

**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**

**REGULAR MEETING – 6:30 P.M.  
DECEMBER 11, 2001**

**CALL TO ORDER** - The 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 was called to order at 6:30 p.m. by Mayor Flickinger in the Council Chamber located at 14177 Frederick Street.

**PLEDGE OF ALLEGIANCE** -The Pledge of Allegiance was led by Mayor Bonnie Flickinger

**INVOCATION** - Pastor Rich Hall, Evangelical Free Church

**ROLL CALL**

Council:

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

Staff:

Alice Reed	City Clerk
Steve Chapman	Finance Director/City Treasurer
Robert Herrick	City Attorney
Gene Rogers	City Manager
Barry McClellan	Assistant City Manager
Linda Guillis	Community and Economic Development Director
Richard Coz	Police Chief
Wes Alston	Fire Chief
Trent Pulliam	Public Works Director/City Engineer
Cynthia Pirtle	Director of Library Services
George Price	Parks and Recreation Director

**JOINT CONSENT CALENDARS (SECTIONS A-C) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY**

The City Attorney announced that on December 10, 2001, after the posting of the city council meeting agenda, the city was notified by the Registrar of Voters that the signature verification of the initiative measure to repeal the utility user's tax had been completed, and that the petition contained sufficient signatures to qualify for the November 2002 ballot. Pursuant to the elections code, the City Clerk is required to submit the results to the Council at the next regular Council meeting. Therefore, the City Attorney requested that the following item be added to the agenda under Reports: Item F0 - Certification of Initiative Measure to Repeal the City's Utility User's Tax.

Councilmember Stewart made a motion, seconded by Councilmember White to add this item to the agenda as Item F0. Motion carried unanimously.

Mayor Flickinger opened the agenda items for the Consent Calendars for public comments; there being none, public comments were closed.

Councilmember White made a motion, seconded by Councilmember Stewart to approve the Consent Calendars in their entireties. Motion carried 5-0. Roll call vote.

**A. CONSENT CALENDAR - CITY COUNCIL**

- A1. ORDINANCES - FIRST READING BY TITLE ONLY  
Waived reading of all Ordinance Introductions and read by title only.
  
- A2. REQUEST ADOPTION OF PLANS AND SPECIFICATIONS, AND AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR IRIS AVENUE IMPROVEMENTS FROM INDIAN STREET TO PERRIS BOULEVARD - PROJECT NO. 01-12566721  
Adopted the Plans and Specifications that are on file in the office of the Public Works Director; and authorized the City Clerk to advertise the project for construction bids.

- A3. REQUEST ADOPTION OF PLANS AND SPECIFICATIONS, AND AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR PIGEON PASS ROAD REHABILITATION FROM IRONWOOD AVENUE TO OLD LAKE DRIVE – PROJECT NO. 01-12567021  
Adopted the Plans and Specifications for Pigeon Pass Road rehabilitation from Ironwood Avenue to Old Lake Drive, which are on file in the office of the Public Works Director; and authorized the City Clerk to advertise the project for construction bids.
- A4. SENIOR CITIZENS' ADVISORY COMMITTEE AND PLANNING COMMISSION VACANCIES  
Declared vacant David Deardorff's position on the Senior Citizens' Advisory Committee, with the remainder of his term expiring on June 30, 2002 – vacancy effective January 1, 2002; declared vacant Ann Romero's position on the Senior Citizens' Advisory Committee, with the remainder of her term expiring on June 30, 2004 - vacancy effective January 1, 2002; declared vacant Shirley Rollins' position on the Senior Citizens' Advisory Committee, with the remainder of her term expiring on June 30, 2004; declared vacant Tracy Vackar's position on the Planning Commission, with the remainder of her term expiring on January 01, 2003; and authorized the City Clerk to notice these positions as vacant.
- A5. MINUTES – REGULAR MEETING OF NOVEMBER 27, 2001  
Approved as submitted.
- A6. AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT – PROJECT NO. 00-84820 - FISCAL YEAR 2000/2001 ANNUAL SLURRY SEAL PROGRAM  
Awarded the construction contract for the Fiscal Year 2000/2001 Annual Slurry Seal Program to Pavement Coatings Company, 5312 Cypress Street, P.O. Box 1491, Cypress, California 90630, as the lowest responsible bidder; authorized the Mayor to execute a contract Agreement with Pavement Coatings Company; and authorized the issuance of a purchase order to Pavement Coatings Company in the amount of \$1,043,810.09 (the amount of bid plus 10% contingency) when both parties have signed the contract (Account No. 125.84830).

