

**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 8, 2005**

**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 West in the Council Chamber located at 14177 Frederick Street.

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

**INVOCATION** - Bishop Hugh Murray, Church of Jesus Christ Latter-Day Saints, Moreno Valley Ward

**ROLL CALL**

Council:

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

Staff:

Alice Reed	City Clerk
Steve Chapman	Finance Director/City Treasurer
Robert Herrick	City Attorney
Gene Rogers	City Manager
Betsy Adams	Interim Assistant City Manager
Linda Guillis	Community and Economic Development Director
Brenda Shinn	Lieutenant – Moreno Valley Police Department
Stan Lake	Fire Chief
Trent Pulliam	Public Works Director/City Engineer
Karen Reams	Recreation Operations Manager
Becky Guillan	Senior Librarian
George Guayante	Interim Economic Development Director

Angela Rushen  
Denese Wilson

Interim Administrative Services Director  
Human Resources Manager

Mayor Stewart 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 FEBRUARY 22, 2005 (Report of: City Clerk's Department)  
Recommendation: Approve as submitted.
- A3. MINUTES – SPECIAL MEETING OF FEBRUARY 15, 2005 (Report of: City Clerk's Department)  
Recommendation: Approve as submitted.
- A4. ACCEPTANCE OF THE OFFICE OF TRAFFIC SAFETY (OTS) GRANT FUNDING, "CALIFORNIA SEAT BELT COMPLIANCE CAMPAIGN" (Report of: Police Department)  
Recommendation: Accept the OTS Grant in the amount of \$59,967.00 entitled "California Seat Belt Compliance Campaign." This will allow the Moreno Valley Police Department (MVPD) to provide directed enforcement during the statewide campaign. This campaign will coincide with the statewide campaign, which includes the Memorial Day Holiday period this year, and will be related to seat belt and child safety seat usage.
- A5. THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH CALTROP ENGINEERING, INC. (Report of: Public Works Department)  
Recommendation: Approve the Third Amendment to Agreement for Professional Consultant Services with Caltrop Engineering Inc., 1037 West 9<sup>th</sup> Street, Upland, California 91786 to provide Professional Consultant Services; authorize the Mayor to execute said Third Amendment to Agreement for Professional Consultant Services with Caltrop Engineering Inc.; and authorize an increase in the Purchase Order to Caltrop Engineering Inc. in the amount of \$64,000 when all parties have signed the Third Amendment to Agreement for Professional Consultant Services.
- A6. PALM DESERT DEVELOPMENT COMPANY (PDDC) HEACOCK COTTONWOOD IV, LP (COTTONWOOD PLACE PHASE IV)

RESOLUTIONS FOR TAX CREDIT APPLICATION (Report of: Community Development Department)

Recommendation: Adopt Resolution No. 2005-25, a Resolution of the City of Moreno Valley regarding assistance to the Cottonwood Place Phase IV housing development proposed by Palm Desert Development Company.

Resolution No. 2005-25

A Resolution of the City Council of the City of Moreno Valley, California, Supporting the Cottonwood Place Phase IV Housing Development and Affirming its Intention to Provide Assistance to Heacock Cottonwood IV, LP, a Subsidiary of the Palm Desert Development Company

**B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT**

- B1. ORDINANCES - FIRST READING BY TITLE ONLY  
Recommendation: Waive reading of all Ordinance Introductions and read by title only.
- B2. MINUTES - REGULAR MEETING OF FEBRUARY 22, 2005 (Report of: City Clerk's Department)  
Recommendation: Approve as submitted.

**C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY**

- C1. ORDINANCES - FIRST READING BY TITLE ONLY  
Recommendation: Waive reading of all Ordinance Introductions and read by title only.
- C2. MINUTES - REGULAR MEETING OF FEBRUARY 22, 2005 (Report of: City Clerk's Department)  
Recommendation: Approve as submitted.

**D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES**

- D1. ORDINANCES - FIRST READING BY TITLE ONLY  
Waived reading of all Ordinance Introductions and read by title on
- D2. MINUTES - REGULAR MEETING OF FEBRUARY 22, 2005 (Report of: City Clerk's Department)  
Recommendation: Approve as submitted.

**Joint Consent Calendar items A2 – D2 approved by a 5-0 vote. m/White, s/Batey.**

**E. PUBLIC HEARINGS**

E1. RECONSIDERATION OF TENTATIVE TRACT MAP NO. 31556, WHICH INCLUDED THE SUBDIVISION OF A 75.6 GROSS ACRE PORTION OF LAND INTO 85 SINGLE-FAMILY RESIDENTIAL LOTS, TWO (2) DETENTION AND CLEANSING BASIN LOTS, ONE FIRE ACCESS LOT AND FOUR (4) OPEN SPACE LOTS WITHIN THE RA-2 (RESIDENTIAL AGRICULTURE -2) AND HR (HILLSIDE RESIDENTIAL) LAND USE DISTRICTS. THE PROJECT IS LOCATED ON THE NORTHEAST CORNER OF OLIVER STREET AND JUNIPER AVENUE AND WAS SUBMITTED BY THE APPLICANT, EMPIRE HOMES (Report of: Community Development Department)  
Recommendation: That the City Council:

1. Reconsider the revised Tentative Tract Map No. 31556 and either:
  - A. Approve the revised Tentative Tract Map No. 31556 by taking the following actions:
    1. Ratify the Adoption of the Negative Declaration and direct staff to file a Notice of Determination;
    2. Rescind the prior Resolution No. 2005-16 denying Tentative Tract Map No. 31556;
    3. Approve the revised project; and
    4. Direct staff to prepare an approval resolution for the March 22, 2005, City Council Meeting; or
  - B. Take no action

A presentation was made by the applicant Russ Van Cleeve, President of Empire Homes.

