

**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.
APRIL 22, 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 6:35 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 - Pastor Arnold Espinoza, Praise Chapel Christian Fellowship

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
Jon Anderson	Lieutenant
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
Denese Wilson-Beilke
Cynthia Pirtle
Mike McCarty

Administrative Services Director
Human Resources Director
Director of Library Services
Parks & Community Services Director

Public Works Director Chris Vogt introduced Special Districts Program Manager Marshall Eyerman and Public Works Program Manager Robert Lemon.

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, which were received from Pete Bleckert (Item A11).

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 APRIL 8, 2008 (Report of: City Clerk's Department)
Recommendation: Approve as submitted.
- A3. 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 April 2-15, 2008.
- A4. 2008 LEGISLATIVE UPDATE (Report of: Assistant City Manager)
Recommendation: Receive and file the informational report.
- A5. APPROVE AND EXECUTE THE AGREEMENT FOR CONVEYANCE OF PROPERTY AND SETTLEMENT AGREEMENT FOR THE PARTIAL ACQUISITION OF APNS 264-175-001, 264-175-002 & 264-175-004 FOR THE PIGEON PASS ROAD WIDENING PROJECT FROM CLIMBING ROSE DRIVE TO THE NORTHERN CITY LIMITS 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 and Settlement Agreement for the partial acquisition of APNs 264-175-001, 264-175-002 & 264-175-004; and
 2. Authorize the Finance Director to wire transfer funds into escrow in the amount of \$49,500 for the acquisition and an additional amount of \$6,000 for escrow fees for the partial acquisition of APNs 264-175-001, 264-175-002 & 264-175-004.
- A6. APPROVE THE SECOND AMENDMENT TO THE MAINTENANCE AGREEMENT BETWEEN THE COUNTY OF RIVERSIDE AND THE CITY OF MORENO VALLEY FOR THE PIGEON PASS ROAD STREET IMPROVEMENTS - PROJECT NO. 06-41570324 (Report of: Public Works Department)
1. Approve the Second Amendment to the Maintenance Agreement between the County of Riverside and the City of Moreno Valley; and
 2. Authorize the Public Works Director/City Engineer to execute the Second Amendment to the Maintenance Agreement.
- A7. NOTICE OF COMPLETION AND ACCEPTANCE OF THE CONSTRUCTION FOR THE CITYWIDE ANNUAL PAVEMENT RESURFACING PROGRAM PROJECT NO. 07-12556330 (Report of: Public Works Department)

Recommendation:

1. Ratify Contract Change Order No. 1 (Final);
2. Accept the work as complete for the construction of the Citywide Annual Pavement Resurfacing Program by All American Asphalt, P.O. Box 2229, Corona, California 92878-2229;
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 All American Asphalt 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.
- A8. EXECUTE THE QUITCLAIM DEEDS AND EASEMENT DEEDS TO RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, FOR A PORTION OF LOTS 48 AND 49 IN TRACT 30318, IN ASSOCIATION WITH THE MORENO-VIA XAVIER STORM DRAIN, EAST OF LASSELLE STREET AND SOUTH OF KRAMERIA STREET (Report of: Public Works Department)

Recommendation:

1. Authorize the Mayor to execute the Quitclaim Deeds transferring the City's fee simple interest in the drainage easement, on a portion of Lots 48 and 49, recorded on Tract Map 30318, filed on March 12, 2004, as Instrument No. 2004-0175257, in the Official Records of Riverside County, California, RCFC Parcel Nos. 4775-503 and 4775-504;
 2. Authorize the Mayor to execute the Easement Deeds for a portion of Lots 48 and 49, recorded on Tract Map 30318, granting to Riverside County Flood Control and Water Conservation District a flood control easement for storm drain, access and drainage purposes for the construction, use, repair, reconstruction, inspection, operation and maintenance of flood control facilities and all appurtenant works, RCFC Parcel Nos. 4775-500, 4775-501, and 477-502; and
 3. Direct the City Clerk to forward the signed Quitclaim Deeds and Easement Deeds to Riverside County Flood Control and Water Conservation District for acceptance.
- A9. PA04-0058 - APPROVAL OF COOPERATIVE AGREEMENT FOR SUNNYMEAD MASTER DRAINAGE PLAN LINE P-6 STORM DRAIN, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND PERRIS ISLE LIMITED PARTNERSHIP, AROUND THE NORTHEAST CORNER OF PERRIS BOULEVARD AND EUCALYPTUS AVENUE, DEVELOPER - PERRIS ISLE LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP, MERCED, CA 95348 (Report of: Public Works Department)