**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. EXTENSION OF CONTRACT – PROJECT NO. E-3/99 – MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION – MORENO VALLEY RANCH WEST**

Approved the Amendment to the Contract Agreement for MVCSD Project E-3/99 to extend the term of the contract for an additional one-year period; authorized the President of the MVCSD Board to execute said Amendment with Bemus Landscape, Inc. of Santa Ana, California; authorized the Purchasing Manager to issue open purchase orders to Bemus Landscape, Inc. in the amount of: a) EIGHTY-THREE THOUSAND THREE HUNDRED NINETY-FOUR DOLLARS AND NO/100 (\$83,394.00--\$41,697.00 for FY 2001/02 and \$41,697.00 for FY 2002/03) for twelve months of base maintenance service; and b) THIRTEEN THOUSAND TWO HUNDRED FIFTY-SEVEN DOLLARS AND NO/100 (\$13,257.00--\$6,628.50 for FY 2001/02 and \$6,628.50 for FY 2002/03) for anticipated additional work per Section 3, paragraph d. of the Amended Agreement.

**B3. MINUTES – REGULAR MEETING OF NOVEMBER 27, 2001**  
Approved as submitted.

**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 NOVEMBER 27, 2001**  
Approved as submitted.

**D. PUBLIC HEARINGS**

**D1. PUBLIC HEARING FOR INCLUSION OF TRACT NO. 30286 (AND ALL AFFECTED PHASES) INTO THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING)**

Conducted the Public Hearing to consider the inclusion of Tract No. 30286 (and all affected phases) into the CSD Zone B (Residential Street Lighting) at the annual service charge for each.

President Flickinger opened the public testimony portion of the public hearing; there being none, public testimony was closed.

The Secretary tabulated the mail ballots for CSD Zone B, Tract 30286 and announced the results as follows: one (1) ballot was sent for four different parcel numbers; the City Clerk's office received one (1) ballot; Yes vote for all four parcel numbers.

Vice President Batey made a motion, seconded by Boardmember Stewart to verify and accept the results of the mail ballot proceeding, and authorize and impose the CSD Zone B charge. Motion carried 5-0. Roll call vote.

D2. HABITAT FOR HUMANITY – CLOVER NEW DEVELOPMENT PROJECT

Conducted a Public Hearing to consider the disposition of three single-family parcels located on Clover Avenue.

Chairperson Flickinger opened the public testimony portion of the public hearing. Comments were received from Ron Egan, applicant.

Mayor Flickinger closed the public comments portion of the public hearing.

Agencymember West made a motion, seconded by Agencymember White to authorize staff to finalize the Affordable Housing Agreement between Habitat for Humanity, a Community Housing Development Organization (CHDO), the Community Redevelopment Agency of the City of Moreno Valley and the City of Moreno Valley; and authorize the City Manager to execute the Affordable Housing Agreement and other required documentation to complete the Clover Project and to protect the City and the Community Redevelopment Agency. Motion carried 5-0. Roll call vote.

D3. A PUBLIC HEARING FOR P01-058 (DEVELOPMENT AGREEMENT AMENDMENT), SUBMITTED BY WESTERN PACIFIC HOUSING INC. FOR AMENDMENT NO. 1 TO THE TOWNGATE DEVELOPMENT AGREEMENT TO MODIFY THE TERMS OF THE AGREEMENT PERTAINING TO PARK SITE IMPROVEMENTS FOR PLANNING AREA 11, LOCATED ON THE SOUTHWEST SIDE OF THE TOWNGATE SPECIFIC PLAN (SP 200), ENCOMPASSING AN AREA FROM DAY STREET TO THE WEST, EUCALYPTUS AVENUE TO THE NORTH, ELSWORTH STREET TO THE EAST, AND COTTONWOOD AVENUE TO THE SOUTH

Mayor Flickinger opened the public testimony portion of the public hearing. Comments were received from Dan Flynn, applicant.

