

**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.
MARCH 25, 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 Mayor Pro Tem West

INVOCATION - Pastor Mark Orellana, Victory Outreach 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
Ewa Lopez	Deputy 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
Joseph Cleary	Police Department Lt. Detective
John Clark	Fire Chief
Chris Vogt	Public Works Director/City Engineer
Kyle Kollar	Community Development Director
Barry Foster	Economic 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 MARCH 11, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

- A3. 2008 LEGISLATIVE UPDATE (Report of: Assistant City Manager)

Recommendation: Receive and file the informational report.

- A4. FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH NORRIS-REPKE, INC. - CIVIL ENGINEERING PROJECT MANAGEMENT SERVICES (Report of: Public Works Department)

Recommendation:

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with Norris-Repke, Inc. (Norris-Repke), 400 N. Tustin Avenue, Suite 230, Santa Ana, CA 92705, to provide Professional Consultant Services;
2. Authorize the City Manager to execute the "Fourth Amendment to Agreement for Professional Consultant Services" with Norris-Repke; and
3. Authorize a Purchase Order to Norris-Repke in the amount of

\$250,000.00 when the "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

- A5. NOTICE OF COMPLETION AND ACCEPTANCE OF IRONWOOD AVENUE STREET IMPROVEMENTS PIGEON PASS ROAD TO GRAHAM STREET - PROJECT NO. 05-12567423 (Report of: Public Works Department)

Recommendation:

1. Ratify Contract Change Order No. 1 (Final) for Ironwood Avenue Street Improvements Pigeon Pass Road to Graham Street (Project No. 05-12567423);
2. Accept the work as complete for Ironwood Avenue Street Improvements Pigeon Pass Road to Graham Street, constructed by Sully-Miller Contracting Company, 1100 E. Orangethorpe Avenue, Anaheim, CA 92801;
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 Sully-Miller Contracting Company thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and
5. Accept the improvements into the City's maintained road system.

- A6. NOTICE OF COMPLETION AND ACCEPTANCE OF THE TRAFFIC SIGNAL IMPROVEMENTS AT DAY STREET AND DRACAEA AVENUE - PROJECT NO. 06-41779025 (Report of: Public Works Department)

Recommendation:

1. Ratify Contract Change Order No. 1 (Final) for the Traffic Signal Improvements at Day Street and Dracaea Avenue;
2. Accept the work as complete for the Traffic Signal Improvements at Day Street and Dracaea Avenue, constructed by New West Signal, 14055 Foothill Blvd, Fontana, CA 92335;
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 New West Signal thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and
5. Accept the improvements into the City's maintained road system.

A7. THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES (Report of: Public Works Department)

Recommendation:

1. Approve the "Third Amendment to Agreement for Professional Consultant Services" with SA Associates, 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007, to provide Professional Consultant Services on various budgeted projects of the Capital Projects Division;
2. Authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with SA Associates; and
3. Authorize an increase in the Purchase Order to SA Associates in the amount of \$250,000.00, when the "Third Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A8. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR HEACOCK STREET FROM GENTIAN AVENUE TO POPPYSTONE DRIVE AND FREDERICK STREET - PIGEON PASS ROAD FROM SUNNYMEAD BOULEVARD TO HEMLOCK AVENUE REHABILITATION - PROJECT NO. 06-12567425(Report of: Public Works Department)

Recommendation:

1. Award the construction contract for Heacock Street from Gentian Avenue to Poppystone Drive and Frederick Street – Pigeon Pass Road from Sunnymead Boulevard to Hemlock Avenue Rehabilitation to All American Asphalt, P.O. Box 2229, Corona, CA 92878, the lowest responsible bidder;
2. Authorize the City Manager to execute a contract with All American Asphalt;

