

**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.
FEBRUARY 12, 2008**

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 Batey in the Council Chamber located at 14177 Frederick Street.

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

INVOCATION - Reverend Marvin Thomas – Cross Point Community Church

ROLL CALL

Council:

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

Staff:

Jane Halstead	City Clerk
Margaret Ayars	Assistant 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
Rick Hall	Police Chief
John Clark	Fire Chief
Chris Vogt	Public Works Director/City Engineer
Kyle Kollar	Community Development Director
Angela Rushen	Assistant to the City Manager

Steve Elam	Administrative Services Director
Denese Wilson-Beilke	Human Resources Director
Cynthia Pirtle	Director of Library Services
Mike McCarty	Parks & Community 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 Batey 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 JANUARY 22, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

- A3. CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)
Recommendation: Receive and file the Reports on Reimbursable Activities for the period of January 16 - February 5, 2008.

- A4. ADOPTION OF RESOLUTIONS DISSOLVING THE CLAIMS BOARD AND STAFF LITIGATION SETTLEMENT COMMITTEE AND ESTABLISHING NEW SETTLEMENT AUTHORITY FOR CLAIMS AND LITIGATION (Report of: Administrative Services Department)

Recommendation: That the City Council/Boards of Directors rescind Resolution No. IDA 89-05, which authorized the Claims Board of the City to serve in like capacity for the Moreno Valley Industrial Development Authority; and rescind Resolution Nos. 95-54, CSD 95-10, and RDA 95-07, which reaffirmed the establishment of a Claims Board and established a Staff Litigation Settlement Committee; and adopt the following Resolutions to establish new settlement authority for claims and litigation:

1. City Council adopt Resolution No. 2008-12, dissolving the Claims Board and Staff Litigation Settlement Committee, and establishing new settlement authority for claims and litigation pursuant to the California

Government Code Sections 935.4 and 949.

Resolution No. 2008-12

A Resolution of the City Council of the City of Moreno Valley, California, Dissolving the Claims Board and Staff Litigation Settlement Committee, Establishing New Settlement Authority for Claims and Litigation, and Repealing Resolution 95-54

- A5. PARCEL MAP 30472 PHASE 2 – PERRIS BOULEVARD – REDUCE FAITHFUL PERFORMANCE LETTER OF CREDIT AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF PERRIS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY’S MAINTAINED STREET SYSTEM, DEVELOPER – WALGREEN CO., DEERFIELD, IL 60015 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2008-13 authorizing the acceptance of the public improvements for Parcel Map 30472 Phase 2 – Perris Boulevard as complete and accepting the portion of Perris Boulevard associated with the project into the City’s maintained street system; and

Resolution No. 2008-13

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Parcel Map 30472 Phase 2 – Perris Boulevard, and Accepting the Portion of Perris Boulevard Associated with the Project into the City’s Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Letter of Credit, exonerate the Material and Labor Letter of Credit in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Letter of Credit in one year when all clearances are received.
- A6. REQUEST FOR STREET NAME CHANGE - ADOPT THE RESOLUTION AUTHORIZING THE STREET NAME CHANGE FROM WRENS COURT TO OVERLOOK CIRCLE, LOCATED ON THE EAST SIDE OF KITCHING STREET, SOUTH OF KALMIA AVENUE (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2008-14, and thereby change the street name of Wrens Court to Overlook Circle; and

Resolution No. 2008-14

A Resolution of the City Council of the City of Moreno Valley, California, Changing the Name of Wrens Court to Overlook Circle

2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the Riverside County Assessor's office, 911 Management at the Riverside County Sheriff's Department, as well as the Police Chief, Fire Chief, City Building Official, and the United States Postmaster at Moreno Valley, California.

- A7. WARRANT REPORT – NOVEMBER 30, 2007 (Report of: Finance Department)

Recommendation: Adopt Resolution No. 2008-15, approving the Warrant Report, dated November 2007, in the total amount of \$14,086,123.48.

Resolution No. 2008-15

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report Dated November 30, 2007

- A8. WARRANT REPORT – DECEMBER 31, 2007(Report of: Finance Department)

Recommendation: Adopt Resolution No. 2008-16, approving the Warrant Report, dated December 2007, in the total amount of \$12,520,735.16.

Resolution No. 2008-16

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report Dated December 31, 2007

- A9. 2008 LEGISLATIVE UPDATE (Report of: Assistant to the City Manager)

Recommendation: Receive and file the informational report.