Recommendation:

1. Approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and Perris Isle Limited Partnership for Sunnymead Master Drainage Plan Line

P-6 Storm Drain;

2. Authorize the Mayor to execute the Cooperative Agreement; and
3. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

A10. APPROVE AND EXECUTE THE AGREEMENT FOR CONVEYANCE OF PROPERTY FOR THE PARTIAL ACQUISITION OF APN 264-312-001 FOR THE PIGEON PASS ROAD WIDENING PROJECT FROM CLIMBING ROSE DRIVE TO THE NORTHERN CITY LIMITS (Report of: Public Works Department)

Recommendation:

1. Approve and execute the Agreement for Conveyance of Property for the partial acquisition of APN 264-312-001.

A11. AGREEMENT FOR PROFESSIONAL DESIGN AND PROJECT MANAGEMENT CONSULTANT SERVICES AND CONSTRUCTION MANAGEMENT CONSULTANT SERVICES FOR ALESSANDRO BOULEVARD STREET IMPROVEMENTS, FROM THE WEST CITY LIMITS AT OLD 215 TO FREDERICK STREET PROJECT NO. 10-41572627 (Report of: Public Works Department)

Recommendation:

1. Approve the "Agreement for Professional Design and Project Management Consultant Services and Construction Management Consultant Services" for Part 1, Phase 1 only, with DMC Design Group, Inc., 170 North Maple Street, Suite 101, Corona, California 92880;
2. Authorize the City Manager to execute said "Agreement for Professional Design and Project Management Consultant Services" for Part 1, Phase 1 only, with DMC Design Group, Inc.;
3. Authorize the Finance Director to issue a Purchase Order to DMC Design Group, Inc., in the amount of \$370,058.00 (\$308,382.00 proposal amount for Part 1, Phase 1, planning, environmental, and preliminary engineering design [PA&ED] services, plus 20% contingency) when the Agreement has been signed by all parties (Account No. 415.72627); and
4. Authorize the City Engineer to execute any subsequent Amendments to the Agreement for Professional Consultant Services with DMC Design Group, Inc., up to but not to exceed the Purchase Order contingency

amount of \$61,676.00 subject to the approval of the City Attorney.

- A12. CONSIDERATION OF THE 9TH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT CREATING THE RIVERSIDE COUNTY HABITAT CONSERVATION AGENCY (Report of: Deputy City Manager)

Recommendation: Approve the 9th Amendment to the Joint Exercise of Powers Agreement and authorize the Mayor to execute the proposed document.

- A13. APPROVAL OF ONE-YEAR RENEWAL OF MICROSOFT LICENSES THROUGH COMPUCOM SYSTEMS, INC., UTILIZING THE COUNTY OF RIVERSIDE'S MICROSOFT ENTERPRISE AGREEMENT (Report of: Administrative Services Department)

Recommendation: Authorize the one-year renewal of Microsoft software licenses utilizing the County of Riverside's Microsoft Enterprise Agreement (a cooperative purchasing agreement) with CompuCom Systems, Inc., a Microsoft Large Account Reseller. The total amount to be paid for the licenses is \$135,600.42. Since this expenditure is over \$100,000, City Council approval is required per the City's procurement policy.

- A15. SUPPORT OF THE CONTINUED OPERATION OF THE CALIFORNIA CITRUS STATE HISTORIC PARK (Report of: Assistant City Manager)

Recommendation: Adopt Resolution No. 2008-40 supporting the continued operation of the California Citrus State Historic Park.

