

**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.
SEPTEMBER 27, 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 7:20 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

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

INVOCATION - Robert Herrick, City Attorney

ROLL CALL

Council:

Richard A. Stewart	Mayor
Bonnie Flickinger	Mayor Pro Tem
William H. Batey, II	Council Member
Charles R. White	Council Member
Frank West	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
Gary Kyle	Building Official
Rick Hall	Police Lieutenant
Stan Lake	Fire Chief
Trent Pulliam	Public Works Director/City Engineer
Cynthia Pirtle	Director of Library Services
George Price	Parks and Recreation Director
Denese Wilson	Human Resources Director
Angela Rushen	Interim Administrative Services Director

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 SEPTEMBER 13, 2005 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.
- A3. WARRANT REPORT – AUGUST 31, 2005 (Report of: Finance Department)
Recommendation: Adopt Resolution No. 2005-92, approving the Warrant Report, dated August 2005, in the total amount of \$18,533,339.19.

Resolution No. 2005-92

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report Dated August 31, 2005

- A4. PUBLIC MEETING REGARDING MAIL BALLOT PROCEEDINGS FOR PROJECTS*: TENTATIVE TRACT 31257 – BALLOTTED ITEMS: CSD ZONE B, CSD ZONE D, NPDES; TENTATIVE TRACT 31591 – BALLOTTED ITEMS: CSD ZONE B, CSD ZONE D, NPDES; TENTATIVE TRACTS 32834 & 32836 – BALLOTTED ITEMS: CSD ZONE B, CSD ZONE E-12, NPDES; TENTATIVE TRACT 32835 – BALLOTTED ITEM: NPDES; APN 477-780-005 (EL POLLO LOCO RESTAURANT) – BALLOTTED ITEM: NPDES; APNS 297-140-029 - 297-140-032 (MORENO VALLEY HEALTH, LLC) - BALLOTTED ITEM: CSD ZONE M; APNS 297-140-029 - 297-140-036 (MORENO VALLEY HEALTH, LLC) – BALLOTTED ITEM: NPDES (*LOCATIONS OF THE PROJECTS ARE LISTED IN THE BODY OF THE STAFF REPORT) (Report of: Public Works Department)
Recommendation: Accept public comments regarding the mail ballot proceedings for Tentative Tracts 31257, 31591, 32834, 32835 and 32836 (and all their affected phases), APN 477-780-005 (and any division thereof) El Pollo Loco Restaurant and APNs 297-140-029, 297-140-030, 297-140-031, 297-140-032, 297-140-033, 297-140-034, 297-140-035 and 297-140-036 (and any division thereof) Moreno Valley Health, LLC for approval of the

National Pollutant Discharge Elimination System (NPDES) regulatory rate schedule.

- A5. ACCEPTANCE OF AWARD FOR FISCAL YEAR 2005 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FUNDING ALLOCATION (Report of: Police Department)
Recommendation: Accept the four-year Edward Byrne Memorial Justice Assistance Grant (JAG) funding award in the amount of \$132,361 to fund one Traffic Unit Community Service Officer II for a two-year period.
- A6. APPROVAL OF VAL VERDE UNIFIED SCHOOL DISTRICT LINE EXTENSION AGREEMENT FOR INDIAN MIDDLE SCHOOL (Report of: Public Works Department)
Recommendation: Approve the Line Extension Agreement by and between the City of Moreno Valley and the Val Verde Unified School District for Indian Middle School.
- A7. RATIFICATION OF MEMORANDUM OF UNDERSTANDING BY AND BETWEEN VOLUNTEER CENTER OF RIVERSIDE COUNTY AND THE CITY OF MORENO VALLEY FOR INFORMATION AND REFERRAL SERVICES VIA TOLL-FREE OR 211 NUMBER (Report of: Administrative Services Department)
Recommendation: Ratify the Memorandum of Understanding (MOU) by and between the Volunteer Center of Riverside County (VCRC) and the City of Moreno Valley for Information and Referral Services via toll-free or 211 Number.
- A8. FINAL MAP 22709 – SINGLE FAMILY RESIDENTIAL PROJECT, AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION); WEST SIDE OF MORENO BEACH DRIVE, NORTH OF JOHN F. KENNEDY DRIVE; SUBDIVIDER: WESTERN PACIFIC HOUSING, INC., 16755 VON KARMAN AVENUE, SUITE 200, IRVINE, CA 92606 (Report of: Public Works Department)
Recommendation: Authorize the Mayor to execute the Amendment to Agreement for Public Improvements for Final Map 22709; and instruct the City Clerk to forward the completed Amendment to Agreement for Public Improvements to the County Recorder's Office for recordation.
- A9. FINAL MAP 22709-1 – SINGLE FAMILY RESIDENTIAL PROJECT, AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION); WEST SIDE OF MORENO BEACH DRIVE, NORTH OF JOHN F. KENNEDY DRIVE; SUBDIVIDER: WESTERN PACIFIC HOUSING, INC., 16755 VON KARMAN AVENUE, SUITE 200, IRVINE, CA 92606 (Report of: Public Works Department)

Recommendation: Authorize the Mayor to execute the Amendment to Agreement for Public Improvements for Final Map 22709-1; and instruct the City Clerk to forward the completed Amendment to Agreement for Public Improvements to the County Recorder's Office for recordation.