- A10. CONSIDERATION OF A RESOLUTION FOR THE ABATEMENT OF PUBLIC NUISANCES, APN 473-150-052 (CONTINUED FROM THE CITY

COUNCIL MEETING OF DECEMBER 11, 2007) (Report of: Community Development Department)

Recommendation: Continue the discussion of the abatement of a public nuisance involving Assessor's Parcel Number 473-150-052 to the City Council meeting of March 11, 2008.

A11. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR GRAHAM STREET IMPROVEMENTS FROM HEMLOCK AVENUE TO IRONWOOD AVENUE, PROJECT NO. 06-28068425 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for Graham Street Improvements from Hemlock Avenue to Ironwood Avenue to Trinity Construction, P.O. Box 246, Blue Jay, CA 92317, the lowest responsible bidder;
2. Authorize the City Manager to execute a contract agreement with Trinity Construction;
3. Authorize the issuance of a Purchase Order for Trinity Construction in the amount of \$597,778 (\$519,807 for the Base Bid and Additive Bid Alternate 2, plus \$77,971 for 15% contingency) for Graham Street Improvements from Hemlock Avenue to Ironwood Avenue (Account No. 280.68425); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with Trinity Construction up to, but not exceeding, the contingency amount of \$77,971, subject to the approval of the City Attorney.

A12. APPROVE AND EXECUTE THE AGREEMENT FOR CONVEYANCE OF PROPERTY FOR THE PARTIAL ACQUISITION OF APN 475-280-012 FOR THE IRONWOOD SIDEWALK AND STREET IMPROVEMENT PROJECT FROM HEACOCK STREET TO PERRIS BOULEVARD AND AUTHORIZE THE FINANCE DIRECTOR TO WIRE TRANSFER FUNDS INTO ESCROW (Report of: Public Works Department)

Recommendation:

1. Approve and execute the Agreement for Conveyance of Property for the partial acquisition of APN 475-280-012; and

2. Authorize the Finance Director to wire transfer funds into escrow in the amount of \$12,300 for the acquisition and an additional amount of \$4,000 for escrow fees for the partial acquisition of APN 475-280-012.

A13. NOTICE OF COMPLETION AND ACCEPTANCE OF THE CONSTRUCTION FOR THE MORENO VALLEY SUBSTATION AND SWITCH YARD - PROJECT NO 06-60161225 (Report of: Public Works Department)

Recommendation:

1. Ratify Contract Change Order No. 1 (Final);
2. Accept the work as complete for the construction of Moreno Valley Substation and Switch Yard, Project No. 06-60161225, which was designed and constructed by ABB, Inc., Raleigh, North Carolina as part of the City-owned electric distribution system;
3. Direct 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;
4. Authorize the Director of Finance to release the retention to ABB, 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. Ratify the Grant of Easement, Certificate of Transfer of Ownership for Switch Yard (SCE) and transfer of warranty to SCE for the Switchyard portion of the project;
6. Accept the Provisional Acceptance Certificate for the Moreno Valley Substation; and
7. Ratify the expense for the rental of a temporary Transformer.

A14. PARCEL MAP 33532 LINE F – ACCEPT AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, SOUTH OF DELPHINIUM AVENUE TO NORTH OF IRIS AVENUE, AND FROM WEST OF THE FUTURE NASON STREET TO WEST OF OLIVER STREET, DEVELOPER – MORENO VALLEY PROPERTIES, LP, A DELAWARE LIMITED PARTNERSHIP, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Bonds for Public Improvements for Parcel

Map 33532 Line F;

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.

A15. APPROVE AND EXECUTE THE AGREEMENT FOR CONVEYANCE OF PROPERTY FOR THE PARTIAL ACQUISITION OF APN 475-280-076 FOR THE IRONWOOD SIDEWALK AND STREET IMPROVEMENT PROJECT FROM HEACOCK STREET TO PERRIS BOULEVARD AND AUTHORIZE THE FINANCE DIRECTOR TO WIRE TRANSFER FUNDS INTO ESCROW (Report of: Public Works Department)

Recommendation:

1. Approve and execute the Agreement for Conveyance of Property for the partial acquisition of APN 475-280-076; and
2. Authorize the Finance Director to wire transfer funds into escrow in the amount of \$15,300 for the acquisition and an additional amount of \$4,000 for escrow fees for the partial acquisition of APN 475-280-076.