3. Authorize the issuance of a Purchase Order for All American Asphalt, in the amount of \$1,546,750.00 (the bid amount plus 15% contingency) when the contract has been signed by all parties;
 4. Authorize the City Engineer to execute any subsequent change orders to the contract with All American Asphalt, up to, but not exceeding, the Purchase Order contingency amount of \$201,750, subject to the approval of the City Attorney; and
 5. Authorize the closure of Sunnymead Boulevard at Frederick Street and the east-bound off-ramp to Sunnymead Boulevard from Friday night to Monday morning for expedited pavement reconstruction for no more than two consecutive weekends.
- A9. PARCEL MAP 32174 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF HEACOCK STREET ASSOCIATED WITH THE PROJECT INTO THE CITY’S MAINTAINED STREET SYSTEM , DEVELOPER – HEACOCK COTTONWOOD III LIMITED PARTNERSHIP, PALM DESERT, CA 92261 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2008-28 authorizing the acceptance of the public improvements for Parcel Map 32174 as complete and accepting the portion of Heacock Street associated with the project into the City’s maintained street system; and

Resolution No. 2008-28

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 32174, and Accepting the Portion of Heacock Street 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 Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received.

- A10. RESOLUTION NO. 2008-29, APPROVE AND AUTHORIZE EXECUTION OF PROGRAM SUPPLEMENT AGREEMENT NO. N023 FOR FEDERAL-AID PROJECT NO. STPL-5441 (043), HEACOCK STREET FROM GENTIAN AVENUE TO POPPYSTONE DRIVE AND FREDERICK STREET-PIGEON PASS ROAD FROM SUNNYMEAD BOULEVARD TO HEMLOCK AVENUE REHABILITATION - PROJECT NO. 06-12567425 (Report of: Public Works Department)

Recommendation:

1. Adopt the proposed Resolution and approve and authorize execution of Program Supplement Agreement No. N023 for Federal-Aid Project No. STPL-5441 (043), Heacock Street from Gentian Avenue to Poppystone Drive and Frederick Street – Pigeon Pass Road from Sunnymead Boulevard to Hemlock Avenue Rehabilitation; and

Resolution No. 2008-29

A Resolution of the City Council of the City of Moreno Valley, California, Approving and Authorizing Execution of Program Supplement Agreement No. N023, Between the State of California, Acting by and through the Department of Transportation, and the City of Moreno Valley, for Federal-Aid Project No. STPL-5441 (043)

2. Authorize the Public Works Director/City Engineer to execute Program Supplement Agreement No. N023 for Federal-Aid Project No. STPL-5441 (043), Heacock Street from Gentian Avenue to Poppystone Drive and Frederick Street - Pigeon Pass from Sunnymead Boulevard to Hemlock Avenue Rehabilitation.

- A11. TRACT 29920-1 – PARTIALLY REDUCE FAITHFUL PERFORMANCE SECURITY AND ACCEPT THE PARTIAL PUBLIC IMPROVEMENTS AS COMPLETE, DEVELOPER – CHT INVESTMENT, LLC, C/O MV HOMES, LLC, NEWPORT BEACH, CA 92660 (Report of: Public Works Department)

Recommendation:

1. Accept the partial Public Improvements, as complete, but not into the City's maintained street system; and
2. Authorize the Public Works Director/City Engineer to execute the partial reduction to the amount of the Faithful Performance security.

- A12. TRACT MAP 32210 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING SHUNING COURT AND THE PORTIONS OF TARANO LANE, TAURUS LANE, AND ANGELLA WAY ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM, DEVELOPER – H&L HOMES CORPORATION, LA VERNE, CA 91750 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2008-30 authorizing the acceptance of the public improvements for Tract Map 32210 as complete and accepting Shuning Court and the portions of Tarano Lane, Taurus Lane, and Angella Way associated with the project into the City's maintained street system; and

Resolution No. 2008-30

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 32210, and Accepting the Portions of Tarano Lane, Taurus Lane, and Angella Way 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 Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received.

