

**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.
JUNE 26, 2007**

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 6:38 p.m. by Mayor White in the Council Chamber located at 14177 Frederick Street.

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

INVOCATION - Deacon Richard Heames, St. Patrick's Roman Catholic Church

ROLL CALL

Council:

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

Staff:

Alice Reed	City Clerk
Steve Chapman	Finance Director/City Treasurer
Robert Herrick	City Attorney
Robert Gutierrez	City Manager
Betsy Adams	Assistant City Manager
Rick Hartmann	Deputy City Manager
Steve Elam	Administrative Services Director
Linda Guillis	Community Development Director
Rick Hall	Police Chief
Stan Lake	Fire Chief
Chris Vogt	Public Works Director/City Engineer
Cynthia Pirtle	Director of Library Services
Mike McCarty	Parks & Community Services Director

Denese Wilson-Beilke
Barry Foster
Angela Rushen

Human Resources Director
Economic Development Director
Assistant to the City Manager

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 White opened the agenda items for the Consent Calendars for public comments. Public comment was received from Daryl Terrell (Item A16).

A. CONSENT CALENDAR - CITY COUNCIL

- A1. ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.
- A2. CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

Recommendation: Receive and file.

- A3. REVIEW AND CONTINUE THE EMERGENCY ACTION REGARDING THE DESIGN AND CONSTRUCTION OF THE MORENO VALLEY UTILITIES (MVU) 115 KILOVOLT (Kv) SUBSTATION AND SWITCHYARD FACILITY (Report of: Public Works Department)

Recommendation: Review and continue the Emergency Action taken by the Council during the September 26, 2006 Council Meeting under Resolution 2006-113 Making Findings of an Emergency and Authorizing the Execution of the Design-Build Agreement for the Moreno Valley Utilities Substation and Switchyard Project between the City of Moreno Valley, as Owner, and ABB, Inc., a Delaware Corporation, as Design-Builder in accordance with Public Contract Code Sections 20168, 22050, and Government Code Section 5956.

- A4. APPROVAL OF INDEPENDENT CONTRACTOR AGREEMENTS FOR BUILDING PLAN CHECK SERVICES FOR THE COMMUNITY DEVELOPMENT DEPARTMENT/BUILDING AND SAFETY DIVISION (Report of: Community Development Department)

Recommendation:

- 1. Approve the Independent Contractor Agreements with Melad and

Associates and Willdan;

2. Authorize the Mayor to execute the agreements with Melad and Associates and Willdan in the contracts as approved by the City Attorney; and
3. Authorize the issuance of Purchase Orders for Fiscal Year 07/08 against Account No. 011.45410.6291.293 (Other Contractual) in accordance with the City's Procurement Policy, for Melad and Associates and Willdan on a project-by-project basis, in the amounts of \$400,000 each, when all parties have signed the contracts.

A5. MINUTES – REGULAR CITY COUNCIL MEETING OF JUNE 12, 2007 (Report of: City Clerk's Department)

Recommendation: Approve as submitted:

A6. RESPONSE TO GRAND JURY REPORT (Report of: City Attorney's Office)

Recommendation: Approve the proposed response to the Grand Jury Report and direct the City Attorney to send the response to the Grand Jury immediately.

A7. 2007 LEGISLATIVE UPDATE (Report of: Assistant to the City Manager)

Recommendation: Receive and file the informational report.

A8. REQUEST TO APPROPRIATE FUNDS FOR REPLACEMENT OF EMERGENCY RESPONSE FORCE VEHICLE (Report of: Administrative Services Department)

Recommendation: Approve an appropriation of \$34,100 from the Equipment Replacement Reserve for the replacement of an Emergency Response Force Vehicle.

A9. APPROVE AND EXECUTE THE PURCHASE AGREEMENTS FOR THE PARTIAL ACQUISITION OF 12218 GRAHAM STREET (APN 292-213-011) AND 12105 GRAHAM STREET (APN 292-260-020) FOR THE GRAHAM STREET WIDENING PROJECT FROM HEMLOCK DRIVE TO IRONWOOD AVENUE, PROJECT NO. 06-28068425 (Report of: Public Works Department)

Recommendation:

1. Approve and execute the purchase agreements for the partial acquisition of 12218 Graham Street (APN 292-213-011) and 12105 Graham Street

(APN 292-260-020); and

2. Authorize the Finance Director to wire transfer funds into escrow for the partial acquisition of 12218 Graham Street (APN 292-213-011) and 12105 Graham Street (APN 292-260-020).

