



## **AGENDA**

**CITY COUNCIL OF THE CITY OF MORENO VALLEY  
MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY AS SUCCESSOR AGENCY FOR THE  
COMMUNITY REDEVELOPMENT AGENCY OF  
THE CITY OF MORENO VALLEY  
MORENO VALLEY HOUSING AUTHORITY  
MORENO VALLEY PUBLIC FINANCING AUTHORITY  
BOARD OF LIBRARY TRUSTEES**

**October 15, 2019**

**City Council Study Sessions**

Second Tuesday of each month – 6:00 p.m.

**City Council Meetings**

Special Presentations – 5:30 P.M.

First & Third Tuesday of each month – 6:00 p.m.

**City Council Closed Session**

*Will be scheduled as needed at 4:30 p.m.*

City Hall Council Chamber – 14177 Frederick Street

*Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Guy Pegan, ADA Coordinator, at 951.413.3120 at least 72 hours before the meeting. The 72-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

Dr. Yxstian A. Gutierrez, Mayor

Victoria Baca, Mayor Pro Tem  
Ulises Cabrera, Council Member

David Marquez, Council Member  
Dr. Carla J. Thornton, Council Member

**AGENDA**  
**CITY COUNCIL OF THE CITY OF MORENO VALLEY**  
**October 15, 2019**

**CALL TO ORDER - 5:30 PM**

**SPECIAL PRESENTATIONS**

1. California Desert Protection Act Proclamation
  
2. EMERGING LEADERS COUNCIL ANNUAL REPORT (ORAL PRESENTATION) (Report of: City Clerk)

**AGENDA  
JOINT MEETING OF THE  
CITY COUNCIL OF THE CITY OF MORENO VALLEY  
MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY AS SUCCESSOR AGENCY FOR THE  
COMMUNITY REDEVELOPMENT AGENCY OF THE  
CITY OF MORENO VALLEY  
MORENO VALLEY HOUSING AUTHORITY  
AND THE BOARD OF LIBRARY TRUSTEES**

**\*THE CITY COUNCIL RECEIVES A SEPARATE STIPEND FOR CSD  
MEETINGS\***

**REGULAR MEETING – 6:00 PM  
OCTOBER 15, 2019**

**CALL TO ORDER**

Joint Meeting of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency, Housing Authority and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item.

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

Pastor Donny Wilson, Lighthouse Baptist Church

**ROLL CALL**

**INTRODUCTIONS**

**PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)**

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

Those wishing to speak should complete and submit a BLUE speaker slip to the Sergeant-at-Arms. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council.

## JOINT CONSENT CALENDARS (SECTIONS A-E)

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

### A. CONSENT CALENDAR-CITY COUNCIL

- A.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

**Recommendation:** Waive reading of all Ordinances.

- A.2. MINUTES - CITY COUNCIL - REGULAR MEETING - OCT 1, 2019 6:00 PM

**Recommendation:** Approve as submitted.

- A.3. MAYORAL APPOINTMENTS TO THE ARTS COMMISSION (Report of: City Clerk)

**Recommendation:**

1. Receive and confirm the following Mayoral appointments:

#### **ARTS COMMISSION**

<u>Name</u>	<u>Position</u>	<u>Term</u>
Tami Drayton	Member	Ending 06/30/22
Clay Drayton	Member	Ending 06/30/22

- A.4. APPROVE THE MOU BETWEEN THE CITY OF MORENO VALLEY AND RIVERSIDE COMMUNITY COLLEGE DISTRICT, ACTING ON BEHALF OF MORENO VALLEY COLLEGE TO SPONSOR THE MORENO VALLEY COLLEGE PROMISE INITIATIVE (Report of: City Clerk)

**Recommendations: That the City Council:**

1. Approve support for the Memorandum of Understanding between the City of Moreno Valley and the Riverside Community College District to extend support for the first year Moreno Valley resident students attending Moreno Valley College via the Promise Initiative.

2. Authorize the City Manager to execute the attached agreement with Moreno Valley College and authorize the one annual sponsorship of \$50,000 for fiscal year 2019-2020.

- A.5. ADOPT RESOLUTION NO. 2019-XX, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A WILDFIRE MITIGATION PLAN FOR MORENO VALLEY UTILITY (Report of: Financial & Management Services)

**Recommendation:**

1. Adopt Resolution No. 2019-XX, a Resolution of the City Council of the City of Moreno Valley, California, approving Wildfire Mitigation Plan 2019 for Moreno Valley Utility.

- A.6. APPROVE 2020 ANNUAL SYSTEM RESOURCE ADEQUACY PLAN FOR MORENO VALLEY UTILITY (Report of: Financial & Management Services)

**Recommendations:**

1. Approve the Annual System Resource Adequacy Plan for 2020.
2. Appropriate additional funds of \$585,300 to fund the purchase of Resource Adequacy.

- A.7. APPROVE AN EASEMENT DEED FOR EASTERN MUNICIPAL WATER DISTRICT (Report of: Public Works)

**Recommendation:**

Approve the Easement Deed for Eastern Municipal Water District (EMWD) and authorize the City Manager to sign the Easement Deed.

- A.8. SECOND READING AND ADOPTION OF ORDINANCE SETTING THE PLANNING COMMISSION AT 7 MEMBERS (Report of: City Attorney)

**Recommendation:**

Staff recommends that City Council conducts a second reading and adoption of Ordinance XXX, amending Chapter 2.18 returning the Planning Commission to 7 members.

- A.9. SECOND READING AND ADOPTION OF ORDINANCE PROHIBITING THE FEEDING OF BURROS (Report of: City Attorney)

**Recommendation:**

Staff recommends that the City Council conduct the second reading, by title only, and adopt Ordinance \_\_\_\_, which would prohibit the feeding of wild burros in the City limits.

- A.10. LIST OF PERSONNEL CHANGES (Report of: Human Resources)

**Recommendation:**

1. Ratify the list of personnel changes as described.

- A.11. REPORT OF APPROVED SALARY CHANGES (Report of: Human Resources)

**Recommendation:**

1. Receive and file the attached Report of Approved Salary Changes.

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

- B.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

**Recommendation:** Waive reading of all Ordinances.

- B.2. MINUTES - REGULAR MEETING OF OCT 1, 2019 6:00 PM (See A.2)

**Recommendation:** Approve as submitted.

- B.3. PURSUANT TO A LANDOWNER PETITION, ANNEX ONE PARCEL INTO COMMUNITY FACILITIES DISTRICT NO. 1 (PARK MAINTENANCE) — AS ANNEXATION NO. 2019-49 (RESO. NO. CSD 2019-\_\_\_\_) (Report of: Public Works)

**Recommendation:**

Acting as the legislative body of Community Facilities District No. 1 (Park Maintenance) adopt Resolution No. CSD 2019-\_\_\_\_, a Resolution of the Board of Directors of the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory for Annexation No. 2019-49 to its Community Facilities District No. 1 and approving the amended map for said District.

## **C. CONSENT CALENDAR - HOUSING AUTHORITY**

- C.1. RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE SALE OF PROPERTY AT ALESSANDRO BOULEVARD AND DAY STREET (Report of: Economic Development)

### **Recommendations: That the Housing Authority:**

1. Adopt the Resolution setting the time and place for the Housing Authority's final action on the sale of the Property.

## **D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES - NONE**

## **E. CONSENT CALENDAR - PUBLIC FINANCING AUTHORITY - NONE**

## **F. PUBLIC HEARINGS**

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration.

Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Sergeant-at-Arms.

- F.1. ADOPTION OF 2019 CALIFORNIA BUILDING CODES, CALIFORNIA CODE OF REGULATIONS, TITLE 24, INCORPORATING THE LATEST EDITIONS OF THE MODEL CODES WITH AMENDMENTS (Report of: Community Development)

### **Recommendations: That the City Council:**

1. Conduct a Public Hearing to receive public input on the proposed Ordinance.
2. Introduce and conduct the first reading of Ordinance No. \_\_\_\_\_, amending Title 8 of the City of Moreno Valley Municipal Code by adding Chapters 8.28, 8.30, 8.32, 8.34, 8.38, and 8.44, and by repealing and replacing Chapters 8.20, 8.22, 8.23, 8.24, 8.26, 8.36 and adopting, as modified, the California Building Standards Code, California Code of Regulations, Title 24: including the 2019 California Administrative Code, the 2019 California Building Code, the 2019 California Residential Code, the 2019 California Electrical Code, the 2019 California Mechanical Code, the 2019 California Plumbing code, the 2019 California Energy Code, the 2019 California Historical Building Code, the 2019 California Existing Building Code, the 2019 California Green Building Code, the 2019 California Reference Standards Code, and the 2019 California Fire Code, and adopting

other regulations relating to building and fire prevention requirements.

3. Schedule the second reading and adoption of Ordinance No. \_\_\_\_\_ for the next regular Council meeting.

**F.2. PUBLIC HEARING FOR ONE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MAIL BALLOT PROCEEDING (Report of: Public Works)**

**Recommend that the City Council:**

1. Conduct the Public Hearing and accept public testimony for the mail ballot proceeding for the National Pollutant Discharge Elimination System (NPDES) Residential Regulatory Rate to be applied to the property tax bill as identified herein;
2. Direct the City Clerk to open and count the returned NPDES ballot;
3. Verify and accept the results of the mail ballot proceeding as maintained by the City Clerk on the Official Tally Sheet and if approved, set the rate and impose the NPDES Residential Regulatory Rate, as applicable, on the Assessor's Parcel Number as mentioned;
4. Receive and file the Official Tally Sheet with the City Clerk's office.

**G. GENERAL BUSINESS - NONE**

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

**I. REPORTS**

**I.1. CITY COUNCIL REPORTS**

(Informational Oral Presentation - not for Council action)

March Joint Powers Commission (JPC)

Riverside County Habitat Conservation Agency (RCHCA)

Riverside County Transportation Commission (RCTC)

Riverside Transit Agency (RTA)

Western Riverside Council of Governments (WRCOG)

Western Riverside County Regional Conservation Authority (RCA)

School District/City Joint Task Force



I.2. CITY MANAGER'S REPORT

(Informational Oral Presentation - not for Council action)

I.3. CITY ATTORNEY'S REPORT

(Informational Oral Presentation - not for Council action)

**CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY, HOUSING AUTHORITY AND THE BOARD OF LIBRARY TRUSTEES.**

**ADJOURNMENT**

**PUBLIC INSPECTION**

The contents of the agenda packet are available for public inspection on the City's website at [www.moval.org](http://www.moval.org) and in the City Clerk's office at 14177 Frederick Street during normal business hours.