- A13. TRACT MAP 31591 TRAFFIC SIGNAL – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE TRAFFIC SIGNAL AT MORRISON STREET AND EUCALYPTUS AVENUE INTO THE CITY'S MAINTAINED STREET SYSTEM, DEVELOPER – MVGH 2004, LLC, IRVINE, CA 92614 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2008-31 authorizing the acceptance of the public improvements for Tract Map 31591 Traffic Signal as complete and accepting the Traffic Signal at Morrison Street and Eucalyptus Avenue

into the City's maintained street system; and

Resolution No. 2008-31

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 31591 Traffic Signal, and Accepting the Portions of Morrison Street and Eucalyptus 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 Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received.
- A14. THIRD AMENDMENT TO THE ACQUISITION/FINANCING AGREEMENT FOR COMMUNITY FACILITIES DISTRICT NO. 4 – INFRASTRUCTURE (Report of: Public Works Department)

Recommendation: Approve and adopt Resolution No. 2008-32; a Resolution of the City Council of the City of Moreno Valley, California, approving the form of the Third Amendment to the Acquisition/Financing Agreement for Community Facilities District No. 4 – Infrastructure (CFD No. 4-1).

Resolution No. 2008-32

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Form of the Third Amendment to the Acquisition/Financing Agreement for Community Facilities District No. 4 - Infrastructure

- A15. AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT BETWEEN ONE MORENO VALLEY 240, LP AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY FOR THE OAKWOOD APARTMENTS (Report of: Economic Development Department) **(Also listed as Item C3)**

Recommendation:

1. Adopt Resolution No. 2008-33 approving the Amended and Restated Affordable Housing Agreement between One Moreno Valley 240, LP and the Community Redevelopment Agency of the City of Moreno Valley for

the Oakwood Apartments.

Resolution No. 2008-33

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley of an Amended and Restated Affordable Housing Agreement by and between the Agency and One Moreno Valley 240, L.P., A California Limited Partnership

- A16. APPROVAL OF THE 2008/2009 FISCAL YEAR STORM WATER PROTECTION PROGRAM BUDGET FOR COUNTY SERVICE AREA (CSA) 152 (Report of: Public Works Department)

Recommendation:

1. Approve the County Service Area (CSA) 152 Budget for FY 2008/2009 in the amount of \$540,494; and
2. Authorize the levy of CSA 152 Assessment at \$8.15 per Benefit Assessment Unit (BAU) for FY 2008/2009.

- A17. CITY COUNCIL REPORTS ON REGIONAL AND REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

Recommendation: Receive and file the Reports on Reimbursable Activities for the period of March 5-18, 2008.

- A18. CITY CO-SPONSORSHIP OF VICTIMS' RIGHTS MARCH (Report of: Assistant City Manager)

Recommendation: Approve the City's Co-Sponsorship of National Crime Victims' Week as Observed and Coordinated by the Riverside County District Attorney's Office.

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 MARCH 11, 2008 (Report of: City

Clerk's Department)

Recommendation: Approve as submitted.

- B3. RECOMMENDATION TO ENTER INTO AN AGREEMENT WITH MAD SCIENCE GROUP AND NASA LANGLEY CENTER (Report of: Parks and Community Services)

Recommendation: Authorize the City Manager to finalize the terms of and execute an agreement with Mad Science and Langley Center to provide the physical science element covering the next two years for the S.T.A.R.S. (formerly ASES, After School Education and Safety Program) and direct the Finance Director to issue a purchase order in the amount of \$473,072, subject to the approval of the City Attorney as to the form of the Agreement.

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 MARCH 11, 2008 (Report of: City Clerk's Department))

Recommendation: Approve as submitted.

- C3. AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT BETWEEN ONE MORENO VALLEY 240, LP AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY FOR THE OAKWOOD APARTMENTS (Report of: Economic Development Department) **(Also listed as Item A15)**

Recommendation:

1. Adopt Resolution No. RDA 2008-05 approving the Amended and Restated Affordable Housing Agreement between One Moreno Valley 240, LP and the Community Redevelopment Agency of the City of Moreno Valley for the Oakwood Apartments.