- A10. WASTE MANAGEMENT OF THE INLAND EMPIRE FY 2007/2008 RATE ADJUSTMENT (Report of: Public Works Department)

Recommendation: Approve the Waste Management of the Inland Empire Fiscal Year (FY) 2007/2008 Rate Adjustment.

- A11. TRACT 23097 – AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION), NORTH OF SAMUEL LANE, WEST OF PIGEON PASS ROAD, DEVELOPER: BREAKTHROUGH CHURCH OF GOD IN CHRIST, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Mayor to execute the Amendment to Agreement for Public Improvements for Tract 23097; and
2. Instruct the City Clerk to forward the completed Amendment to Agreement for Public Improvements to the County Recorder's Office for recordation.

- A12. AFFORDABLE HOUSING AGREEMENT BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND RIVERSIDE HOUSING DEVELOPMENT CORPORATION (RHDC) FOR 15360 AND 15414 PERRIS BOULEVARD (Report of: Economic Development Department) **(This item is also listed as Item C3)**

Recommendation: Adopt Resolution No. 2007-73 finding that an Affordable Housing Agreement by and between the Community Redevelopment Agency of the City of Moreno Valley and Riverside Housing Development Corporation, is of benefit to the project area.

Resolution No. 2007-73

A Resolution of the City Council of the City of Moreno Valley, California, Finding that an Affordable Housing Agreement by and between the Community Redevelopment Agency of the City of Moreno Valley and Riverside Housing Development Corporation, a California Nonprofit Public Benefit Corporation is of Benefit to the Project Area (15360 and 15414 Perris

Boulevard)

- A13. RESCISSION OF THE APPROVAL OF TENTATIVE TRACT MAP. NO. 31556 AND THE NEGATIVE DECLARATION (PA03-0101) (Report of: Community Development Department)

Recommendation: Approve Resolution No. 2007-74, thereby rescinding the approval of Tentative Tract Map No. 31556 and the adoption of a Negative Declaration (PA03-0101).

Resolution No. 2007-74

A Resolution of the City Council of the City of Moreno Valley Rescinding Resolution No. 2005-28 for the Approval of Tract Map No. 31556 and Adoption of a Negative Declaration for PA03-0101, Including a 68 Lot Single-Family Residential Subdivision, One Fire Access Lot and Various Open Space Lots on a 75.6 Acre Parcel of Land (73.3 Net Acres) Within the RA-2 (Residential Agriculture-2) and HR (Hillside Residential) Land Use Districts Located on the Northwest Corner of Oliver Street and Juniper Avenue

- A14. APPROVE AND EXECUTE AGREEMENT TO PURCHASE TAX-DEFAULTED PROPERTY (APN 485-133-007) THROUGH THE RIVERSIDE COUNTY TREASURER FOR THE AQUEDUCT BIKEWAY FROM INDIAN STREET TO 200 FEET SOUTH OF FAY AVENUE, PROJECT NO. 05-12567524 (Report of: Public Works Department)

Recommendation: Approve and execute agreement to purchase tax-defaulted property (APN 485-133-007) through the Riverside County Treasurer for the Aqueduct Bikeway from Indian Street to 200 feet south of Fay Avenue.

- A15. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE IRONWOOD AVENUE STREET IMPROVEMENTS FROM PIGEON PASS ROAD TO GRAHAM STREET, PROJECT NO. 05-12567423 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Ironwood Avenue Street Improvements from Pigeon Pass Road to Graham Street to Sully-Miller Contracting Company (Sully-Miller), Anaheim, CA 92801, the lowest responsible bidder;
2. Authorize the Mayor to execute a contract agreement with Sully-Miller;

3. Authorize the issuance of a Purchase Order for Sully-Miller, in the amount of \$1,194,600.00 (the bid amount plus 10% contingency) for the Ironwood Avenue Street Improvements from Pigeon Pass Road to Graham Street (Account No. 125.67423); and
 4. Authorize the City Engineer to execute any subsequent related minor change orders to the contract with Sully-Miller, up to, but not exceeding, the contingency amount of \$108,600.00, subject to the approval of the City Attorney.
- A16. AUTHORIZATION TO AWARD AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR EDGEMONT WATER MASTER PLAN UPDATE, PROJECT NO. 08-19319310 (Report of: Economic Development Department)

Recommendation:

1. Accept grant funds in the amount of \$240,600 from the U.S. Environmental Protection Agency and fund Account No. 1930.4585 (EPA Grant – Box Springs Water Revenue Account);
2. Appropriate \$240,600 to Account No. 193.19310.6255 to partially fund expenses related to the Edgemont Water Quality and Water Line Improvement Project;
3. Appropriate \$196,854 from Account No. 1930.4701 to Account No. 193.19310.6255 to provide matching funds for expenses related to the Edgemont Water Quality and Water Line Improvement Project;
4. Authorize the Economic Development Director to affirm partial award of funds from the U.S. Environmental Protection Agency in the amount of \$158,180 for Phase I of the Edgemont Water Quality and Water Line Improvement Project;
5. Approve the Agreement for Professional Consultant Services with Albert A. Webb Associates, Riverside, California, to provide Professional Consultant Services for the Edgemont Water Master Plan Update;
6. Authorize the Mayor to execute said Agreement for Professional Consultant Services with Albert A. Webb Associates;
7. Authorize the issuance of a Purchase Order to Albert A. Webb Associates, in the amount of \$204,700 (the proposed amount plus 15% contingency) from Account No. 193.19310.6255, when the agreement has been signed by all parties; and

8. Authorize the City Manager to execute any subsequent related minor amendments to the agreement with Albert A. Webb Associates, up to, but not exceeding, the contingency amount of \$26,700.00, subject to the approval of the City Attorney.

A17. NOTICE OF COMPLETION AND ACCEPTANCE OF THE FISCAL YEAR 2005/2006 ANNUAL SLURRY SEAL PROGRAM, PROJECT NO. 05-12584830 (Report of: Public Works Department)

Recommendation:

1. Ratify Contract Change Order No. 1 (Final);
2. Accept the work as complete for the Fiscal Year 2005/2006 Annual Slurry Seal Program constructed by All American Asphalt, Inc., Corona, California 92878;
3. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;
4. Authorize the Director of Finance to release the retention to All American Asphalt, Inc. thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project;
5. Authorize an increase to Purchase Order No. 31367 in the amount of \$4,953.47 to cover the balance above the approved Purchase Order amount; and
6. Accept the improvements into the City's maintained road system.

A18. PA04-0183 – INDUSTRIAL – ACCEPT AGREEMENT FOR PUBLIC IMPROVEMENTS AND IRREVOCABLE LETTERS OF CREDIT, NORTHEAST CORNER OF INDIAN STREET AND SAN MICHELE ROAD, DEVELOPER: INDIAN AVENUE LLC, NEWPORT BEACH, CA 92660 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Irrevocable Letters of Credit for Public Improvements for PA04-0183;
2. Authorize the Mayor to execute the agreement;
3. Direct the City Clerk to forward the signed agreement to the County Recorder's office for recordation; and

4. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

A20. ANNUAL SALARY INCREASES FOR THE CITY ATTORNEY AND THE CITY CLERK (Report of: Mayor White)

Recommendation: Approve the Amendments to Employment Agreements for City Attorney and City Clerk which are Council-appointed positions.

A21. PA03-0020 – APARTMENT COMPLEX – ACCEPT THE IMPROVEMENT REFUND AGREEMENT DEVELOPMENT IMPACT FEES FOR ARTERIAL STREETS, ALESSANDRO BOULEVARD BETWEEN APPLE BLOSSOM STREET AND KITCHING STREET, DEVELOPER – WNRA MORENO VALLEY, LLC, IRVINE, CA 92614 (Report of: Public Works Department)

Recommendation:

1. Accept the Improvement Refund Agreement Development Impact Fees (DIF) for Arterial Streets for PA03-0020;
2. Authorize the Mayor to execute the Improvement Refund Agreement Development Impact Fees for PA03-0020; and
3. Authorize the Finance Director to process a refund to the Developer in the amount not to exceed \$527,220 from arterial streets development impact fees as the funds become available in accordance with City Resolution 2006-19.

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 CITY COUNCIL MEETING OF JUNE 12, 2007
(Report of: City Clerk's Department)

Recommendation: Approve as submitted:

B3. APPROPRIATION OF FUNDS TO ADD ADDITIONAL POSITIONS FOR THE ASES GRANT (Report of: Parks & Community Services Department)

Recommendation: Authorize the appropriation of funding to include the addition of the following listed positions: 3 After School Program Coordinators, 5 After School Program Specialists, 1 Human Resources

Technician, and up to 90 After School Program Assistants to the City employee roster for the ASES Grant Program.

