

**MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
ADJOURNED REGULAR MEETING – 6:00 P.M.
AUGUST 23, 2006**

The meeting was continued from the Regular City Council Meeting held on August 22, 2006 at 6:30 p.m.

CALL TO ORDER – The Adjourned City Council Regular Meeting was called to order at 6:04 p.m. by Mayor Flickinger in the Council Chamber located at 14177 Frederick Street, Moreno Valley, California.

ROLL CALL

Council:	Bonnie Flickinger William H. Batey, II Richard A. Stewart Frank West	Mayor Council Member Council Member Council Member
Absent:	Charles R. White	Mayor Pro Tem
Staff:	Alice Reed Robert Gutierrez Robert Herrick Robert Hansen Betsy Adams Rick Hartmann Barry Foster Mitch Slagerman	City Clerk City Manager City Attorney Assistant City Attorney Assistant City Manager Deputy City Manager Economic Development Dept. Director Redevelopment Manager

B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

- B3. NAMING OF THE AQUEDUCT LINEAR PARK LOCATED WITHIN TRACT 32215 (Report of: Parks & Recreation Department)
Recommendation: Adopt the name as recommended and submitted by the Parks and Recreation Commission for the new aqueduct linear park located within Tract 32215 (Scottish Village) as "Pan Am Linear Park."

Motion to reconsider this item. Approved by 4-0-1. m/Flickinger, s/Stewart, White absent.

A. CONSENT CALENDAR - CITY COUNCIL

Mayor Flickinger explained that the Council will be conducting a quasi-judicial hearing to resolve a dispute between the Residents and the Owner of Country Squire Mobile Estates and the City Manager relating to a decision made by the City Manager involving the approval of a pass through payment for a capital replacement. Due to the sensitivity and complexity of the item, the Council continued its regular meeting from last night to tonight so that it could give its full attention to this dispute.

Mayor Flickinger introduced Bruce Gridley of Burke, Williams and Sorensen as special counsel to the City Council who will advise the City Council regarding the application of rules, admissibility of evidence and due process.

Bruce Gridley made preliminary remarks about the purpose of the Hearing.

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

Attorney Robert Coldren of Hart, King & Coldren then spoke on behalf of Cross-Appellant (Park Owner).

- A38. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING RULES AND PROCEDURES FOR CONDUCT OF THE HEARING REGARDING THE APPEAL OF DECISION OF THE CITY MANAGER RELATING TO THE COUNTRY SQUIRE MOBILE ESTATES CAPITAL REPLACEMENT PASS-THROUGH (Report of: Economic Development Department)
Recommendation: Approve the resolution adopting rules and procedures to conduct an appeal hearing concerning the City Manager's decision to allow a pass-through to be charged to the residents of Country Squire Mobile Estates.

Resolution No. 2006-91

A Resolution of the City Council of the City of Moreno Valley, California, Adopting Rules and Procedures for Conduct of the Hearing Regarding the Appeal of Decision of the City Manager Relating to the Country Squire Mobile Estates Capital Replacement Pass-Through

Approved by a 4-0-1 vote. m/Batey, s/West, White absent.

E. PUBLIC HEARINGS

E1. QUASI-JUDICIAL HEARING REGARDING AN APPEAL OF CITY MANAGER'S DECISION TO APPROVE A PASS-THROUGH PAYMENT TO RESIDENTS OF COUNTRY SQUIRE MOBILE ESTATES (Report of: Economic Development Department)

Recommendation: That the City Council, after conducting a quasi-judicial hearing:

1. Uphold the City Manager's June 30, 2006 decision to approve a capital replacement pass-through payment of \$231.85 per month, per space for sixty months to be collected from space tenants at Country Squire Mobile Estates by the owner, Country Squire Mobile Estates, LLC; and
2. Increase the pass-through amount by \$16,095.00 from \$1,229,709 to \$1,245,804 thereby increasing the monthly pass-through payment by \$2.86 to \$234.71 per month, per space for sixty months.

Mayor Flickinger opened the agenda item for public comments regarding granting the request of cross-appeal by the Park Owner; there being none, public comments were closed.

Approved by 4-0-1 to allow the cross-appeal by the park owner in the interest of fairness and upon the recommendation of the City's special counsel. m/Stewart, s/Batey, White absent.

Mayor Flickinger opened the public testimony of the Hearing:

Appellant (Park Resident Committee)

Witnesses giving testimony were sworn in by the City Clerk.

Presentation of evidence on behalf of residents was given by Margarita Stice, Joseph Aiello, Martha E. Spencer, Patrick McColl, Axie Roland, and Mary Jacobs.

Recess Reconvened

Cross-Appellant (Park Owner)

Witnesses giving testimony were sworn in by the City Clerk.

Presentation of evidence on behalf of the cross-appellant (park owner) was given by Karin Staddon (Executive Senior Vice President of property management) and Eldon Adams, CPA, questioned by Robert Coldren (Attorney).

**Recess
Reconvened**

Approved by a 4-0-1 vote to continue the item to an Adjourned City Council Meeting to be held on Tuesday, August 29, 2006. m/Stewart, s/West, White absent.

ADJOURNMENT

The meeting was adjourned at 9:44 p.m. by unanimous informal consent.

Submitted by:

Alice Reed, City Clerk
Secretary, Moreno Valley Community Services District

Approved by:

Bonnie Flickinger, Mayor
President, Moreno Valley Community Services District

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