Any written information related to an open session agenda item that is known by the City to have been distributed to all or a majority of the City Council less than 72 hours prior to this meeting will be made available for public inspection on the City's website at [www.moval.org](http://www.moval.org) and in the City Clerk's office at 14177 Frederick Street during normal business hours.

**CERTIFICATION**

I, Pat Jacquez-Nares, City Clerk of the City of Moreno Valley, California, certify that 72 hours prior to this Regular Meeting, the City Council Agenda was posted on the City's website at: [www.moval.org](http://www.moval.org) and in the following three public places pursuant to City of Moreno Valley Resolution No. 2007-40:

City Hall, City of Moreno Valley  
14177 Frederick Street

Moreno Valley Library  
25480 Alessandro Boulevard

Moreno Valley Senior/Community Center  
25075 Fir Avenue

Pat Jacquez-Nares, CMC & CERA  
City Clerk

Date Posted: October 10, 2019

**TO:**

**FROM:** Pat Jacquez-Nares, City Clerk

**AGENDA DATE:** October 15, 2019

**TITLE:** CALIFORNIA DESERT PROTECTION ACT  
PROCLAMATION

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**RECOMMENDED ACTION**

**CITY COUNCIL GOALS**

None

**CITY COUNCIL STRATEGIC PRIORITIES**

1. Economic Development
2. Public Safety
3. Library
4. Infrastructure
5. Beautification, Community Engagement, and Quality of Life
6. Youth Programs

**ATTACHMENTS**

None

**APPROVALS**

**TO:**  
**FROM:** Pat Jacquez-Nares, City Clerk  
**AGENDA DATE:** October 15, 2019  
**TITLE:** EMERGING LEADERS COUNCIL ANNUAL REPORT  
(ORAL PRESENTATION)

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**RECOMMENDED ACTION**

**CITY COUNCIL GOALS**

None

**CITY COUNCIL STRATEGIC PRIORITIES**

1. Economic Development
2. Public Safety
3. Library
4. Infrastructure
5. Beautification, Community Engagement, and Quality of Life
6. Youth Programs

**ATTACHMENTS**

None

**APPROVALS**

**MINUTES**  
**CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY**  
**October 1, 2019**

**CALL TO ORDER - 5:30 PM**

**SPECIAL PRESENTATIONS**

1. Business Spotlight
  - a) Unlimited Quest
  - b) BurgerIM
2. Public Power Week Proclamation
3. Fire Prevention Week Proclamation
4. Community Planning Month Proclamation

**MINUTES  
JOINT MEETING OF THE  
CITY COUNCIL OF THE CITY OF MORENO VALLEY  
MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY AS SUCCESSOR AGENCY FOR THE  
COMMUNITY REDEVELOPMENT AGENCY OF THE  
CITY OF MORENO VALLEY  
MORENO VALLEY HOUSING AUTHORITY  
BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING – 6:00 PM  
October 1, 2019**

**CALL TO ORDER**

The Joint Meeting of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, Moreno Valley Housing Authority, Moreno Valley Public Financing Authority and the Board of Library Trustees was called to order at 6:07 p.m. by Mayor Pro Tem Baca in the Council Chamber located at 14177 Frederick Street.

Mayor Pro Tem Baca announced that the City Council receives a separate stipend for CSD meetings.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Frank Wright.

**INVOCATION**

Pastor Abel Cordero, Moreno Hills Seventh-Day Adventist Church

**ROLL CALL**

Council:	Victoria Baca	Mayor Pro Tem
	Ulises Cabrera	Council Member
	Dr. Carla J. Thornton	Council Member

Absent:	Dr. Yxstian A. Gutierrez	Mayor
	David Marquez	Council Member

**INTRODUCTIONS**

Staff:	Pat Jacquez-Nares	City Clerk
	Kathryn Vigil	Deputy City Clerk
	Marshall Eyerman	Chief Financial Officer/City Treasurer

Minutes Acceptance: Minutes of Oct 1, 2019 6:00 PM (CONSENT CALENDAR-CITY COUNCIL)

Martin Koczanowicz	City Attorney
Tom DeSantis	City Manager
Allen Brock	Assistant City Manager
Mike Lee	Economic Development Director
Patty Nevins	Acting Community Development Director
Dave Lelevier	Acting Chief of Police
Abdul Ahmad	Fire Chief
Patti Solano	Parks and Community Services Director
Michael Wolfe	Public Works Director/City Engineer

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

### Keith Howerton

1. As a recent recipient of a parking citation, he expressed concern over the lack of signage notifying residents of the street sweeping schedule.

### Daryl Terrell

1. Communicated his prayers to Diego's family and the students and parents of Landmark Middle School.
2. Encouraged residents to believe in themselves.

### Nick Filippelli

1. Suggested that the City Council consider allowing small farm animals on residential properties.

### Adriana Kingston

1. Invited residents to the Bear Valley Elementary School Afterschool Open House on October 24, 2019.

### Marcia Narog

1. Dissatisfied with the condition of the roads on the Northeast end of the City.
2. Shopping cart theft, mail theft, and break-ins contradict the City's idyllic image.

### Barbara Baxter

1. Remarked on the successful Equine Disaster Expo and thanked Council Member Thornton for attending.
2. Announced that the next Expo is scheduled for 9/19/2020.
3. Upset about the insurance requirement for the four hour long event. Praised Parks and Community Services Director Solano for covering the cost.

### Bob Palomarez

1. Thanked Acting Chief of Police Lelevier and Chief Ahmad for their work.
2. Attended the School Board Meeting regarding the death of the student at Landmark Middle School.
3. Disappointed with what he sees as a lack of accountability from the School District. Advocated for recalling them.

Sandra Murphy

- 1. Introduced an anti-bullying petition.

Louise Palomarez

- 1. Asked that the meeting be closed in memory of Diego, the murdered student at Landmark Middle School.
- 2. Frustrated with the School Board.
- 3. Supports the City Council.

JOINT CONSENT CALENDARS (SECTIONS A-E)

Mayor Pro Tem Baca opened the Consent Agenda item for public comments, where was received from Louise Palomarez (Support Item No. A.14).

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Dr. Carla J. Thornton, Council Member  
**SECONDER:** Ulises Cabrera, Council Member  
**AYES:** Victoria Baca, Ulises Cabrera, Dr. Carla J. Thornton  
**ABSENT:** Dr. Yxstian A. Gutierrez, David Marquez

**A. CONSENT CALENDAR-CITY COUNCIL**

- A.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

**Recommendation:** Waive reading of all Ordinances.

- A.2. City Council - Regular Meeting - Sep 17, 2019 6:00 PM

**Recommendation:** Approve as submitted.

- A.3. MAYORAL APPOINTMENT TO THE TRAFFIC SAFETY COMMISSION (Report of: City Clerk)

**Recommendation:**

- 1. Receive and confirm the following Mayoral appointment:

**TRAFFIC SAFETY COMMISSION**

<u>Name</u>	<u>Position</u>	<u>Term</u>
Marla A. Matime	Member	Ending 06/30/21

Minutes Acceptance: Minutes of Oct 1, 2019 6:00 PM (CONSENT CALENDAR-CITY COUNCIL)

- A.4. COUNCIL DISCRETIONARY EXPENDITURE REPORTS FOR FISCAL YEAR 2019/2020 AS OF JULY 1, 2019 THROUGH AUGUST 31, 2019 (Report of: City Clerk)

**Recommendation:**

1. Receive and file the Fiscal Year 2019/2020 Council Discretionary Expenditure Report for July 1, 2019 through August 31, 2019.

- A.5. APPROVE THE SALE PRICE FOR APN 485-163-027-2 AND SIGNATURE ON THE ASSOCIATED AGREEMENT FOR A TAX-DEFAULT ACQUISITION BY THE RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT (AGMT. NO. 2019-451) (Report of: Public Works)

**Recommendations:**

1. Agree to the sale price of APN 485-163-027-2 in the amount of \$3,947.67 to be purchased by the Riverside County Flood Control & Water Conservation District through a tax-default acquisition; and
2. Authorize the Mayor to sign the Agreement to Purchase Tax-Defaulted Property between the Board of Supervisors of Riverside County and Riverside County Flood Control & Water Conservation District.

- A.6. MASTER LICENSE AGREEMENT FOR WIRELESS FACILITIES IN THE RIGHT OF WAY BETWEEN THE CITY OF MORENO VALLEY AND NEW CINGULAR WIRELESS PCS, LLC (AGMT. NO. 2019-452) (Report of: Public Works)

**Recommendations:**

1. Approve the Master License Agreement for Wireless Facilities in the Right of Way between the City of Moreno Valley and New Cingular Wireless PCS, LLC;
2. Authorize the City Manager or designee to execute the Master License Agreement for Wireless Facilities in the Right of Way between the City of Moreno Valley and New Cingular Wireless PCS, LLC, subject to City Attorney approval;
3. Authorize the City Manager or designee to execute amendments to the Agreement, subject to the approval of the City Attorney; and
4. Authorize the Public Works Director/City Engineer or designee to execute the Supplemental License Agreements with New Cingular Wireless PCS, LLC.



A.7. LIST OF PERSONNEL CHANGES (Report of: Human Resources)

**Recommendation:**

1. Ratify the list of personnel changes as described.

A.8. AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT TO ONYX PAVING COMPANY INC FOR PAVEMENT REHABILITATION FOR VARIOUS LOCAL STREETS - CDBG FISCAL YEAR 2019/20 – PROJECT NO. 801 0084 (AGMT. NO. 2019-453) (Report of: Public Works)

Council Member Cabrera pointed out that the City is awarding a contract for road repairs. He reminded everyone that last year \$1,000,000 was allocated to road reconstruction. He promoted the City's Pothole Reporting app.