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 CITY COUNCIL MEETING OF JUNE 12, 2007
(Report of: City Clerk's Department)

Recommendation: Approve as submitted:

- C3. AFFORDABLE HOUSING AGREEMENT BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND RIVERSIDE HOUSING DEVELOPMENT CORPORATION (RHDC) FOR 15360 AND 15414 PERRIS BOULEVARD (Report of: Economic Development Department **(This item is also listed as Item A12)**)

Recommendation:

- 1. Adopt Resolution No. RDA 2007-03 and approve the Affordable Housing Agreement by and between the Community Redevelopment Agency of the City of Moreno Valley and Riverside Housing Development Corporation;

Resolution No. RDA 2007-03

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, California, Approving an Affordable Housing Agreement by and between the Agency and Riverside Housing Development Corporation, a California Nonprofit Public Benefit Corporation (15360 and 15414 Perris Boulevard)

- 2. Authorize funding the project from the Redevelopment Agency Housing Set Aside Fund account number 894.84125; and
- 3. Authorize the Agency Executive Director to execute the necessary documents.
- C4. TRANSFER OF PROPERTY AND ADJUSTMENT OF MONEYS TO THE AGENCY'S LOW- AND MODERATE-INCOME HOUSING FUND (Report of: Economic Development Department)

Recommendation: Adopt Resolution No. RDA 2007-04 authorizing the transfer of property and approving the terms for adjustment of moneys to the Agency's Low-and Moderate-Income Housing Fund.

Resolution No. RDA 2007-04

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, California, Authorizing and Memorializing the Transfer of Property and Approving the Terms for Adjustment of Moneys to the Agency's Low- and Moderate-Income Housing Fund in Connection Therewith

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 CITY COUNCIL MEETING OF JUNE 12, 2007
(Report of: City Clerk's Department)

Recommendation: Approve as submitted.

Joint Consent Calendar Items A2 – D2 approved by a 5-0 vote with the exception of Item A19 which was pulled for separate discussion/action. m/Flickinger, s/Batey.

E. PUBLIC HEARINGS

- E1. PUBLIC HEARING FOR DELINQUENT RESIDENTIAL SOLID WASTE ACCOUNTS (Report of: Public Works Department)

Recommendation:

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

- 1. Approve placing the list of delinquent solid waste accounts, available in the City Clerk's office, on the Fiscal Year (FY) 2007/2008 Riverside County property tax roll for collection;
- 2. Adopt Resolution No. 2007-72 rescinding and restating the provisions of Resolution 2005-53 of the City Council of the City of Moreno Valley, California, and authorizing the collection of delinquent and unpaid taxes

and charges for solid waste collection on the tax roll;

Resolution No. 2007-72

A Resolution of the City Council of the City of Moreno Valley, California, Repealing, Revising, and Reenacting the Provisions of Resolution 2005-53, and Authorizing the Collection of Delinquent and Unpaid Taxes and Charges for Solid Waste Collection on the Tax Roll

3. Direct the City Clerk to file with the Riverside County Auditor a certified copy of Resolution No. 2007-72 and the list of delinquent solid waste accounts as required by Section 5473.4 of the California Health and Safety Code and Section 6.02.030 of the City of Moreno Valley Municipal Code.

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

- E2. ORDINANCE IMPLEMENTING PERMIT PARKING; RESOLUTION AMENDING RESOLUTION NO. 2007-43 TO ESTABLISH FEES TO RECOVER THE COSTS ASSOCIATED WITH PERMIT PARKING; AND APPROVAL OF PROPOSED POLICY AND PROCEDURE (Report of: Public Works Department)

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

Recommendation:

1. Introduce Ordinance No. 747, amending Section 12.08.030 of the City of Moreno Valley Municipal Code to expand the City's permit parking to cover commercial zones and make other necessary changes to the Municipal Code;

Ordinance No. 747

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 12.08.030 of Chapter 12.08 of the City of Moreno Valley Municipal Code, Revising the Administrative Functions of the City Traffic Engineer as they Relate to Permit Parking

Motion by Stewart, second by West to continue to the Study Session of July 17, 2007. Council Member Stewart then withdrew the motion, Council Member West then withdrew his second.

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

2. Adopt Resolution No. 2007-75, amending Resolution 2007-43, to add fees to recover the associated costs from its users;

Resolution No. 2007-75

A Resolution of the City Council of the City of Moreno Valley Amending Resolution No. 2007-43, to Establish Fees to Recover the Costs Associated with Permit Parking

Approved by a 5-0 vote, as amended, to eliminate the \$500 set-up fee and to insert the word "Annual" in front of "Renewal fee" in Section 10 – Permit Parking Program- of the Resolution. m/Batey, s/West.