- A10. REQUEST ADOPTION OF PLANS AND SPECIFICATIONS, AND AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR THE PEPPER STREET IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO SHERMAN AVENUE. PROJECT NO. 03-14668523 (Report of: Public Works Department)

Recommendation: Adopt the plans and specifications that are on file in the office of the City Engineer; and authorize the City Clerk to advertise the project for construction bids.

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 SEPTEMBER 13, 2005 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

- B3. PUBLIC MEETING REGARDING MAIL BALLOT PROCEEDINGS FOR PROJECTS*: TENTATIVE TRACT 31257 – BALLOTTED ITEMS: CSD ZONE B, CSD ZONE D, NPDES; TENTATIVE TRACT 31591 – BALLOTTED ITEMS: CSD ZONE B, CSD ZONE D, NPDES; TENTATIVE TRACTS 32834 & 32836 – BALLOTTED ITEMS: CSD ZONE B, CSD ZONE E-12, NPDES; TENTATIVE TRACT 32835 – BALLOTTED ITEM: NPDES; APN 477-780-005 (EL POLLO LOCO RESTAURANT) – BALLOTTED ITEM: NPDES; APNS 297-140-029 - 297-140-032 (MORENO VALLEY HEALTH, LLC) - BALLOTTED ITEM: CSD ZONE M; APNS 297-140-029 - 297-140-036 (MORENO VALLEY HEALTH, LLC) – BALLOTTED ITEM: NPDES (*LOCATIONS OF THE PROJECTS ARE LISTED IN THE BODY OF THE STAFF REPORT) (Report of: Public Works Department)

Recommendation: Accept public comments regarding the mail ballot proceedings for Moreno Valley Health, LLC – APNs 297-140-029, 297-140-030, 297-140-031, 297-140-032 (and any division thereof) for inclusion into CSD Zone M (Commercial/Industrial Improved Median Maintenance); Tentative Tracts 31257, 31591, 32834 and 32836 (and all their affected phases) for inclusion into CSD Zone B (Residential Street Lighting); Tentative Tracts 31257 and 31591 (and all their affected phases) for inclusion into CSD Zone D (Parkway Landscape Maintenance); and Tentative Tracts 32834 and

32836 (and all their affected phases) for inclusion into CSD Zone E-12 and approval of the annual charges.

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 SEPTEMBER 13, 2005 (Report of: City Clerk's Department)
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 on
- D2. MINUTES - REGULAR MEETING OF SEPTEMBER 13, 2005 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.

Joint Consent Calendar Items A2 – D2 approved by a vote with the exception of A11 which was pulled for separate discussion/action. m/White, s/Flickinger.

E. PUBLIC HEARINGS

- E1. CONTINUATION OF THE PUBLIC HEARING FOR THE MAIL BALLOT PROCEEDING FOR TENTATIVE TRACT 31305 (AND ALL AFFECTED PHASES) FOR APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE. LOCATED AT THE NORTHWEST CORNER OF EUCALYPTUS AVENUE AND NASON STREET (Report of: Public Works Department)
Recommendation: That the City Council, after conducting the public hearing:
 - 1. Tabulate the mail ballot for Tentative Tract 31305 (and all affected phases) for the NPDES regulatory rate schedule;
 - 2. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and Assessor Parcel Number (APN) listing;

3. Receive and file with the City Clerk's Office the accepted Official Tally Sheet and APN listing; and
4. If approved, authorize and impose the NPDES maximum regulatory rate for Tentative Tract 31305.

Mayor Stewart opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Directed the City Clerk to tabulate the ballots. Motion carried 5-0. m/Batey, s/White.

The City Clerk announced the results as follows:

Tentative Tract 31305 (and all affected phases) for the NPDES regulatory rate schedule – “yes”

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

- E2. REQUEST TO CONTINUE PUBLIC HEARING ON ORDINANCE REPEALING AND REENACTING CHAPTERS 3.28 AND 3.42 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO DEVELOPMENT IMPACT FEES FOR RESIDENTIAL AND COMMERCIAL AND INDUSTRIAL DEVELOPMENT, TO OCTOBER 11, 2005 (Report of: Finance Department) Recommendation: That the City Council continue the Public Hearing on an ordinance repealing and reenacting Chapters 3.28 and 3.42 of the City of Moreno Valley Municipal Code relating to development impact fees for residential and commercial and industrial development, to October 11, 2005.

