

1 CITY OF MORENO VALLEY  
2 PLANNING COMMISSION  
3 REGULAR MEETING  
4 CITY HALL COUNCIL CHAMBER – 14177 FREDERICK STREET  
5

6 Thursday May 14<sup>th</sup>, 2015, 7:00 PM

7  
8 **CALL TO ORDER**

9  
10 Introduction and Swearing-in of Alternate Planning Commissioners

- 11 • Lori Nickel
- 12 • Erlan Gonzalez

13  
14 **CHAIR LOWELL** – Good evening ladies and gentlemen. I'd like to call the May  
15 14<sup>th</sup>, 2015 Regular Meeting of the Planning Commission to order. The time is  
16 7:07 pm. The first item tonight is the introduction and swearing-in of Alternate  
17 Planning Commissioners. I'd like to introduce Ms. Jane Halstead.

18  
19 **CITY CLERK HALSTEAD** – Thank you Commissioner Lowell. I'd like Lori Nickel  
20 and Erlan Gonzalez to join me at the microphone please. Please raise your right  
21 hand and repeat after me and state your name where applicable. I do solemnly  
22 swear that I will support and defend the constitution of the United States and the  
23 constitution of the State of California against all enemies foreign and domestic,  
24 that I will bear true faith and allegiance to the constitution of the United States  
25 and the constitution of the State of California, that I take this obligation freely,  
26 without any mental reservation or purpose of evasion and that I will and faithfully  
27 discharge the duties upon which I am about to enter. Congratulations.

28  
29 **CHAIR LOWELL** – Thank you and welcome aboard.

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32 **ROLL CALL**

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35 **PLEDGE OF ALLEGIANCE**

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38 **APPROVAL OF THE AGENDA**

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40 **CHAIR LOWELL** – Thank you for that. Would anyone like to motion to approve  
41 the Agenda?

42  
43 **COMMISSIONER RAMIREZ** – I'd like to motion

44  
45 **COMMISSIONER BAKER** – I'll second

1 **CHAIR LOWELL** – Can we use the motion and vote on the new system? I don't  
2 see it up here. Okay, so we're trying a new system, so who would like to motion?

3  
4 **COMMISSIONER RAMIREZ** – I'd like to motion

5  
6 **VICE CHAIR SIMS** – I'll second it

7  
8 **CHAIR LOWELL** – It looks like we have a motion by Carlos and a second by Mr.  
9 Sims. Okay so now we get to vote. All votes have been cast. This is your last  
10 chance. Ready to end the vote...ending in three, two, and one. Voting has  
11 ended. We've approved tonight's agenda. I'm assuming we don't need to have a  
12 roll call vote because we have this new automated system?

13  
14  
15 **CONSENT CALENDAR**

16  
17 *All matters listed under Consent Calendar are considered to be routine and will*  
18 *be enacted by one roll call vote. There will be no discussion of these items*  
19 *unless Members of the Planning Commission request specific items be removed*  
20 *from the Consent Calendar for separate action.*

21  
22 **CHAIR LOWELL** - Okay so now we are moving on to the Consent Calendar for  
23 which we don't have any items.

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25  
26 **APPROVAL OF MINUTES**

27  
28 None

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31 **PUBLIC COMMENTS PROCEDURE**

32  
33 *Any person wishing to address the Commission on any matter either under the*  
34 *Public Comments section of the Agenda of scheduled items or public hearings,*  
35 *must fill out a "Request to Speak" form available at the door. The completed*  
36 *form must be submitted to the Secretary prior to the Agenda item being called by*  
37 *the Chairperson. In speaking to the Commission, member of the public may be*  
38 *limited to three minutes per person except for the Applicant for entitlement. The*  
39 *Commission may establish an overall time limit for comments on a particular*  
40 *Agenda item. Members of the public must direct the questions to the*  
41 *Chairperson of the Commission and not to other members of the Commission,*  
42 *the Applicant, the Staff or the audience.*

43  
44 **CHAIR LOWELL** - One more little note. We have some ADA Regulations.  
45

1 Upon request, this agenda will be made available in appropriate alternative  
2 formats to persons with disabilities, in compliance with the Americans with  
3 Disabilities Act of 1990. Any person with a disability who requires a modification  
4 or accommodation in order to participate in a meeting should direct such request  
5 to Mark Sambito, ADA Coordinator, at 951-413-3120 at least 48 hours before the  
6 meeting. The 48 hour notification will enable the City to make reasonable  
7 arrangements to ensure accessibility to this meeting.

8  
9 **CHAIR LOWELL** – Do we have any Public Comments?

10  
11 **PLANNING OFFICIAL SANDZIMIER** – Mr. Chairman, if I may? Just because  
12 we are getting started with the new equipment, just for the record since we are  
13 televised and recorded, at subsequent meetings the Speaker process, there is a  
14 kiosk in the lobby, very similar to how we’re using; exactly how we’re using it for  
15 the City Council, so anybody that is listening this evening should be aware that  
16 starting at the next meeting, the ability to type in will have not necessarily be  
17 physical paper card. They will be a kiosk outside where they can actually put in  
18 their name and address, so just for the record to let you know.

19  
20 **CHAIR LOWELL** – And that nice new little kiosk will be tied directly into our  
21 monitors up front which will is a really nice addition to the system. Do we have  
22 any public speakers in the Public Comment portion of this meeting tonight?

23  
24 **GRACE ESPINO-SALCEDO** – I have not received any speaker slips.

25  
26 **CHAIR LOWELL** – Okay with that said, I believe I will be closing the Public  
27 Comments. The Public Comments are now closed.

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30 **NON-PUBLIC HEARING ITEMS**

31  
32 **1. Fiscal Year 2015-2016 Proposed Capital Improvement Plan**  
33 **Conformance with the General Plan (Report of Planning**  
34 **Commission)**

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37 Case: PA15-0020 – Fiscal Year 201-2016 Proposed Capital  
38 Improvement Plan Conformance with the General  
39 Plan  
40 Applicant: City of Moreno Valley  
41 Owner: City of Moreno Valley  
42 Representative: Public Works Department  
43 Location: Various Locations throughout the City of Moreno  
44 Valley  
45 Case Planner: N/A  
46 Council District: All

1 **CHAIR LOWELL** – Okay, moving on to the Non-Public Hearing Items, which I  
2 believe is a presentation of the Capital Improvement Plan for the Fiscal Year  
3 2015-2016. Do we have a Staff Report for this?  
4

5 **PLANNING OFFICIAL SANDZIMIER** – We do. Our Public Works Staff is here  
6 this evening. I'd like to introduce or he can introduce himself down there at the  
7 end.  
8

9 **PUBLIC WORKS SENIOR ENGINEER GONZALEZ** – Good evening Chair and  
10 members of the Commission. My name is Larry Gonzalez. I'm a Senior  
11 Engineer with Capital Projects Division of Public Works. I'm here tonight to  
12 present to you the Fiscal Year 2015-2016 Proposed Capital Improvement Plan  
13 also referenced as the CIP and it is this large document right here. The CIP  
14 information that you have in your packet is a summary of projects listed by  
15 category. The entire document, the Fiscal Year 2015-2016 Proposed CIP was  
16 posted on the City's internet site on April 27<sup>th</sup> and a link to the document was  
17 emailed to you on the same date. The CIP is a part of the City Budget adoption  
18 process and there are approximately 400 projects listed in the document. This is  
19 a planning document that serves to identify various types of improvements that  
20 the City would need over the next five years and beyond, which is referenced as  
21 build-out of the City. All projects listed are in conformance with the City's  
22 General Plan and are within the State Law guidelines. Staff annually brings this  
23 document before the Planning Commission for the sole purpose of making a  
24 finding that the document is in conformance with the City of Moreno Valley's  
25 General Plan. If the Planning Commission makes a finding that the document is  
26 in conformance with the City's General Plan, the document is scheduled to go  
27 before the City Council for the opening and closing of a Public Hearing and for  
28 adoption on May 26<sup>th</sup>, which is approximately 12 days from now and I just want to  
29 note there is a discrepancy between what I'm telling you here and what was in  
30 your Staff Report. After the Staff Report was published and sent on to you, it  
31 was noted that the date in the Staff Report was tentative. It was initially listed as  
32 June 9<sup>th</sup> and it is now May 26<sup>th</sup>. Staff therefore recommends that the Planning  
33 Commission make a finding that the CIP is in conformance with the City's  
34 General Plan. This concludes my report and I'm available for any questions.  
35

36 **CHAIR LOWELL** – Does anyone have any questions?  
37

38 **VICE CHAIR SIMS** – I do. I didn't look at all the funding sources. I assume  
39 there is a variety of funding sources ranging from development impact fees and  
40 Federal grants or State grants and so forth. Do you have a sense on how much  
41 is generated through development fees? Has there been an uptick in that  
42 support improvements or are most developments done by contributed assets?  
43

44 **SENIOR PUBLIC WORKS ENGINEER GONZALEZ** – Well my understanding is  
45 and I don't oversee the financial part as far as revenues, but my understanding is  
46 that there has been a slight increase of DIF funds, but that it is still very minimal.

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**VICE CHAIR SIMS** – I guess just from a... is there anybody from one of the Staff back there that has a sense on how much money the City works on through grants that we get through... I know there is a grant writing process and what not to seek funding for traffic and activities. Is there a sense on how much money you've been successful in getting?

**ASSISTANT CITY ENGINEER KUMAR** – Good evening Commissioners. I'm Prem Kumar, the Assistant City Engineer. Roughly right now, at least in terms of Public Works Capital Improvements related to streets that we manage in the CIP project, Parks may have some other grants, but I can speak for the street improvements and the grants that we have. We have actually 32 grants right now and I believe the number is somewhere close to between 20-30 million dollars in grants that we are actively working on right now and they are actually matched with local dollars. Most of these grants require a certain percentage of match monies, so these dollars that I'm talking about also have a local match, either... usually what we have is Measure A which is a sales tax revenue that we get annually from the City; from the County and it is divvied up by cities and we use that revenue to match it against the grant funds that we pursue and successfully get.

**VICE CHAIR SIMS** – Yeah I just think it's important that part of the process of the Capital Improvement Project is the effort that Staff has to put in to seek and go after the grant funds. It is very important.

**COMMISSIONER BARNES** – It was mentioned that DIF fees a moment ago; what mechanism drives the calculation of the DIF fees because I'm assuming that they change over time. Is this a component of that analysis of how Capital Improvements work or...?

**ASSISTANT CITY ENGINEER KUMAR** – I'll try to answer that question as well. The DIF fees that the developer pays is one lump sum number, but it is actually divvied up into small different buckets. For example, a portion of the money that they pay goes to improvements at the corporate yard or it goes to a bucket that we use to build Fire Stations, so technically there are several different components; streets being a major component as well. So the developers just pay one dollar amount. Now in terms of the amount of monies that we're getting, again Public Works doesn't collect that money, so I'm not really sure how much is coming in, but I do know we have a few years ago, entered into debt financing using future revenues of DIF to do certain street improvements and unfortunately in the upcoming year or the current year, the Fiscal Year 15-16, we don't actually have enough collected to even pay the full debts, so Measure A is actually backfilling them to pay the debt amount. So it is really low, but we do see an uptick in the DIF fees that are being paid.

1 **PLANNING OFFICIAL SANDZIMIER** – If I may add just a little bit. The DIF fees  
2 are based on a different land use category, so they’re basically assessed as a  
3 condition of development when a development is approved and they are usually  
4 collected at the time of building permit issuance or at the issuance of the  
5 Certificate of Occupancy. The last DIF Study or the Nexus Study when the DIF  
6 fees were established I believe was 2012. We’re in the midst of doing an  
7 updated study Citywide and that is supposed to be completed towards the end of  
8 the summer, so I’m just letting you know you are right in that they are periodically  
9 updated and we are right now in the midst of an evaluation of those.

10  
11 **CHAIR LOWELL** – I had a question for you. I’m noticing on the Capital  
12 Improvement Plan where the projects are listed by category and funding. I notice  
13 that there is a little bit of drop off; not much of a drop off, but it seems pretty  
14 steady between 15-16 and 16-17. In 17-18 there is a little bit of an uptick and 18-  
15 19 there is a large uptick. It almost doubles the previous year and triples in  
16 concurrent years funding. What projects are slated for beginning the next three  
17 or four years out? For instance we have street improvements at what is it... 54  
18 million dollars, but what are the anticipated improvements? Anything major that  
19 we should be aware of?

20  
21 **ASSISTANT CITY ENGINEER KUMAR** – Well actually the way the document is  
22 prepared is the real dollars; the monies that we actually have or projected to  
23 have are only for the upcoming year 15-16. Anything that is outside of those  
24 years, they are basically projections or anticipation of projects that we would like  
25 to do and some of these big dollar items are related to interchanges and the  
26 current projects that we’re working on related to interchange is the Theodore  
27 interchange and we’re just getting started on the Redlands interchange in terms  
28 of studies. So typically these projects take about three to five years to reach  
29 construction stage and so those dollars that you are seeing are probably our  
30 optimistic projections of anticipated construction of certain street improvements  
31 or the interchange projects and Theodore is one that we’re trying our best. We’re  
32 actually successful. It’s the only interchange along the 60 corridor that’s currently  
33 not in the TUMF Nexus update or network of streets and we have been  
34 successful in making at pitch to WRCOG to actually have that included in the  
35 TUMF Nexus Study, which is going to be presented to the WRCOG Committee;  
36 Executive Committee; the Board this summer and hopefully adopted sometime  
37 next year. With that adoption then when developers pay those TUMF fees, a  
38 portion of that money per the Nexus Study, is dedicated towards Theodore  
39 interchange improvements as well.