**Recommendations:**

1. Award a construction contract to Onyx Paving Company, Inc., 2890 East La Cresta Avenue, Anaheim, CA 92806, for the Pavement Rehabilitation for Various Local Streets - CDBG Fiscal Year 2019/20 Project and authorize the City Manager to execute a contract with Onyx Paving Company, Inc. in substantial conformance with the attached contract in the amount of \$1,528,000.00;
  2. Authorize the issuance of a Purchase Order for Onyx Paving Company, Inc. in the amount of \$1,604,400.00 (\$1,528,000.00 bid amount plus 5% contingency) when the contract has been signed by all parties;
  3. Authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract, but not exceeding the total contingency of \$76,400.00 subject to the approval of the City Attorney; and
  4. Authorize a budget adjustment as set forth in the Fiscal Impact section of this report.
- A.9. ADOPTION OF RESOLUTION FOR UPDATE OF THE CITY USER FEE SCHEDULE - MISCELLANEOUS (NON-DEVELOPMENT) FEES FOR FY 2019/20 (RESO. NO. 2019-55) (Report of: Financial & Management Services)

**Recommendation:**

1. That the City Council adopt Resolution 2019-55 approving the increase in Miscellaneous (Non-Development) User Fees

- A.10. ADOPT A RESOLUTION SETTING THE LOCAL MORENO VALLEY COMMERCIAL CANNABIS ACTIVITY TAX PURSUANT TO MUNICIPAL CODE 3.28.030 (RESO. NO. 2019-56) (Report of: Financial & Management Services)

**Recommendation:**

1. Adopt Resolution No. 2019-56, a Resolution of the City Council of the City of Moreno Valley, California, setting the Local Moreno Valley Commercial Cannabis Activity Tax initial rate at 5% of gross revenues, 1% of gross revenues for Testing facilities and \$7.00 per square foot for Cultivation.

- A.11. PEN17-0128 (TR 37369) – APPROVE TRACT MAP 37369 LOCATED ON EUCALYPTUS AVENUE EAST OF INDIAN STREET. DEVELOPER: SILVIA E. ROMERO, HECTOR E. ROMERO, AND MICHAEL B. STREET (Report of: Public Works)

**Recommendations:**

1. Approve Tract Map.
2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

- A.12. ORDINANCE AMENDING CHAPTER 2.18 PLANNING COMMISSION (ORD. NO. 961) (Report of: City Attorney)

**Recommendation:**

1. It is recommended that the City Council introduce and conduct the first reading by title only, of Ordinance 961, amending Chapter 2.18 of the Municipal Code to reinstate Planning Commission to 7 members.

- A.13. AUTHORIZATION TO AWARD PROJECT-RELATED SERVICES AGREEMENT FOR A COMPREHENSIVE GENERAL PLAN UPDATE, NEW ENVIRONMENTAL JUSTICE AND ECONOMIC DEVELOPMENT ELEMENTS, AND ENVIRONMENTAL IMPACT REPORT (AGMT. NO. 2019-454) (Report of: Community Development)

Council Member Cabrera conveyed his excitement for the General Plan Update. He identified two new components, environmental justice and economic development.

**Recommendation:**

1. Approve and award a Project-Related Services Agreement with a

“Not-to-Exceed” fee with Dyett and Bhatia to provide services to complete a Comprehensive General Plan Update, New Environmental Justice and Economic Development Elements, and an Environmental Impact Report.

2. Authorize the City Manager, or his designee, to complete the development of scope of service and execute a Project-Related Services Agreement with Dyett and Bhatia, subject to the approval of the City Attorney.
3. Authorize the Chief Financial Officer to approve a purchase order with a “Not-to-Exceed” amount of \$1,498,500 to Dyett and Bhatia, in accordance with approved terms of the Agreement.

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

- B.1. APPROVE AND EXECUTE FIRST AMENDMENT TO THE AGREEMENT WITH THINK TOGETHER, INC. FOR OPERATION OF THE CITY'S FY 19/20 AFTER SCHOOL EDUCATION AND SAFETY (ASES) EXPANDED LEARNING PROGRAM (AGMT. NO. CSD 2019-84-01) (Report of: Parks & Community Services)

Council Member Cabrera noted that the item is a result of the extra funding that was secured for the ASES program.

### **Recommendations:**

1. Authorize the Executive Director to execute the First Amendment to the Agreement with Think Together, Inc. to utilize additional per-student funding authorized in the California State Budget for Fiscal Year 2019/20 for the After School Education and Safety (ASES) program.
2. Authorize the Executive Director to execute any subsequent related Extensions or Amendments to the Agreement, subject to the approval of the City Attorney.
3. Authorize the budget adjustment as set forth in the Fiscal Impact section of this report, to appropriate the additional 69 cents of State funding per student for the ASES Expanded Learning Program, totaling an additional \$474,692.40.

## **C. CONSENT CALENDAR - HOUSING AUTHORITY - NONE**

## **D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES - NONE**

## **E. CONSENT CALENDAR - PUBLIC FINANCING AUTHORITY - NONE**

Mayor Pro Tem Baca recognized the newly appointed Traffic Safety Commissioner, Marla Matime.

#### **F. PUBLIC HEARINGS - NONE**

#### **G. GENERAL BUSINESS - NONE**

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

#### **I. REPORTS**

##### **I.1. CITY COUNCIL REPORTS**

(Informational Oral Presentation - not for Council action)

##### March Joint Powers Commission (JPC) - Mayor Pro Tem Baca

Mayor Pro Tem Baca reported the following:

Tonight, I'm providing an update from the March Joint Powers Commission meeting held on September 25th.

At that meeting, the Commission approved an extension of the lease with U.S. Vets, which is operating in the former March Air Force Base barracks. The 2018 lease provided five 1-year terms. This is the first of 4 annual extensions.

##### Riverside County Habitat Conservation Agency (RCHCA) - Council Member Thornton

Council Member Thornton reported the following:

Items covered at the RCHCA Board of Directors meeting on September 19, 2019 include:

- As of June 30, 2019, the City has collected a total of \$79,719 in RCHCA fees for Fiscal Year 2018/2019. These funds are provided to the Riverside County Habitat Conservation Agency for conservation purposes.
- The Habitat Conservation Plan provides an educational outreach program to increase awareness of threatened and endangered species in Riverside County. As part of the program, in October, the RCHCA will be holding the second of its annual Celebrating Endangered Species events for approximately 1,000 students from schools in Riverside County.

##### Riverside County Transportation Commission (RCTC) - None

Riverside Transit Agency (RTA) - Council Member Thornton

Council Member Thornton reported the following:

Good news for transit riders. Now you can buy RTA passes from anywhere using the Token Transit app on your smartphone.

Customers can purchase passes for immediate use, or for future trips on all RTA fixed-route buses. Through the month of October, RTA is offering a 30 percent discount on your first mobile pass purchase. Please visit [www.riversidetransit.com](http://www.riversidetransit.com) <<http://www.riversidetransit.com>> for more details.

Western Riverside Council of Governments (WRCOG) - NoneWestern Riverside County Regional Conservation Authority (RCA) - NoneSchool District/City Joint Task Force - None**I.2. CITY MANAGER'S REPORT**

(Informational Oral Presentation - not for Council action)

City Manager DeSantis addressed comments made by prior public speakers. Urged everyone to take note of the M on Box Springs mountain which is lit in orange in observance of Bullying Prevention Awareness month.

**I.3. CITY ATTORNEY'S REPORT**

(Informational Oral Presentation - not for Council action)

City Attorney Koczanowicz explained how insurance costs are calculated for ultra hazardous events.

**CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY, HOUSING AUTHORITY AND THE BOARD OF LIBRARY TRUSTEES.**Council Member Thornton

1. Requested that City Manager DeSantis speak on the subject of animal zoning proposed by a public speaker.

City Manager DeSantis stated that the resident's comment is timely as the commencement of the General Plan update was just approved.

2. Persuaded residents to build an emergency fund.
3. Praised Barbara Baxter for organizing the Equine Disaster Preparedness Expo.
4. Announced her upcoming Meet and Greet taking place at the Equestrian Park on October 12, 2019.

5. Commended Cal Vet for holding the inaugural Veterans Pathway to Citizenship workshop.
6. Asked residents to save the date on November 11, 2019 for the Veterans Day ceremony.
7. Expressed her gratitude to Economic Development Director Lee and Business and Workforce Development Program Manager Melendez for coordinating her Business Roundtable.

#### Council Member Cabrera

1. Expressed his regret over missing the Equine Disaster Preparedness Expo. Promised to attend next year.
2. Urged residents to sign up for the USPS' Informed Delivery service.
3. Requested and received consensus from the City Council to research the implementation of lighting to deter mail theft.
4. Provided information regarding various projects throughout the City.
5. Amazed by the amount of support demonstrated by the Community at the fundraiser for Diego.

#### Mayor Pro Tem Baca

1. Attended the Floor and Decor grand opening on September 19th.
2. Utilizes Informed Delivery and suggested residents opt to receive their bills electronically.
3. Remarked on the resilience of the Community as it comes together to combat bullying during this time of sorrow.

### **ADJOURNMENT**

There being no further business to come before the City Council, Mayor Pro Tem Baca adjourned the meeting in memory of Diego, the slain Landmark Middle School student, at 7:06 p.m.