Approved by a 5-0 vote to continue to October 11, 2005. m/Batey, s/West.

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

- A11. REQUEST REJECTION OF ALL BIDS AND AUTHORIZATION TO RE-ADVERTISE FOR CONSTRUCTION BIDS FOR THE AQUEDUCT BIKE TRAIL FROM JOHN F. KENNEDY DRIVE TO CACTUS AVENUE, FROM GRAHAM STREET TO BAY AVENUE, AND COTTONWOOD AVENUE TO PAN AM BOULEVARD. PROJECT NOS. 02-46165321 AND 98-92492 (Report of: Public Works Department) Recommendation: Reject all bids opened on August 30, 2005 for the construction of the Aqueduct Bike Trail; adopt the revised specifications that

are on file in the office of the City Engineer; and authorize the City Clerk to re-advertise the Aqueduct Bike Trail project for construction bids.

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

Approved by a 5-0 vote, as amended to reduce the requirement of the Contractor to construct 50% of the work with its own forces to 25% instead of 35%. m/White, s/West.

G. REPORTS

- G1. ORDINANCE AMENDING CHAPTERS 1.10, 2.21, 2.29, 6.02, 6.04, 8.14, 8.60, 9.01, 9.02, 9.03, 9.07, 9.08, 9.09, 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 10.02, AND 11.06 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING MODIFICATIONS TO THE TITLE OF THE COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR AND DEPARTMENT (Report of: City Clerk's Department)
Recommendation: That the City Council introduce Ordinance No. 694, amending Chapters 1.10, 2.21, 2.29, 6.02, 6.04, 8.14, 8.60, 9.01, 9.02, 9.03, 9.07, 9.08, 9.09, 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 10.02, and 11.06 of the City of Moreno Valley Municipal Code regarding modifications to the title of the Community & Economic Development Department and Director. (Roll call required).

Ordinance No. 694

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Chapters 1.10, 2.21, 2.29, 6.02, 6.04, 8.14, 8.60, 9.01, 9.02, 9.03, 9.07, 9.08, 9.09, 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 10.02, and 11.06 of the City of Moreno Valley Municipal Code Regarding Modifications to the Title of the Community & Economic Development Department and Director

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

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

- G2. PRIORITIZATION AND USE OF FUNDS FOR THE PAVEMENT MANAGEMENT PROGRAM, STREET IMPROVEMENT PROGRAM, AND SPEED HUMP PROGRAM; ESTABLISHMENT OF A POLICY ON PRIORITIZATION OF USE OF FUNDS FOR THE CITY DEVELOPMENT IMPACT FEE (DIF) PROGRAM, AND ADOPT THE THREE-YEAR CAPITAL

IMPROVEMENT PROGRAM REVISIONS (Report of: Public Works Department)

Recommendation: That the City Council:

1. Approve staff recommendations for Prioritization and Use of Funds for the Pavement Management Program, Private Street Improvement Program, and Speed Hump Program;
2. Approve staff recommendations for establishing a policy on prioritization of use of funds for the City Development Impact Fee (DIF) Program and Western Riverside Council of Governments (WRCOG) Transportation Uniform Mitigation Fee (TUMF) Program;
3. Approve revisions to the Street Improvement Program to prioritize projects for FY 2005/2006, FY 2006/2007, and FY 2007/2008;
4. Approve the Arterial Infill Program Priority List;
5. Adopt the 3-year Capital Improvement Program Revisions to the Capital Projects list;
6. Amend the FY 2005/2006 Budget to include revisions to the Capital Projects List of the Capital Improvements Program; and
7. Authorize the Finance Director to amend the FY 2005/2006 Budget.

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

Continue to Study Session of October 18, 2005 or November 15, 2005 (if not ready for 10/18 meeting). Motion carried unanimously. m/Batey, s/Flickinger.

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

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

- G4. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

Angela Rushen, Interim Administrative Services Director, gave a briefing regarding the temporary closure to the Moreno Valley Public Library. Stated

the library will be closed temporarily for two weeks, so a leak can be repaired and additional testing of the fungi that was found underneath the carpet in the Community Room and the library entryway can be performed. Problem was discovered on or about September 22 during an inspection. The library has been closed to avoid exposing the general public and staff to any environmental toxins that may be released during repairs. Opening date could be extended past the two week period. Will keep the public updated. The City will be maintaining a minimum level of service.