Resolution No. 2008-40

A Resolution of the City Council of the City of Moreno Valley, California, in Support of the Continued Operation of the California Citrus State Historic Park in the City of Riverside

- A16. AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR PIGEON PASS ROAD STREET IMPROVEMENTS FROM IRONWOOD AVENUE TO NORTH CITY LIMITS - PROJECT NO. 06-41570324 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for Pigeon Pass Road Street

Improvements from Ironwood Avenue to North City Limits to Sukut Construction, Inc., 11840 Pierce Street, #100, Riverside, CA 92505, the lowest responsible bidder;

2. Authorize the City Manager to execute the Agreement with Sukut Construction, Inc.;
3. Authorize the issuance of a Purchase Order for Sukut Construction, Inc. in the amount of \$4,161,614 (\$3,468,012 for the Base Bid and Additive Bid Alternates 1, 2, 3 and 4, plus 20% contingency) for Pigeon Pass Road Street Improvements from Ironwood Avenue to North City Limits (\$3,349,826 from Account No. 415.70324 and \$811,788 from Account No. 416.78725); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with Sukut Construction, Inc. up to, but not exceeding, the contingency amount of \$693,602 subject to the approval of the City Attorney.

A17. SECOND AMENDMENT TO CITY MANAGER'S EMPLOYMENT AGREEMENT (Report Of: Human Resources Department)

Recommendation: Approve the Second Amendment to the Employment Agreement of the City Manager.

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 APRIL 8, 2008 (Report of: City Clerk's Department)

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 APRIL 8, 2008 (Report of: City Clerk's Department)

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 APRIL 8, 2008 (Report of: City Clerk's Department)

Joint Consent Calendar Items A1-D2 with the exception of Item A14, which was pulled for separate discussion/action, approved by a 5-0 vote. m/West, s/Flickinger.

E. PUBLIC HEARINGS

- E1. PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDINGS FOR FRESH AND EASY NEIGHBORHOOD MARKET – ASSESSOR PARCEL NUMBER (APN) 291-242-018 - BALLOTTED ITEM: NPDES COMMERCIAL/INDUSTRIAL REGULATORY RATE; AND TENTATIVE PARCEL MAP 34044 - BALLOTTED ITEMS: NPDES MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND CSD ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE); AND RETAIL CENTER AND CARWASH – APN 297-130-045 - BALLOTTED ITEMS: NPDES MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND CSD ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) (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. That the Mayor and Members of the City of Moreno Valley City Council, after conducting the public hearing:
 - a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for Fresh and Easy Neighborhood Market – APN 291-242-018, Tentative Parcel Map 34044 – APN 297-170-004, and Retail Center and Carwash – APN 297-130-045;

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

The City Clerk announced the results as follows:
Fresh and Easy Neighborhood Marker, NPDES – “Passes”
Tentative Parcel Map 34044, NPDES – “Passes”

Retail Center and Carwash, 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 Fresh and Easy Neighborhood Market – APN 291-242-018, Tentative Parcel Map 34044 – APN 297-170-004, and Retail Center and Carwash – APN 297-130-045.

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

- 2. Staff Recommends that the President and Members of the Board of Directors of the Moreno Valley CSD, after conducting the public hearing:
 - a. Direct the Secretary to the CSD Board (the “City Clerk”) to tabulate the CSD Zone M ballots for Tentative Parcel Map 34044, – APN 297-170-004, and Retail Center and Carwash – APN 297-130-045;

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

The City Clerk announced the results as follows:
Tentative Parcel Map 34044, CSD Zone M – “Passes”
Retail Center and Carwash, CSD Zone M – “Passes”

- b. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;
- c. Receive and file with the City Clerk’s office the accepted Official Tally Sheet and APN listing;
- d. If approved, authorize and impose the CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) annual charge for Tentative Parcel Map 34044 and Retail Center and Carwash – APN 297-130-045.

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

- E2. PA06-0053 - REVISION OF TITLE 9, CHAPTER 9.03, SECTION 9.03.040 "RESIDENTIAL SITE DEVELOPMENT STANDARDS" AND CHAPTER 9.16, ARTICLE IV "APPLICATION FOR HILLSIDE DEVELOPMENT" OF THE MUNICIPAL CODE RELATING TO MINOR MODIFICATIONS TO RURAL AND HILLSIDE RESIDENTIAL SITE DEVELOPMENT STANDARDS AND ADDITIONAL DESIGN GUIDELINES FOR HILLSIDE RESIDENTIAL DISTRICTS CITYWIDE. APPLICATION SUBMITTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT (PLANNING DIVISION) (Report of: Community Development Department)

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

Recommendation:

1. Recognize that the proposed amendment is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061 of the CEQA Guidelines; and

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

2. Introduce Ordinance No. 773, thereby approving PA06-0053 and amendments to Title 9, Chapter 9.03, Section 9.03.040 "Residential Site Development Standards" and Chapter 9.16, Article IV "Applications for Hillside Development" within the City of Moreno Valley Municipal Code.