A16. APPROVE AND EXECUTE THE AGREEMENT FOR CONVEYANCE OF PROPERTY FOR THE PARTIAL ACQUISITION OF APN 475-280-026 FOR THE IRONWOOD SIDEWALK AND STREET IMPROVEMENT PROJECT FROM HEACOCK STREET TO PERRIS BOULEVARD AND AUTHORIZE THE FINANCE DIRECTOR TO WIRE TRANSFER FUNDS INTO ESCROW (Report of: Public Works Department)

Recommendation:

1. Approve and execute the Agreement for Conveyance of Property for the partial acquisition of APN 475-280-026; and
2. Authorize the Finance Director to wire transfer funds into escrow in the amount of \$21,900 for the acquisition and an additional amount of \$4,000 for escrow fees for the partial acquisition of APN 475-280-026.

- A17. AUTHORIZE SUPPLEMENTAL APPROPRIATION FOR ENVIRONMENTAL AND RELATED SERVICES FOR THE LASSELLE SPORTS PARK PARKING LOT PROJECT - PROJECT NO. 461-66223 (Report of: Parks & Community Services Department)

Recommendation: Authorize the appropriation of \$18,000 from the unencumbered Quimby In-Lieu Park Fees fund balance (Fund 206) to the Lasselle Sports Park Parking Lot Project (Account No. 461.66223) to provide additional funding for environmental and other project-related costs.

- A18. SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE INTERSTATE 215 (I-215)/CACTUS AVENUE INTERCHANGE IMPROVEMENTS - PROJECT NO. 09-41570425 (Report of: Public Works Department)

Recommendation:

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with Kimley-Horn and Associates, Inc., 517 Fourth Street, Suite 301, San Diego, CA 92101 to provide additional Professional Consultant Services for the Interstate 215/Cactus Avenue Interchange Improvements;
2. Authorize the City Manager to execute said "Second Amendment to Agreement for Professional Consultant Services" with Kimley-Horn and Associates;
3. Authorize an increase in the Purchase Order to Kimley-Horn and Associates, Inc. in the amount of \$157,472.00 (\$103,200.00 proposal amount plus \$10,320.00 for a 10% contingency, and \$43,952.00 to restore the total contract contingency to 10% of the contract total amount) from Account No. 415.70425 when the "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties; and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the Agreement for Professional Consultant Services with Kimley-Horn and Associates, Inc. up to, but not to exceed the total contract 10% contingency amount of \$54,272.00 subject to approval of the City Attorney.

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 JANUARY 22, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

B3. ADOPTION OF RESOLUTIONS DISSOLVING THE CLAIMS BOARD AND STAFF LITIGATION SETTLEMENT COMMITTEE AND ESTABLISHING NEW SETTLEMENT AUTHORITY FOR CLAIMS AND LITIGATION (Report of: Administrative Services Department)

Recommendation: That the City Council/Boards of Directors rescind Resolution No. IDA 89-05, which authorized the Claims Board of the City to serve in like capacity for the Moreno Valley Industrial Development Authority; and rescind Resolution Nos. 95-54, CSD 95-10, and RDA 95-07, which reaffirmed the establishment of a Claims Board and established a Staff Litigation Settlement Committee; and adopt the following Resolutions to establish new settlement authority for claims and litigation:

1. City Council, acting in its capacity as Board of Directors of the Moreno Valley Community Services District, adopt Resolution No. CSD 2008-01, dissolving the Claims Board and Staff Litigation Settlement Committee, and establishing new settlement authority for claims and litigation pursuant to the California Government Code Sections 935.4 and 949.

Resolution No. CSD 2008-01

A Resolution of the Moreno Valley Community Services District Dissolving the Claims Board and Staff Litigation Settlement Committee, Establishing New Settlement Authority for Claims and Litigation, and Repealing Resolution CSD 95-10

B4. TRACT 32715 – APPROVE THE OFFER OF DEDICATION FOR AN EASEMENT FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF PUBLIC LANDSCAPE AND IRRIGATION, EAST SIDE OF PERRIS BOULEVARD SOUTH OF IRONWOOD AVENUE, DEVELOPER – GARDNER CONSTRUCTION & DEVELOPMENT, INCORPORATED, A CALIFORNIA CORPORATION, REDLANDS, CA 92373 (Report of: Public Works Department)

Recommendation:

1. Authorize the President of the Board of Directors of the Community Services District to approve the Offer of Dedication dedicating a perpetual easement for the construction, operation, and maintenance of public landscape and irrigation;
 2. Authorize the City Clerk in her capacity as Secretary of the Moreno Valley Community Services District to execute the Acceptance Certification to accept the Offer of Dedication from Gardner Construction & Development, Incorporated, a California Corporation (Gardner Construction); and
 3. Direct the City Clerk to forward the signed Offer of Dedication, with the Acceptance Certification attached, to the County Recorder's office for recordation.
- B5. CERTIFICATION OF COMMUNITY FACILITIES DISTRICT NO. 1 (NEIGHBORHOOD PARK MAINTENANCE) ANNEXATION 2007-27 (Report of: Public Works Department)

Recommendation:

1. Approve and Adopt Resolution No. CSD 2008-02; a Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, certifying the results of an election and adding property to Community Facilities District No. 1 ("CFD No. 1") for Annexation No. 2007-27.

Resolution No. CSD 2008-02

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Certifying the Results of an Election and Adding Property to Community Facilities District No. 1

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 22, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

- C3. ADOPTION OF RESOLUTIONS DISSOLVING THE CLAIMS BOARD AND STAFF LITIGATION SETTLEMENT COMMITTEE AND ESTABLISHING NEW SETTLEMENT AUTHORITY FOR CLAIMS AND LITIGATION (Report of: Administrative Services Department)

Recommendation: That the City Council/Boards of Directors rescind Resolution No. IDA 89-05, which authorized the Claims Board of the City to serve in like capacity for the Moreno Valley Industrial Development Authority; and rescind Resolution Nos. 95-54, CSD 95-10, and RDA 95-07, which reaffirmed the establishment of a Claims Board and established a Staff Litigation Settlement Committee; and adopt the following Resolutions to establish new settlement authority for claims and litigation:

1. City Council, acting in its capacity as Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2008-03, dissolving the Claims Board and Staff Litigation Settlement Committee, and establishing new settlement authority for claims and litigation pursuant to the California Government Code Sections 935.4 and 949.

Resolution No. RDA 2008-03

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Dissolving the Claims Board and Staff Litigation Settlement Committee, Establishing New Settlement Authority for Claims and Litigation, and Repealing Resolution RDA 95-07

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 22, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

Joint Consent Calendar Items A1-D2 approved by a 5-0 vote. m/White, s/West.

ADJOURNED CITY COUNCIL MEETING TO SPECIAL MEETING OF THE MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)

SPECIAL MEETING OF THE MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA) WAS CALLED TO ORDER AT 6:37 P.M.

ROLL CALL

William H. Batey II	Chairperson
Frank West	Vice Chairperson
Bonnie Flickinger	Board Member
Richard A. Stewart	Board Member
Charles R. White	Board Member

1. ADOPTION OF RESOLUTIONS DISSOLVING THE CLAIMS BOARD AND STAFF LITIGATION SETTLEMENT COMMITTEE AND ESTABLISHING NEW SETTLEMENT AUTHORITY FOR CLAIMS AND LITIGATION (Report of: Administrative Services Department)

Recommendation: That the City Council/Boards of Directors rescind Resolution No. IDA 89-05, which authorized the Claims Board of the City to serve in like capacity for the Moreno Valley Industrial Development Authority; and adopt the following Resolution to establish new settlement authority for claims and litigation:

1. That the City Council, acting in its capacity as Board of Directors of the Moreno Valley Industrial Development Authority, adopt Resolution No. IDA 2008-01, dissolving the Claims Board and Staff Litigation Settlement Committee, and establishing new settlement authority for claims and litigation pursuant to the California Government Code Sections 935.4 and 949.

Resolution No. IDA 2008-01

A Resolution of the Moreno Valley Industrial Development Authority Dissolving the Claims Board, Establishing New Settlement Authority for Claims and Litigation, and Repealing Resolution IDA 89-05

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

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

ADJOURNED SPECIAL MEETING OF THE INDUSTRIAL DEVELOPMENT AUTHORITY

RECONVENED 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 AT 6:40 P.M.