Submitted by:

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Pat Jacquez-Nares, CMC & CERA  
 City Clerk  
 Secretary, Moreno Valley Community Services District  
 Secretary, City as Successor Agency for the Community  
 Redevelopment Agency of the City of Moreno Valley  
 Secretary, Moreno Valley Housing Authority  
 Secretary, Board of Library Trustees  
 Secretary, Public Finance Authority

Approved by:

---

Victoria Baca  
 Mayor Pro Tem  
 City of Moreno Valley  
 Vice President, Moreno Valley Community Services District  
 Vice Chairperson, City as Successor Agency for the Community  
 Redevelopment Agency of the City of Moreno Valley  
 Vice Chairperson, Moreno Valley Housing Authority  
 Vice Chairperson, Board of Library Trustees  
 Vice Chairperson, Public Financing Authority



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Pat Jacquez-Nares, City Clerk

**AGENDA DATE:** October 15, 2019

**TITLE:** MAYORAL APPOINTMENTS TO THE ARTS COMMISSION

---

### **RECOMMENDED ACTION**

#### **Recommendation:**

1. Receive and confirm the following Mayoral appointments:

#### **ARTS COMMISSION**

<u>Name</u>	<u>Position</u>	<u>Term</u>
Tami Drayton	Member	Ending 06/30/22
Clay Drayton	Member	Ending 06/30/22

### **CITY COUNCIL GOALS**

**Advocacy.** Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

### **CITY COUNCIL STRATEGIC PRIORITIES**

1. Economic Development
2. Public Safety
3. Library
4. Infrastructure
5. Beautification, Community Engagement, and Quality of Life



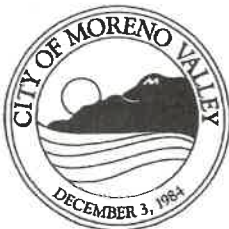
## 6. Youth Programs

### ATTACHMENTS

1. Tami J. Drayton\_Redacted
2. Clay Drayton\_Redacted

### APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	10/10/19 1:03 PM
City Attorney Approval	<u>✓ Approved</u>	10/10/19 3:47 PM
City Manager Approval	<u>✓ Approved</u>	10/10/19 4:26 PM



# City of Moreno Valley

## Boards and Commissions

### Membership Application Form

CITY CLERK  
MORENO VALLEY  
RECEIVED

19 SEP 27 AM 10:15

For City Clerk's Use  
Stamp Date and Time Received

Name:

TAMI J. DRAYTON

Home Address:

[REDACTED]

MORENO VALLEY 92555

How long have you resided in Moreno Valley?

4 yrs

#### CONFIDENTIAL INFORMATION

Home Phone No.:

[REDACTED]

Driver's License No.:

[REDACTED]

Work Phone No.:

[REDACTED]

Email Address:

[REDACTED]

Cell Phone No.:

[REDACTED]

Date of Birth:

[REDACTED]

Employer Name:

City of Moreno Valley

Position:

DANCE INSTRUCTOR

Address:

14075 Frederick St

MOVA1

Board or Commission applying for\*: 1<sup>st</sup> Choice

ARTS COMMISSION

2<sup>nd</sup> Choice

\*If applying for the Accessibility Appeals Board, please indicate which position you are applying for:

- Physically Challenged Person
- Person Experienced in Construction
- Public Member

\*If applying for the Utilities Commission, please indicate which position you are applying for:

- Public Member
- Customer of Moreno Valley Utility
- Business Customer of Moreno Valley Utility

Why do you wish to serve on this Board and/or Commission?

I believe the Commission, Community and City can benefit from my artistic creativity, experience, and knowledge. My desire is to help grow the commission to a new level.

List any education, training, or special skills, you have which may be relevant or of particular benefit to this Board and/or Commission:

MODERN/BALETT/JAZZ Dance Training + PERFORMANCE  
CHORUS SINGING - Founder of MOVE + GROOVE FOR HEALTH  
GRADUATE OF JOHN ROBER POWERS school of Modeling

Explain briefly your understanding of what this Board and/or Commission does, including its powers and limitations.

This board/commission exposes the community to the benefits and importance of the ARTS in our lives. They will help educate + promote the ARTS in the city + county.

What do you hope to accomplish by your participation?

OFFER MY SKILLS AND EXPERTISE TO HELP CREATE, COORDINATE AND EXECUTE ARTISTIC EVENTS.

Attachment: Tami J. Drayton\_Redacted (3804 : MAYORAL APPOINTMENTS TO THE ARTS COMMISSION)

List any employment, volunteer work, or membership in a service/community organization that you have served on, or are now a member of. Please provide the name(s) of the agency (ies), contact person, and dates served:

Volunteer @ MOVAL Senior Center Soul Line Dance / Zumba Instructor  
Chino Prison volunteer - Black Chamber of Commerce volunteer  
L.A. Mission Volunteer - SIGN LANGUAGE INTERPRETER for Crosswor  
Move & Groove For Health . org - DIRECTOR CHURCH

What other areas of interest do you have in our City government?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Would you be available for meetings during the day  or evening?

Attendance of at least one (1) meeting is required prior to appointment.

Date(s) of the meeting(s) attended: 9/22/19

Pursuant to Resolution 2016-42 all board and commission members must be registered voters of the City of Moreno Valley.

I authorize the City of Moreno Valley to obtain and review, on a confidential basis, such information regarding me as may be contained in the California State Summary Criminal History and in records of the California Department of Motor Vehicles. Yes  No  (The application shall not be considered if the NO box is checked.)

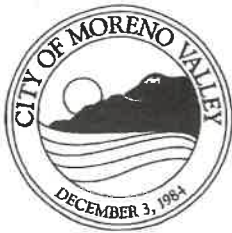
I hereby agree to attend all board or commission meetings, unless excused, and understand that I may be removed for lack of attendance, pursuant to Municipal Code, Subsection 2.06.010(C) which states, "If a member is absent without advance permission of the board or commission or of the appointing authority, from three consecutive regular meetings or from 25% of the duly scheduled meetings of the board or commission within any fiscal year, the membership shall thereupon become vacant and shall be filled as any other vacancy."

CERTIFICATE OF APPLICANT: I certify that all statements in this application are true and complete to the best of my knowledge. I understand that any false statements of material fact will subject me to disqualification or dismissal if appointed. I release the City of Moreno Valley from any liability for the use of the aforesaid information.



9/25/19  
Date

Please Note: Applications will be kept on file for potential future vacancies for one year after the application submittal date. Applications are accepted year-round. All applications are public record; personal information may be redacted to protect applicants' privacy.



# City of Moreno Valley

## Boards and Commissions

### Membership Application Form

CITY CLERK  
MORENO VALLEY  
RECEIVED

19 SEP 27 AM 10:15

For City Clerk's Use  
Stamp Date and Time Received

Name: Clay Drayton  
Home Address: [REDACTED] M.V. 92555

How long have you resided in Moreno Valley? \_\_\_\_\_

#### CONFIDENTIAL INFORMATION

Home Phone No.: \_\_\_\_\_ Driver's License No.: \_\_\_\_\_

Work Phone No.: \_\_\_\_\_ Email Address: [REDACTED]

Cell Phone No.: [REDACTED] Date of Birth: [REDACTED]

Employer Name: SELF Position: \_\_\_\_\_

Address: \_\_\_\_\_

Board or Commission applying for\*: 1<sup>st</sup> Choice ARTS Commission

2<sup>nd</sup> Choice \_\_\_\_\_

\*If applying for the Accessibility Appeals Board, please indicate which position you are applying for:

- Physically Challenged Person  Person Experienced in Construction  Public Member

\*If applying for the Utilities Commission, please indicate which position you are applying for:

- Public Member  Customer of Moreno Valley Utility  Business Customer of Moreno Valley Utility

Why do you wish to serve on this Board and/or Commission?

I LOVE MUSIC AND FINE ARTS. I HAVE BEEN INVOLVED IN MUSIC AS A PROFESSION MOST OF MY LIFE. IT HAS OPENED MANY DOORS FOR ME AND HAS GIVEN A CAREER THAT HAS BEEN REWARDING + ENJOYABLE. MY DESIRE IS TO SHARE ALL I CAN AND EDUCATE MANY TO THE JOY OF THE ARTS.

List any education, training, or special skills, you have which may be relevant or of particular benefit to this Board and/or Commission:

PRODUCER, SONGWRITER, MUSICIAN FOR MOTOWN RECORDS - SEVERAL GOLD RECORDS  
ONLINE SONGWRITING COURSE WITH OVER 3000 STUDENTS IN 110 COUNTRIES.  
MUSIC INDUSTRY FOR OVER 40+ YEARS. I MAJORED IN FINE ARTS IN COLLEGE

Explain briefly your understanding of what this Board and/or Commission does, including its powers and limitations.

THIS BOARD PROMOTES ARTS, ACTIVITIES AND EDUCATION WHICH INCLUDES FUNDING PROGRAMS TO ELEVATE THE AWARENESS AND PARTICIPATION IN THE ARTS.

What do you hope to accomplish by your participation?

I WOULD LIKE TO USE MY MUSIC EXPERIENCE TO EDUCATE AND HELP FACILITATE PROGRAMS, WORKING AS A TEAM MEMBER TO PROMOTE THE ARTS IN MORENO VALLEY.

Attachment: Clay Drayton\_Redacted (3804 : MAYORAL APPOINTMENTS TO THE ARTS COMMISSION)

List any employment, volunteer work, or membership in a service/community organization that you have served on, or are now a member of. Please provide the name(s) of the agency (ies), contact person, and dates served:

(2015-PRESENT) CEO of "Moreno Valley 4 Health", A NON-PROFIT SENIORS PROGRAM  
(2018) wrote and produced a song for Riverside Co. School System "Kindness Program"  
(2004-2016) Volunteer Minister for Chino Prison - Chaplain Palmer  
(2001-2005) Volunteer Minister Los Angeles Mission

What other areas of interest do you have in our City government?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Would you be available for meetings during the day  or evening?

Attendance of at least one (1) meeting is required prior to appointment.

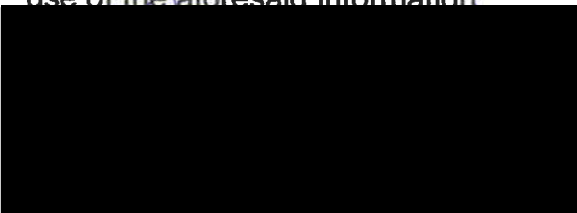
Date(s) of the meeting(s) attended: \_\_\_\_\_

Pursuant to Resolution 2016-42 all board and commission members must be registered voters of the City of Moreno Valley.

I authorize the City of Moreno Valley to obtain and review, on a confidential basis, such information regarding me as may be contained in the California State Summary Criminal History and in records of the California Department of Motor Vehicles. Yes  No  (The application shall not be considered if the NO box is checked.)

I hereby agree to attend all board or commission meetings, unless excused, and understand that I may be removed for lack of attendance, pursuant to Municipal Code, Subsection 2.06.010(C) which states, "If a member is absent without advance permission of the board or commission or of the appointing authority, from three consecutive regular meetings or from 25% of the duly scheduled meetings of the board or commission within any fiscal year, the membership shall thereupon become vacant and shall be filled as any other vacancy."

CERTIFICATE OF APPLICANT: I certify that all statements in this application are true and complete to the best of my knowledge. I understand that any false statements of material fact will subject me to disqualification or dismissal if appointed. I release the City of Moreno Valley from any liability for the use of the aforesaid information.