3. Approve the proposed policy and procedure.

Approved by a 3-2 vote, m/Batey, s/West, Flickinger and White dissenting as amended with the following changes:

- 1) Page 2 under CRITERIA FOR PERMIT PARKING DESIGNATION, Item number 5 to read *"A parking district should include an entire block or no less than ten properties"*;
- 2) Page 2 under PROCEDURE, Item number 3 to read *"Denials may be appealed to the Traffic Safety Commission, and would be carried forward as described herein; except that the staff recommendation will be to deny the request:"*
- 3) Page 2 under PROCEDURE, Item number 4 to read *"The applicant shall document support for the proposal by submitting a petition signed by at least 60% of the business owners (one vote per residence or business). Staff shall verify the validity of the signatures on the petition. If 60% majority support cannot be demonstrated, no further action will be taken by staff."*

Approved by a 3-2 vote, m/Batey, s/West, Flickinger and White dissenting.

- E3. A PUBLIC HEARING ON ZONE CHANGE (PA05-0151) AND GENERAL PLAN AMENDMENT (PA05-0152) TO CHANGE THE LAND USE DESIGNATION FOR APPROXIMATELY 8 ACRES LOCATED AT THE SOUTHWEST CORNER OF ALESSANDRO BOULEVARD AND GRAHAM STREET FROM BUSINESS PARK-MIXED USE TO BUSINESS PARK-MIXED USE AND COMMUNITY COMMERCIAL. ASSOCIATED APPLICATIONS PROPOSE A TENTATIVE PARCEL MAP, A

CONDITIONAL USE PERMIT, AND TWO PLOT PLANS TO ESTABLISH A MIXED-USE DEVELOPMENT CONSISTING OF A COMMUNITY HEALTH CLINIC AND CORPORATE OFFICE, BUSINESS PARK BUILDINGS, AND A SELF-STORAGE FACILITY (Report of: Community Development Department)

Recommendation:

1. Conduct a public hearing for review of the proposed actions;

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

A presentation was made by the applicants, Doug Jacobs of Jacobs Development Company and Bob Vascovich of Community Health Systems.

2. Adopt a Negative Declaration for applications PA05-0151 (Change of Zone), PA05-0152 (General Plan Amendment), PA05-0153 (CUP for Self-Storage), PA05-0154 (Plot Plan for Medical Office Building), PA05-0155 (Tentative Parcel Map 34044), and PA06-0157 (Plot Plan for Business Park Buildings). The projects, individually and cumulatively, will not result in a significant effect on the environment;

Approved as amended (to correct PA05-152 to PA05-0152) by a 5-0 vote. m/Batey, s/Stewart.

3. Approve Resolution No. 2007-76 approving a General Plan Amendment (PA05-0152) from Business Park/Industrial to Commercial, and the revised General Plan Map;

Resolution No. 2007-76

A Resolution of the City Council of the City of Moreno Valley, California, Approving a General Plan Amendment (PA05-0152) to Change the Land Use for an Approximately 3-Acre Portion of Assessor's Parcel Number 297-170-004 from Business Park/Industrial to Community Commercial, Thereby Establishing General Plan Land Use Map Designations as Described in the Resolution and the Revised General Plan Map as Attached to the Resolution as Exhibit A

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

4. Introduce Ordinance No. 748 approving a Zone Change (PA05-0151) from Business Park-Mixed-Use to Community Commercial, based on

the findings in the Ordinance, and the revised Zoning Atlas page;

Ordinance No. 748

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA05-0151 (Zone Change) to Change the Land Use for an Approximately 3-Acre Portion of Assessor's Parcel Number 297-170-004 from the Business Park-Mixed Use Land Use District to the Community Commercial Land Use District

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

5. Approve Resolution No. 2007-77 approving Tentative Parcel Map No. 34044 (PA05-0155), PA05-0153 (Conditional Use Permit for Self-storage Facility), PA05-0154 (Plot Plan for Medical Office Building) and PA06-0157 (Plot Plan for Business Park Buildings) based on the findings in the Resolution, and the conditions of approval;

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

Resolution No. 2007-77

A Resolution of the City Council of the City of Moreno Valley Approving Application Numbers PA05-0153 (CUP for Self-Storage), PA05-0154 (Plot Plan for Medical Office), PA05-0155 (TPM 34044) and PA06-0157 (Plot Plan for Business Park Buildings) to Subdivide an Approximately 8 Acre Parcel (Assessor's Parcel Number 297-170-004) into Three Parcels, and to Approve a Conditional Use Permit and Two Plot Plans for a Proposed Mixed-Use Development at the Southwest Corner of Alessandro Boulevard and Graham Street

- E4. PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS ("GANN") LIMIT FOR THE CITY OF MORENO VALLEY FOR FY 2007/2008 (Report of: Finance Department)