40  
41 **CHAIR LOWELL** – Now that we’ve brought up the idea of interchanges; I know  
42 we have Theodore Street; we have Redlands Boulevard; we also have Moreno  
43 Beach that has been half improved. I know it’s been about... I think Phase One  
44 is complete and do we have a timeline for Phase Two and do we have any other  
45 major improvements like that that are on the books but unfunded?

1 **ASSISTANT CITY ENGINEER KUMAR** – Sure, actually the Moreno Beach  
2 interchange; we have plans that are about 95 percent complete and what that  
3 does for us is if there is a call for projects; basically a grant opportunity out there,  
4 we can show that we are essentially shelf ready so to speak in the sense that we  
5 have the environmental clearance. We have all the right-of-ways acquired and  
6 we have a set of plans that can be very quickly finalized and proceed to get the  
7 construction monies to build, so to answer your question, right now we don't have  
8 the monies. The entire amount to build that bridge essentially and the north  
9 ramps, however we are staged really well to after grants to get that kind of  
10 money.

11  
12 **CHAIR LOWELL** – What are some of the more important improvements that are  
13 going to be happening in the next few years; 2015-2016 and 2017? I know that  
14 we just had a Study Session and neighborhood meeting on realigning Reche  
15 Canyon and Reche Vista going from I believe its Perris Boulevard or is it  
16 Heacock in straight alignment. What other projects like that are noteworthy that  
17 are out there that are going to be funded and constructed in the near future?  
18

19 **ASSISTANT CITY ENGINEER KUMAR** – Sure, sure, absolutely and talking  
20 about Reche Vista, after lots of community meetings and outreach, we finally got  
21 the go ahead to put the project out to bid. We opened bids last Friday; very  
22 favorable bids. It is within the Engineers estimate, so I think the bids were  
23 about... I think the lowest bid was 3.1 million dollars, so within a month or so it  
24 will be presented to the City Council for award and probably sometime in early  
25 next fiscal year you will see construction starting. So that is going to be a major  
26 project undertaken by the City and then we are continuing to work on Nason,  
27 which is between Cactus and Fir, which is currently under construction. We  
28 project that to be done by November of this year. We also have Perris Boulevard  
29 under construction which is Ironwood to Manzanita, which is also supposed to be  
30 completed by the end of the year, so you'll see all these projects that I'm  
31 mentioning that are still funded and are going to show up in the proposed fiscal  
32 year. Cactus is currently under construction. It just started between Veterans  
33 and Heacock; the eastbound third lane is going to be widened. We had a slow  
34 down there because they found some burrowing owls and we had to respect their  
35 space for a while and then we have Heacock Street between San Michele and  
36 Krameria that is getting wrapped up hopefully by July or August will be wrapped  
37 up. We also have planned for Frederick Street to be paved between Alessandro  
38 and Sunnymead Boulevard that is currently waiting for Cal Trans authorization  
39 that is another grant project that we're just waiting for Cal Trans to tell us our  
40 plans looks good and you can go out and bid the project. We also have Elsworth  
41 as a contingent project to be built if we have enough favorable bids come in as  
42 part of the Frederick project and then we have several flood control projects that  
43 are also in the books to get constructed in the Moreno town site area. Council  
44 just awarded the East Sunnymead Boulevard Storm Drain Projects, so you'll see  
45 that under construction in the upcoming fiscal year. The Corporate Yard is  
46 currently under construction and it is also going to be completed in the next fiscal

1 year and then the Heacock Channel, which is a much needed project because  
2 every time there is substantial rain it floods near the Base. We funded the design  
3 in the amount of close 1.2 million dollars and March JPA is the lead project  
4 manager on that and flood control is partnered with us and they are bringing  
5 about 8 million dollars to the table to construct the project and the Base is very  
6 close to acquiring the rest of the funding because it is owned by three entities  
7 essentially; March JPA, the City and the Base, so we're hoping to go out to bid in  
8 maybe April of next year, which is also part of the fiscal year in which the CIP is  
9 proposed and hopefully we'll be able to get good bids to build the entire channel.  
10 So those are some that are real projects that have funding that we believe we'll  
11 be able to deliver.

12  
13 **CHAIR LOWELL** – I really appreciate that. Thank you very much. Looks like we  
14 have another Commissioner that wants to speak.

15  
16 **COMMISSIONER RAMIREZ** – Yes thank you. Are there any plans to improve  
17 Ironwood Avenue just east of LaSalle between Steeplechase Drive and Nason?  
18 I know that there are a lot of children that use that road to get to Valley View High  
19 School and just driving through in the mornings or afternoons, it seems like it is  
20 very dangerous for pedestrians to try to make their way to and from school.

21  
22 **ASSISTANT CITY ENGINEER KUMAR** – Sure, the Ironwood project... there is a  
23 little history, but what we do have in terms of funding right now is part of another  
24 grant that was successful, is the improvements at the intersection of Ironwood  
25 and Kitching. There are several schools in that area and because the street is  
26 not quite widened and there is some missing sidewalk, we were actually able to  
27 get some Federal grants to do the improvements at that intersection and just  
28 because of the way the grants are staged, it will be two years before it will be  
29 under construction. The Council just last week approved... sorry on Tuesday  
30 approved the environmental clearance in terms of CEQA. Cal Trans is the lead  
31 agency in terms of the NEPA, so hopefully we'll get that project started and that  
32 is part of a master plan of improvements from Perris going east all the way to  
33 Nason, which includes the section that you are talking about and we have a set  
34 of plans that are prepared at the 35 percent level and we are continuing to see  
35 how we can fund segments of that and we're looking at grants to fund that project  
36 as well, but at least we've got it started. We know what kind of animal we're  
37 dealing with when you have a 35 percent set of plans, so at this point it is  
38 basically looking for grants to get the project done.

39  
40 **COMMISSIONER RAMIREZ** – Good to hear. Thank you.

41  
42 **CHAIR LOWELL** – So the short of that is we have a small improvement project  
43 that is a couple of years away for Ironwood and Kitching, but the rest of the  
44 project is a known beast, but not funded and not near construction.

45  
46 **ASSISTANT CITY ENGINEER KUMAR** – Correct



1  
2 **CHAIR LOWELL** – If you had to spitball a date are you thinking a few years out?  
3 Are you talking ten years out? I mean what are we thinking, because that's  
4 actually a pretty vital area?

5  
6 **ASSISTANT CITY ENGINEER KUMAR** – Sure.

7  
8 **CHAIR LOWELL** - I live in that neighborhood. I drive that every day; the morning  
9 rush hour with the kids going to and from school. There is no sidewalk. It is one  
10 of the more dangerous areas of the City.

11  
12 **ASSISTANT CITY ENGINEER KUMAR** – Absolutely, absolutely. You know  
13 we've had several community meetings. I would say maybe about five or six  
14 years back regarding that project and it is interesting you know and that's why it  
15 is so important to have these outreach meetings because when you look at the  
16 City's General Plan, originally it just showed as a four lane improvement on  
17 Ironwood, so when we started preparing the plans, we had several community  
18 neighborhood meetings and said hey this is what we plan to build and there was  
19 a huge outcry. They all said no we don't want a four lane road on Ironwood, we  
20 want just one lane in each direction, so essentially from LaSalle going east, the  
21 35 percent design that we ended up with, after listening to the community, what  
22 we did was we are actually going to build one lane in each direction with  
23 intersections that are widened to accommodate turn movements so the  
24 intersections will be more than what it is now and we will have sidewalks so that  
25 kids will be safe to walk you know to school, just like it was mentioned earlier and  
26 I think there was also an accommodation for some equestrian trails so that all the  
27 stakeholder users will be able to use the proposed designed street.

28  
29 **CHAIR LOWELL** – Thank you. Does anybody else have a comment? I think  
30 that's pretty much it for our comments. I appreciate it, thank you. Any other Staff  
31 Comments? Any comments from Staff? Any more wrap up for anything?

32  
33 **PLANNING OFFICIAL SANDZIMIER** – No

34  
35 **CHAIR LOWELL** – Okay

36  
37 **DEPUTY CITY ATTORNEY EARLY** – The item is calling for a motion though  
38 from the Planning Commission. They are looking seeking approval for the CIP is  
39 in conformance with the City's General Plan. That's the recommendation that is  
40 being sought.

41  
42 **CHAIR LOWELL** – I didn't see it on here. I didn't know we had to do that. Okay,  
43 so let's move it to a vote. Who would like to motion? Would anybody like to  
44 second?

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46 **COMMISSIONER VAN NATTA** – They'll need the motion read though, right?

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2 **CHAIR LOWELL** – Correct, I forgot that.

3  
4 **COMMISSIONER VAN NATTA** – Yes I move that the Planning Commission  
5 make a finding that the Fiscal Year 2015-2016 Proposed CIP is in conformance  
6 with the City of Moreno Valley’s General Plan.

7  
8 **COMMISSIONER BAKER** – I’ll second that

9  
10 **CHAIR LOWELL** – We have a motion by Commissioner Van Natta and a second  
11 by Patricia Korzec and by Ray Baker also seconded that, so now moving on to a  
12 vote. We’re waiting on two votes. There we go; okay ending the vote. It looks  
13 like the motion has been approved 7 – 0. As this is the new format with the  
14 system, do I need to do anything else?

15  
16 **DEPUTY CITY ATTORNEY EARLY** – You would just announce the motion  
17 carried or the item was approved.

18  
19 **PLANNING OFFICIAL SANDZIMIER** – With the motion passing, this is the  
20 recommendation from the Planning Commission on the Capital Improvement  
21 Budget. The Capital Improvement Budget now will be moving forward to the City  
22 Council. There is no additional wrap up other than that.

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26 **PUBLIC HEARING ITEMS**

27  
28 **CHAIR LOWELL** – Okay, so we’re moving on to the Public Hearing Item, which I  
29 do not believe we have any. Is that correct?

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31 **GRACE ESPINO-SALCEDO** – We do not have any

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38 **OTHER COMMISSION BUSINESS**

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41 **1. Water Conservation Presentation**

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44 **CHAIR LOWELL** – So we’re from the Public Hearing Items and moving on to  
45 Other Business, which actually it looks like we do have two items. We have a  
46 Water Conservation Presentation.

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2 **PLANNING OFFICIAL SANDZIMIER** – Yes at your last meeting I believe the  
3 Commission asked for an update on what kind of water conservation measures  
4 are going on. Julia Descoteaux will give a quick power point presentation just to  
5 kind of give you that summary.  
6

7 **ASSOCIATE PLANNER DESCOTEAUX** – Good evening Planning  
8 Commissioners. I'm Julia Descoteaux, Associate Planner and as Rick  
9 mentioned I'm here to give you a brief report on what the City does and what the  
10 City will be doing to help in the conservation of water. The City currently has  
11 landscape requirements, Section 9.17 of the City's Municipal Code which provide  
12 for requirements for new development to create landscaping that not only meets  
13 the visual effect that we hope to portray but also conserving water at the same  
14 time. It includes conservation principals with reduction of water usage without  
15 effecting the landscape. Included in Section 9.17 are water efficiency  
16 requirements. In 2009 and 10, the City went through a change in their Municipal  
17 Code for the requirements to include not only the development guidelines for  
18 landscaping but also to include water efficiency requirements, because we knew  
19 at the time there would come a time that we would need to start conserving. This  
20 is just a list of about four out of twelve that we have in the Municipal Code and  
21 they're items that we all know to do, but again we've listed them anyway so that  
22 when our developers or citizens look at the Municipal Code they have some  
23 ideas and it is reminder of what we need to do... refrain from watering in the  
24 middle of the day or repairing your faucets so that they are not leaking and those  
25 types of things and again we know them, but it is a good reminder. So how do  
26 we do this? How does the City make this happen and part of that is done through  
27 Planning in the design standards and we have the applicant submit landscape  
28 plans. We look at the plant types? We encourage native plants, low water use  
29 plants. Water budgets; that is a huge requirement that came in with the 2009-10  
30 change where we had to include the water budget as a requirement from the  
31 State and those developers work with Eastern Municipal Water District. They  
32 have an allowable water use and a maximum, so they can't go beyond the  
33 maximum they are allowed for their project and EMWD designs those standards.  
34 We also look at the irrigation systems. Are they putting in sprays or bubblers or  
35 rotators; those types of things making sure that we don't have the spray on the  
36 sidewalk. Limiting or eliminating turf and most of our commercial and industrial  
37 projects you won't find any turf. We don't allow it. Once in a while they'll be a  
38 small section that is just a very small square that is just meant to catch your eye,  
39 but it is again, it is not something that we encourage or we allow. Now some of  
40 the older projects you'll see in town have a lot of turf and during this time I would  
41 imagine some of them will be looking at alternatives as well. Zero-scape  
42 landscaping... that is something that a few years ago or in 2010, most people  
43 here in our area didn't look at, but you see a lot more of it coming in. Our  
44 landscape requirements also provide for 25 percent of all new single family tracts  
45 must have zero-scape plantings, so we are looking for that. We are counting and  
46 we're going out and checking, so it is extremely important and that may change