Chad Brown of Empire Homes responded to Council questions.

Mayor Stewart opened the public testimony portion of the public hearing. Public testimony was received from: Marcia Narog (opposes); Bill Wilson (opposes); Vaughn Lucas (supports); William Ward on behalf of Vincent Monaco, submitted discourse for the record, (opposes); Joe Bonadiman on behalf of Vincent Monaco, (opposes); Ron Granados (supports); Jan Beyers (opposes); Margie Breitkruez (opposes); Steve Anderson (opposes); Charlene Smout (opposes); Susan Gilchrist (opposes); and Angela Igrazim (opposes).

**RECESS;  
RECONVENE**

A rebuttal argument was made by the applicant Russ Van Cleeve, President of Empire Homes.

**Approved by a 4-1 vote. m/West, s/White, Batey voting no, with modifications to recommendation #3 as follows: 1) adjust the southerly road to the southern boundary of the property around the existing hill feature; 2) remove the three lots from the draw in the middle of the site; and 3) avoid a hill area on the northwest portion of site by squeezing 5 lots to avoid a hill feature.**

E2. RECOMMENDATION TO CONDUCT HEARING, FIND CEQA CATEGORICAL EXEMPTION AND NEPA PROGRAMMATIC CATEGORICAL EXCLUSION, ADOPT RESOLUTION(S) OF NECESSITY AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR THE EASEMENTS FOR THE AQUEDUCT BIKE TRAIL FROM JOHN F. KENNEDY DRIVE TO COTTONWOOD AVENUE, AND AUTHORIZE FILING OF APPROPRIATE ACTIONS AND SEEKING ORDERS FOR DEPOSIT AND PREJUDGMENT POSSESSION, PROJECT NO. 02-46165321 (Report of: Public Works Department)  
Recommendation: That the City Council:

1. Conduct hearing, allowing the property owners who have requested the right to appear to provide additional evidence to the City Council;
2. Approve and adopt the Planning Division's findings that the project, including each proposed easement acquisition and Resolution of Necessity, is exempt from CEQA as it is classified as a Class 1 Categorical Exemption (under section 15301C), and does not have a significant impact on the environment as defined by Caltrans' NEPA determination of Programmatic Categorical Exclusion (PCE); therefore, environmental documents are not required;

3. Find that the proposed Factual Summary to Justify Findings, attached to the Staff's Agenda Request, is true and correct, as to each proposed Resolution of Necessity;
4. Find and determine that each of the statements, findings and facts in each of the proposed Resolution(s) of Necessity is true and correct;
5. Adopt the Resolution(s) of Necessity Nos. 2005-21 (Dink Properties, Inc.), 2005-22 (Regional Properties, Inc.), 2005-23 (Southwest Bank), and 2005-24 (Sunnymead Joint Venture) authorizing eminent domain proceedings; and

Resolution No. 2005-21

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Acquisition of Property for a Public Bike Trail Including Related Improvements and Facilities; that the Acquisition and Taking of the Easements in the Herein-Described Property or Properties are Necessary for the Project; that the Project is Planned in a Manner that is most Compatible with the Greatest Public Good and the Least Private Injury; that the Offer Required by Government Code Section 7267.2 has been made; Authorizing Proceedings to be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of said Properties; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Properties  
Assessor Parcel Number: 482-671-010  
Owner: Dink Properties, Inc.

Resolution No. 2005-22

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Acquisition of Property for a Public Bike Trail Including Related Improvements and Facilities; that the Acquisition and Taking of the Easements in the Herein-Described Property or Properties are Necessary for the Project; that the Project is Planned in a Manner that is most Compatible with the Greatest Public Good and the Least Private Injury; that the Offer Required by Government Code Section 7267.2 has been made; Authorizing Proceedings to be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of said Properties; and Authorizing Counsel to Obtain

an Order for Prejudgment Possession of the Subject Properties  
Assessor Parcel Numbers: 296-162-012, 296-212-034, 296-212-062,  
296-212-064, 296-223-001;  
Owner: Regional Properties, Inc.