Mayor Flickinger closed the public comments portion of the public hearing.

Mayor Pro Tem Batey made a motion, seconded by Councilmember White to recognize that the Development Agreement Amendment is not considered to have the potential for any direct or indirect impacts under CEQA and is therefore exempt under Section 15061 of the CEQA Guidelines; and introduce Ordinance No. 595, thereby approving Amendment No. 1 to the Towngate Development Agreement. Motion carried 5-0. Roll call vote.

#### Ordinance No. 595

An Ordinance of the City Council of the City of Moreno Valley, California, Approving the First Amendment to the Towngate Development Agreement and Changing the Requirement for a Park within Planning Area 11, to Include a 4,000 Square Foot Recreation Building in Lieu of a Community Swimming Pool, Relative to a Development Known as Western Pacific Housing Inc., Located in an Area Bounded by Day Street to the West, Eucalyptus Avenue to the North, Elsworth Street to the East and Cottonwood Avenue to the South

- D4. A PUBLIC HEARING FOR P01-074 (MODIFICATION OF CONDITIONS) PERTAINING TO TIMING OF CONDITIONS OF APPROVAL FOR PA01-0004 (TENTATIVE TRACT MAP NO. 29143) AND P01-006 (TOWNGATE SPECIFIC PLAN AMENDMENT) AS THEY RELATE TO THE RECORDATION OF A FINAL MAP, SUBMITTED BY WESTERN PACIFIC HOUSING INC., FOR A RECENTLY APPROVED 557 LOT SINGLE-FAMILY RESIDENTIAL HOUSING TRACT AND PUBLIC PARK, LOCATED ON THE SOUTHWEST SIDE OF THE TOWNGATE SPECIFIC PLAN (SP NO. 200), ENCOMPASSING AN AREA FROM DAY STREET TO THE WEST, EUCALYPTUS AVENUE TO THE NORTH, ELSWORTH STREET TO THE EAST, AND COTTONWOOD AVENUE TO THE SOUTH AND APPROVAL OF AN INTERIM PUBLIC FACILITIES FEE AGREEMENT

Mayor Flickinger opened the public testimony portion of the public hearing. Comments were received from Dan Flynn, applicant.

Mayor Flickinger closed the public comments portion of the public hearing.

Mayor Pro Tem Batey made a motion, seconded by Councilmember White to recognize that the Modification of Conditions is not considered to have the potential for any direct or indirect impacts under CEQA and is therefore exempt

under Section 15061 of the CEQA Guidelines; approve Resolution No. 2001-72, thereby approving the modification of conditions of approval (P01-074) and modifying Condition Nos. 32-33, 60 and 97-98 of Tentative Tract Map No. 29143 (PA01-0004) and 17 of the Towngate Specific Plan Amendment No. 3 (P01-006); and approve and authorize the Mayor to execute the Interim Public Facilities Fee Agreement. Motion carried 5-0. Roll call vote.

Resolution No. 2001-72

A Resolution of the City Council of the City of Moreno Valley, California, Approving P01-074, Relating to the Modification of Conditions for a Recently Approved 557 Lot Single-Family Residential Housing Tract and Public Park to Include Condition Nos. 32-33, 60 and 97-98 of Tentative Tract Map No. 29143 (PA01-0004) and Condition No. 17 of the Towngate Specific Plan Amendment No. 3 (P01-006) Pertaining to Timing of Conditions as they Relate to the Recordation of a Final Map

**E. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION**

None

**F. REPORTS**

**F0. CERTIFICATION OF INITIATIVE MEASURE TO REPEAL THE CITY'S UTILITY USER'S TAX**

The City Clerk announced that that the initiative measure to repeal utility user's tax was found to contain sufficient number of signatures to qualify for November 2002 ballot.