Ordinance No. 773

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9, Chapter 9.03 (Section 9.03.040) of the Moreno Valley Municipal Code Entitled "Residential Site Development Standards" for Rural and Hillside Residential Development and Chapter 9.16, Article IV "Applications for Hillside Development" Relating to Minor Modifications of General and Design Guidelines for Rural and Hillside Residential Development Citywide and Finding that the Amendment (PA06-0053) is Exempt under Section 15061 of the California Environmental Quality Act (CEQA) Guidelines

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

- E3. PUBLIC HEARING REGARDING ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS AND THE ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF BONDS BY THE COMMUNITY

REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY FOR
RANCHO DORADO APARTMENTS (Report of: Economic Development
Department)

Recommendation:

1. That that City Council of the City of Moreno Valley conduct a public hearing as required by Section 147 (f) of the Internal Revenue Code of 1986, as amended, at which it will hear and consider information concerning the issuance by the Community Redevelopment Agency of the City of Moreno Valley (the "Agency") of bonds to finance the acquisition, construction and development of an approximately 150-unit multifamily rental housing project known as Rancho Dorado Apartments; and

Resolution No. 2008-41

A Resolution of the City Council of the City of Moreno Valley, Pursuant to Section 147(f) of the Internal Revenue Code of 1986 Approving the Issuance of Bonds by Community Redevelopment Agency of the City of Moreno Valley for Rancho Dorado Apartments

2. That the City Council of the City of Moreno Valley adopts Resolution 2008-41, pursuant to Section 147(f) of the Internal Revenue Code of 1986 approving the issuance of bonds by the Community Redevelopment Agency of the City of Moreno Valley for Rancho Dorado Apartments.

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

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

**RECESS;
RECONVENE**

- E4. A PUBLIC HEARING ON THE FOLLOWING LAND USE PROPOSALS:
(Report of: Community Development Department)

Project 1: General Plan Amendment (PA07-0096) and Zoning Change (PA07-0095) from R5 (Residential 5) to P (Public) at March Middle School, from R5 (Residential 5) to R15 (Residential 15) and from R20 (Residential 20) to R15 (Residential 15) for the parcels east of the school properties. The project is located east of Indian Street, south of Santiago Drive, north of Iris Avenue, and west of Perris Boulevard. A plot plan to build multi-family units

is not part of this application, this is strictly a zone change and general plan amendment application.

Applicant: Perris at Pentecostal, LLC

Mayor Batey opened the public testimony portion of the public hearing. Public testimony was received from Susan C. Gilchrist.

A rebuttal was made by David M. Patton on behalf of Perris at Pentecostal, LLC.

Project 2: General Plan Amendment (PA07-0137) and Zone Change (PA07-0135) from R3 (Residential 3) to CC (Commercial) for 5.87 acres. The 14.2 acre project site is currently zoned Community Commercial (8.33-acres) and R3 (5.87-acres). The project also includes a Master Plot Plan (PA07-0138) for a 176,112-square foot commercial center including a 169,112-square foot home improvement store and two outlying pads for future retail buildings of 2,500-square feet and 4,500-square feet. The Master Plot Plan proposes the creation of three (3) parcels for each of the buildings noted above. A Plot Plan application is also proposed for the 169,112 square foot home improvement store. The project is located at the northeast corner of Moreno Beach Drive and Alessandro Boulevard.

Applicant: Adams Engineering

A presentation was made by Steve Orrago with Kinley Horner Associates on behalf of Adams Engineering (regarding Lowe's project).

Mayor Batey opened the public testimony portion of the public hearing. Public testimony was received from Harriet Anne Gordon (supported), Tracy Smith (supported), Myriam Solano (supported), Paul Martin (supported), Naji Doumit (opposed), Chuck Koski (concerned about traffic on Bay Avenue), Meli Van Natta (supported), Martin Gutierrez (concerned about noise), and Susan Gilchrist (opposed).