Resolution No. 2005-23

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Acquisition of Property for a Public Bike Trail Including Related Improvements and Facilities; that the Acquisition and Taking of the Easements in the Herein-Described Property or Properties are Necessary for the Project; that the Project is Planned in a Manner that is most Compatible with the Greatest Public Good and the Least Private Injury; that the Offer Required by Government Code Section 7267.2 has been made; Authorizing Proceedings to be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of Said Properties; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Properties  
Assessor Parcel Number: 482-383-005;  
Owner: Southwest Bank

Resolution No. 2005-24

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Acquisition of Property for a Public Bike Trail Including Related Improvements and Facilities; that the Acquisition and Taking of the Easements in the Herein-Described Property or Properties are Necessary for the Project; that the Project is Planned in a Manner that is most Compatible with the Greatest Public Good and the Least Private Injury; that the Offer Required by Government Code Section 7267.2 has been made; Authorizing Proceedings to be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of said Properties; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Properties  
Assessor Parcel Number: 482-672-022;  
Owner: Sunnymead Joint Venture

6. Direct the City Attorney/counsel for the City to file appropriate action(s) in eminent domain, and including applications for orders authorizing deposit of funds and for prejudgment possession.

Mayor Stewart opened the public testimony portion of the public hearing. Public testimony was received from Joe Aklufi of Regional Properties (opposes).

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

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

**G. REPORTS**

**G1. APPOINTMENT TO THE ACCESSIBILITY APPEALS BOARD (Report of: City Clerk's Department)**

Recommendation: That the City Council, after reviewing the ballot provided by the City Clerk:

1. Appoint Lawrence Baird to the Accessibility Appeals Board as a Construction Representative for a term expiring June 30, 2005, or as a Physically Challenged Representative for a term expiring June 30, 2007;
2. If appointment is not made, declare the positions vacant and authorize the City Clerk to re-notice the positions as vacant.

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

**Approved by a 5-0 vote to appoint Lawrence Baird as a physically challenged representative for a term expiring June 30, 2007. m/White, s/Flickinger.**

**G2. LEGISLATIVE UPDATE (Report of: Interim Assistant City Manager)**

Recommendation: That the City Council receive and file the informational report.

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

**Approved by a unanimous vote. m/Batey, s/Flickinger.**



G3. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action) – No report given

G4. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

Report on Southern California Association of Governments (SCAG) by Council Member White - No report given this evening as the summary was not received in time.

## H. LEGISLATIVE ACTIONS

### ORDINANCES - 1ST READING AND INTRODUCTION

H1. SEIZURE AND FORFEITURE OF NUISANCE VEHICLES (CONTINUED FROM 2/22/05) (Report of: City Attorney's Office)  
Recommendation: That the City Council introduce proposed Ordinance 683 adding Chapter 12.13 to the Moreno Valley Municipal Code, related to the forfeiture of vehicles used in the commission of illegal dumping.

Ordinance No. 683

An Ordinance of the City Council of the City of Moreno Valley, California, Amending the City of Moreno Valley Municipal Code by Adding Chapter 12.13 Regarding Seizure and Forfeiture of Nuisance Vehicles

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

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

ORDINANCES - 2ND READING AND ADOPTION – NONE

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:

Pastor Esther Grant

- 1) Needs help relocating her church “God’s Helping Hand” – helps people with substance abuse problems – would like to continue the good work she is doing in Moreno Valley

Susan Gilchrist

- 1) Large homes on small lots – lots should be larger – rural ½ acre lots should be a true ½ acre

Robert Delgado

- 1) Lives in Moreno Valley Ranch – is representing the four families that have been yellow-tagged
- 2) Living in hotel due to yellow-tagging causes a financial hardship – would like Council to provide assistance to help these homeowners get back in to their homes – they are not receiving any assistance from the builder

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

Council Member Batey

- 1) Announced Black History Parade being held this Saturday at 9:00 a.m. at Community Park

Mayor Pro Tem Flickinger

- 1) Stated some people do prefer large homes on small lots
- 2) Attended the Community Partners meeting at Moreno Valley Community College along with Council Member West last night – moving toward accreditation as a full-fledged independent college – mascot will be the Moreno Valley Lions – expanding their award winning health profession programs – many exciting things going on at the campus – 6,300 students attending the campus
- 3) Attended an outstanding performance of Pirates of Penzance thanks to Moreno Valley LDS church – quality of performance was excellent
- 4) Moreno Valley Community Band played at the Nixon library – wonderful performance – very proud of our band
- 5) Press release from Moreno Valley Police Department stating there is a fraud scam involving suspects from Canada – “Nigerian or West African” fraud scam or the “Prize Pitch” scam – more information regarding these scams can be found at the Royal Canadian Mounted Police website @rcmp.grc.gc.ca or contact the Moreno Valley Police Department

Council Member West

- 1) Stated the City Manager is doing an excellent job monitoring the situation on yellow-tagged homes – also thanked staff for their efforts

Council Member White

- 1) Gave an update on the HCD process

Mayor Stewart

- 1) Said "hi" to Anthony on Harland Drive
- 2) Residents should pay close attention and get involved in the General Plan revision that is currently in process
- 3) Council wants to protect hillsides – all Council Members visited the site and listened to both sides of the issue – commended staff on all their efforts – did a fantastic job
- 4) Impressed with the effort involved in putting together the Pirates of Penzance – extremely enjoyable

**CLOSED SESSION - NONE**

**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 9:23 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  
Secretary, Board of Library Trustees

Approved by:

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Richard Stewart, 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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