The City Clerk read the results of the examination of the signatures by the Registrar of Voters:

The total number of signatures submitted for said petition:	2,569
The total number of signatures checked:	1,882

The total number of sufficient signatures on said petition: 1,309  
The total number of insufficient signatures of said petition: 573

Mayor Flickinger opened the agenda item for public comments, which were received from Ray Hosman and Pete Bleckert.

Councilmember Stewart made a motion, seconded by Councilmember White to order a report on the effect of the following issues, said report to be submitted to the City Council within 30 days, after which time the City Council shall either adopt the ordinance or order the ordinance to be submitted to the voters at the November 5, 2002 election:

1. The fiscal impact;
2. The effect on the internal consistency of the City's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under §65008 of the Government Code and Chapters 4.2 (commencing with §65913) and 4.3 (commencing with §65915) of Division 1 of Title 7 of the Government Code;
3. The effect on the use of land, the impact on the availability and location of housing, and the ability of the City to meet its regional housing needs;
4. The impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses;
5. The impact on the community's ability to attract and retain business and employment;
6. The impact on the uses of vacant parcels of land;
7. The impact on agricultural lands, open spaces, traffic congestion, existing business districts, and developed areas designated for revitalization;
8. Public safety (fire and police – expansion to keep up with projected growth); and
9. Discussion of other possible negative fiscal impacts.



Motion carried 5-0. Roll call vote.

**RECESS;  
RECONVENE**

- F1. APPROVAL OF FINAL MAP 29143-1 SUBJECT TO RECEIPT OF AN ACCEPTABLE LETTER OF CREDIT FOR AREA DRAINAGE FEES, AUTHORIZE THE CITY CLERK TO SIGN THE MAP AND TRANSMIT SAID MAP TO THE COUNTY RECORDER'S OFFICE FOR RECORDATION UPON RECEIPT OF SUCH LETTER OF CREDIT, AND ACCEPT AGREEMENT AND BONDS FOR PUBLIC RIGHT-OF-WAY IMPROVEMENTS - SOUTH OF EUCALYPTUS AVENUE, EAST OF DAY STREET, AND NORTH OF COTTONWOOD AVENUE - SUBDIVIDER -WESTERN PACIFIC HOUSING

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

Mayor Pro Tem Batey made a motion, seconded by Councilmember White to Approve Final Map 29143-1 subject to receipt of an acceptable Letter of Credit for area drainage fees, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation upon receipt of such Letter of Credit; accept the bonds and Agreement for Public Improvements; authorize the Mayor to execute the agreement; and direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation. Motion carried 5-0. Roll call vote.

- F2. REPORT TO CONSIDER PUBLIC COMMENTS REGARDING THE INCLUSION OF PARCEL MAP NO. 27548 (APN: 256-150-013) AND APNS: 256-150-029, 256-150-030, 256-150-033, AND ANY DIVISION THEREOF INTO THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) SERVICE PROGRAM

President Flickinger opened the agenda item for public comments; there being none, public comments were closed.

No action required.

- F3. REQUEST TO CONTINUE DISCUSSION ON CAPITAL PROJECTS (CONTINUED FROM OCTOBER 23, 2001)

Councilmember Stewart made a motion, seconded by Councilmember White to

continue this item to January 22, 2002, to allow more time to provide Council with updated cost information and a status report on all capital projects approved by Council during the past two years that were totally or partially funded by the capital expenditures reserve, as well as additional projects under consideration for funding. Motion carried unanimously.

F4. RECRUITMENT CAMPAIGN FOR ADVISORY COMMITTEES

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

No action taken. Council requested input from committee members and directed staff to submit a report to Council in February.

F5. RCIP CITIES TECHNICAL ADVISORY COMMITTEE UPDATE  
Informational Oral Presentation only.

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

No action required.

F6. CITY COUNCIL REORGANIZATION - SELECTION OF MAYOR AND MAYOR PRO TEM

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

Councilmember Stewart made a motion, seconded by Councilmember White that the selection of Mayor and Mayor Pro Tem be conducted by voice vote rather than a written ballot. Motion carried 3-2, Mayor Flickinger and Mayor Pro Tem Batey opposed.

The City Clerk opened the nomination for Mayor.