Resolution No. RDA 2008-05

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving an Amended and Restated Affordable Housing Agreement by and between the Agency and One Moreno Valley 240,

L.P., a California Limited Partnership

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 MARCH 11, 2008 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

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

E. PUBLIC HEARINGS

E1. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME FY 2008/09 PROPOSED PROJECTS (Report of: Economic Development Department)

Recommendation:

1. Conduct a Public Hearing for the Community Development Block Grant (CDBG) and HOME Programs to allow the public an opportunity to comment on the proposed projects and programs, and
2. Review and select programs and projects for funding as part of the City's Annual Action Plan for FY 2008/09.

Mayor Batey opened the public testimony portion of the public hearing. Comments were received from Judy Nieburger (representing CAP, and Friends of Senior Center - MoVan), Leonard Jarman (representing Path of Life Ministries), Lisa Jarman (representing Fair Housing Council of Riverside County, Inc.), and Linda Wright (representing Wright Community Business Development Corporation)

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

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

G. REPORTS

- G1. 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 FROM 2/12/08) (Report of: City Attorney's Office)

Recommendation: That the City Council 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

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

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

- G2. PROPOSED REVISIONS TO PUBLIC NUISANCE AND PENALTY PROVISIONS OF THE MUNICIPAL CODE (Report of: Community Development Department)

Recommendation: That the City Council introduce Ordinance No. 772 amending the penalty provisions of Title 1 of the Municipal Code and the public nuisance provisions of Title 6 of the Municipal Code.

Ordinance No. 772

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Chapter 1.01 of the City of Moreno Valley Municipal Code, Relating to General Penalties and Amending Chapter 6.04 of the Moreno Valley Municipal Code, Relating to Public Nuisances

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

public comments were closed.

Approved by a 5-0 vote, as amended to include the following change: the term “vacated” or “vacant” would mean “not lawfully occupied by owner or with the consent of the owner or lease holder.” m/White, s/West.

**RECESS;
RECONVENE**

AGENDA ORDER

- G4. PALM DESERT DEVELOPMENT COMPANY, INC. RANCHO DORADO APARTMENTS FINANCIAL ASSISTANCE REQUEST AND RESOLUTIONS FOR FINANCING APPLICATIONS (CONTINUED FROM MARCH 11, 2008) (Report of: Economic Development Department)

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

Recommendation: Staff recommends that:

1. The Redevelopment Agency Board adopts Resolution RDA 2008-06, a resolution of the Community Redevelopment Agency of the City of Moreno Valley regarding assistance to the Rancho Dorado Apartments proposed by Palm Desert Development Company, Inc.; and

Resolution No. RDA 2008-06

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Supporting the Rancho Dorado Apartments Housing Development and Affirming its Intention to Provide Assistance to MV Rancho Dorado Limited Partnership, a Subsidiary of Palm Desert Development Company, Inc.

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

2. The Redevelopment Agency Board adopts Resolution RDA 2008-07, a resolution of the Community Redevelopment Agency of the City of Moreno Valley regarding its intention to issue tax-exempt obligations in connection with the construction of the Rancho Dorado Apartments.

Resolution No. RDA 2008-07

A Resolution of the Community Redevelopment Agency of the City of
Moreno Valley Regarding its Intention to Issue Tax-Exempt Obligations

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

AGENDA ORDER

Council Member White recused himself from this item due to his past nonpresence.