Recommendation: That the City Council:

1. Conduct a public hearing for review of Project 1 and defer taking action on Project 1 until after the public hearing for Project 2;
2. Conduct a public hearing for review of Project 2;
3. Recognize that Project 1 applications PA07-0096 (General Plan Amendment) and (PA07-0095) Zoning Change qualifies for an Exemption under Section 15061.b.3 of the CEQA Guidelines, which

provides that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The applications, individually and cumulatively, will not result in a significant impact on the environment;

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

4. Adopt a Mitigated Negative Declaration for Project 2 applications PA07-0137 (General Plan Amendment), PA07-0135 (Zone Change), PA07-0138 (Master Plot Plan) and PA07-0136 (Plot Plan). The applications, individually and cumulatively will not result in a significant effect on the environment;

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

5. Approve Resolution No. 2008-42 approving PA07-0096 and PA07-0137, thereby establishing General Plan Land Use Map designations for Projects 1 and 2 as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibits A and B;

Resolution No. 2008-42

A Resolution of the City Council of the City of Moreno Valley, California, Approving a General Plan Amendment (PA07-0096) to Change the Land Use from Residential 5 to Public at March Middle School, from Residential 5 to Residential 15 and from Residential 20 to Residential 15 for the Properties Located within Assessor's Parcel Numbers 485-220-006, -007, -008, -009, -012, -014, -015, -016, and -017, Located East of Indian Street, South of Santiago Drive, North of Iris Avenue, and West of Perris Boulevard and a General Plan Amendment (PA07-0137) from Residential 3 to Commercial for 5.87 Net Acres of Located Within Portions of Assessor's Parcel Numbers 478-060-005, -006, -007, and -008, Located Near the Northeast Corner of Moreno Beach Drive and Alessandro Boulevard, thereby Establishing General Plan Land Use Map Designations for Certain Properties as Described in the Resolution, and the Revised General Plan Maps Attached to the Resolution as Exhibits A and B

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

6. Introduce Ordinance No. 774 approving Project 1 Zone Change (PA07-0095) from R5 (Residential 5) to P (Public) at March Middle School, from R5 (Residential 5) to R15 (Residential 15) and from R20 (Residential 20) to R15 (Residential 15) for the parcels east of the

school properties, located east of Indian Street, south of Santiago Drive, north of Iris Avenue, and west of Perris Boulevard, based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A;

Ordinance No. 774

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Zone Change (PA07-0095) to Change the Land Use from Residential 5 to Public at March Middle School, From Residential 5 to Residential 15 and from Residential 20 to Residential 15 for the Properties Located within Assessor's Parcel Numbers 485-220-006, -007, -008, -009, -012, -014, -015, -016, and -017, Located East of Indian Street, South of Santiago Drive, North of Iris Avenue, and West of Perris Boulevard

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

7. Introduce Ordinance No. 775 approving Project 2 Zone Change (PA07-0135) to change the land use designation from R3 (Residential 3) to CC (Commercial) for 5.87 acres located near the northeast corner of Moreno Beach Drive and Alessandro Boulevard, based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the Ordinance as Exhibit A; and

Ordinance No. 775

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA07-0135 (Zone Change) to Change the Land Use for 5.87 – Net Acres Located within Portions of Assessor's Parcel Numbers 487-060-005, -006, and -008 from R3 to Community Commercial in Order to Develop a 176,112 Square Foot Retail Center on 14.2 Net Acres

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

8. Approve Resolution No. 2008-43 approving Project 2 Master Plot Plan (PA07-0138) to develop a 176,112-square foot commercial center including a 169,112-square foot home improvement store and two outlying pads for future retail buildings of 2,500-square feet and 4,500 square feet on 14.2 net acres and Plot Plan (PA07-0136) to develop a 169,112 square foot home improvement store, subject to a General Plan Amendment and Zone Change and based on the findings in the Resolution, and the conditions of approval as attached to the

Resolution as Exhibit A.

Resolution No. 2008-43

A Resolution of the City Council of the City of Moreno Valley, California, Approving Master Plot Plan (PA07-0138) to Develop a 176,112 Square Foot Retail Center on 14.2 Net Acres and Plot Plan (PA07-0136) for a 169,112 Square Foot Home Improvement Store within the Retail Center

Approved Resolution No. 2008-43 as amended changing the operating hours during weekdays from 7:00 a.m. to 7:00 p.m. (Condition P7) by a 5-0 vote. m/Flickinger, s/Stewart.