Sept 26 / 2019  
Date

Please Note: Applications will be kept on file for potential future vacancies for one year after the application submittal date. Applications are accepted year-round. All applications are public record; personal information may be redacted to protect applicants' privacy.

Attachment: Clay Drayton\_Redacted (3804 : MAYORAL APPOINTMENTS TO THE ARTS COMMISSION)



## Report to City Council

---

**TO:** Mayor and City Council

**FROM:** Pat Jacquez-Nares, City Clerk

**AGENDA DATE:** October 15, 2019

**TITLE:** APPROVE THE MOU BETWEEN THE CITY OF MORENO VALLEY AND RIVERSIDE COMMUNITY COLLEGE DISTRICT, ACTING ON BEHALF OF MORENO VALLEY COLLEGE TO SPONSOR THE MORENO VALLEY COLLEGE PROMISE INITIATIVE

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### **RECOMMENDED ACTION**

#### **Recommendations: That the City Council:**

1. Approve support for the Memorandum of Understanding between the City of Moreno Valley and the Riverside Community College District to extend support for the first year Moreno Valley resident students attending Moreno Valley College via the Promise Initiative.
2. Authorize the City Manager to execute the attached agreement with Moreno Valley College and authorize the one annual sponsorship of \$50,000 for fiscal year 2019-2020.

### **SUMMARY**

This report recommends approval of the Memorandum of Understanding (MOU) between the City of Moreno Valley and Riverside Community College District (RCCD) to extend support Moreno Valley resident students enrolled in the Moreno Valley College (MVC) Promise Initiative. The extension of the MOU commits \$50,000 for the 2019 – 2020 school year to continue to provide gap funding to offset first year college costs such as tuition, various fees and textbooks.

The goal of the MVC Promise Initiative is to ensure that students complete their associate degree transfer, and/ or workforce certificate requirements in a timely and efficient manner.

## **DISCUSSION**

On August 15, 2017, the City Council approved an MOU between the City of Moreno Valley and the RCCD to assist Moreno Valley residents through MVC's Promise Initiative (Promise Initiative). The approved \$50,000 expenditure supported Promise Initiative students for the 2017- 2018 school year. The City Council approved an Amendment to the MOU between the City of Moreno Valley and the RCCD on September 4, 2018, thereby providing \$50,000 to support MVC's Promise Initiative students for the 2018-2019 school year.

The proactive approach to community partnerships such as this serves the community by leveraging community resources to achieve the goals as outlined in the strategic plan to include expanding economic and workforce development efforts.

There is a direct correlation between attainment of higher education and economic prosperity for families and communities. It is projected that by 2020, 66% of all new jobs in California will require at least two years of college level education. The rising costs of higher education make it less accessible to low and middle income students. Even those who attend by receiving student loans, accumulate more debt than their more affluent peers.

MVC reports that the Promise Initiative has been highly successful and the City's support of the program earned a 2018 Programs Award of Excellence by the California Association for Local Economic Development (CALED) early this year.

The updated MOU supporting the MVC Promise Initiative extends the MOU to cover the 2019 – 2020 school year. There are no other amendments to the MOU.

### **About the Moreno Valley College Promise Initiative**

Recognizing the need for financial assistance for many of the incoming students, MVC launched the MVC Promise Initiative in school year 2016/ 2017. Its goal is to ensure that graduating students from Moreno Valley and Val Verde Unified School Districts have access to financial resources for a successful first year of college.

The Promise Initiative is part of the First Year Experience program, which provides an institutional framework for the positive transition of students from high school to college. According to Moreno Valley College, students with a solid foundation in the first year of college are significantly more likely to complete the first two years and transfer to a University. The framework includes structural and financial support.

## **ALTERNATIVES**

1. Approve the updated MOU between the City of Moreno Valley and RCCD extending the term and increasing the commitment by \$50,000 to support the MVC Promise Initiative. Authorization of this expenditure is tangible support and leverage of other community resources for the goals as outlined in the strategic plan to expand economic and workforce development efforts.

2. Do not approve the updated MOU to provide continuing support for the Moreno Valley College Promise Initiative. This alternative would be a lost opportunity to continue the proactive partnership with Moreno Valley College leveraging resources to create positive economic impacts in the lives of Moreno Valley families and in the community.

### **FISCAL IMPACT**

Should the City Council approve the MOU continuation of support for Moreno Valley College Promise Initiative students, the \$50,000 funding would be provided from the General Fund budget.

Monies dedicated to support the program were included in the two-year municipal budget, which was approved by the City Council and adopted on May 7, 2019. No additional budget appropriations are required to fulfill the MOU.

### **NOTIFICATION**

Agenda has been posted in accordance with the Brown Act.

### **PREPARATION OF STAFF REPORT**

Prepared By:  
Renee Bryant  
Management Aide

Department Head Approval:  
Pat Jacquez-Nares  
City Clerk

Concurred By:  
Martin Koczanowicz  
City Attorney

### **CITY COUNCIL GOALS**

**Advocacy.** Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

**Positive Environment.** Create a positive environment for the development of Moreno Valley's future.

### **CITY COUNCIL STRATEGIC PRIORITIES**

1. Economic Development
2. Public Safety
3. Library
4. Infrastructure
5. Beautification, Community Engagement, and Quality of Life
6. Youth Programs



**ATTACHMENTS**

- 1. 2019-2020 MOU

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	10/10/19 1:07 PM
City Attorney Approval	<u>✓ Approved</u>	10/10/19 3:44 PM
City Manager Approval	<u>✓ Approved</u>	10/10/19 4:36 PM

MEMORANDUM OF  
UNDERSTANDING BETWEEN  
THE CITY OF MORENO VALLEY AND  
RIVERSIDE COMMUNITY COLLEGE  
DISTRICT ON BEHALF OF  
MORENO VALLEY COLLEGE

THIS MEMORANDUM OF UNDERSTANDING (MOU) is entered into this 15th day of October 2019, by and between The City of Moreno Valley (City) and the Riverside Community College District on behalf of Moreno Valley College (College), both located in Riverside County, California. City and College may herein be individually referred to as "Party" or collectively as "Parties."

RECITALS

WHEREAS, both the City and the College have a common interest in the education and advancement of residents of Moreno Valley; and

WHEREAS, the College is able to provide Moreno Valley residents with the education as envisioned by the City; and

WHEREAS, the Moreno Valley City Council desires to enhance the access to college education to its residents, recognizing the overall benefits to the entire City that result from having higher number of college educated residents; and

WHEREAS, the City has determined to assist Moreno Valley residents through the College's Promise Initiative;

NOW THEREFORE, the City and the College agree as follows:

I. TERMS OF THE MOU

- 1) The City will provide \$50,000 to be used as financial assistance for the residents of Moreno Valley who are current students in the College's Promise Initiative.
- 2) Funds are to be used for the cost of tuition and books not covered by other sources.
- 3) Eligible students must be current residents of Moreno Valley, and must have been residents for at least the twelve (12) months prior to their receipt of these funds.
- 4) To maintain eligibility, students must maintain compliance with all College Promise Initiative requirements.

- 5) Any student receiving funds under this MOU must complete the academic period for which funding has been received. Should a student not complete the academic period for which funding has been received under this MOU, they will lose eligibility to participate in this program and this funding at any future point.

## II. COLLEGE RESPONSIBILITIES

- 1) College shall be responsible for the distribution of the \$50,000 to the students that meet the criteria. College shall determine specifically how the funds are applied, so long it is in compliance with the terms of this MOU.
- 2) College will collect data on students who receive assistance under this MOU (including success rates, demographics, and tracking of all funds) and provide such data regularly to City. Such data will be used for audit purposes and to determine program/MOU refinements moving forward.
- 3) College will ensure that all students receiving funds under this MOU shall sign a FERPA release and waiver as a condition of their participation, to most simply allow such aggregate tracking and reporting of data to City.
- 4) College will provide the City with a Partnership Letter acknowledging the City's contribution and participation.
- 5) College will provide regular updates on the status of the impact of this MOU to the City and to the City Council.
- 6) College will provide both academic and financial aid assistance and guidance to students under this MOU, to encourage successful study and to assure the investigation of other possible sources for financial aid so that funds under this MOU are expended upon those eligible students with the greatest otherwise unmet need.

## III. MISCELLANEOUS PROVISIONS

**Indemnification.** Except as to the sole negligence or willful misconduct of the City, the College agrees to indemnify, protect and hold harmless the City from and against any claim for damage, charge, lawsuit, action, judicial, administrative, regulatory or arbitration proceeding, damage, cost, expense (including counsel fees), judgement, civil fine and penalties, liabilities or losses of any kind, whether actual, threatened or alleged, which arise out of, pertain to, or relate to, or are a consequence of the performance of or under this MOU. This indemnification shall apply to any acts, omissions, negligence, recklessness, or willful misconduct, whether active or passive, on the part of the College or anyone employed by or working on behalf of the College.

**Insurance.** The College will provide the City with a Certificate of Insurance evidencing general liability coverage in the amount of at least \$1,000,000 per incident and \$3,000,000 in

the aggregate, as well as workers' compensation coverage for its employees in amounts as required by the State of California.

**Entire MOU.** This MOU constitutes the final, complete and exclusive statement of the terms of the understanding between the City and the College pertaining to the subject matter of the MOU, and supersedes all prior and contemporaneous understandings or agreements of the Parties. Neither Party has been induced to enter into this MOU by and neither Party is relying on any representation or term other than those expressly set forth in this MOU.

**Amendments.** This MOU may be modified or amended only by a signed, written agreement executed by both the City and the College.

**Term.** This MOU is dependent upon funding from the City. The term of the MOU shall be one year designated to cover the 2019-2020 school year. Parties will discuss extension of the MOU into future years depending on the success of the program and availability of funding.

**Independent Contractors.** City and College are independent contractors in all matters under this MOU, and are not officers or employees of the other. Neither has any obligation to pay or withhold state or federal taxes or to provide workers' compensation or unemployment insurance to or for the other. Each of the City and the College, as independent contractors, shall be responsible for any and all taxes or such payments that apply to them as employers.