Recommendation:

1. Conduct a Public Hearing to receive public comments on the City's Appropriations Limit for FY 2007-08; and

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

2. Adopt Resolution No. 2007-80, establishing the Appropriations Limit for the City of Moreno Valley for FY 2007-08

Resolution No. 2007-80

A Resolution of the City Council of the City of Moreno Valley, California, Establishing an Appropriations Limit for Fiscal Year 2007-08 and Taking Other Actions in Relation Thereto

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

- E5. PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS ("GANN") LIMIT FOR THE COMMUNITY SERVICES DISTRICT FOR FY 2007/2008 (Report of: Finance Department)

Recommendation:

1. Conduct a Public Hearing to receive public comments on the CSD appropriations limit for FY 2007-08; and

President White opened the public testimony portion of the public hearing; there being none, public testimony was closed.
2. Adopt Resolution No. CSD 2007-25, establishing an appropriations limit for the Community Services District for FY 2007-08

Resolution No. CSD 2007-25

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Establishing an Appropriations Limit for Fiscal Year 2007-08 and Taking Other Actions in Relation Thereto

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

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

- A19. RESOLUTION SUPPORTING THE VAL VERDE UNIFIED SCHOOL DISTRICT IN ITS APPEAL TO RETAIN STATE FUNDS FOR THE CONSTRUCTION OF EDUCATIONAL FACILITIES (Report of: City Clerk's Department)

Recommendation: Adopt Resolution No. 2007-78

Resolution No. 2007-78

A Resolution of the City Council of the City of Moreno Valley, California,

Supporting the Val Verde Unified School District in its Appeal to Retain State Funds for the Construction of Educational Facilities

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

G. REPORTS

G1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a) Report on March Joint Powers Commission by Council Member Stewart

Stated Chairman Ashley has changed Noise Sub Committee from an Ad Hoc Committee to a regular committee;

The committee has abandoned the proposed air traffic route over San Bernardino; and

Stated he will be meeting with Supervisor Ashley and DHL executives this Thursday to discuss getting rid of the DC-9 airplanes due to the noise they generate.

G2. PUBLIC MEETING REGARDING MAIL BALLOT PROCEEDINGS FOR MORENO VALLEY HOTEL – BALLOTTED ITEM: NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES); TENTATIVE TRACT 32756 – BALLOTTED ITEMS: NPDES AND COMMUNITY SERVICES DISTRICT (CSD) ZONE M; AND TENTATIVE PARCEL MAP 33637 – BALLOTTED ITEMS: NPDES AND CSD ZONE D (Report of: Public Works Department)

Recommendation:

1. That the Mayor and Members of the City Council conduct the Public Meeting to accept public comments regarding the mail ballot proceedings for:

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

a. Moreno Valley Hotel – Assessor Parcel Number (APN) 292-250-024 (and any division thereof) for approval of the National Pollutant Discharge Elimination System (NPDES) commercial/industrial regulatory rate schedule; and

b. Tentative Tract 32756 (and all affected phases) and Tentative

Parcel Map 33637 for approval of the NPDES residential regulatory rate schedule.

2. That the Members of the Board of Directors of the Moreno Valley Community Services District (the “CSD Board” conduct the Public Meeting to accept public comments regarding the mail ballot proceedings for:
 - a. Tentative Tract 32756 (and all affected phases) for inclusion into and approval of the annual parcel charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance); and
 - b. Tentative Parcel Map 33637 for inclusion into and approval of the annual parcel charge for CSD Zone D (Parkway Landscape Maintenance).

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

Daryl Terrell

- 1) Residents should be given the opportunity to vote on electing a Directly Elected Mayor – we should place it on the ballot
- G3. RESOLUTION SETTING FORTH THE REDEVELOPMENT AGENCY’S PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN AND ORDINANCE DESCRIBING THE REDEVELOPMENT AGENCY’S PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN (Report of: Economic Development Department)

Recommendation:

1. That the Chairperson and Members of the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley adopt Resolution No. RDA 2007-05, a Resolution of the Community Redevelopment Agency of the City of Moreno Valley Setting Forth the Agency’s Program to Acquire Real Property by Eminent Domain and Requesting that the City Council of the City of Moreno Valley Adopt an Ordinance Pursuant to the Provisions of the California Community Redevelopment Law, Health and Safety Code, Section 33342.7

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

Resolution No. RDA 2007-05

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Setting Forth the Agency's Program to Acquire Real Property by Eminent Domain and Requesting that the City Council of the City of Moreno Valley Adopt an Ordinance Pursuant to the Provisions of the California Community Redevelopment Law, Health and Safety Code Section 33342.7