Councilmember West made a motion to appoint Councilmember White for Mayor. Motion carried 5-0. Roll call vote.

The City Clerk opened the nomination for Mayor Pro Tem.

Councilmember Stewart made a motion to appoint Mayor Pro Tem Batey for Mayor Pro Tem. Motion carried unanimously.

- F7. CITY MANAGER'S REPORT (Informational Oral presentation only – not for Council action)

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

No action required.

## **G. LEGISLATIVE ACTIONS**

ORDINANCES - 1ST READING AND INTRODUCTION - NONE

ORDINANCES - 2ND READING AND ADOPTION

- G1. ADOPTION OF ORDINANCE NO. 593 (RECEIVED FIRST READING AND INTRODUCTION NOVEMBER 27, 2001, ON A 5-0 VOTE)

Councilmember Stewart made a motion, seconded by Councilmember West to adopt Ordinance No. 593. Motion carried 5-0. Roll call vote.

### ORDINANCE NO. 593

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 2.27.010 of Chapter 2.27 of the City of Moreno Valley Municipal Code, Relating to the Composition of the Traffic Safety Advisory Committee

- G2. ADOPTION OF ORDINANCE NO. 594 (RECEIVED FIRST READING AND INTRODUCTION NOVEMBER 27, 2001, ON A 5-0 VOTE)

Councilmember Stewart made a motion, seconded by Councilmember West to adopt Ordinance No. 594. Motion carried 5-0. Roll call vote.

ORDINANCE NO. 594

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 2.24.040 of Chapter 2.24 of Title 2 of the City of Moreno Valley Municipal Code, Relating to the Meeting Dates for the Citizens' Advisory Committee on Recreation Trails

ORDINANCES - URGENCY ORDINANCES – NONE

RESOLUTIONS – NONE

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

Daryl Terrell – address matter of record

- 1) City's unity; citizens commitment, responsibility to build a better future for Moreno Valley

Pete Bleckert – P.O. Box 217

- 1) Political sign ordinance enforcement

Ray Hosman – address matter of record

- 1) Violation of law re political signs
- 2) Utility user's tax
- 3) Spending priorities

Kashma Staton – 25840 Jumano Drive

- 1) Directly elected mayor
- 2) Mass transit system – bus and train system
- 3) Basketball court lights on Lasselle and Gentian

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

Mayor Pro Tem Batey

- 1) Plans for building Metrolink terminal on Alessandro and 215 freeway
- 2) Congratulated Councilmember West and staff on Fire Station dedication

#### Councilmember White

- 1) Thanked Councilmembers for vote
- 2 Stated that his political signs were removed by fifth day

#### Councilmember Stewart

- 1) Responded to a message regarding political sign ordinance
- 2) Creche display and choir festival at Moreno Valley Stake of the Mormon Church of Jesus Christ of Latter-day Saints
- 3) Construction work on Pigeon Pass
- 4) Police club at March Air Reserve Base
- 5) Congressional Military Appropriations Bill, and C17 proposal affecting military pay raise
- 6) Resignation of Police Chief Coz
- 7) Police patrol and check points during holiday season

#### Councilmember West

- 1) Congratulated Councilmember White and Mayor Pro Tem Batey on election
- 2) Basketball court lights
- 3) Utility user's tax

#### Mayor Flickinger

- 1) Stated that Moreno Valley is well protected and very safe
- 2) Police sting operations
- 3) Addressed Mr. Staton's concerns
- 4) State of the City speech
- 5) Performance of Moreno Valley Community College Gospel choir in Italy for Pope
- 6) Attended the celebration of Canyon Spring High School Grammy award
- 7) Agendized (seconded by Stewart) for study session agenda in January a discussion of changing time for public and Council comments

### **CLOSED SESSION**

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

### **ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 8:59 p.m. by unanimous informal consent.

Submitted by:

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Alice Reed, City Clerk  
Secretary, Moreno Valley Community Services District  
Secretary, Community Redevelopment Agency of the City of Moreno Valley

Approved by:

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Bonnie Flickinger, Mayor  
President, Moreno Valley Community Services District  
Chairperson, Community Redevelopment Agency of the City of Moreno Valley

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