- G3. RESCISSION OF RESOLUTION NO. 2006-130, A RESOLUTION OF FINDINGS OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, REGARDING QUASI-JUDICIAL HEARING REGARDING AN APPEAL OF CITY MANAGER'S DECISION TO APPROVE A PASS-THROUGH PAYMENT TO RESIDENTS OF COUNTRY SQUIRE MOBILE ESTATES; AND, ADOPTION OF RESOLUTION CONTAINING THE CITY COUNCIL'S FINDINGS OF FACT, ANALYSIS, CONCLUSIONS, AND STATEMENT OF DECISION CONCERNING THE REQUESTED PASS-THROUGH COSTS OF THE CAPITAL REPLACEMENT TO THE RESIDENTS OF COUNTRY SQUIRE MOBILE ESTATES (CONTINUED FROM FEBRUARY 26, 2008) (Report of: City Attorney's Office)

Mayor Batey opened the agenda item for public comments, which were received from residents of Country Squire Mobile Estates: James E. Zmudka, Jim Moore, Margarita Stice, Martha Evelyn Spencer, Mary Bunning, Forest Smyth, Joseph Aiello; and attorney representing applicant Community Asset Management (Park Owner) Mark Alpert.

**RECESS;
RECONVENE**

Recommendation:

1. That the City Council rescind Resolution No. 2006-130, a Resolution of Findings of the City Council of the City of Moreno Valley, California, regarding quasi-judicial hearing regarding an appeal of City Manager's Decision to approve a pass-through payment to residents of Country Squire Mobile Estates; and

Approved by a 4-0-1 vote. m/Flickinger, s/Batey, White abstained.

2. Staff recommends that the City Council, per the Order of the Riverside Superior Court, adopt Resolution No. 2008-21 containing the City Council's Findings of Fact, Analysis, Conclusions, and Statement of

Decision concerning the requested pass-through costs of the capital replacement to the residents of Country Squire Mobile Estates.

Resolution No. 2008-21

A Resolution of the City Council of the City of Moreno Valley, California, Containing the City Council's Findings of Fact, Analysis, Conclusions, and Statement of Decision Concerning the Requested Pass Through Costs of the Capital Replacement to the Residents of Country Squire Mobile Estates

Approved by a 4-0-1 vote, as amended, with the following changes:

1) add #17 on page 4 "There were heavy rains in 2004. [A.R.4766];

2) amend #5 on page 5 to read "Because more wastewater flowed into the septic system, the septic system overflowed during the period of 2001-2005;

3) add #21 on page 8 "There was no conclusive evidence that the heavy rains of 2004 caused the failure of the system;

4) add #5 on page 9 "No conclusive evidence was presented that the heavy rains of 2004 were a contributing factor of the need to connect to the public sewer system. The City Council hereby finds that the cumulative effects and impacts of the Facts, above, and Analysis, above, constituted negligence and was the primary cause of the failure and necessity to connect to the public sewer system";

5) add "This Resolution will be effective once the Writ is issued by the Court."

m/Flickinger, s/Batey, White abstained.

AGENDA ORDER

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

Dan Clark, representing Save Our Skyline, a local citizens group

- 1) Emphasized the importance of preserving open space in and around Moreno Valley. Thanked Council members and especially Mayor Pro Tem West for their contributions and support

AGENDA ORDER

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

City Manager announced the following:

- 1) City's Human Resources Director Denese Wilson Beilke is one of the Assemblyman Bill Emmerson's 63 Women of Distinction to be honored at a luncheon this Thursday, March 27 celebrating Women's History Month
- 2) The City's Comedy Night on March 15 raised approximately \$63,000 to benefit the new main library to be constructed at Civic Center. The major sponsors of this event will be recognized at a future Council meeting and all sponsors and contributors will be recognized in a "Thank you" ad in The Press-Enterprise

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION – NONE

ORDINANCES - 2ND READING AND ADOPTION

- H1. ORDINANCE NO. 770, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA07-0119 (ZONE CHANGE) TO CHANGE THE LAND USE DISTRICT FOR APPROXIMATELY 6.62 ACRES CONSISTING OF ASSESSOR PARCEL NUMBER 486-070-007 FROM THE NEIGHBORHOOD COMMERCIAL (NC) LAND USE DISTRICT TO THE RESIDENTIAL 20 (R20) (RECEIVED FIRST READING AND INTRODUCTION ON MARCH 11, 2008 ON A 4-0-1 VOTE, WEST ABSENT) (Report of: Community Development Department)
Recommendation: Adopt Ordinance No. 770.