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

2. That the Mayor and City Council introduce Ordinance No. 749, an Ordinance of the City Council of the City of Moreno Valley describing the Redevelopment Agency's Program to Acquire Real Property by Eminent Domain Pursuant to the Provisions of the California Community Redevelopment Law, Health and Safety Code, Section 33342.7

Ordinance No. 749

An Ordinance of the City Council of the City of Moreno Valley Adopting the Redevelopment Agency's Program to Acquire Real Property by Eminent Domain Pursuant to the Provisions of the California Community Redevelopment Law, Health and Safety Code Section 33342.7

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

- G4. APPOINTMENTS TO THE CITY COUNCIL BOARDS AND COMMISSIONS
(Report of: City Clerk's Department)

Recommendation:

Mayor White opened the agenda item for public comments. Public comment was received from Jennifer Lucha.

1. Review the ballots for appointments to various City Council Boards and Commissions and mark the choices where appropriate; or
2. If appointments are not made, declare the positions vacant and authorize the City Clerk to re-notice the positions as vacant.

Approved by a 5-0, m/Stewart, s/West, to make the following appointments:

Accessibility Appeals Board, Physically Challenged Representative: One

term expiring June 30, 2010

Lawrence Baird

Construction Representative: Term expiring June 30, 2008

Harlan Jefferson

Environmental and Historical Preservation Board: Three terms expiring June 30, 2010

Jan Beyers

Thomas D. Hines

Naeem M. Qureshi

Library Commission: Term expiring June 30, 2010

Sharon B. Clements

Parks and Recreation Commission: Three terms expiring June 30, 2010

Juanita Barnes

Sandee Hackett

Alvin C. Horn

Recreational Trails Board: Three terms expiring June 30, 2010

Jennifer Chandler

Jackie LeSan

Kim Nelson

Senior Citizens' Board: Three terms expiring June 30, 2010

Sara W. Anderson

Vonzetta Fielding

Delanna Townsend

One term expiring June 30, 2009

Beverly K. Petersen

Traffic Safety Commission: Two terms expiring June 30, 2010

Miguel Arciniega

Frank D. Pavlik

One term expiring June 30, 2008

Jeff Sims

G5. ADOPTION OF FY 2007-08 BUDGET AND RELATED ITEMS (Report of: Finance Department)

Recommendation:

Mayor White opened the agenda item for public comments. Public comment was received from Daryl Terrell.

1. Adopt Resolution No. 2007-79, approving the Operating and Capital Budgets for the City of Moreno Valley for FY 2007-08, including all applicable adjustments pursuant to the Schedule of Budget Adjustments (Attachment "A" of this report);

Resolution No. 2007-79

A Resolution of the City Council of the City of Moreno Valley, California, Adopting the Operating and Capital Budgets for Fiscal Year 2007-08

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

2. Acting in its capacity as the President and Board of Directors of the Community Services District of the City of Moreno Valley, adopt Resolution No. CSD 2007-24, approving the Operating and Capital Budgets for the Community Services District of the City of Moreno Valley for FY 2007-08, including all applicable adjustments pursuant to the Schedule of Budget Adjustments (Attachment "A" of this report);

Resolution No. CSD 2007-24

A Resolution of the Moreno Valley Community Services District, Adopting the Operating and Capital Budgets for Fiscal Year 2007-08

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

3. Acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, Adopt Resolution No. RDA 2007-06 approving the Operating and Capital Budgets for the Community Redevelopment Agency of the City of Moreno Valley for FY 2007-08, including all applicable adjustments pursuant to the Schedule of Budget Adjustments (Attachment "A" of this report);

Resolution No. RDA 2007-06

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, California, Adopting the Operating and Capital Budgets for Fiscal Year 2007-08

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

4. Acting in its capacity as the President and Board of Directors of the Community Services District, approve the repayment of up to \$40,000,000 to the City of Moreno Valley by renewal of the Promissory Note, pursuant to the terms and conditions of the outstanding Promissory Note, the borrowing of up to \$40,000,000 pursuant to the terms and conditions of the attached Promissory Note, and the execution of the original of said note by the President of the Board of Directors, and the delivery of said executed note to the Treasurer of the City;

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

5. Acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, approve the repayment of up to \$40,000,000 to the City of Moreno Valley by renewal of the Promissory Note, pursuant to the terms and conditions of the outstanding Promissory Note, the borrowing of up to \$40,000,000 pursuant to the terms and conditions of the attached Promissory Note, and the execution of the original of said note by the Chairperson and Agency Members, and the delivery of said executed note to the Treasurer of the City;

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

6. Approve the FY 2007-08 Staffing Plan and Position Control Roster, which reflect the personnel allocations consistent with the adoption of the FY 2007-08 Budget.