Library Director, Cynthia Pirtle, announced that a motor home is being made available to be used for the return of library materials. Stated the hours for the motor home will be Monday through Saturday from 8 am to 5 pm and Sunday from 1 pm to 5 pm. The Bookmobile will be available on Mondays from 10 am to 1 pm and Fridays and Saturdays from 10 am to 5 pm. She also stated that library materials can be dropped off in the book drop slot located at the library. All library employees are still on-duty at different City locations. Hopes to be back in the library soon.

- G5. APPROVE A DESIGN-BUILD AGREEMENT WITH ABB, INC., A LEASE PURCHASE AGREEMENT AND A BASE LEASE WITH EPLUS GROUP, INC. FOR THE DESIGN, CONSTRUCTION, AND FINANCING OF THE SUBSTATION/SWITCHYARD AND APPROVE AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE CITY OF MORENO VALLEY AND ENCO UTILITY SERVICES MORENO VALLEY, LLC FOR THE OPERATIONS AND MAINTENANCE OF THE CITY'S MUNICIPALLY OWNED ELECTRICAL DISTRIBUTION SYSTEM (Report of: Public Works Department) (MATERIAL NOT AVAILABLE AT TIME OF PRINTING – TO BE PROVIDED UNDER SEPARATE COVER)

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

**Approved by a unanimous vote to continue to October 11, 2005.
m/Batey, s/White.**

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION - NONE

ORDINANCES - 2ND READING AND ADOPTION

H1. ORDINANCE NO. 693 - AN ORDINANCE OF THE CITY COUNCIL OF THE

CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 9.02.020 OF TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE PERMITTED USES TABLE TO ESTABLISH A NEW LIGHT INDUSTRIAL ZONE WITH IDENTIFIED PERMITTED USES, AND MODIFY THE USES PERMITTED IN THE BUSINESS PARK DESIGNATION AND REQUIRE A CONDITIONAL USE PERMIT FOR STORAGE LOTS OR MINI-WAREHOUSES IN THE COMMUNITY COMMERCIAL; MODIFY SECTION 9.09.140 TO ADD ADDITIONAL WORDING WITH REGARD TO THE COMPATIBILITY OF SELF-STORAGE WAREHOUSES; AND MODIFY THE PURPOSE OF THE INDUSTRIAL ZONES (SECTION 9.05.020) TO PROVIDE A PURPOSE FOR THE NEWLY ESTABLISHED LIGHT INDUSTRIAL ZONING, AND TO REVISE THE PURPOSE OF THE BUSINESS PARK DESIGNATION. IN ADDITION, THE ZONING ATLAS WILL ALSO BE MODIFIED TO CHANGE ZONING FROM BUSINESS PARK TO LIGHT INDUSTRIAL. THE ZONE CHANGE WILL AFFECT PORTIONS OF THE AREA SOUTH OF ALESSANDRO BOULEVARD, NORTH OF CACTUS AVENUE, EAST OF ELSWORTH STREET, AND WEST OF HEACOCK STREET (RECEIVED FIRST READING AND INTRODUCTION SEPTEMBER 13, 2005 ON A 5-0 VOTE) (Report of: Community Development Department)
Recommendation: Adopt Ordinance No. 693.

Ordinance No. 693

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 9.02.020 of Title 9 of the City of Moreno Valley Municipal Code, Permitted Uses Table to Establish a New Light Industrial Zone with Identified Permitted Uses, and Modify the Uses Permitted in the Business Park Designation and Require a Conditional Use Permit for Storage Lots or Mini-Warehouses in the Community Commercial; Modify Section 9.09.140 to Add Additional Wording with Regard to the Compatibility of Self-Storage Warehouses; and Modify the Purpose of the Industrial Zones (Section 9.05.020) to Provide a Purpose for the Newly Established Light Industrial Zoning, and to Revise the Purpose of the Business Park Designation. In Addition, the Zoning Atlas will also be Modified to Change Zoning from Business Park to Light Industrial. The Zone Change will Affect Portions of the Area South of Alessandro Boulevard, North of Cactus Avenue, East of Elsworth Street, and West of Heacock Street

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

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

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:

Daryl Terrell

- 1) Library situation
- 2) Reforming City budget

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

Mayor Pro Tem Flickinger

- 1) Stated she would like to see speed limit signs on Lasselle Street from Krameria to the south City limits and also on Krameria north to JFK

Mayor Stewart

- 1) Article regarding flight paths of DHL planes

Council Member Batey – no comment

Council Member West – no comment

Council Member White

- 1) Inquired of Library Director as if there is any other source of grant funding for the Library

CLOSED SESSION

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

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned to Closed Session at 8:53 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 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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