1 in the future depending on what happens here in the next couple of years. We  
2 also require curb-cut openings and again that is not part of the landscaping but it  
3 is extremely important, not only for water quality but you know let's take the water  
4 from the parking lot and put it into the landscaping and let it not only filter it, but  
5 help take the water down into the water table. So how do we enforce it? Well,  
6 the City of Moreno Valley is not the water purveyor, so we have very little control  
7 over what the water purveyors do, but we are certainly right there with them and  
8 hopefully we can help them coordinate the requirements and enforce where we  
9 can. So what has changed recently and why are where we are at today? Well  
10 we are in the fourth year of a historic drought, contrary to the weather outside  
11 today. That is probably not going to help too much, but we welcome the rain.  
12 Governor Brown issued an executive order requiring mandatory water reduction.  
13 I'm sure we are all aware of those. We are going to be getting notices in the mail  
14 I'm sure very shortly. Water providers will need to cut 36% approximately from  
15 the 2013 levels or face penalties and with that they'll need to pass this on to the  
16 customers, so we'll all need to be doing our part. What does the City of Moreno  
17 do? These are just a few things. We have potable water, which about 60% of all  
18 our water goes to landscaping, so when we are using potable water for  
19 landscaping that is really huge, so we need to reduce or eliminate that as much  
20 as we can. The City currently has cut all water to medians within 24 hours of the  
21 executive order and you'll see those medians start to deteriorate from Alessandro  
22 to Indian, from Towngate between Frederick and Eucalyptus, Centerpointe  
23 between Frederick and Town Circle and Parkland Avenue and the housing tract  
24 east of Heacock and south of Manzanita. The City of Moreno Valley's Park and  
25 Community Services have already cut their water in their parks 20% before they  
26 were asked to do that, so they've been doing that for quite a while. They use  
27 smart controllers and all the newer parks have been designed with less turf and  
28 recycled water and all water saving fixtures, so it has been something again that  
29 we've been thinking about for a while. And we'll also be applying for EMWD's  
30 turf rebate program. If we qualify for that, we'll be using that in our medians and  
31 then I just have a couple of pictures of different projects that we've done. This  
32 one is the Moreno Valley Fire Station 99. It is over on Morrison just north of  
33 Cottonwood and we did the drought tolerant type of landscaping. There is a little  
34 bit of grass on the site but again we tried to limit that as much as possible. This  
35 is a parking lot island on the Amazon project. Most of the Amazon site is all  
36 water saving drought tolerant design. It has one or two small pop outs of grass,  
37 but again they've done a lot with D and G, a lot of rock and they've used bark  
38 and those types of things, so again really looking to conserve water as much as  
39 possible. So what's next? We all need to do our part and the City Council will be  
40 having a presentation from Eastern Municipal Water District on May 26<sup>th</sup>, which is  
41 a Tuesday; Regular Planning Commission Meeting... I mean sorry, City Council  
42 meeting and again EMWD will be there and the City will also do a presentation  
43 as well showing their efforts for the State mandated requirements. Every drop  
44 counts, so let's see what we can do. This ends my presentation and I can  
45 answer any questions. Thank you.  
46

1 **CHAIR LOWELL** – I have a question for you. I know we are cutting the watering  
2 to the medians. Is there any way we could cut the water to the turf, but still  
3 irrigate the trees, because the trees are old and established and the drought is  
4 not going to last forever. It is easy to replace grass but it is expensive to replace  
5 trees.

6  
7 **ASSOCIATE PLANNER DESCOTEAUX** – That is something we can bring up to  
8 the Parks and Community Services and the Special Districts folks. I have  
9 noticed that myself and we'll need to check on that to see what their plan is for  
10 those medians.

11  
12 **CHAIR LOWELL** – Okay; a follow-up on that since we are no longer irrigating the  
13 medians, would we be also reducing the maintenance of the medians? Are we  
14 going to have... since we're not regularly mowing the weeds that do thrive in an  
15 arid condition that would be growing, are we still going to be maintaining the  
16 medians to reduce blight?

17  
18 **ASSOCIATE PLANNER DESCOTEAUX** – It is my understanding that we'll still  
19 maintain the medians but again we are looking at taking the dead grass out and  
20 replacing that. So they are actively looking at that as well. The presentation that  
21 they'll do on May 26<sup>th</sup> may answer these questions for you a little bit better than I  
22 can, but again it is my understanding we're looking at re-doing the medians so  
23 that they are a drought tolerant design.

24  
25 **CHAIR LOWELL** – This is kind of piggybacking on this. This is not directed  
26 towards you Julia, it is directed to Staff in general, but I do know that the new  
27 extension of Indian from I believe Alessandro to Iris has drought tolerant  
28 landscaping, but over the past few months the weeds have grown uncontrolled. I  
29 believe the City went out and did some maintenance but I haven't double  
30 checked that. Do you know if that has been on the City's forefront to go out and  
31 kind of clean up that median?

32  
33 **ASSOCIATE PLANNER DESCOTEAUX** – We can check on that. I don't have  
34 that information? What were the streets again; sorry?

35  
36 **CHAIR LOWELL** – It is the new extension of Indian and I think it is between  
37 Alessandro and Iris.

38  
39 **ASSOCIATE PLANNER DESCOTEAUX** – Okay

40  
41 **PLANNING OFFICIAL SANDZIMIER** – I'm taking notes on your questions. A lot  
42 of these are related to our Special Districts and our Public Works staff, so we'll  
43 get them the questions and as Julia indicated, if it can be incorporated into the  
44 discussion that goes before the City Council on the 26<sup>th</sup>, we'll let you know.  
45 Again we encourage any of the Commissioners that would like to attend that

1 meeting to attend that meeting. We think it will be very informative, so we'll take  
2 your questions and pass them along. Sorry I don't have all the answers

3  
4 **CHAIR LOWELL** – The meeting on the 26<sup>th</sup>, it that going to be during regular  
5 hours? Is it going to be before the meeting? It is going to be during the Council  
6 meeting? When is that item going to be presented?

7  
8 **PLANNING OFFICIAL SANDZIMIER** – It is my understanding that it will be a  
9 presentation item on their Agenda, which is usually at the beginning. I'm not sure  
10 if that is at the 5:30 hour or not yet, but we can find out for you and send an email  
11 out.

12  
13 **CHAIR LOWELL** – I appreciate it. We have a couple of Commissioners...  
14 Commissioner Van Natta...

15  
16 **COMMISSIONER VAN NATTA** – Actually you started the question that I was  
17 going to ask. You mentioned it first when you said okay we're going to turn off  
18 the water to the medians and you are going to see a deterioration in the medians  
19 and then later when he asked, you said that the grass is going to be removed; it'll  
20 be replaced. My concern is what kind of a gap in time is that going to be in-  
21 between. I'm thinking of particularly like in a residential neighborhood; like you  
22 mentioned Parkland and there is quite an extensive median there with a lot of  
23 grass there, trees and so forth. Is the replacement of the grass going to take  
24 place right away so they still have something attractive to look at when they walk  
25 out their front doors or is this going to be something that is going to be let go for a  
26 long time and look bad for a while before it gets replaced?

27  
28 **ASSOCIATE PLANNER DESCOTEAUX** – That's a great question and I don't  
29 have the answer to that but we will check with Public Works and Special Districts  
30 to see what their time frame is for doing the replacement.

31  
32 **PLANNING OFFICIAL SANDZIMIER** – If I can just add a little bit. I know some  
33 of the internal discussion has been when we turn off the water there is going to  
34 be an immediate change in the landscape. We are going to start seeing a  
35 browning. It is still very fresh and still very new. Some of the stuff you are talking  
36 about in terms of replacing out the landscape, it may have not been a budgeted  
37 item, so again we're reacting to this and there is going to be some things that  
38 need to be figured out, so we can't commit that just because we turn off the water  
39 we can automatically go out now and spend the money to replace the turf with  
40 some zero-scape or something, so we'll get the information to our Public Works  
41 and our Special Districts staff, but the understanding is that we're going to have  
42 to work through some of these details, but they are good questions. We  
43 appreciate it.

44  
45 **VICE CHAIR SIMS** – I work for another water district; not Eastern, so I'm sure  
46 Eastern they do things a little different than what we are doing, but we have a

1 very similar rate structure for how our customer relationship; customer billing  
2 relationship. I cannot impress upon my fellow Commissioners and the City that  
3 this will be a significant deal. The State; the Governor's mandate has direct  
4 impacts on the water purveyors and there will be changes to each of the water  
5 budget rates tiers that individual customers have that will affect the amount of  
6 water that they can use without penalty, so I would urge all of my fellow  
7 Commissioners to look at their timers on that because your budget will go down  
8 starting June 1<sup>st</sup> and it will be significant. You will pay significantly more, but the  
9 Eastern folks will tell that story. But one of my things I was concerned about is  
10 from a City standpoint I think is important is there is probably some ordinances or  
11 some kind of rules within the City code requiring a certain level of maintenance of  
12 the yard prior to Code Enforcement coming and complaining. You will see... I  
13 highly believe that there will be a significant number of scorched lawns  
14 throughout the City of Moreno Valley. There will be a brown out in lawns  
15 because people are going to get a hundred dollar increase to one hundred and  
16 fifty dollar the first two or three months. People just don't get it. They won't  
17 believe that there is an issue until they get their bill you know I don't want to pay  
18 that and their meters are going to get shut off. There will be an enforcement  
19 problem and there are going to be brown lawns, so I don't know how the City is  
20 going to react to that but there should be some forethought from the building  
21 code enforcement side how that is going to be dealt with and I don't know if there  
22 is a good answer to that. That is your guys' job to figure that out. I sincerely  
23 believe that there will be significant numbers of yards that are going to go brown  
24 and that is something that the City is going to react to or I don't know. You may  
25 need to think or that or just turn an eye to it because there are brown lawns, but  
26 you may want to bring that up with Council. You know there may be an  
27 emergency resolution or something to avoid having to get into issuance of  
28 notices of violations and so forth.

29  
30 **ASSOCIATE PLANNER DESCOTEAUX** – And that is a concern and we are  
31 going to be looking at that as well, but we do have a lot of homeowners that are  
32 coming in and asking us what can I do, what can I change. A lot of their tracts  
33 were designed with turf in the front yard. That is how they were all designed and  
34 you know we go back and look at the plan and it says all grass, but we're looking  
35 at other alternatives now; what can you do. You know of course we don't want  
36 concrete. You can't concrete your whole yard, which is something that some feel  
37 would help, but it doesn't help. We still need to have a pervious pavement and  
38 so again we're working with them. We're giving them ideas. They are giving us  
39 ideas, so everybody is kind of working together, but we're all reacting to  
40 something and trying to make it happen.

41  
42 **VICE CHAIR SIMS** – Three or four months from now though, people are going to  
43 have their meters shut off because they are going to get penalized with these.  
44 They won't realize what they are in to and it is going to be I don't know what to do  
45 and the other thing is I think what you are going to hear on May 26<sup>th</sup> is the turf  
46 removal program is significantly impacted at Metropolitan Water District. It has

1 been a rocket ship of applications and the funding isn't there, so you know there  
2 is a real pinch down now. There is more in the queue than there is possibly  
3 money to satisfy it at this point, unless Met's Board assigns some reserves to  
4 handle this, but anyhow I'm glad Eastern is coming out and hopefully people will  
5 listen and the other thing is these CIP projects, another thing would be and I  
6 don't know what your ordinance says and development standards, but the City  
7 may want to consider putting some kind of language in there to require that if you  
8 are within a certain distance of a recycled water source that Eastern has a  
9 source of supply that for commercial, parks or something like that, that there is a  
10 requirement for the extension of the pipe at the developers expense to take offset  
11 potable or recycled water for potable.

12  
13 **ASSOCIATE PLANNER DESCOTEAUX** – Right and that is currently my  
14 understanding. The developers that I worked with, they are already doing that.

15  
16 **CHAIR LOWELL** – I do believe it is a standard in Eastern

17  
18 **ASSOCIATE PLANNER DESCOTEAUX** – Yes

19  
20 **CHAIR LOWELL** – I had a question. It is a pet project of mine; literally a pet  
21 project. I pursued the City for quite a long time to get grass installed at the dog  
22 park and it is in the very aired portion of the City where there is no real public  
23 improvements. Is that public park going to be victim to the drought also? Is that  
24 grass going to die or is that grass going to stay irrigated?

25  
26 **ASSOCIATE PLANNER DESCOTEAUX** – Currently they haven't made a  
27 decision it is my understanding on the parks yet. They'll be working with EMWD  
28 and looking at that. Again they have already cut 20 percent and most if not all of  
29 our parks are using recycled water.

30  
31 **CHAIR LOWELL** – Recycled water is a good thing.

32  
33 **ASSOCIATE PLANNER DESCOTEAUX** – Right, as things change and as we  
34 get more information, then we'll have more information and we can pass that on  
35 to you if when we get that information.

36  
37 **VICE CHAIR SIMS** – One of the things just to keep in mind is the way this thing  
38 is going to work is that the Governor based the cuts off of year 2013; four months  
39 in 2013 where a lot of the cities and customers have already through use of the  
40 water budget rates already have realized a price increase and have already cut  
41 their water consumption down, so this is another cut back on top of the already  
42 conservation that is occurring through this happening, so it is a real deal. I don't  
43 want to beat my drum too hard, but it will be a real deal. It will hit people in the  
44 pocketbook and you will see a dip. I think it is systemic change that is going to  
45 happen and you will see probably long term effects because people will let their



1 lawns die and there will be a second thought in ever replacing that with turf and  
2 you will see a different landscaping.

3  
4 **COMMISSIONER VAN NATTA** – There are two things that come to mind and of  
5 course my focus is on residential real estate and the homes. There are a  
6 number of associations that police their own neighborhoods and have standards  
7 and so forth. Will there be some sort of mechanism by which to encourage these  
8 HOA's to make changes to their standards so that people within those  
9 associations can change their landscaping without getting dinged and fined by  
10 their own HOA's?