**Nondiscrimination.** The Parties shall not discriminate against any person in the provision of services or employment of persons on the basis of ethnic group identification, national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, ancestry, genetic information, sexual orientation, physical or mental disability, pregnancy, or any characteristic listed or defined in Section 11135 of the Government Code or any characteristic that is contained in the prohibition of hate crimes set forth in subdivision (1) of section 422.6 of the California Penal Code, or any other status protected by law.

**Waiver.** No action or failure to act by either Party shall constitute a waiver of any right or duty afforded under this MOU, nor shall any such action or failure to act constitute approval of or acquiescence in any breach thereafter, except as may be specifically agreed in writing.

**Severability.** Each provision, term and/or condition, in whole and in part, of this MOU shall be considered severable. In the event any aspect of this MOU is declared invalid or void for any reason, such provision, term and/or condition shall be severed from this MOU and shall not affect and other aspect of this MOU, and the remainder of the MOU shall continue in full force and effect.

**California Law.** This MOU shall be governed by and construed in accordance with the laws of the State of California.

**Venue.** Any action at law or in equity brought by either of the Parties for the purpose of enforcing this MOU shall be brought in a court of competent jurisdiction in the County of Riverside, California, and the Parties hereby waive all provisions of law providing for a change of venue to any other county.

IN WITNESS WHEREOF, City and College have caused this MOU to be duly executed as of the day and year as first written above.

\_\_\_\_\_  
Dr. Yxstian A. Gutierrez, Mayor  
City of Moreno Valley

\_\_\_\_\_  
Dr. Robin Steinback, President  
Moreno Valley College  
Riverside Community College District

Attest:

Approved as to form:

\_\_\_\_\_  
Pat Jacquez-Nares, City Clerk  
City of Moreno Valley

\_\_\_\_\_  
Martin D. Koczanowicz, City Attorney  
City of Moreno Valley

Attachment: 2019-2020 MOU (3800 : MORENO VALLEY COLLEGE PROMISE INITIATIVE)



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Marshall Eyerman, Chief Financial Officer

**AGENDA DATE:** October 15, 2019

**TITLE:** ADOPT RESOLUTION NO. 2019-XX, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A WILDFIRE MITIGATION PLAN FOR MORENO VALLEY UTILITY

---

### **RECOMMENDED ACTION**

#### **Recommendation:**

1. Adopt Resolution No. 2019-XX, a Resolution of the City Council of the City of Moreno Valley, California, approving Wildfire Mitigation Plan 2019 for Moreno Valley Utility.

### **SUMMARY**

Staff recommends City Council approve the Moreno Valley Utility (MVU) Wildfire Mitigation Plan 2019. The Plan conforms to the requirements of Senate Bill 901 (SB 901) and Assembly Bill 1054 (AB 1054) which were signed into law in September 2018, and July 2019 respectively.

Moreno Valley Utility's (MVU) entire electric distribution system is located underground in conduit and vaults. The undergrounding of electrical infrastructure is an effective mitigation measure to reduce the cause of power-line ignited wildfires. Despite this low risk, MVU takes appropriate actions to help prevent and respond to increasing risk of devastating wildfires. MVU follows all applicable design, construction, operation, and maintenance requirements reducing safety risks associated with its system. The Wildfire Mitigation Plan describes the measures MVU follows to reduce its risk of causing wildfires. This Wildfire Mitigation Plan helps meet MVU's overarching goal to provide safe, reliable, and economical electric service to the community.

This item was presented to the Utilities Commission on September 25, 2019.

## **DISCUSSION**

In 2016, Governor Brown signed Senate Bill (“SB”) 1028 (stats. 2016), which required publicly owned utilities (“POUs”) to identify additional wildfire mitigation measures that the POU could take if the POU governing board first found that its overhead electric lines and equipment posed a significant risk of causing a catastrophic wildfire. SB 1028 required that the POU governing board (City Council) must base this determination on “historical fires and local conditions,” and must consult with local fire departments and other entities with responsibilities for the control of wildfires within the relevant area. These requirements were specified in the newly added Public Utilities Code Section 8387.

In 2018, the California Public Utilities Commission (CPUC) completed the development of the statewide Fire Threat Map that designates areas of the state at an elevated risk of electric line-ignited wildfires.<sup>1</sup> This updated map incorporated historical fire data, fire-behavior modeling, assessments of fuel, weather modeling, and a host of other factors. The map development and approval process involved detailed review by the relevant utility staff and local fire officials, a peer review process, and ultimate approval by a team of technical experts led by the California Department of Forestry and Fire Protection (“CAL FIRE”). The CPUC’s Fire Threat Map includes three Tiers/Levels of fire threat risk. Tier 1 consists of areas that have the lowest hazards and risks. Tier 2 consists of areas where there is an *elevated risk* for destructive electric line-ignited wildfires. Finally, Tier 3 consists of areas where there is an *extreme risk* for destructive electric line-ignited wildfires.

Governor Brown signed SB 901 (stats. 2018), which addressed a wide range of issues relating to wildfire prevention, response, and recovery. SB 901 substantially revised the Public Utilities Code Section 8387, eliminating the prior process established by SB 1028 and instead making it mandatory for all POUs (regardless of size or wildfire risk) to develop a wildfire mitigation plan. Pursuant to the amended Section 8387, all POUs must present a wildfire mitigation plan to its governing board prior to January 1, 2020, and annually thereafter. Section 8387(b)(2) specifies the topics that must be addressed in the POU wildfire mitigation plans, which includes: (a) the responsibilities of the persons tasked with executing the plan; (b) a description of the POU’s wildfire mitigation preventative strategies and programs; (c) a description of the metrics the POU will use to evaluate the wildfire mitigation plan’s performance and discussion of how those metrics informed the current wildfire mitigation plan; (d) protocols for disabling reclosers and deenergizing portions of the electrical system; and (e) identification, description, and prioritization of all wildfire risks within the POU’s service territory.

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<sup>1</sup> PG&E Advice Letter 5211-E/3172-E, “Joint Filing – Adoption of Final California Public Utilities Commission Fire-Threat Map,” Jan. 5, 2018, *available at* [https://www.pge.com/tariffs/assets/pdf/adviceletter/ELEC\\_5211-E.pdf](https://www.pge.com/tariffs/assets/pdf/adviceletter/ELEC_5211-E.pdf); SED Disposition Letter Approving Advice Letter 5211-E/3172-E, January 19, 2018, *available at* [https://www.pge.com/tariffs/assets/pdf/adviceletter/ELEC\\_5211-E.pdf](https://www.pge.com/tariffs/assets/pdf/adviceletter/ELEC_5211-E.pdf).

SB 901 requires that POU's must present their wildfire mitigation plan at an appropriately noticed public meeting and receive public comment. The POU must also verify that the wildfire mitigation plan complies with all applicable rules, regulations, and standards. POU's must also have their plan reviewed by a qualified independent evaluator to assess the comprehensiveness of the plan. The independent evaluator must then issue a report that the POU must make available on the POU's website, and the POU must present the report at a public meeting of the POU's governing board.

In 2019, two new bills (SB 1054 and SB 111) made additional major reforms relating to wildfires. As part of these reforms, SB 111 created a new state agency called the California Wildfire Safety Advisory Board ("Board"). The members of the board must be selected from industry experts, academics, and people with labor and workforce safety experience. At least three members must be experienced in the safe operation, design, and engineering of electrical infrastructure. SB 1054 requires that all POU's must submit their wildfire mitigation plans to the Board by July 1 of each year, starting in 2020. The Board will then review the POU plans and will provide comments and advisory opinions on the content and sufficiency of the plans.

Pursuant to Public Utilities Code, Section 8387, MVU has prepared the required wildfire mitigation plan. Staff has reviewed MVU's wildfire mitigation plan and concluded that the plan meets all the required criteria as provided in Section 8387. MVU has presented the plan at a noticed public meeting and received public comment. The independent evaluation will be performed prior to submission to the Board. Staff recommends adopting MVU's Wildfire Mitigation Plan.

MVU will submit its adopted wildfire mitigation plan to the Board prior to July 1, 2020.

### **ALTERNATIVES**

1. Approve the MVU Wildfire Mitigation Plan. *The plan provides baseline procedure and practice of safe and effective operation of the MVU electric system while minimizing risks of wildfires. Adoption of the plan will keep MVU in compliance with state mandates.* Staff recommends this alternative.
2. Do not approve the MVU Wildfire Mitigation Plan. *This action would delay the submission of an adopted Wildfire Mitigation Plan and MVU will not be in compliance with state mandates.* Staff does not recommend this action.

### **FISCAL IMPACT**

There is no cost associated with the approval of the MVU Wildfire Mitigation Plan.

### **NOTIFICATION**

Publication of the Agenda.

### **PREPARATION OF STAFF REPORT**



Prepared By:  
Dean Ayer  
Management Analyst

Department Head Approval:  
Marshall Eyerman  
Chief Financial Officer/City Treasurer

Concurred By:  
Jeannette Olko  
Electric Utility Division Manager

**CITY COUNCIL GOALS**

**Public Safety.** Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

**CITY COUNCIL STRATEGIC PRIORITIES**

- 1. Economic Development
- 2. Public Safety
- 3. Library
- 4. Infrastructure
- 5. Beautification, Community Engagement, and Quality of Life
- 6. Youth Programs

Objective 4.1: Develop a Moreno Valley Utility Strategic Plan to prepare for the 2020 expiration of the ENCO Utility Systems agreement.