AGENDA ORDER

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

Pete Bleckert

- 1) Traffic problem at the intersection of Perris Blvd. and Ironwood Ave.

Ray Carbajal

- 1) Asked for clarification regarding resolution establishing Rancho Belago

Susan C. Gilchrist

- 1) Regarding developers' request to build three distribution centers south of Freeway 60 between Moreno Beach and Theodore
- 2) Rancho Belago issue

Daryl Terrell

- 1) Stated that Rancho Belago is only a community name; the name of the city has not been changed

AGENDA ORDER

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

- A14. APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES AND ELECTRIC SERVICE RULES, FEES, AND CHARGES FOR MORENO VALLEY UTILITY, AND RATIFICATION OF ADDITIONAL PAYMENT PROGRAMS (Report of: Public Works Department)

Recommendation:

1. Approve Resolution No. 2008-39 amending the Electric Rates and Electric Service Rules, Fees, and Charges for Moreno Valley Utility; and

Resolution No. 2008-39

A Resolution of the City Council of the City of Moreno Valley, California, to amend the Electric Rates, and Electric Service Rules, Fee, and Charges for Moreno Valley Utility

2. Ratify three additional Moreno Valley Utility Customer Payment Programs (Level Pay Plan, Automatic Payments and Electronic Payments).

Council Member Flickinger made a motion, seconded by Council Member Stewart to approve the item and schedule a study session discussion of the methodology for setting rates. Approved by a 5-0 vote.

**RECESS;
RECONVENE**

G. REPORTS

- G1. PUBLIC MEETING REGARDING THE COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) MAIL BALLOT PROCEEDINGS FOR TWENTY-ONE TRACTS (Report of: Public Works Department)

Recommendation: That the City Council, acting in their respective capacities as President and Members of the Board of Directors of the Moreno Valley CSD (the "CSD Board"), accept public comments regarding the mail ballot proceedings for the proposed increase in the CSD Zone D annual parcel charge for Tracts 11848, 12773, 16769, 16770, 17387, 17457, 17867, 19141, 19496, 19500, 19509, 19551, 19685, 20301, 20525, 20660, 20869, 24721, 27526, 29038, and 30027.

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

No action required.

- G2. PUBLIC MEETING ON PROPOSED FY 2008-09 USER FEE SCHEDULE (Report of: Finance Department)

Recommendation: That the City Council:

1. Accept public comments on the proposed FY 2008-09 Fee Schedule; and
2. Provide comments and any necessary direction to staff regarding fee policy issues.

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

No action required.

G3. APPOINTMENTS TO THE PARKS AND RECREATION COMMISSION AND RECREATIONAL TRAILS BOARD (Report of: City Clerk's Department)

Recommendation: That the City Council:

1. Appoint one member to the Parks and Recreation Commission with a term to expiring June 30, 2008;
2. Appoint one member to the Recreational Trails Board with a term expiring June 30, 2009; and
3. If appointments are not made, declare the positions vacant and authorize the City Clerk to re-notice the positions as vacant.

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

Council Member White made a motion, seconded by Council Member Stewart to appoint Bill Alvarez to the Parks and Recreation Commission for a term expiring June 30, 2008 and Cesar O. Martinez to the Recreational Trails Board for a term expiring June 30, 2009. Approved by a 5-0 vote.

G4. RECOMMENDED ACTIONS PURSUANT TO NOVEMBER 2008 GENERAL ELECTION BALLOT MEASURE TO MODERNIZE UTILITY USERS TAX ORDINANCE (Report of: Finance Department)

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

Recommendation: That the City Council:

1. Direct staff to prepare the appropriate resolution prior to August 5, 2008 to place on the November 2008 General Election ballot a City of Moreno Valley measure seeking voter approval to lower the utility users tax by one-quarter (1/4) percent while modernizing the language of the UUT ordinance; and

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

2. Approve an appropriation of \$90,000 in the General Fund Non-Departmental Business Unit for the development, printing, and mailing of education materials and related professional services.