11  
12 **ASSOCIATE PLANNER DESCOTEAUX** – I don't think we have an answer to  
13 that specifically yet, however I think that once the cuts start with EMWD they are  
14 going have to look at and help their homeowners and maybe change their ideas.  
15 We are all going to have to change our ideas. This is a lifestyle change. It is  
16 going to affect us for a long time.

17  
18 **COMMISSIONER VAN NATTA** – Would it be possible to have someone reach  
19 out to the HOA's specifically and help them recreate what their landscaping  
20 standards are to meet those requirements?

21  
22 **VICE CHAIR SIMS** – Meli at our water district, we are doing outreach to all of the  
23 HOA's in our community, but that is their own bylaws and things that are fixed up,  
24 so they'll probably have to adjust those bylaws.

25  
26 **COMMISSIONER VAN NATTA** – They'll probably use some assistance in how  
27 to adjust those bylaws to make their landscaping standards work. The other side  
28 of it is development of a residential use for gray water for irrigation.

29  
30 **VICE CHAIR SIMS** – Very tricky. Very health hazard.

31  
32 **ASSOCIATE PLANNER DESCOTEAUX** – Again, that would all be decided by  
33 the water purveyor and they pretty much determine what water goes to where.  
34 The City doesn't have any...

35  
36 **COMMISSIONER VAN NATTA** – I believe it is allowed at this point to use your  
37 washing machine water to go directly to the landscaping. Is that not...

38  
39 **ASSOCIATE PLANNER DESCOTEAUX** – I don't think that is. You would have  
40 to check again with the water purveyor, but it is my understanding that's not  
41 allowed. You can't guarantee that somebody is going to use eco soap and  
42 whatever other toxins you might be putting into the soil.

43  
44 **COMMISSIONER VAN NATTA** – Because I know people with septic tanks that  
45 do that with their washing machine water. So you are saying that isn't something  
46 that is actually allowed. They are just doing it.

1  
2 **VICE CHAIR SIMS** – County Health disallows that. It’s just that there is bacteria  
3 in the clothes wash water that should go through the treatment process.  
4

5 **CHAIR LOWELL** – Any other comments on this? Thank you Julia, I appreciate it  
6 and now we get to move on to the next item.  
7  
8  
9

10  
11 **3. For Discussion: PC Rules of Procedure Regarding Alternate**  
12 **Planning Commissioners**  
13  
14  
15

16 **CHAIR LOWELL** – Now we get to move on to the next item which is the  
17 Planning Commission Rules of Procedure regarding Alternate Planning  
18 Commissioners. Do we have any Staff Comments for this item?  
19

20 **PLANNING OFFICIAL SANDZIMIER** – Sure, we recently did talk about the rules  
21 of procedure and we kind of buttoned it up kind of nicely for you. The City  
22 Council has elected to appoint two new Alternate Planning Commissioners who  
23 were sworn in this evening, so in the ordinance that was adopted by the City  
24 Council there is a specific line in there that says that the Planning Commission  
25 should consider their rules of procedure to identify how those alternates will be  
26 incorporated into the meeting process. The City Attorney; the Deputy City  
27 Attorney Paul Early and I are here tonight to entertain thoughts or comments  
28 from you to try and take some thoughts back where we can actually craft some  
29 language that would go into your rules of procedure about this. We do not have  
30 any specific recommendations but we might be able to help guide you in  
31 consideration. One of the big considerations that we’re aware of at this point is  
32 we have a big project that is going to be coming before you and we believe that  
33 there is going to be a lot of public interest and public testimony and so that  
34 particular project, just like any other project could go through multiple meetings.  
35 It is usually rare but it could happen and it could happen pretty shortly and that  
36 project, World Logistics Center is supposed to be coming before you starting in  
37 June and so if there are going to be multiple meetings, one of the things that  
38 becomes important is considering how the alternates are used during the course  
39 of a project like that and so we would ask maybe for some input from you guys  
40 tonight if you have any thoughts on that already. Right now the alternates are  
41 receiving the Staff Report and the Agenda and they’re expected as we  
42 understand to read through those materials and to be present at the Planning  
43 Commission Meetings and sit through the Planning Commission Meeting. If they  
44 get here and there is a vacancy the option would be for them to take the seat at  
45 that particular meeting and hear those items. If a particular Commissioner has to  
46 recuse himself from an item for whatever reason that creates a vacancy they

1 could step up and can sit in. If a Commissioner was to get sick during the course  
2 of the meeting and had to leave for part of it, the alternate could come in and  
3 step in for that or if there was any other reason for a vacancy to be created.  
4 Those are the circumstances that might come up that an alternate sits in, so  
5 those are just some thoughts. I'll ask Paul if there is any other thoughts or  
6 anything specifically in the ordinance that we need to bring to their attention.

7  
8 **DEPUTY CITY ATTORNEY EARLY** – I just jotted some thoughts as well for  
9 discussion. You know we are kind of hoping here tonight is to get some  
10 discussion and feedback from you as a Commission. If there is any consensus  
11 on any of these items, then we can bring back to you in a formal proposal for the  
12 next time. One of the threshold issues that was not addressed in the ordinance  
13 and that we need to address is how the alternates are selected to serve. Do they  
14 alternate? Is it a random selection each time a vacancy occurs? Are we flipping  
15 a coin? What process are we going to use to select which alternate is going to  
16 come up there if there is one vacancy and then which the following time and how  
17 that is going to be handled. Another issue is what level of participation if any, will  
18 alternates have when they are not seated as alternates, so for example when  
19 there is a full Commission here tonight do we want to allow alternate  
20 Commissioners to ask questions of Staff as Commissioners would? For regular  
21 items, I don't see where that would be helpful or necessary, but if it is a Public  
22 Hearing Item; particularly a Public Hearing Item that may run to a subsequent  
23 meeting; may be continued to a subsequent meeting, in that case I can see a  
24 strong value to having the alternates participate because they may be called  
25 upon to be the actual voter at the subsequent meeting, so it is something to keep  
26 in mind as we're talking. More than twice, if it goes three dates, does the original  
27 Commissioner return to the seat on date 3 or does the alternate stay in the seat  
28 and I have due process thoughts and concerns on that as well, but it is a  
29 scenario that could very well happen particularly with significant major projects.  
30 And then also addressing how we handle alternate switching out for individual  
31 items which Rick touched on. It is not necessarily if you are asking for the entire  
32 meeting if you are conflict of interest out. Conflict of interest is not an abstention,  
33 it is an absence from the vote on that particular item. You are not counted  
34 towards the quorum for instance if you are out for a conflict of interest, so that  
35 would be a circumstance where an alternate would be called upon pursuant to  
36 the ordinance, which allows alternates for the entire or any part of a meeting, so  
37 how we fit that in with it as well, so we wanted to hear your concerns, kind of go  
38 through those items and get some guidance from you tonight and questions of  
39 course.

40  
41 **CHAIR LOWELL** – I have quite a few comments and questions but I'll defer till  
42 after everybody else speaks. Jeffrey Barnes you are the first one up.

43  
44 **COMMISSIONER BARNES** – Well you brought up one of the questions that I  
45 was concerned about which is how the alternates are handled when a meeting is  
46 continued. I'm concerned about portions of testimony being heard and

1 considered and then Commissioners obviously not in attendance for the next  
2 meeting and then comes back, so it seems like a very slippery slope. But the  
3 other question that I had is did the Council in their discussions of this and maybe  
4 it is not appropriate to pass any of that on, but did they share any thoughts during  
5 their discussion as to what their thinking or how they are thinking this would  
6 work?

7  
8 **DEPUTY CITY ATTORNEY EARLY** – I don't know specifically the answer to that  
9 question other than that the ordinance that they adopted and voted on expressly  
10 put the power in this Commission's hand. The Planning Commission shall adopt  
11 such rules as are necessary to effectuate the purpose of this section.

12  
13 **COMMISSIONER BARNES** – Could you pass on our thanks to them.

14  
15 **DEPUTY CITY ATTORNEY EARLY** – Yes

16  
17 **CHAIR LOWELL** – For clarification before you go too much further, could you  
18 read what was actually adopted?

19  
20 **DEPUTY CITY ATTORNEY EARLY** – Sure, it's not that long. I can give you the  
21 actual. In addition to the paragraph I just read to you. It says in addition to the  
22 seven regular members, the City Council may at its discretion may appoint two  
23 Planning Commissioner alternates who shall serve for a term of two years. The  
24 alternate members of the Planning Commission shall attend all regular and  
25 special meetings of the Planning Commission. If a regular member of the  
26 Commission is absent for any reason from all or any part of a regular or special  
27 meeting of the Planning Commission, a sworn alternate member shall participate  
28 in such meeting during the period of absence. During such participation, the  
29 alternate member shall receive and exercise all rights and privileges of a regular  
30 member including the right to vote on matters before the Planning Commission.  
31 Only when participating in a meeting, shall the alternate member receive a  
32 stipend.

33  
34 **CHAIR LOWELL** – So in there it says the City Council may select, but then they  
35 said.

36  
37 **DEPUTY CITY ATTORNEY EARLY** – But they have...

38  
39 **CHAIR LOWELL** – But then they said the selected alternates shall participate.

40  
41 **DEPUTY CITY ATTORNEY EARLY** – Right. The Council...the ordinance that  
42 would pass didn't require the Council to in fact to appoint alternates. At that  
43 meeting they did in fact appoint the two alternates that are right here, so we  
44 currently have those, but in two years when their term is up or if one of them  
45 becomes vacant during their term, there is no requirement that the Council fill

1 them. They could choose to just leave those alternate positions unfilled if they  
2 wanted to.

3  
4 **CHAIR LOWELL** – Commissioner Van Natta are you next?

5  
6 **COMMISSIONER VAN NATTA** – Okay first of all I noticed there wasn't anything  
7 there in the reading that said that if a Commissioner no longer serves, quits,  
8 resigns, moves away or whatever, that one of those alternates shall be appointed  
9 to complete the term of that Commissioner, so it could end up being rotating  
10 between the two of them for the rest of the time.

11  
12 **DEPUTY CITY ATTORNEY EARLY** – It certainly is a possibility depending on  
13 how we structure those rules and yes a long term absence is certainly something  
14 I think we should address separately than a single meeting absence.

15  
16 **COMMISSIONER VAN NATTA** – Okay it sounds as though the City Council did  
17 not give us as much latitude as we thought they might have by saying that they  
18 shall participate if someone is absent for some reason, like for example what we  
19 have done in the past if there was a conflict, the person left for that particular  
20 item and then came back in and there hasn't been an issue with continuing with  
21 only six Commissioners instead of seven.

22  
23 **DEPUTY CITY ATTORNEY EARLY** – That's correct. As long as we have a  
24 quorum, State Law allowed us to continue on as long as we had at least four  
25 here.

26  
27 **COMMISSIONER VAN NATTA** – So now this new ordinance says that we have  
28 to...

29  
30 **DEPUTY CITY ATTORNEY EARLY** – One of the alternates shall take the seat

31  
32 **COMMISSIONER VAN NATTA** – Shall means we have to

33  
34 **DEPUTY CITY ATTORNEY EARLY** – Yes

35  
36 **COMMISSIONER VAN NATTA** - So we can't say okay there is a quorum here,  
37 we don't need to bring one of the alternates up, that it is a given we will have  
38 one.

39  
40 **DEPUTY CITY ATTORNEY EARLY**- Correct

41  
42 **COMMISSIONER VAN NATTA** – Okay, so there is no decision making on the  
43 part of this body or the Chair to say when or when not we are going to use an  
44 alternate?

1 **PLANNING OFFICIAL SANDZIMIER** – If I may. On that one, it has to presume  
2 that one of the alternates is present to take the seat, so that is one of the things  
3 that we may want to discuss is right now we do have both alternates here tonight,  
4 but if there was a circumstance where the two alternates or one of the alternates  
5 did not show up for the meeting for whatever reason and one of you had to leave  
6 and we didn't have somebody to put up there, I don't think the intention was to  
7 stop the meeting and make a call and have that person drive down here, but by  
8 the word being shall, we should probably just make sure we address it and put it  
9 to rest in terms of what the understanding is.

10  
11 **COMMISSIONER VAN NATTA** – Yeah, okay. Which removes one of my things  
12 which is would they only be appointed if we had a need for a tie breaker and  
13 apparently not. The other thing you mentioned is what about if they're here in the  
14 meeting they are sitting there listening and there is a possibility that at some  
15 point they might need to fill in for a Commissioner because of a multi-night  
16 meeting or something like you were mentioning. That slippery slope about  
17 should they participate, I would think they would be considered more like a jury  
18 alternate. A jury alternate does not participate in anything that is going on. They  
19 are listening, taking notes, formulating opinions or whatever, so that if a juror is  
20 gone, then the alternate steps in and takes that persons place. The other thing is  
21 would they be replaced by the Commissioner when they come back and I would  
22 think not for that same item. For a different item perhaps like somebody recuses  
23 themselves for a particular item and the alternate steps in and then the  
24 Commissioner comes back, the alternate steps down and the Commissioner  
25 finishes out the meeting with the other items, but if we are on one item and a  
26 Commissioner leaves or is not available for the next meeting, the alternate steps  
27 in, then I don't think it would be appropriate for the Commissioner to come back  
28 and replace the alternate for that particular item.