**ATTACHMENTS**

- 1. Resolution Wildfire Mitigation Plan 10152019
- 2. MVU Wildfire Mitigation Plan Final Draft

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	10/02/19 4:34 PM
City Attorney Approval	<u>✓ Approved</u>	10/08/19 10:32 AM
City Manager Approval	<u>✓ Approved</u>	10/08/19 3:17 PM

## RESOLUTION NO. 2019-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MORENO VALLEY, CALIFORNIA, APPROVING THE  
ANNUAL WILDFIRE MITIGATION PLAN

WHEREAS, the City of Moreno Valley (the "City"), a municipal corporation, is authorized pursuant to Article XI, Section 9(a) of the California Constitution to establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communication; and

WHEREAS, on June 26, 2001, the City Council of the City of Moreno Valley adopted Resolution No. 2001-33 and, as amended by Resolution 2002-46, authorized the formation of a municipally owned utility for the purpose of providing electrical power, storm water, telephone telecommunications, cable TV, water, natural gas, and sanitary sewer; and

WHEREAS, Moreno Valley Utility is generally subject to the legislative and regulatory requirements applicable to local publicly owned electric utilities ("POUs"); and

WHEREAS, Senate Bill ("SB") 1028 (stats. 2016), adding California Public Utilities Code, Section 8387, requires each POU to construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of wildfire posed by those electrical lines and equipment; and

WHEREAS, SB 901 (stats. 2018), amending California Public Utilities Code Section 8387, requires all POUs to prepare a wildfire mitigation plan before January 1, 2020, and annually thereafter; and

WHEREAS, California Public Utilities Code Section 8387(b)(2) specifies the content that must be included in each POU's wildfire mitigation plan; and

WHEREAS, California Public Utilities Code Section 8387(c) requires each POU to have a qualified independent evaluator review its wildfire mitigation plan to assess the comprehensiveness of its plan and to issue a report that is made available on the POU's website and presented at a public meeting; and

WHEREAS, California Public Utilities Code Section 8387(b)(3) requires each POU to present its wildfire mitigation plan at an appropriately noticed public meeting and to verify that its plan complies with all applicable rules, regulations, and standards, as appropriate; and

WHEREAS, SB 111 (stats. 2019), adding California Public Utilities Code Section 326.1, established the California Wildfire Safety Advisory Board; and

1  
Resolution No. 2019-XX  
Date Adopted: October 15, 2019

WHEREAS, SB 1054 (stats. 2019), amending California Public Utilities Code Section 8387, requires each POU to submit its wildfire mitigation plan to the California Wildfire Safety Advisory Board by July 1 of each year, starting in the year 2020; and

WHEREAS, pursuant to California Public Utilities Code Section 326.2, the California Wildfire Safety Advisory Board will review each POU's wildfire mitigation plan and will provide comments and advisory opinions on the content and sufficiency of each plan; and

WHEREAS, Moreno Valley Utility staff prepared a wildfire mitigation plan for calendar year 2020, addressing all statutory criteria; and

WHEREAS, Moreno Valley Utility staff verified that the wildfire mitigation plan complies with all applicable rules, regulations, and standards; and

WHEREAS, Moreno Valley Utility staff will submit its wildfire mitigation plan, adopted today by the City Council of the City of Moreno Valley, California, to the California Wildfire Safety Advisory Board before July 1, 2020.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council, pursuant to California Public Utilities Code Section 8387, hereby adopts Moreno Valley Utility's Wildfire Mitigation Plan, dated October 15, 2019.

APPROVED AND ADOPTED this 15th day of October 2019.

\_\_\_\_\_  
Mayor of the City of Moreno Valley

ATTEST:

\_\_\_\_\_  
City Clerk

2  
Resolution No. 2019-XX  
Date Adopted: October 15, 2019

APPROVED AS TO FORM:

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City Attorney

Resolution No. 2019-XX<sup>3</sup>  
Date Adopted: October 15, 2019

Attachment: Resolution Wildfire Mitigation Plan 10152019 [Revision 2] (3415 : ADOPT RESOLUTION NO. 2019-XX, A RESOLUTION OF THE CITY

**RESOLUTION JURAT**

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF MORENO VALLEY        )

I, Pat Jacquez-Nares, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2019-XX was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 15th day of October 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)

Resolution No. 2019-XX<sup>4</sup>  
Date Adopted: October 15, 2019

Attachment: Resolution Wildfire Mitigation Plan 10152019 [Revision 2] (3415 : ADOPT RESOLUTION NO. 2019-XX, A RESOLUTION OF THE CITY



# WILDFIRE MITIGATION PLAN

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VERSION 1.0

*October 15, 2019*



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## I. OVERVIEW

### A. POLICY STATEMENT

Moreno Valley Utility's overarching goal is to provide safe, reliable, and economic electric service to its local community. In order to meet this goal, Moreno Valley Utility constructs, maintains, and operates its electrical lines and equipment in a manner that minimizes the risk of catastrophic wildfire posed by its electrical lines and equipment.

### B. PURPOSE OF THE WILDFIRE MITIGATION PLAN

Moreno Valley Utility's (MVU) entire electric supply system is located underground in conduit and vaults. Historically, undergrounded electric lines have not been associated with catastrophic wildfires. The undergrounding of electric lines serves as an effective mitigation measure to reduce the potential of power-line ignited wildfires. Based on a review of local conditions and historical fires, MVU has determined that its electrical lines and equipment do not pose a significant risk of catastrophic wildfire.

Despite this low risk, MVU takes appropriate actions to help its region prevent and respond to the increasing risk of devastating wildfires. In its role as a public agency, MVU closely coordinates with other local safety and emergency officials to help protect against fires and respond to emergencies. In its role as a utility, MVU follows all applicable design, construction, operation, and maintenance requirements that reduce safety risks associated with its system. This Wildfire Mitigation Plan describes the safety-related measures that MVU follows to reduce its risk of causing wildfires.

### C. ORGANIZATION OF THE WILDFIRE MITIGATION PLAN

This Wildfire Mitigation Plan included the following elements:

- Objectives of the plan;
- Roles and responsibilities for carrying out the plan;
- Identification of key wildfire risks and risk drivers;
- Description of wildfire prevention, mitigation, and response strategies and programs;
- Metrics for evaluating the performance of the plan and identifying areas for improvement;
- Review and validation of the plan; and
- Timelines.

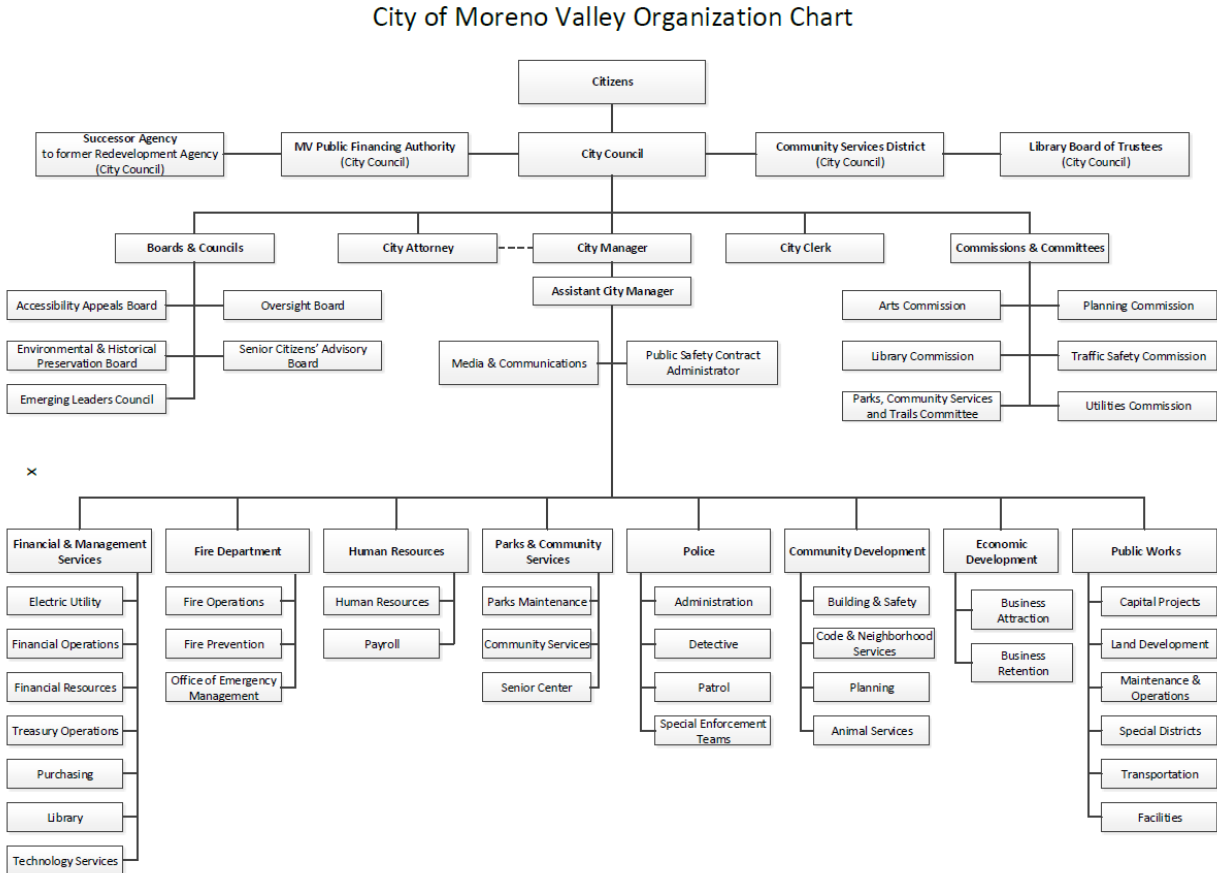
## II. OBJECTIVES OF THE WILDFIRE MITIGATION PLAN

The primary goal of this Wildfire Mitigation Plan is to describe MVU's existing programs, practices, and measures that effectively reduce the probability that MVU's electric supply system could be the origin or contributing source for the ignition of a wildfire. To support this goal, MVU regularly evaluates the prudent and cost-effective improvements to its physical assets, operations, and training that can help reduce the risk of equipment-related fires.

The secondary goal of this Wildfire Mitigation Plan is to improve the resiliency of the electric grid. As part of the development of this plan, MVU assesses new industry practices and technologies that will reduce the likelihood of an interruption (frequency) in service and improve the restoration (duration) of service.

## III. ROLES AND RESPONSIBILITIES

### A. UTILITY GOVERNANCE STRUCTURE



The City of Moreno Valley is a general law city that operates under a Council-Manager form of government. MVU is governed by a five-member City Council. Four Council Members are elected by district to staggered, four-year terms, while the Mayor is directly elected. The council appoints the City Manager, who oversees the daily operations of the City. Volunteer Commissions and Boards, as well as several Citizen Advisory Committees help guide the Council in its decisions. The City Council formed a five-member Utilities Commission, whose purpose is to provide additional review for all matters pertaining to MVU. Commissioners are citizen volunteers, appointed by the City Council for three-year terms.