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

7. Adopt Resolution 2007-80(A) approving the revised monthly vehicle allowances for both Council and designated management positions.

Resolution No. 2007-80(A)

A Resolution of the City Council of the City of Moreno Valley, California, Approving Revised Monthly Vehicle Allowances

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

- G6. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

City Manager Gutierrez announced this is the last Council meeting that Community Development Director Linda Guillis will be attending as she is retiring. Stated Linda has represented the City well in her many years of service, her expertise and staff support will certainly be missed. Thanked Linda and wished her well on her much deserved retirement.

Also, a delegation from our Sister City will be visiting the City the week of July 4th and.

Towngate theater complex is slated to re-open on Friday, July 6th with discounted prices.

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION - NONE

ORDINANCES - 2ND READING AND ADOPTION - NONE

ORDINANCES - URGENCY ORDINANCES – NONE

RESOLUTIONS – NONE

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

Mayor Pro Tem Batey

- 1) Received the petition from the residents of Farragut Avenue
- 2) Congratulated the Council and Staff on the outstanding Veterans Memorial Ceremony
- 3) Urged those residents living near brush to clear the area around their homes to protect from fire
- 4) Asked the Fire & Police Chiefs if there will be additional coverage with the 4th of July coming up – both responded there will be additional measures provided to prepare for the 4th
- 5) Hats off to Towngate Center for the upcoming re-opening of the Towngate theater
- 6) Have a safe 4th of July

- 7) Congratulations to Linda Guillis – has been great working with her

Council Member Flickinger

- 1) Stated she has received many positive comments regarding the implementation of the Noise Ordinance – commended Staff and the Police Department
- 2) Kick off campaign coming up for the YMCA facility at Morrison Park – it has been in process for about 15 years and it is finally ready to start construction
- 3) 4th of July coming up – be safe and enjoy your freedom

Council Member West

- 1) Expressed a special goodbye to Linda Guillis – a great combination of strength & gentleness – will miss her and wished her much luck in the future
- 2) Thanked Staff for the painless budget process this year
- 3) He will be a guest on a live televised meeting regarding transportation being held in Orange County on Thursday so he won't be able to attend the YMCA kick off

Council Member Stewart

- 1) Goodbye to Linda Guillis – they have been through many things together and Linda has been such a pleasure to work with – she has been present through all the ups and downs of the City and has been on the front lines through it all - we will miss her
- 2) Noticed on Old Lake & Pigeon Pass where K. Hovanian homes are going in – there is a strip of land that has been purchased by the developer and the landscaping is starting to die – would like City staff to look into this
- 3) Inquired as to the status of the Police Department parking lot – Public Works Director Vogt responded that Public Works is currently working on this
- 4) Noise Ordinance is great but there are still problems with boom boxes – need to crack down on those
- 5) Stated his neighbor's police dog escaped through the fence due to illegal fireworks being shot off in his neighborhood – luckily the dog was located – just an example to what these illegal fireworks do to the animals
- 6) Thanked staff for the smooth budget process – fantastic – staff to be commended
- 7) Inquired if there are trash cans provided at all bus stops – they are supposed to be provided but if a citizen notices there is no trash can at a bus stop please call City Council Office and speak with Council Member Flickinger
- 8) Thanked Public Works Department for help with paving issues

Mayor White

- 1) Complimented the speaker who addressed the Directly Elected Mayor issue – advised the residents to look closely at the issue as looks are deceiving – be sure you know what's underneath besides what is being said
- 2) Received a complaint letter pertaining to the Noise Ordinance
- 3) It seems as if the look of the City is gradually deteriorating in regards to trash being dumped around the City – we need to look into this issue

- 4) Veterans Memorial rose bushes were planted on the 18th – these bushes will need frequent watering for the next few weeks
- 5) Red light cameras coming soon
- 6) Inquired as to the progress of the Sunnymead Boulevard Revitalization – Economic Development Director Foster stated EMWD's construction should start within 30 days and the City's portion should start in January 2008
- 7) Inquired as to when the new library construction will begin – Public Works Director Vogt responded it should start in approximately 18 months
- 8) Farewell to Community Development Director Linda Guillis, she will be missed!

CLOSED SESSION – NONE

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:45 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:

Charles R. White, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

mea