29  
30 **DEPUTY CITY ATTORNEY EARLY** – And I would agree. That particular issue  
31 is probably the single greatest legal concern of mine with respect to the whole  
32 alternate proposal. And this only relates to Public Hearing Items, which is a lot of  
33 what the Planning Commission does and so in this conversation I'm about to  
34 have it addresses a question that Commissioner Barnes started to ask and I  
35 really didn't have a chance to address yet, but in the context of a Public Hearing  
36 Item, this body; this Commission is sitting in adjudicatory manner. You are  
37 making a judicial type decision; quasi-judicial decision which requires that due  
38 process be given to the applicant and to the opponents of the project at all times.  
39 One of those things as you are aware, is that you are presumed to have been  
40 prepared and have read the materials before a meeting, so if you put this into the  
41 context of how an alternate might sit in, if you have a multi say two meetings and  
42 the whole body is here for the first meeting and the alternates are present and  
43 then the next meeting an alternate has to come in. The alternate can say we  
44 satisfy that due process requirement, that the alternate was present and  
45 familiarized himself and aware of all the information for the meeting. In the three  
46 meeting scenario where then the original Commissioner comes back, you don't

1 have that because that original Commissioner was missing for the second, so I  
2 would highly recommend that in that context that we stick with the alternate  
3 Commissioner; the one who is present for meetings and two and three... well  
4 present for all three, but sitting on the dais for meetings two and three. I think the  
5 argument can be made that due process was provided as long as that  
6 Commissioner was present. Whether they participate or not at meeting one as  
7 an alternate, that is an open question that I think you can decide whether or not  
8 that is of value or not. I don't think it's required.

9  
10 **COMMISSIONER VAN NATTA** – Then my final question and I'll let other people  
11 get a few words in edge-wise. My final question is what constitutes an absence  
12 and I noticed on the City Council there have been times where a Councilperson  
13 has not been present in the room, but has attended the meeting via telephone,  
14 skype or whatever it is they use and is still considered to be present.

15  
16 **DEPUTY CITY ATTORNEY EARLY** – That's correct. I would... my interpretation  
17 and the way I think would be the easiest to look at this would be any time a  
18 member is not present for purposes of constituting a quorum, so if you are  
19 present through telecommunication and lawfully it has been agendized as such  
20 because there are specific rules for appearing by telecommunication, but if you  
21 are, then you are present for that meeting and you are counted towards the  
22 quorum. If you are here for the meeting and you step out to use the restroom or  
23 to talk to somebody and you're not here for an item, you are still present and  
24 counted as a member of the quorum. If you abstain from an action, you are still  
25 present for purposes of a quorum, however if you recuse yourself from an item  
26 for a conflict of interest reason, you are not counted towards the quorum. So if  
27 we had four Commissioners here and one of you recused himself for a conflict,  
28 we would not be able to carry on with that item. In this case, we would. So that  
29 is the context that I would think is the easiest way to interpret an absence would  
30 be under those criteria.

31  
32 **COMMISSIONER VAN NATTA** – So for example if we had something that  
33 looked like it was going to be three meetings and I was able to come to the first  
34 one, wasn't able to come to the second one but I attended via  
35 telecommunications and then was back for the third one, then there wouldn't be a  
36 reason or a need to have an alternate take my place. I could still come back for  
37 the final one and enter into whatever deliberations to finalize the matter.

38  
39 **DEPUTY CITY ATTORNEY EARLY** – That's correct because your second  
40 appearance you were not absent, you are legally here through just via  
41 telecommunication.

42  
43 **COMMISSIONER VAN NATTA** – Okay

44  
45 **VICE CHAIR SIMS** – So a couple of questions before I make comments.  
46 Congratulations to the alternates. I don't know if it is congratulations or

1 condolences because of what I understood what I heard here. So the alternates  
2 attend or are expected to attend by ordinance are mandated to attend each and  
3 every meeting and be prepared the meeting but receive no stipend unless are  
4 participants as an alternate.

5  
6 **DEPUTY CITY ATTORNEY EARLY** – Or any or part of a meeting, so even if  
7 they are called up for one item, they would still receive the stipend.

8  
9 **VICE CHAIR SIMS** – Okay, I think that’s a slippery ... I think on its face unfair.  
10 There is a lot of work to be done... you know, not that you do it for the stipend;  
11 it’s a token, but I think that’s just inherently unfair. If you are going to go down  
12 that route, the alternates should receive a stipend because of their time and effort  
13 to be prepared if they are to participate in full as an active alternate. I’d like to  
14 know is there any agency in California or in the United States that has such a  
15 thing as Alternate Planning Commissioners of this. I’ve never heard of this  
16 before.

17  
18 **DEPUTY CITY ATTORNEY EARLY** – I haven’t done the research, but I can  
19 concur with you that I’ve never heard of it before.

20  
21 **VICE CHAIR SIMS** – I believe this is a very redundant and no disrespect to the  
22 alternates. I find it is an absolute redundant thing. If there is a quorum of  
23 Planning Commissioners to proceed with the meeting, there is no need for  
24 alternates. You can proceed with the meeting. I don’t understand this.

25  
26 **PLANNING OFFICIAL SANDZIMIER** – To answer the question, I am not familiar  
27 with any jurisdiction but I have not done extensive research to confirm that there  
28 isn’t such a circumstance and I defer to the Commission.

29  
30 **VICE CHAIR SIMS** – It just seems fraught for not being very successful because  
31 you have two people that are expected to be fully prepared and anyhow, it is for  
32 the love of the job I suppose and community, but I have heard of Committees of  
33 the Whole where you have... for instance at our organization we have  
34 committees that would be comprised of less than a quorum of the Board of  
35 Directors, so if you have a five body or seven body, you would have three or less  
36 as a committee, but you allow attendance by others to provide a Committee of  
37 the Whole to attend meetings but not participate. This is a really weird thing.  
38 You know you have one person coming in; a sitting Planning Commissioner start  
39 a hearing, for instance if let’s say the Logistics project goes in and it is three, four  
40 or five meetings to get through all of the hearings and so forth... Planning  
41 Commissioner or any of the Planning Commissioners are here for two of the  
42 meetings and they have a ten thousand dollar vacation thing and they are going  
43 to be gone for the next three meetings or two meetings and then they want to  
44 show up for the fifth meeting, how has due process ever served for or... it is just;  
45 I don’t get it. I just don’t understand it. I thought with the Alternate Planning  
46 Commissioner thought is if any of us dropped off and there has already been a



1 vetting process of Commissioners and then you would have somebody ready to  
2 go. You would just call them and okay; Sims dropped off; he's out; we've got one  
3 we vetted and went through the process; it was open; it was transparent; it was  
4 within that two year timeframe and that person goes in. Anyhow, I guess I need  
5 to understand more.

6  
7 **CHAIR LOWELL** – Would you like to go again Commissioner Barnes?

8  
9 **COMMISSIONER BARNES** – Well first I want to agree with pretty much  
10 everything that Commissioner Sims said about the appearance of the whole  
11 process. It just seems very odd to me. The other thing that I'm concerned about  
12 and I know that we are supposed to be an impartial body and nothing in this City  
13 every becomes political in nature, but the concern that I would have and maybe  
14 this is over-analyzing, but then you get into the drama of which alternate is  
15 selected based on a perception of how they might vote. It just opens a can of  
16 worms that could never end, so in addition to the things that Commissioner Sims  
17 has pointed out, I see that as being a potential. One of my concerns is for the  
18 applicants and the exposure of the City in this whole process and by introducing  
19 this very unique situation, it just seems a recipe for I don't know, conflict and  
20 contention that wouldn't necessarily have to be there. It's not really a question,  
21 more of an observation.

22  
23 **CHAIR LOWELL** – Let me jump in here. This has actually been one of my  
24 primary focuses on the Planning Commission members. When I first became  
25 part of the Planning Commission, I asked City Council; I asked the Attorney  
26 Suzanne Bryant if there was an option to have an alternate. The original intent of  
27 my suggestion was to have somebody waiting in the wings should a position  
28 become permanently vacant, i.e. and I can't remember her name and then when  
29 Giba left. In my time on the Commission, we've had two seats become  
30 permanently vacant. The original intent when I approached City Council on this  
31 was to have an alternate sitting in the wings that had already been vetted so the  
32 seat won't stay open for four or five months while the City goes through the  
33 process of announcing the position, receiving applications, determining who is  
34 qualified; who is eligible, then interviewing people and then going to a vote and  
35 appointing them and swearing them in. That is a long process, but if we already  
36 had alternates in the wings like we have now, it could be a position that could be  
37 quickly filled on a moment's notice for the long term; not having a floating body.  
38 The idea of having a floating body raising consistency questions where this  
39 Planning Commission has been a permanent fixture for x amount of months, x  
40 amount of years. We have sets of opinions, beliefs and when you start throwing  
41 two alternate people in here, you actually start shuffling the cards a little bit and  
42 like Commissioner Barnes was saying that you could actually tailor this body to  
43 vote a specific way by convincing somebody to be absent, which I'm not saying it  
44 happens or won't happen or will happen, but in the event that we have this large  
45 project coming up, it opens ourselves up to litigation. It opens ourselves up to  
46 scrutiny and it is just a bad idea to have this variable that has been untested,

1 untried in my knowledge and any other Planning Commission that I know of. I  
2 think it is just a bad idea, plus no offence to the alternates, but having to be  
3 prepared for every single meeting, not knowing until 7 o'clock on a Thursday  
4 night whether or not you or going to be able to participate is a waste of your time.  
5 You are not going to get compensated. You are going to spend countless hours,  
6 maybe even days doing all the research to sit there in the audience and some of  
7 the meetings go to midnight, so you are going to be wasting five or six or seven  
8 hours of your day for nothing. It is not fair to the alternates. It is not fair to the  
9 applicant. It is just a bad idea to have a floating alternate. If it is a permanent  
10 alternate to fill in a permanent vacancy, I one hundred percent support it. Is  
11 there any way we can have this item re-addressed to the City Council and re-  
12 looked at because I do know the City Council gave Staff a direction saying this is  
13 what they want, but I don't think they thought it out completely. Let me let him  
14 answer real quickly.

15  
16 **DEPUTY CITY ATTORNEY EARLY** – Staff can certainly bring the Commission's  
17 concerns to the City Manager and to the Council members to see if any of them  
18 are willing to or are interested in placing it back on their Agenda for either a  
19 Study Session or a Regular Meeting to either hear or address those concerns.  
20 That is something that Staff can certainly bring up to that level.

21  
22 **PLANNING OFFICIAL SANDZIMIER** – I think what I'd be asking though right  
23 now we're taking some individual Commission comments, but if there is a  
24 consensus on certain items, I think it would be appropriate for you at least take a  
25 straw poll vote or something to let me know and let Paul know if this is a strong  
26 concern, a collective concern or any other issues, but I shouldn't even call them  
27 concerns but just your perspective or your thoughts. I would just be asking to  
28 instead of it being an individual Commissioner...

29  
30 **CHAIR LOWELL** – My concern is not using a floating alternate to fill in an  
31 abstention, in an absence. I would like to see Council's or the Commissions  
32 thoughts on not utilizing a floating alternative alternate, but using a permanent  
33 alternate should one seat becoming vacant and that would be sole purpose of  
34 the alternate. I vote yes and that is my concern.

35  
36 **COMMISSIONER VAN NATTA** – Well before we go to a vote, I mean before  
37 we... there is a couple of other things that I'd like to say before we go any further,  
38 but I see Jeffrey is up there ahead of me.

39  
40 **CHAIR LOWELL** – Commissioner Sims go ahead.

41  
42 **VICE CHAIR SIMS** – I'll concede

43  
44 **COMMISSIONER VAN NATTA** – Okay well first of all I'm a little affronted on  
45 behalf of the entire Planning Commission that this was not something that was  
46 brought as a study item between the City Council and the Planning Commission

1 to get these things addressed, talked about, vetted before it was made into an  
2 ordinance, so a personal comment there. The other thing is they have already  
3 decided on it and made it an ordinance. There is one simple thing that would  
4 make it much more palatable I think. After that word shall, at the discretion of the  
5 Chair; the Planning Commission Chair so that okay an alternate is available to be  
6 called in if it looks like we're not going to have enough people to have a quorum.  
7 If it looks like we're going to end up with a split vote and we need a tie breaker or  
8 if someone is going to be absent for several meetings for whatever reason, at the  
9 discretion of the Chair so that the Planning Commission is making that decision  
10 of when it is appropriate to bring in an alternate.

11  
12 **COMMISSIONER KORZEC** - I'm kind of new here and I'm just wondering within  
13 the last year how many times looking at the absentees and the recuses, would  
14 an alternate have been used? Do you have any idea?

15  
16 **COMMISSIONER VAN NATTA** – Would have been used or would have been  
17 necessary?

18  
19 **DEPUTY CITY ATTORNEY EARLY** – Necessary... well

20  
21 **COMMISSIONER KORZEC** – Just an approximate

22  
23 **DEPUTY CITY ATTORNEY EARLY** – Rick and I haven't been here a full year I  
24 don't think

25  
26 **PLANNING OFFICIAL SANDZIMIER** – Since September there would have not  
27 been one instance where it would have been required. There was one project I  
28 believe where we got down to four Commissioners and it required all four to vote  
29 on the project, so it was a little bit risky in case you came up with a split vote.  
30 What would have happened with that ...

31  
32 **DEPUTY CITY ATTORNEY EARLY** – We did have a split vote

33  
34 **CHAIR LOWELL** – We had two yay, two nay and two abstention

35  
36 **PLANNING OFFICIAL SANDZIMIER** – That is true.