E. PUBLIC HEARINGS

- E1. PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDINGS FOR JOE'S SUPER CARWASH - BALLOTTED ITEM: NPDES COMMERCIAL/INDUSTRIAL REGULATORY RATE; AND MORENO BEACH PLAZA PHASE II - BALLOTTED ITEM: NPDES COMMERCIAL/INDUSTRIAL REGULATORY RATE; AND TENTATIVE TRACT 32710 - BALLOTTED ITEMS: NPDES RESIDENTIAL REGULATORY RATE AND CSD ZONE B (RESIDENTIAL STREET LIGHTING) (Report of: Public Works Department)

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

Recommendation:

1. Staff recommends that the Mayor and Members of the City of Moreno Valley City Council, after conducting the public hearing to accept public comment:
 - a. Tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for Joe's Super Carwash – Assessor Parcel Number (APN) 292-230-007 (and any division thereof), Moreno Beach Plaza Phase II – APNs 488-100-001, 488-100-003, 488-100-004, 488-100-005, 488-100-006, 488-100-007, 488-100-008, and 488-100-009 (and any division thereof), and Tentative Tract 32710 (and all affected phases);

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

The City Clerk announced the results as follows:

Joe's Super Carwash, NPDES – “Passes”

Moreno Beach Plaza Phase II, NPDES – “Passes”

Tentative Tract 32710, NPDES – “Passes”

- b. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet and APN listing;
- c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

- d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to Joe's Super Carwash and Moreno Beach Plaza Phase II and the NPDES maximum residential regulatory rate to Tentative Tract 32710.

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

- 2. Staff recommends that the President and Members of the Board of Directors of the Moreno Valley CSD, after conducting the public hearing to accept public comment:
 - a. Tabulate the CSD ballot for Tentative Tract 32710 (and all affected phases);

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

The City Clerk announced the results as follows:
Tentative Tract 32710, CSD Zone B – “Passes”

- b. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;
- c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
- d. If approved, authorize and impose the CSD Zone B (Residential Street Lighting) annual parcel charge to Tentative Tract 32710.

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

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

None

G. REPORTS

G1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

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

Council Member Stewart reported that March Joint Powers Authority offices are relocating to the East March Air Reserve Base from Ben Clark Training Center. Attended a meeting on airport noise. There is a tremendous controversy between the City of Riverside and some of the city members of March Joint Powers. Residents are vocal. Many complaints received from residents about noise are pertaining to noise caused by routine airlines flying to Ontario or L.A. airports, a noise not caused by DHL planes. JPA received a proposal from a noise consultant for a noise study that would cost about \$130,000. The JPA members take this ongoing issue seriously and work toward mitigating this problem.

- b) Report on Metrolink by Mayor Pro Tem West

Mayor Pro Tem West reported that on January 25 and 26 he attended a two-day conference in Temecula with the Board of Directors of Metrolink. The members studied the expanding of the San Jacinto line, improving the tracks and providing train service to the city of Moreno Valley. The new station in Moreno Valley will be located at the intersection of 215 Freeway and Alessandro Blvd. Received an e-mail from Transportation Commission that President Bush finalized in the budget the money needed to finish this project. The new completion target date is 2010. Also we will have the "Beach Train" on weekends. This is a great opportunity for Moreno Valley residents who would be able to take the train to Orange County and LA County.

- G2. ORDINANCE NO. 767, AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADDING CHAPTER 11.10 TO TITLE 11 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE PROHIBITING THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES, AND DECLARING FACTS WHICH MAKE IT NECESSARY THAT THIS ORDINANCE TAKE EFFECT IMMEDIATELY (Report of: City Attorney's Office)

Mayor Batey opened the agenda item for public comments, which were received from Jerry Batchelor (opposes).

Recommendation: That the City Council:

1. Adopt Ordinance No. 767, an urgency ordinance banning the establishment of medical marijuana dispensaries in the City of Moreno Valley (requires four-fifths vote); and

Ordinance No. 767

An Urgency Ordinance of the City Council of the City of Moreno Valley, California, Adding Chapter 11.10 to Title 11 of the City of Moreno Valley Municipal Code Prohibiting the Establishment and Operation of Medical Marijuana Dispensaries, and Declaring Facts Which Make it Necessary that this Ordinance Take Effect Immediately

Council Member White made a motion, seconded by Council Member Stewart to approve Ordinance No. 767 and bring back Ordinance No. 768 with amendments. Approved by a 5-0 vote.

2. Introduce Ordinance No. 768, a permanent ordinance banning the establishment of medical marijuana dispensaries in the City of Moreno Valley

Ordinance No. 768

An Ordinance of the City Council of the City of Moreno Valley, California, Adding Chapter 11.10 to Title 11 of the City of Moreno Valley Municipal Code Prohibiting the Establishment and Operation of Medical Marijuana Dispensaries

Continued to March 11.

