trying to undermine the City’s efforts and is also currently trying to get a rate increase

Mayor Pro Tem Stewart
1) Stated that the profits from the City’s Municipal Utility should be able to support Public Safety programs or to grant reduced electric rates to potential businesses looking to locate in Moreno Valley – Southern California Edison made $15,000,000 profit in Moreno Valley and not one dime of that stayed here – that money is being used to fund the campaign against the City’s Municipal Utility
2) Prevailing wage is not paid by all unions in the area including SCE
3) Ask Edison about reserves
4) Announced the City Council agenda packets are available at City Hall on Thursday afternoon – available for anyone to come and view – Council Members come to City Hall to pick up their packets - they are not delivered
5) Stated he will be glad to answer any questions relating to the Council packet – email or call him and ask those questions and he will look into the issue for them
6) Day Street traffic signals will be in, hopefully before Thanksgiving
7) In addition to the traffic signals on Day Street the City is planning to add an additional lane Northbound on the Eastbound side from 60 freeway up to Ironwood

Council Member Flickinger
1) Clarified the speaker’s remarks regarding the Municipal Utility – all costs will be covered and there is very little risk involved
2) Stated prevailing wage increases the cost of public works projects which is passed on to the taxpayer
3) Last day to register for the March 2nd primary election is February 17th – stated that amazon.com has a link to a list of Presidential candidates
4) The Friends of the Library held their used book sale on Saturday and it was quite successful – they will hold another one on February 28th and the books will only be 10 cents each
5) Rotary Club is holding a fundraiser to benefit any non-profit organizations in the City with a raffle to win a 2004 Chevrolet Cavalier that has been donated by the Auto Mall – tickets are $5 a piece and the proceeds will go to the non-profits – for information call 243-7909
6) Cautioned residents not to leave their car running in the driveway – there have been some thefts
7) Asked the Public Works Director if Reche Canyon was open yet – he responded that he believes it is

Mayor West
1) Stated he attended the grand opening for the new Home Depot store on Perris Boulevard – there was a large turnout for the event
2) Attended the ground breaking ceremony for the new Recreation and Conference Center on January 28th - thanked the City staff and his colleagues for their efforts in bringing the project to fruition – the facility will serve the entire City

Council Member White
1) Thanked the speakers for their decorum
2) Asked speakers why they want to destroy the City

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 9:10 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:

_____________________________________
Frank West, 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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