37  
38 **CHAIR LOWELL** – It became a tie

39  
40 **PLANNING OFFICIAL SANDZIMIER** – That could have been a swing vote there

41  
42 **COMMISSIONER VAN NATTA** – But it wasn't as I recall, it wasn't on a project, it  
43 was on some...

44  
45 **CHAIR LOWELL** – I believe it was on a project

46

1 **COMMISSIONER VAN NATTA** – Was it on a project?

2

3 **CHAIR LOWELL** – On a development over by the Christian Church off of Perris  
4 and Cottonwood.

5

6 **COMMISSIONER VAN NATTA** – Oh okay. Other than that in my time on the  
7 Commission it has not happened before or since.

8

9 **CHAIR LOWELL** – Like I said, the original intent was to fill a vacancy. When  
10 Giba left and I can't remember... Crothers; Amber Crothers, when she left, there  
11 vacancies for several months and it would have been nice to have someone in  
12 the wings to fast track and fill that seat so we have a seven member body again.

13

14 **PLANNING OFFICIAL SANDZIMIER** – But if the... on the other item when we  
15 did have a split vote. You still had the quorum to constitute the meeting. You still  
16 had the rules and procedures available to conduct the business of the  
17 Commission and there still was rules; the Brown Act rules were followed and the  
18 fact that you ended with a split vote doesn't make it an inappropriate or improper  
19 meeting. The only thing that the...

20

21 **DEPUTY CITY ATTORNEY EARLY** – It simply didn't pass

22

23 **PLANNING OFFICIAL SANDZIMIER** – It didn't pass and that is what is allowed  
24 under the Brown Act. Now if the objective was never to have ties and you  
25 wanted to always have the ability to have a majority, then that would have been  
26 the only circumstance that I've ever seen in almost 30 years of this where that  
27 would have probably come into play.

28

29 **CHAIR LOWELL** – Commissioner Korzec do you have any more comments?

30

31 **COMMISSIONER KORZEC** – No I'm through

32

33 **COMMISSIONER VAN NATTA** – We could have had a split vote with a full  
34 seven member. You could have had one abstention and three four and three  
35 against it. It doesn't solve... having an additional person doesn't solve it.

36

37 **COMMISSIONER BARNES** – The more I think about this, the more things you  
38 know come up that concern me, but the other option or the other opportunity for  
39 inappropriate action is as we all know we serve at the will of the Council and  
40 unfortunately bringing up the political climate again, here is another opportunity  
41 for swaying the vote of the Commission by knowing who the alternate is, their  
42 availability and having an idea or thought as to how they might vote and I'm not  
43 saying that would happen, but any opportunity that could be conceived or be  
44 perceived in that way just opens up another controversy that we don't need.

45

1 **CHAIR LOWELL** – Does the Staff happen to know how the City Council voted on  
2 this item; if it was an unanimous; if it was 4 to 1; 3 to 2? If I'm not mistaken I  
3 believe it was split a 3 to 2 vote, so it wasn't unanimous was my recollection.

4  
5 **COMMISSIONER BARNES** – I'll do the alternate vote

6  
7 **COMMISSIONER VAN NATTA** – Alternate City Councilperson

8  
9 **CHAIR LOWELL** – The Alternate City Councilman

10  
11 **COMMISSIONER BARNES** – Yeah

12  
13 **CHAIR LOWELL** – Well while we're waiting...

14  
15 **DEPUTY CITY ATTORNEY EARLY** – I have that information if you want it. It  
16 was unanimous by five members... Molina, Gutierrez, Giba, Jempson and Price.

17  
18 **VICE CHAIR SIMS** – But the ordinance covers more than just this. If I recall  
19 there was other things within the ordinance or was this a single sole purpose  
20 ordinance for this one specific governance issue?

21  
22 **DEPUTY CITY ATTORNEY EARLY** – The entire ordinance was the paragraph I  
23 read you. A paragraph that said the alternates must comply with all conflict of  
24 interest and Brown Act Regulations and that said that the Planning Commission  
25 shall adopt the rules and procedures. That was the entire ordinance.

26  
27 **CHAIR LOWELL** – Well just out of curiosity, did the Planning Commissioner  
28 alternates have any comments or say on this? They are here. Might as well let  
29 them speak.

30  
31 **ALTERNATE COMMISSIONER GONZALEZ** - Hi I do have a few comments. I  
32 hear the concerns of Commissioner Lowell and Sims and Mr. Barnes. I do find  
33 that having a Commissioner alternate be here for the whole for a variety of  
34 meetings and never be called is probably a misuse of resources if we are never  
35 going to be called in, because I attended as being part of being involved in the  
36 process, I do remember your original intent was to have going through a vetting  
37 process and having them ready so if there is a vacancy; a permanent vacancy  
38 you come on in. I do agree with that part. As far as the political machinations of  
39 what can happen, I mean that is the City we live in right now, no one really knows  
40 how I am going to vote. I haven't been asked to analyze a project, so how am I  
41 going to vote, so I don't see that necessarily as a concern, but again we do live in  
42 a political arena and some people may know how some people feel and others  
43 may know how other feel, so those are my observations. I do want to be... I  
44 went through a process, but I do want to be involved. I do want to serve my  
45 community as much as I can, but what I don't want to happen is for it to... if there  
46 is maybe a perception that there is maybe some confusion or you know did you

1 make this decision or did you comment on this one or that one. I mean I just  
2 want to make sure it very clear and transparent and that everyone knows their  
3 roles and responsibilities. Those are my thoughts.

4  
5 **CHAIR LOWELL** – Ms. Nickel do you have any questions or comments?

6  
7 **ALTERNATE COMMISSIONER NICKEL** – Yes. I guess in one way I could say  
8 I'm a little offended to think I'd be used as a political plant because I hear that  
9 little undertone behind there. That is never been how I'd never operated in any  
10 type of capacity where I'd served at the County. You could ask if you go back in  
11 time when the City of Moreno came and I was a grant reviewer for RCTC for  
12 SV821 funds. They didn't score any higher just because I lived in Moreno Valley  
13 if they didn't meet the criteria for the grant, but I think probably for both of us is  
14 that we were asked if we would be willing to sit in observation and willing to do  
15 the homework and participate that way. We were asked to do that and we're still  
16 under the same legal requirements as far as Form 700; all of those just as you  
17 are, so we're in it for the haul however it goes. What I am sorry and I can  
18 probably agree with you is that your questions didn't come up to Council. I'm  
19 kind of confused how if you knew this was coming.

20  
21 **CHAIR LOWELL** – We did not know it was coming

22  
23 **ALTERNATE COMMISSIONER NICKEL** – Well but you know it was agendized  
24 on City Council right?

25  
26 **CHAIR LOWELL** – Not really

27  
28 **ALTERNATE COMMISSIONER NICKEL** – For the ordinance, but ...

29  
30 **CHAIR LOWELL** – We knew that new Commissioners were being appointed.  
31 We knew that there was some possibility of alternates, but the actual letter of the  
32 law, this is news to us within the last week or so.

33  
34 **ALTERNATE COMMISSIONER NICKEL** – You had no inclination that they had  
35 agendized an ordinance? So you are not following the City Council Agenda's at  
36 all? Just curious?

37  
38 **COMMISSIONER VAN NATTA** – Sometimes

39  
40 **VICE CHAIR SIMS** – Not all of them

41  
42 **ALTERNATE COMMISSIONER NICKEL** – Okay

43  
44 **VICE CHAIR SIMS** – Fair enough. If I would have known that, I would have  
45 come and spoke against this. I mean nothing against you and don't be offended  
46 by our comments...

1  
2 **ALTERNATE COMMISSIONER NICKEL** – Oh no, no, no

3  
4 **VICE CHAIR SIMS** - But just seems like a very...to me this seems like a very  
5 redundant unnecessary...

6  
7 **ALTERNATE COMMISSIONER NICKEL** – Unfortunately this is where we're at.  
8 I know he and I were both asked the same thing. Would you be willing?

9  
10 **VICE CHAIR SIMS** – So what happens if we don't make any rules?

11  
12 **ALTERNATE COMMISSIONER NICKEL** – Oh then I guess...

13  
14 **COMMISSIONER VAN NATTA** – No, they said we shall make the rules

15  
16 **DEPUTY CITY ATTORNEY EARLY** – If we don't actually adopt any changes to  
17 the rules and procedures, then it will lie in wait until the first opportunity of a  
18 vacancy happens and we'll have to address it on a motion and vote on each  
19 issue that comes with respect to that. So we'll have to handle it on a case by  
20 case basis.

21  
22 **CHAIR LOWELL** – I have a slew of Commissioners still wishing to speak. Vice  
23 Chair Sims do you have any more comments?

24  
25 **VICE CHAIR SIMS** – Just because something gets passed, doesn't necessarily  
26 mean it is always the thing that has to stay. I mean ordinances get rescinded  
27 now and again and certainly there must have been some thought that went into it  
28 by the Council. I don't know if they thought through all the details. I personally  
29 would like the Council or Staff or I would propose it that as a Planning body that  
30 maybe we suggest that this go back and have the Council provide guidance to  
31 the Planning Commission from a model of any other community or governing  
32 within the United States that has implemented something that we could model.

33  
34 **COMMISSIONER VAN NATTA** – Let's stick to California

35  
36 **VICE CHAIR SIMS** – Or California... Southern California

37  
38 **CHAIR LOWELL** – Can I interject? Is it within our authority to ask City Council to  
39 have a Joint Study Session with the Planning Commission to discuss this item  
40 specifically so we can all be on the same terms?

41  
42 **DEPUTY CITY ATTORNEY EARLY** – You can certainly as Rick indicated  
43 before, if you want to take a vote or recommendation or request that is coming  
44 from the body and then we just want to make sure that we have the majority of  
45 the body making that request or recommendation and we'll certainly bring it up.

1 **CHAIR LOWELL** – Do we have to make a full motion or can we just make a  
2 suggestion?  
3

4 **DEPUTY CITY ATTORNEY EARLY** – I think you were comfortable with the  
5 straw poll, right Rick. We're conducting this a study session type of item right  
6 now.  
7

8 **PLANNING OFFICIAL SANDZIMIER** – This is just for discussion. It is not a  
9 formality but what we're trying to do is take some feedback so we can actually  
10 craft the revisions to the rules, but if the direction or the interest of the  
11 Commission is to not change the rules and get clarification on what the City  
12 Council's interest might be, then I just want to get a consensus to make sure that  
13 I've got the majority that are interested in us doing that. We are trying to search  
14 here on the internet any other cities that have alternates. There actually are a  
15 few popping across the United States, but I can't find with the word alternate, but  
16 it doesn't describe what the rules are yet. I have only been able to find one in the  
17 State of California so far and that would be the City of San Marcos, but I can't  
18 find anything yet on the internet here about what their rules and procedures are.  
19 Other ones are in Carver, Minnesota, Provo, Utah and Village of North Syracuse,  
20 New York and we believe that we should focus on California, but we're doing  
21 some research so it doesn't sound like Moreno Valley is the only person that has  
22 ever thought of this or agency that has thought of this, but we could do some  
23 more research, but that is what we are finding so far.  
24

25 **VICE CHAIR SIMS** – I would propose you know... I mean I like the idea Brian;  
26 Commissioner Lowell about having some kind of Joint Workshop just to kind of  
27 understand. I'd like to understand why the Council wants to do this. I think if  
28 your intent was to have a vetting process and it was to be for replacement  
29 Commissioners if somebody moved out of town or whatever was no longer  
30 eligible or had to get off of the Commission, you'd have somebody ready to go to  
31 start and you are still going. I think that provides great value and benefit to the  
32 City to keep business moving and the process moving. This seems tough and I  
33 don't understand what the value is of it because we have a Brown Act and we  
34 comply with the Brown Act. We have quorums. We go with the quorum and if  
35 you don't have enough for quorum you don't have a meeting. It kind of force fits,  
36 so long story short, I would propose we seek to not make a decision tonight and  
37 get some clarity from the Council what their true intent was with this. Is there a  
38 recital in the ordinance that describes the purpose and intent of the alternate or is  
39 there a Staff Report that ...  
40

41 **COMMISSIONER VAN NATTA** – No, he read us the whole ordinance  
42

43 **DEPUTY CITY ATTORNEY EARLY** – The Staff Report came from the City  
44 Clerk's Office and essentially just mirrored the ordinance. It gave a brief history  
45 of the timeline, the interviews being conducted for Planning Commissioners, the  
46 second round of interviews and the then the ordinance and then the appointment.



1  
2 **CHAIR LOWELL** – I also second what Sims is saying. I would like to not make a  
3 motion tonight or make any new rules tonight. I would also like to ask the City  
4 Council to entertain the idea of having a Joint Study Session with the  
5 Commission; the Planning Commission. I would also like to ask City Council to  
6 re-look at their intent and see if we can re-word the ordinance to have it geared  
7 more towards a more permanent placement as opposed to a floating alternate. I  
8 think that is a little bit more in the norm from what other Planning Commissions  
9 might be experiencing. I think it is a little bit more above board and less legal  
10 scrutiny.

11  
12 **COMMISSIONER BARNES** – Terrible

13  
14 **VICE CHAIR SIMS** – I mean this is one of those things you kind of have to look  
15 at things on the extreme, so let's look at it at the extreme. I kind of find it a little  
16 odd that we would have to have an alternate. We all committed to be on the  
17 Planning Commission. You know we were appointed and we're committed to  
18 making the time and effort to be here. Why don't we have alternates for the City  
19 Council? Let's have a vote for alternate City Council people too. You know what  
20 if they are gone and there is a big project? You know you take things to the  
21 extreme. I'm not saying that makes sense, but for an illustrative person you have  
22 to look at the bookends to make sure the rationale fits within the scope of what  
23 you trying to accomplish.