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

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

City Manager announced:

- 1) Thanks to the efforts of Congresswoman Bono Mack, the Police Department will receive \$140,000 in federal funds to be used for technology purchases
- 2) The City will be holding its first Memorial Day ceremony at the new Veterans Memorial on Friday, May 30 at 10:00 a.m.
- 3) Human Resources Director Denese Wilson Beilke is retiring effective May 1 after long distinguished career in the human resources profession, which includes past four years in the City of Moreno Valley. Wished her a happy retirement

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

Council Member White

- 1) Responded to the questions regarding Rancho Belago – stated that Rancho Belago is the only name of a MV community recognized by a resolution; about half of the city (all territory from east of Lasselle to the northern, eastern and southern borders) has been renamed as Rancho Belago, per Resolutions No. 2007-14 and 2007-62; Rancho Belago is not a community; less than half of the Rancho Belago Economic Council board of directors are residents of the City; City of Moreno Valley has a very good image for the past 12 years
- 2) Will continue with his petition to repeal resolutions recognizing Rancho Belago as a community name and to add a requirement that any name change be brought to voters for approval

Council Member Stewart

- 1) Rancho Belago – misrepresentation of this issue is unethical
- 2) Inquired about Pigeon Pass widening project – PW Director Chris Vogt responded that the contract had been awarded tonight and the construction will begin in June this year. It should be completed within one year
- 3) Barbershops issue – his barber is one of the few barbers in the City who has city and state license; complies with rules; commended them
- 4) Asked to move anticipated short public meeting items to earlier in the meeting, especially before the long items, to allow public participation
- 5) Responded to Pete Bleckert's comments regarding utility users taxes – believes that the average person will save money, unless the person uses a lot of electronic gadgets (it's a reduction)
- 6) Council is interacting with Caltrans and resolved many issues, but the freeway intersection project is a unique issue

Council Member Flickinger

- 1) Rancho Belago is a divisive issue; much misinformation. Stated that the resolution designating Rancho Belago did not change the name of the city or boundaries and were adopted during open meetings; Rancho Belago is only a community designation within the city of Moreno Valley
- 2) Attended a grand opening of the March Air Reserve Base main gate; impressed by many improvements including an efficient roundabout passing by a modern brand new visitor center and mechanism to stop unwanted vehicles
- 3) Inquired about Internet access at the Senior Center
- 4) Thanked Public Works for Heacock and Cactus improved intersection – a very large dirt patch is now covered with a very attractive layer of woodchip ground cover
- 5) Requested to take a look at a dip sign on Iris and Perris – too close to intersection and behind overhanging tree branches; suggested to relocate
- 6) Utility users tax measure – opportunity for voters to reduce rate from 6 percent to 5 3/4 percent

Mayor Pro Tem West

- 1) Asked PW to check out the queuing at Ironwood and Perris
- 2) Thanked PD and City staff who managed to remove a red car lodged on the mountainside at Ironwood
- 3) Attendance at Moreno Valley Unified School District improved; credit was given to the City's daytime curfew ordinance
- 4) He and the residents of his district are very concerned about developers' plans to build over 3 million square foot warehouses on the east end, mainly along Freeway 60 – this development might generate about 9,000 truck trips per day on the Freeway 60. Stated that this radical change of zoning is going to require citizens' participation and assured residents that they will ultimately make the decision; will contact residents to work together on this issue

Mayor Batey

- 1) Congratulated Parks & Community Services Director on the great job on the dog park – very nice facility
- 2) Stated that something needs to be done with the area on the back of Lowe's to stop cars from speeding and to ensure safety; suggested fencing off the area
- 3) On May 5, will meet with barbershop owners; this issues is still being reviewed
- 4) Will meet with members of Box Spring Mutual Water District for Edgemont area and City staff to resolve issues
- 5) Was informed by Fire Chief that a new truck company is in the City and soon will be ready for service
- 6) Regarding Rancho Belago – asked for Council's support to bring forward a resolution recognizing all the unique names of the communities within the city as official communities names; Flickinger seconded
- 7) The City is facing a lot of important issues: shortfall of revenues, development of job basis for residents; bringing revenues and maintaining businesses in the city; asked to focus on jobs, quality of life and neighborhood safety

CLOSED SESSION - none

Council Member Flickinger made a motion, seconded by Council Member White to adjourn the meeting. Motion carried unanimously.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 11:10 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