

**AGENDA  
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 AND THE BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING - 6:30 P.M.  
MARCH 8, 2005**

**CALL TO ORDER** (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 and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

**PLEDGE OF ALLEGIANCE**

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

**ROLL CALL**

**INTRODUCTIONS**

PUBLIC COMMENTS **ON MATTERS ON THE AGENDA** WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.) Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

PUBLIC COMMENTS **ON MATTERS NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

**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**

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report/discussion will be heard after public hearing items.

**A. CONSENT CALENDAR - CITY COUNCIL**

- A1. ORDINANCES - FIRST READING BY TITLE ONLY  
Recommendation: Waive 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.

- C3. 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. RDA 2005-03, a Resolution of the Community Redevelopment Agency of the City of Moreno Valley regarding assistance to the Cottonwood Place Phase IV housing development proposed by Palm Desert Development Company.

Resolution No. RDA 2005-03

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley 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

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

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

**E. PUBLIC HEARINGS**

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration.  
Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

- 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

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.

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

**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.

**G2. LEGISLATIVE UPDATE** (Report of: Interim Assistant City Manager)  
Recommendation: That the City Council receive and file the informational report.

**G3. CITY MANAGER'S REPORT** (Informational Oral Presentation – not for Council action)

**G4. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES**

Report on Southern California Association of Governments (SCAG)  
by Council Member White



**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

ORDINANCES - 2ND READING AND ADOPTION

ORDINANCES - URGENCY ORDINANCES - NONE

RESOLUTIONS – NONE

**PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL**

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

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

## **CLOSED SESSION**

### **PUBLIC COMMENTS ON CLOSED SESSION ITEMS**

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the Finance Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

- **PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL**

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

- 1) SECTION 54956.9(a) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
- 2) SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION  
Number of Cases: -2-
- 3) SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION  
Number of Cases: -2-

### **REPORT OF ACTION FROM CLOSED SESSION BY CITY ATTORNEY, IF ANY**

### **ADJOURNMENT**