24  
25 **CHAIR LOWELL** – Well I have an alternate dog in case mine becomes sick and  
26 has to go to the vet. He's just sitting there in the wings.

27  
28 **COMMISSIONER KORZEC** – I'm not next to speak but can I jump in because  
29 everyone else is. To me there might be a compromise on this and I was just  
30 thinking about it. It seems like they want to see people sitting here and I know it  
31 is unfair to make people sit there and prepare ahead of time. Just keep this in  
32 mind. Perhaps they don't come to all the meetings, but if we know between 24  
33 and 48 hours that we're not going to be here, an alternate can be called in.  
34 They'll have time to prepare and sit here and then that would be to me not having  
35 them here all the time jumping in and jumping out and then we wouldn't have the  
36 empty seats if we knew we were on vacation. It is just a compromise but I hate  
37 to see them sitting out there thinking they have to come fully prepared and it is  
38 really unfair, but if we knew ahead of time they would have time to prepare. It is  
39 just a thought.

40  
41 **COMMISSIONER VAN NATTA** – I do like the idea of having some sort of a  
42 meeting of the minds with the City Council, but given our past success in  
43 arranging for any kind of a Study Session with the City Council, it hasn't worked  
44 before. It has gotten put off and put off because the person isn't available or this  
45 person... trying to get everybody together at the same time and sit down and  
46 talk. I think the ordinance says pretty much what they wanted it to say, but one

1 of the things that it doesn't say as I mentioned before is it doesn't say in there  
2 that it is provide a replacement for someone who leaves. That is nowhere in the  
3 ordinance and even though they might have had that in mind; okay we have  
4 these two people; we have them ready; we can appoint one of them if and when  
5 we need them, I mean that is certainly something they could do even if they  
6 weren't alternates. They've been interviewed. They've been vetted. They are  
7 still out there. The City Council has the option of not going through the whole  
8 process again if there is somebody that they already interviewed that they felt  
9 was qualified and they want to appoint them.

10  
11 **COMMISSIONER BARNES** – That wouldn't even require an ordinance. We just  
12 have vetted applicants waiting in the wings.

13  
14 **VICE CHAIR SIMS** – That has been part of the problem (inaudible – no sound)

15  
16 **COMMISSIONER VAN NATTA** – Having them an alternate, but that's not in the  
17 ordinance.

18  
19 **CHAIR LOWELL** – I know but that's why

20  
21 **COMMISSIONER VAN NATTA** – It would have to be in the ordinance. So if it  
22 were in the ordinance that the alternate... one of the alternates would be  
23 appointed if there is a vacancy; a permanent vacancy on the Commission. That  
24 would make sense it were in the ordinance and it is not. The other thing that  
25 would make sense is what I mentioned before about the shall participate; that  
26 that be at the discretion of the Planning Commissioner Chair whether or not an  
27 alternate is appointed to replace a Commissioner who is going to be vacant. I  
28 don't see that there is any reason like you mentioned Commissioner Sims, any  
29 reason for them to be sitting here every single night, sitting here for the entire  
30 time and like Commissioner Korzec said; sitting here for the entire time and not  
31 having anything to do and not being able to participate would have to be quite  
32 unfair to not be compensated for... did I pronounce you name wrong... I'm sorry

33  
34 **COMMISSIONER KORZEC** – No I said frustrating. To me it would be...

35  
36 **COMMISSIONER VAN NATTA** – Yeah it is unfair to have them be required to do  
37 that without being compensated for their time for being here and attending the  
38 meeting, but I don't see that there is a reason if one person... I'm talking too  
39 long; right. If one person either has to recuse themselves or one person is  
40 absent and it happens at the last minute, I don't see any reason for it, but if  
41 somebody is going to be absent for a lengthy period of time due to illness or  
42 whatever it is and the Chair determines it would be prudent to appoint an  
43 alternate for that period of time, I think that is where it needs to end up if the  
44 Chair determines that we need an alternate.

45  
46 **CHAIR LOWELL** – I think last but not least is Commissioner Barnes again.

1  
2 **COMMISSIONER BARNES** – Well before we get too far away from my  
3 comments, I wanted to clarify what I said earlier. I don't want them to be  
4 misconstrued. I have no issue with the alternate Commissioner's ability to  
5 appropriately judge a project. That is not the issue. My concern with it is that it  
6 gives both the project applicant and the project opponent another opportunity to  
7 contest the process and there has been enough contesting of the process for  
8 than one City lately and I feel like it exposes or opens up more avenues for  
9 contention. We've got a system that has worked for quite a long, long time rather  
10 well. It doesn't seem to be screaming out for change. That was my point. No  
11 issue with the alternates at all.

12  
13 **CHAIR LOWELL** – Does Staff need something else from us?

14  
15 **DEPUTY CITY ATTORNEY EARLY** – Another method that you can consider as  
16 well to address this with the Council is as a body you can always appoint one of  
17 your own to meet individually with the Mayor or any other Councilmember to  
18 share those concerns and see if you can get it placed on... I would suggest  
19 having it placed on a Study Session Agenda where you can address it with the  
20 entire body, but doing it that way would negate the requirements for having to  
21 have a special joint meeting and all of everything that goes with that.

22  
23 **CHAIR LOWELL** – I think that's a good idea.

24  
25 **COMMISSIONER VAN NATTA** – Yeah

26  
27 **VICE CHAIR SIMS** - Is that something we could work (inaudible – microphone is  
28 not on)

29  
30 **DEPUTY CITY ATTORNEY EARLY** – And it doesn't have to be one of you. It  
31 could actually be an Adhoc sub-committee of less than a quorum if you wanted it  
32 to be a couple of you that took the recommendations of this body to the Council  
33 either...

34  
35 **CHAIR LOWELL** – I personally would like to go and address the City Council on  
36 this issue. I don't know if anyone...

37  
38 **COMMISSIONER VAN NATTA** – I think you could appoint a subcommittee and  
39 maybe yourself and two other people. I mean we've covered all the points here.  
40 If you forget what any of them are you could always watch the recording and  
41 make notes.

42 **CHAIR LOWELL** – We're all pretty much on the same page.

43  
44 **PLANNING OFFICIAL SANDZIMIER** – If may just one thing. If we don't set any  
45 direction tonight in order for us to draft some revisions to the rules of procedure, I  
46 don't know what we'll be doing with the alternates until we get to that point, so a

1 Study Session with the City Council would have to be scheduled, so we're  
2 postponing these rules until a certain date. The project that we're talking about  
3 that could be happening and could be multiple meetings is going to happen  
4 shortly, so in the absence of that I will be talking with Paul and we may need to  
5 get with our Interim City Attorney a little bit more and figure out how we'll use the  
6 alternates in the meantime if the circumstance presents itself in the absence of  
7 rules.

8  
9 **CHAIR LOWELL** – Can we put a moratorium on this item?

10  
11 **COMMISSIONER VAN NATTA** – I think the simple thing is we won't use the  
12 alternates until we have this thing worked out. I don't see...

13  
14 **COMMISSIONER BARNES** – We don't have that option

15  
16 **DEPUTY CITY ATTORNEY EARLY** – We do. At this point I think the ordinance  
17 mandates that seat be filled. I think you have some discretion on the method of  
18 how it is.

19  
20 **COMMISSIONER VAN NATTA** – If there is an absence, we already talked about  
21 the fact that attending via telecommunications is not an absence.

22  
23 **DEPUTY CITY ATTORNEY EARLY** – Yes, if everybody is present at the  
24 meeting either in person or via telecommunication this won't be an issue.

25  
26 **COMMISSIONER VAN NATTA** – Right, so we just have to look for days that we  
27 can continue that meeting to so there aren't any absences...

28  
29 **DEPUTY CITY ATTORNEY EARLY** – Or conflicts of interest

30  
31 **COMMISSIONER VAN NATTA** – Or conflicts of interest. Well I don't think  
32 anybody has any...

33  
34 **CHAIR LOWELL** – On the item in particular I think there are conflicts of interest  
35 there.

36  
37 **COMMISSIONER VAN NATTA** – I don't think there any conflicts

38  
39 **DEPUTY CITY ATTORNEY EARLY** – I'm speaking in general terms. I not  
40 thinking of any particular project.

41  
42 **COMMISSIONER VAN NATTA** - I'm think we're all thinking about this one big  
43 meeting that is coming up with one big issue to be resolved.

44  
45 **CHAIR LOWELL** - I think we've beaten this up fairly enough. Do you guys need  
46 anything else from us?

1  
2 **DEPUTY CITY ATTORNEY EARLY** – Just if you’re going to make a motion to  
3 appoint your subcommittee if that is your direction that you are going to head in,  
4 you’ll want to take that action formally.  
5  
6 **CHAIR LOWELL** – What size of subcommittee are we talking? Do we appoint  
7 all seven of us?  
8  
9 **DEPUTY CITY ATTORNEY EARLY** – No, it would have to be less than a  
10 quorum, so one, two or three.  
11  
12 **COMMISSIONER BARNES** - I would recommend the Chair and the Vice Chair  
13 be on it. The third member...  
14  
15 **DEPUTY CITY ATTORNEY EARLY** – It doesn’t have to be three. It can be any  
16 number three or less.  
17  
18 **COMMISSIONER BARNES** – I would be happy to participate. I’m less  
19 experienced than Meli or Ray, but I’m happy to be involved. Would you like to do  
20 it Meli?  
21  
22 **COMMISSIONER VAN NATTA** – I can  
23  
24 **CHAIR LOWELL** – I volunteer. Would anybody else like to volunteer?  
25  
26 **VICE CHAIR SIMS** – You’ve heard everything I have to say.  
27  
28 **COMMISSIONER VAN NATTA** – Okay  
29  
30 **CHAIR LOWELL** – Would anybody else like to volunteer? It is between Meli and  
31 myself.  
32  
33 **COMMISSIONER BARNES** – I’ll volunteer, but you don’t want to do it Jeff?  
34  
35 **CHAIR LOWELL** – I’m just asking for volunteers  
36  
37 **VICE CHAIR SIMS** – You guys will represent us well I’m sure.  
38  
39 **COMMISSIONER BARNES** – Alright I’ll be happy to do it.  
40  
41 **PLANNING OFFICIAL SANDZIMIER** – You may want to make a motion to  
42 appoint a subcommittee made up of what looks like Commissioner Van Natta,  
43 Commissioner Barnes and Chair Lowell. If somebody offered that motion and it  
44 was seconded, then you would take a vote on it and we will...  
45  
46 **CHAIR LOWELL** – Can the Chair make a motion?  
47

1 **COMMISSIONER BARNES** – I will so move.  
2  
3 **COMMISSIONER BAKER** – I second it  
4  
5 **PLANNING OFFICIAL SANDZIMIER** – I think you should make the motion in its  
6 entirety.  
7  
8 **CHAIR LOWELL** – I motion to appoint a subcommittee to approach the City  
9 Council on the item of the new Planning Commissioner rules referring to the  
10 alternates...  
11  
12 **PLANNING OFFICIAL SANDZIMIER** – Made up of...  
13  
14 **CHAIR LOWELL** – Made up of myself the Chair Brian Lowell, Meli Van Natta  
15 and Commissioner Jeff Barnes.  
16  
17 **DEPUTY CITY ATTORNEY EARLY** – Stand by one moment, we’re going to see  
18 if this something we can input into the system on a quick vote or do it the old  
19 fashioned way.  
20  
21 **CHAIR LOWELL** – I have to initiate it  
22  
23 **PLANNING OFFICIAL SANDZIMIER** – You will need a second to that motion  
24  
25 **CHAIR LOWELL** – Oh, oh, oh, a new section just popped up. Wow Grace is  
26 working overtime. I can hear those fingers typing like crazy.  
27  
28 **COMMISSIONER BARNES** – Technology, aint it grand. While we’re figuring this  
29 out may I ask you a question? What is our ability to speak individually amongst  
30 ourselves to collect thoughts on what this committee will be presenting or  
31 discussing?  
32  
33 **DEPUTY CITY ATTORNEY EARLY** – The subcommittee is free to speak among  
34 itself at a... because it is an Adhoc for the single purpose. You are not going to  
35 have a regular meeting or anything so it is not a Brown Act issue there, but as far  
36 as getting direction from the body as a whole as to what the subcommittee’s  
37 issues are and where it is going to be, you can only do that here or at an  
38 agendized meeting where this issue is on the agenda. So you can certainly do it  
39 now. We can add this topic to the next agenda as well so that you can report  
40 back or if you want to get further direction it’s there, but you would not be able to  
41 talk to the other Commissioners about it.  
42  
43 **COMMISSIONER BARNES** – Would not be able to... so individually I could not  
44 speak to another Commissioner one on one about this?  
45

1 **DEPUTY CITY ATTORNEY EARLY** – Correct. Amongst the subcommittee you  
2 certainly could but bringing in one more member into the topic would then  
3 constitute a quorum.