Ordinance No. 770

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA07-0119 (Zone Change) to Change the Land Use District for Approximately 6.62 Acres Consisting of Assessor Parcel Number 486-070-007 from the Neighborhood Commercial (NC) Land Use District to the Residential 20 (R20)

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

- H2. 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 (RECEIVED FIRST READING AND INTRODUCTION ON MARCH 11, 2008 ON A 4-0-1 VOTE, WEST ABSENT) (Report of: Community Development Department)

Recommendation: Adopt Ordinance No. 757.

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

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

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 West

- 1) Thanked Mr. Clark for the presentation. Stated the Save Our Skyline organization is very cooperative and wants to work with city and county to preserve our beautiful countryside

Council Member Stewart

- 1) The Comedy Night was a very significant event; a lot of fun
- 2) Was approached by board members of the Moreno Valley Community Hospital Foundation Board, his wife and George Price, about the possibility of taking over the fundraising event to benefit the new library
- 3) Referred to an article in the newspaper regarding Caltrans' series of projects. The reporter was seeking input, critical comments regarding Caltrans; referred the reporter to Mayor Pro Tem West, RCTC commissioner

- 4) Very concerned about ongoing problems in the 99 Cents store parking lot – people selling stuff, robberies and trash; asked to increase the visibility of patrol to control the situation
- 5) Responded to Mr. Mark Alpert's allegations/comments – stated that the Council doesn't hold illegal secret meetings, as implied by Mr. Alpert
- 6) Preserving ridgeline is one of his pet peeves/an important issue; thanked Mayor Pro Tem West for his support in this area and congratulated him for being recognized by the organization

Council Member Flickinger

- 1) Stated that Moreno Valley has a hillside ordinance that prevents building of houses all the way up the side of the hills, but hills outside Moreno Valley jurisdiction pose a challenge. Need to get the County involved to preserve the beauty of the City
- 2) Was contacted about installing a traffic signal on Kitching and Cactus – for now, temporary flashing signals have been installed on the stop signs to control traffic; a permanent signal light will be built once the street is improved
- 3) The Sheila Street neighborhood is being improved – old car wash was torn down; liquor store has been converted into an interim police facility; problems with apartments are being addressed; sidewalks along the street are scheduled to be built the next fiscal year; funding for the neighborhood park has been approved
- 4) Asked to post warning signs before the intersection of Perris and Iris as there is a deep dip for westbound traffic on Iris
- 5) Asked to adjust the traffic signal on JFK and Kitching to get the traffic moving more smoothly in the morning
- 6) Would like to agendize in the future revising the mobile home park ordinance to prevent running to situations like the one faced tonight; city attorney responded that his office has begun the analysis of the changes
- 7) Encouraged everybody to enjoy the beautiful spring weather in Moreno Valley

Council Member White

- 1) Referred to the Council Member Stewart's comments regarding 99 cents store shopping center - stated that he is aware of the problem (he visited the shopping center last Saturday) and talked to the management to mitigate it
- 2) Referred to a map featured in The Press-Enterprise that included Riverside County cities and new homes. The map lists the City of Moreno Valley and Rancho Belago. Stated that Rancho Belago is not a separate city, and it should not be listed as a city

Mayor Batey

- 1) Thanked the Parks and Recreation Department for improving Day and Frederick lot and for the successful Easter egg hunt event (staff provided over 16,000 eggs for the kids to hunt)
- 2) Portillo's restaurant owner donated \$5,000 to Moreno Valley Community Foundation for the new library

CLOSED SESSION - None

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 10:03 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

Enl