- G3. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

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

The City Manager reported:

- 1) Cardenas Market opened its third store in Moreno Valley last Friday in the shopping center located at the northeast corner of Perris Blvd. and JFK Dr. This store offers specialties not available at a typical Cardenas store
- 2) Moreno Valley Fresh & Easy Neighborhood Market is scheduled to open on February 13 in the shopping center at the northeast corner of

- Alessandro Blvd. and Perris Blvd. Both store are welcome addition to the respective shopping centers
- 3) On February 1, the Riverside County Local Agency Formation Commission (LAFCO) approved the annexation of the easterly half of the Old 215 right of way from Alessandro Blvd. to Eucalyptus Avenue. The westerly half of the right of way will be annexed by the City of Riverside, thus eliminating the small county island between the two cities
 - 4) Is pleased to announce that Young Homes is the headliner sponsor for the Comedy Night on March 15, an event to benefit a new library

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION

- H1. A PUBLIC MEETING REGARDING PA07-0006, A PROPOSAL TO AMEND TITLE 9 OF THE MUNICIPAL CODE, FOR FURTHER DISCUSSION AND CONSIDERATION AMENDING MUNICIPAL CODE PROVISIONS REGARDING RETAIL USE, TOWING, ADMINISTRATIVE REVOCATION OF ADMINISTRATIVE APPROVALS, APPEAL PERIOD OF GENERAL PLAN AMENDMENTS, LANDSCAPING SETBACKS, NEW APPLICATIONS FOLLOWING DENIAL, AND MULTIPLE FAMILY DEVELOPMENT STANDARDS; ORDINANCE NO. 757 (CONTINUED FROM DECEMBER 11, 2007, ORIGINAL ORDINANCE INTRODUCED ON A 5-0 VOTE) (Report of: Community Development Department)

Recommendation:

1. Recognize that PA07-0006 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines; and
2. Introduce revised Ordinance No. 757, thereby approving PA07-0006, amending various sections of Title 9 of the City of Moreno Valley Municipal Code.

Ordinance No. 757

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code Regarding Retail use, Towing, Administrative Revocation of Administrative Approvals, Landscaping Setbacks, New Applications Following Denial and Multiple-Family Development Standards

Continued Ordinance No. 757 to the first meeting in March. Approved by a 5-0 vote. m/Stewart, s/White.

ORDINANCES - 2ND READING AND ADOPTION

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:

Tom Weber

- 1) Voiced a complain that his company (Weber's Plumbing, a subcontractor) worked on Fire Station #58 and hasn't been paid for the job performed since October; change orders from a year ago were not paid yet either. Mayor Batey referred the speaker to Public Works Director

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

Council Member Flickinger

- 1) Millie's restaurant, which was a meeting place for nonprofit groups, has been closed
- 2) March Field Air Museum has improved its boardroom and can serve as a meeting place. Breakfast and lunch are served over there for a reasonable price
- 3) YMCA project is moving forward. It will be located on Morrison Street, adjacent to Morrison Park (District 3). Very soon the groundbreaking of Phase 1 will be announced
- 4) Commented on the public controversy regarding the name of Rancho Belago for the eastern part of the City of Moreno Valley. Said that it is not true that a section of Moreno Valley has been renamed. Rancho Belago is simply a designation for the portion of the city, which is within the Moreno Valley city limits
- 5) Happy Valentine's Day

Council Member Stewart

- 1) Concerned about the 55 miles per hour speed limit on Pigeon Pass Rd; asked when another radar survey will be done
- 2) Roads conditions deteriorating because of the rain – inquired about programs for roads restoration. This is one of the high priorities for residents

Council Member White

- 1) Said that he has been indicating to residents that over half of our city has been renamed as Rancho Belago. Referred to Resolution No. 2007-14 renaming the section of Moreno Valley. Said he will do his very best to rescind this resolution and enact an ordinance requiring a vote of people in order to change the name of any part of the city

Mayor Pro Tem West

- 1) Re constituents' complaints about off-road vehicles use in their neighborhood – Chief Hall is working on this issue and will provide more information during the Public Safety Subcommittee

Mayor Batey

- 1) Said that the Council members need to meet and discuss the issue of naming Rancho Belago to have a better understanding of both sides of this issue that is dividing the Council and the city
- 2) Announced that he and School Board President Holguin are working on putting on the first annual Leadership Youth Academy that will take place during summertime to give kids training and leadership skills and to develop future leaders. Also is working with Lowe's and Home Depot to teach kids trade skills; exciting things for the kids

CLOSED SESSION - none

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 7:47 p.m. by unanimous informal consent.

Submitted by:

Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

William H. Batey II, 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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