4  
5 **VICE CHAIR SIMS** – You could individually talk to each other...  
6

7 **DEPUTY CITY ATTORNEY EARLY** – Yes but you have to be very careful about  
8 the meeting rules there and it would be extremely easy to violate miscontext.  
9

10 **COMMISSIONER BARNES** – That’s my concern. Okay, that’s what’s driving the  
11 question.  
12

13 **DEPUTY CITY ATTORNEY EARLY** – Yeah cause if you’re looking for direction  
14 or consensus...  
15

16 **COMMISSIONER VAN NATTA** – I think if everybody has had an opportunity to  
17 say what they wanted to say tonight, then the committee can take all of those  
18 comments and come up with a...  
19

20 **CHAIR LOWELL** – It looks like our system is up and running, so should I repeat  
21 the motion? Yeah I would like to motion to appoint a subcommittee consisting of  
22 myself the Chair Brian Lowell, Commissioner Meli Van Natta and Commissioner  
23 Jeff Barnes to approach the City Council on the item of Planning Commission  
24 rules in respect to Alternate Planning Commissioners and how they are  
25 implemented.  
26

27 **DEPUTY CITY ATTORNEY EARLY** – I would just ask you clarify that it is an  
28 Adhoc Subcommittee because it does have some different rules.  
29

30 **CHAIR LOWELL** – Adhoc Subcommittee. I’m the mover, who is the shaker?  
31

32 **COMMISSIONER BAKER** – Second  
33

34 **CHAIR LOWELL** – Okay moved by myself and seconded by Commissioner  
35 Baker. It’s time to vote. All votes have been cast. Last call for votes ending in  
36 three, two, one. It looks like the motion has been approved 7 – 0 and that wraps  
37 up that item.  
38

39 **PLANNING OFFICIAL SANDZIMIER** – Okay on that item just as far as a wrap  
40 up goes, you can work with Grace if you’d like Grace to help you set up that  
41 meeting with the City Council members and then I would just ask that when you  
42 guys have had that meeting, if you have an opportunity to report out, let us know  
43 and we can put that on an Agenda as Paul Early has indicated. You have to do  
44 the report out at a formal meeting. You wouldn’t want to start talking to your  
45 other members.  
46

1 **CHAIR LOWELL**- Now are we going to be meeting with the Councilmen  
2 individually or as a whole in front of the City Council?

3  
4 **PLANNING OFFICIAL SANDZIMIER** – That would be between the subcommittee  
5 members how you guys decide how you want to do it.

6  
7 **CHAIR LOWELL** – Right and I think that wraps up that item, hence we are going  
8 on to Staff Comments.

9  
10  
11  
12 **STAFF COMMENTS**

13  
14 **PLANNING OFFICIAL SANDZIMIER** – And I don't have anything.

15  
16 **CHAIR LOWELL** – Great, well I have a couple of questions for you. I'm trying to  
17 schedule the next few meetings. I know we have a few Commissioners up here  
18 with vacations planned or are going to be out of town which is kind of why this  
19 Alternate Planning Commissioners has been an item today. Do we have any  
20 idea for when the whole Planning Commission body will be available? I know  
21 we are meeting on the 11<sup>th</sup> of June to discuss the World Logistics Center and it is  
22 probably going to be continued to another day. Do we have any idea when that  
23 might be?

24  
25 **PLANNING OFFICIAL SANDZIMIER** – At this point no. What I'd like to say first  
26 off is tonight you should be adjourning your meeting to the next regular meeting  
27 of the Commission, which be May 28<sup>th</sup> and if we have any items that would be  
28 agenda'd for that meeting. We would have that meeting. If we do not have any  
29 items that come up that would need to be on that Agenda, we will send out a  
30 cancellation memo. We have noticed the World Logistics Center project for a  
31 meeting on June 11<sup>th</sup>, however to pre-determine what the next meeting date  
32 would be, would be inappropriate because this is a televised meeting and I don't  
33 want to send any message out to the public that might think that there was  
34 another second date already established. That would have to be done in the  
35 course of your deliberations on the 11<sup>th</sup> and then you as a body would basically  
36 would be selecting when and if there may not be a requirement for you to adjourn  
37 that meeting if you finished up the business that day, so we do believe there will  
38 be a well-attended meeting. Is this our suspicion, but I wouldn't want to pre-  
39 determine it in advance and give you any dates, so that's what I would offer this  
40 evening.

41  
42 **CHAIR LOWELL** – Okay, thank you.

43  
44 **VICE CHAIR SIMS** – So on this June 11<sup>th</sup>, is there going to be some time limits  
45 that 1. For public comment, 2. is there going to be a time limit for the meeting,  
46 you know I'm getting old so I don't want to be here till 4 in the morning and going



1 through what there could be significant testimony, so can there be a time limit to  
2 the meeting where we are not going to go past midnight or something and I  
3 noticed when I came to one of the City Council meeting here a few months or so  
4 ago, they did have and I thought it was a 30 minute public comment period at the  
5 beginning of the meeting. I'm not sure it is appropriate here. I think there could  
6 be a 30 minute public comment and then you have a limit of three minute  
7 comments or whatever... I don't know about unlimited but there would be a three  
8 minute comment period there for public comment period on the actual specific  
9 item. Is there a way to do that?

10  
11 **PLANNING OFFICIAL SANDZIMIER** – With regard to your observation at the  
12 City Council meetings recently. What the City Council has been doing is limiting  
13 the initial public comments on non-agenda matters to an initial 30 minutes,  
14 however they are not cutting it off entirely at that point, they are resuming if there  
15 is extra public comments they resume it at a later time in the meeting. I believe  
16 they set it at 9 o'clock. That is on a different item and I think you are talking about  
17 a specific project. Each of you have the rules of procedure for the Planning  
18 Commission. I assume if you still have those at home or maybe you have them  
19 this evening, you can refer to page 7 of the rules of procedure and it does  
20 discuss very clearly what the order of testimony is on a public hearing item. It  
21 also goes into rules of the testimony and it does provide for if there are numerous  
22 people in the audience who wish to participate on the issue and it is known that  
23 all represent the same opinion, a spokesman should be selected to speak for the  
24 entire group if possible. The spokesman will thus have the opportunity of  
25 speaking for a reasonable length of time and/or presenting a complete case.  
26 Now that reasonable amount of time is something the Chairman and the  
27 Commissioners can establish before the item comes up. That is on any item that  
28 ever comes before you. You guys can do that, just based on what you are  
29 observing in the room. It goes on to persons presenting testimony, the  
30 Commission requests they give their name and their address. To avoid  
31 unnecessary cumulative evidence, the Chairman may limit the number of  
32 witnesses or the time of testimony on a particular issue, so it does provide in  
33 here you have some discretion. Again I would be looking to our legal counsel  
34 who may want to shed some additional light, but I believe it would be something  
35 that would have to be discussed among the Commission is heard so that you  
36 understand the rules and you let the community now what the rules would be.  
37 You can also control the flow of the meeting under rule of testimony, rule 4  
38 irrelevant and off subject comments will be ruled out of order, so you can  
39 immediately cut those off but just ruling them out of order if that is what they are.  
40 The other thing, it seems that it controls the flow is that all comments shall be  
41 addressed to the Commission. All questions shall be placed to the Chair, so it is  
42 saying the Chair will have some authority in conducting how the testimony is, but  
43 those are things that are set forth here but it doesn't go into anything specific in  
44 terms of how many minutes and leaves you some discretion is how I understand  
45 it.

1 **VICE CHAIR SIMS** – Yeah could you re-email out the rules out tomorrow to  
2 everybody to the Commissioners just so we have them and the alternates so we  
3 all have that to make sure we all...

4  
5 **PLANNING OFFICIAL SANDZIMIER** – Alright

6  
7 **CHAIR LOWELL** – With that are there any other Staff Comments?

8  
9 **DEPUTY CITY ATTORNEY EARLY** – Since there is talk of teleconferencing for  
10 future meetings I just want to encourage any of the Commissioners that are  
11 possibly going to be looking at using that tool to make sure you let Staff know at  
12 the earliest convenience. There are very specific rules under the Brown Act on  
13 noticing that, the location where you are at has to be publicly accessible location,  
14 so if you are in a hotel on the other side of the world that is perfectly acceptable,  
15 but you do have to post a copy of the agenda and have the place open to the  
16 public and ADA accessible, so usually you get a little conference room or a little  
17 office room from the hotel to do it in. So there ways to do it but because of those  
18 little hurdles and timeframes, I just want to encourage you to let Staff know as  
19 early as possible so we can make sure that we get all those ducks in a row so  
20 there is no problems.

21  
22 **CHAIR LOWELL** – The week of June 15<sup>th</sup> through 19<sup>th</sup>, which is the week  
23 following the June 11<sup>th</sup> meeting, I will be out of the State, so if we have to  
24 continue the meeting to a later date and if it happens to be during that week I will  
25 not be in the City of Moreno Valley so I will need to be accommodated that way.

26  
27 **DEPUTY CITY ATTORNEY EARLY** – And if you are continuing an open meeting  
28 that will be something that the Commission will decide on the date on that they  
29 will continue it to.

30  
31 **CHAIR LOWELL** – But as far as noticing, is what I just did enough notice? Do I  
32 need to let an email or something?

33  
34 **PLANNING OFFICIAL SANDZIMIER** – We don't know if you actually going to  
35 continue the meeting.

36  
37 **CHAIR LOWELL** – I'm just putting it out there to make sure that there is enough  
38 time.

39  
40 **DEPUTY CITY ATTORNEY EARLY** – That situation will happen at the meeting  
41 itself. If you're at a meeting in a situation where we need to continue this to a  
42 new date, there is no new noticing that would have to happen for that date  
43 because the hearing isn't being closed. It is being continued at that, so it is  
44 entirely dependent on what you as a body decide to continue it to at that time.

1 **CHAIR LOWELL** – Can I ask my fellow Commissioners to notify Staff of their  
2 schedules for the month of June just to be on the safe side for available dates  
3 after June 11<sup>th</sup> should the meeting go long and have to be continued to another  
4 date? I want to make sure everyone is present on the June 11<sup>th</sup> meeting would  
5 be available for future dates so we're not hashing this out at the meeting.  
6

7 **DEPUTY CITY ATTORNEY EARLY** - It would certainly make this easier.  
8

9 **PLANNING OFFICIAL SANDZIMIER** – That would be fine  
10

11 **CHAIR LOWELL** – A lot easier. Any other comments by Staff or from Staff?  
12

13 **PLANNING OFFICIAL SANDZIMIER** – No  
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## 18 **PLANNING COMMISSIONER COMMENTS**

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20

21 **CHAIR LOWELL** – Do we have any Planning Commissioner Comments?  
22

23 **COMMISSIONER BARNES** – Well on that same subject would it be appropriate  
24 for us the meeting preceding that meeting to define some rules. Would that be of  
25 benefit to both the public and the applicant so that going in they know what the  
26 defined times and rules would be so that during the course of the meeting without  
27 those rules if a decision were made, it might create a lot of ill-will, whereas if we  
28 know going in that we're going to allocate x time for public comment and at the  
29 end of the meeting will be x and if we don't finish we'll continue. Everyone will be  
30 aware up front. Would that be of benefit to the whole process?  
31

32 **PLANNING OFFICIAL SANDZIMIER** – I think if you're talking about doing that in  
33 advance like this evening or something, I think it might be a little bit premature  
34 because I think you should wait until the day of the meeting to see what the  
35 circumstances are. If the room is full and you have a sense that everybody in the  
36 room is going to speak on one item, then you'll have some clear understanding of  
37 why you are changing the rules, but to predetermine it today just because we  
38 know it is a large project or we know there is something coming up that has had  
39 some interest...  
40

41 **CHAIR LOWELL** – But we've already determined in the rules there is flexibility  
42

43 **DEPUTY CITY ATTORNEY EARLY** – Yeah and I'm certainly available if the  
44 Chair would like to meet with me or through email or however to put together  
45 maybe some alternatives or options depending on what you see that day so  
46 you're ready to go with some different choices.

1  
2 **CHAIR LOWELL** – I do know as a body the Planning Commission has the ability  
3 to vote on how we handle public comments within reason.

4  
5 **DEPUTY CITY ATTORNEY EARLY** – Correct, State Law requires you give  
6 reasonable time restrictions.

7  
8 **CHAIR LOWELL** – I appreciate it. Any other comments by the Planning  
9 Commissioners?

10  
11 **VICE CHAIR SIMS** – I just think we should prepare ourselves though for  
12 however long the process takes... this is one of... it is a big project.

13  
14 **CHAIR LOWELL** – I'm bringing a thermos with a lot of coffee in it.

15  
16 **VICE CHAIR SIMS** – I do think if you know that we should set it up that there is a  
17 time limit that we shut down and continue you know, so we don't get past a  
18 certain amount of time. I don't think it is fair to the people who can't make to the  
19 meeting and they can't stay up till God knows what time if the meeting just goes  
20 on and on and on. People have to eventually go home and go to bed and go to  
21 work.

22  
23 **COMMISSIONER BARNES** – At some point it will affect the quality of  
24 deliberation too.

25  
26 **VICE CHAIR SIMS** – Yeah, so I think we should you know...anyhow, enough  
27 said.

28  
29 **CHAIR LOWELL** – Any other comments? Meli?

30  
31 **COMMISSIONER VAN NATTA** – No

32  
33  
34  
35 **ADJOURNMENT**

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37 **CHAIR LOWELL** – Okay at this time I would like to conclude our meeting. The  
38 meeting is now adjourned to our next regular meeting which is May 28<sup>th</sup>, 2015 at  
39 7 pm. Thank you and have a good night.

1 **NEXT MEETING**

2 *Planning Commission Regular Meeting, May 28<sup>th</sup>, 2015 at 7:00 pm, City of*  
3 *Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno*  
4 *Valley, CA, 92533.*

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Richard Sandzimier  
Planning Official  
Approved

\_\_\_\_\_  
Date

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Brian Lowell  
Chair

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Date