## B. WILDFIRE PREVENTION

MVU staff, in partnership with its maintenance and operations provider, is responsible for electric facility design, maintenance, and inspection, including vegetation management. Although MVU's electrical distribution system is 100% underground, MVU follows best practices to prevent ignition of wildfires from its equipment. These items include:

- MVU performs routine maintenance of all distribution facilities.
- MVU adheres to a seasonal weed abatement and vegetation management schedule to maintain at-risk sites.
- MVU contracts for seasonal weed abatement services. As well as maintains GO95, GO165, and GO174 standard clearances as part of regular maintenance cycles.
- MVU abides by Municipal Code 6.40 to abate trees, shrubs, weeds, and grass at all MVU facilities.
- Electric system operates in a manner that will minimize potential wildfire risks.
- Take all reasonable and practicable actions to minimize the risk of a catastrophic wildfire caused by MVU electric facilities.
- Coordinate with federal, state, and local fire management personnel as necessary or appropriate to implement MVU's Wildfire Mitigation Plan.
- Immediately report fires to local fire department, Emergency Management Program Manager, MVU administration, and other City Officials, pursuant to existing MVU practices and the requirements of this Wildfire Mitigation Plan.
- Coordinate with City Emergency Operations Center to disseminate safety warnings, emergency public information, and evacuation notices to local residents.
- MVU adheres to City of Moreno Valley personnel policy 5.11 for Employee Disaster Notification and Reporting.
- Take corrective action when the staff witnesses or is notified that fire protection measures have not been properly installed or maintained.
- Comply with relevant federal, state, and industry standard requirements, including the industry standards established by the California Public Utilities Commission.

## C. WILDFIRE RESPONSE AND RECOVERY

Internally, MVU's distribution system is controllable remotely through a Supervisory Control and Data Acquisition (SCADA) system networked to all substations and circuits. MVU field

staff utilize hard line telephones, cellular telephones, and portable radios to communicate with internal and external stakeholders during an outage or emergency. MVU's Outage Manage System, Utility Maintenance Management System, and Dispatching System all auto-generate notifications to field, office, and administrative staff. MVU is enrolled in several mutual aid networks (APPA, CA Disaster & Civil Defense, CA Utilities Emergency Association) to facilitate expedited response and recovery from severe storms, natural disasters, or mass outages.

The City of Moreno Valley maintains a two-way (LF, HF, VHF, and UHF) mobile and base stations for communications enhanced by repeater system to extend the coverage area. This includes three repeater channels and three unit-to-unit/talk-around channels in the 800 MHz Public Safety band. The City of Moreno Valley owns ten iridium satellite phones that are issued to key personnel in the city during an emergency. Mobile radio communications are available utilizing the Moreno Valley Police Mobile Command Center (MCC). The command center has the capability of patching Sheriff, California Highway Patrol (CHP), Riverside Police, CALFIRE, March Air Reserve Base and Moreno Valley Park Rangers all on the same frequency at the same time. Moreno Valley has an Amateur Civil Emergency Services/Radio Amateur Civil Emergency Services (MV ACES/RACES) group, which operates on ham radio frequencies in support of governmental emergency communications. MV ACES/RACES can augment existing systems and establish communication links with otherwise inaccessible areas. They are also capable of sending live video and audio from an incident site to our City's emergency operations center via the ham radio.

At the county level, a Riverside County Emergency Operations Center (EOC) talk group is programmed into the Omniquest radio and is used to communicate with EOCs within Riverside County during a disaster or emergency. The City of Moreno Valley also has low-band disaster net radios to communicate with all EOCs within Riverside County during a disaster or emergency. This system uses low frequency bands and has several back up channels in case of an outage. Additionally, the City has a portable disaster case radio system. This system allows communications with other agencies such as County Emergency Services, County Fire, County Police, Hospitals, Cities within Riverside County, Moreno Valley Unified School District and Valley View Unified School District.

MVU adheres to California Public Utility Commission GO 95, 165, and 174 for all system infrastructure inspection, maintenance, and reporting.

City of Moreno Valley Office of Emergency Management maintains a city-wide Hazard Mitigation Plan identifying potential fire hazards and mitigation strategies.

City of Moreno Valley also maintains a reporting hotline for all employees to properly notify the city for code violations, hazards, safety concerns, and overgrown landscaping and weeds.

### D. STANDARDIZED EMERGENCY MANAGEMENT SYSTEM

As a local governmental agency,<sup>1</sup> MVU has planning, communication, and coordination obligations pursuant to the California Office of Emergency Services' Standardized Emergency Management System ("SEMS") Regulations,<sup>2</sup> adopted in accordance with Government Code section 8607. The SEMS Regulations specify roles, responsibilities, and structures of communications at five different levels: field response, local government, operational area, regional, and state.<sup>3</sup> Pursuant to this structure, MVU annually coordinates and communicates with the relevant safety agencies as well as other relevant local and state agencies. When activated, MVU serves as the Utilities Unit Leader under the Operations Section Chief as part of the City of Moreno Valley's Emergency Operations Center. In the event that the incident centered on MVU facilities, MVU would serve as the Operations Section Chief.

Under the SEMS structure, a significant amount of preparation is done through advanced planning at the county level, including the coordination of effort of public, private, and nonprofit organizations. Riverside County serves as the Operational Area and is guided by the California Office of Emergency Services, Southern Region. The Operational Area includes local and regional organizations that bring relevant expertise to the wildfire prevention and recovery planning process. These participants include:

Agency/ Dept.	Mailing Address	Contact	Phone	Fax
AMR American Medical Response	879 Marlborough Ave. Riverside, CA. 92507		951.782.5234	951.782.5617

<sup>1</sup> As defined in Cal. Gov. Code § 8680.2.

<sup>2</sup> 19 CCR § 2407.

<sup>3</sup> Cal. Gov. Code § 2403(b):

- (1) "Field response level" commands emergency response personnel and resources to carry out tactical decisions and activities in direct response to an incident or threat.
- (2) "Local government level" manages and coordinates the overall emergency response and recovery activities within their jurisdiction.
- (3) "Operational area level" manages and/or coordinates information, resources, and priorities among local governments within the operational area and serves as the coordination and communication link between the local government level and the regional level.
- (4) "Regional level" manages and coordinates information and resources among operational areas within the mutual aid region designated pursuant to Government Code §8600 and between the operational areas and the state level. This level along with the state level coordinates overall state agency support for emergency response activities.
- (5) "State level" manages state resources in response to the emergency needs of the other levels, manages and coordinates mutual aid among the mutual aid regions and between the regional level and state level, and serves as the coordination and communication link with the federal disaster response system.

AMR American Medical Response	879 Marlborough Ave. Riverside, CA. 92507	Dispatch	877.267.6622	951.782.5605
Kaiser Permanente: Medical Center	12815 Heacock Moreno Valley, CA. 92552	Administration	951.601.6327	951.601.6181
Kaiser Foundation Moreno Valley: Community Hospital	27300 Iris Ave. Moreno Valley, CA. 92555	Facilities Services Manager	951.251.6594	951.251.6601
Moreno Valley Fire/Office of Emergency Management	14177 Frederic St. Moreno Valley, CA 92553	Emergency Management Program Manager	951.413.3800	951-413-3801
Moreno Valley Utility	14331 Frederick Street, Moreno Valley, CA 92253	Utility Division Manager	951-413-3500	951-413-3589
Moreno Valley: Special Districts	14331 Frederick Street, Moreno Valley, CA 92253	Division Manager	951.413.3480	
Moreno Valley: Fire Dept.	14177 Frederick Street Moreno Valley, CA. 92553	Fire Marshal	951.413.3370	
Moreno Valley: Fire Dept.	22850 Calle San Juan De Los Lagos Moreno Valley, CA 92553	Fire Chief	951.486.6780	951.486.6790
Moreno Valley: Operations & Maint.	14177 Frederick Street Moreno Valley, CA. 92553	Manager	951.413.3160	951.413.3141
Moreno Valley: Police Dept.	22850 San Juan De Los Lagos Moreno Valley, CA. 92552	Police Chief	951.486.6700	
Moreno Valley: Public Works	14177 Frederick Street Moreno Valley, CA. 92553	Public Works Director	951.413.3100	951.413.3141
Moreno Valley Traffic & Transportation	14177 Frederick Street Moreno Valley, CA. 92553	City Traffic Engineer	951.413.3140	951.413.3140
Moreno Valley: City Management	14177 Frederick Street Moreno Valley, CA. 92553	City Manager	951.413.3020	
Moreno Valley: Facilities Management	14177 Frederick Street Moreno Valley, CA. 92553	Division Manager	951.413.3740	
Moreno Valley: TV3	14177 Frederick Street Moreno Valley, CA. 92553	Media & Production Supervisor	951.413.3056	951.413.3053
Moreno Valley: Unified School District	25634 Alessandro Blvd. Moreno Valley, CA. 92553	Maintenance Supervisor	951.571.7865	951.571.7811
Riverside Medical Clinic: Canyon Springs Plaza	6405 Day Street Moreno Valley, CA. 92552	Facilities	951.321.6331	951.248.6703
Riverside County: Dept. of Environmental Health	4065 County Circle Riverside, CA.	Deputy Director	951.358.5172	951.358.5017
Riverside County: Dept. of Environmental Health	4065 County Circle Riverside, CA.	Supervising Environmental Health Specialist	951.358.5172	951.358.5017
Riverside County: Dept. of Environmental Health	800 S. Sanderson Ave. #200, Hemet, CA. 92545	Supervising Environmental Health Specialist	951.766.2824	

County of Riverside Human Resources	4080 Lemon St., 7th floor Riverside, CA 92501		951.955.9016	
Riverside Regional: Medical Center	26520 Cactus Ave. Moreno Valley, CA. 92552	Deputy Director	951.955.4878	951.955.8405
Riverside Regional: Medical Center	26520 Cactus Ave. Moreno Valley, CA. 92555	Chief of Hospital Plant Op.	951.486.4066	951.486.4105
Val Verde: Unified School District	975 W. Morgan Street Perris, CA. 92581	Emergency Services	951.940.6100 ext. 10672	951.940.6118
Val Verde: Unified School District - March Middle School	15800 Indian Ave	Director of Facilities, Maintenance, & Purchasing	951.940.6136 ext. 10652	
Verizon Public Relations		Director of Public Relations	(213) 800-3184	
Eastern Municipal Water District	Central Control 2270 Trumble Road Perris, CA 92572-8300		951.928.3777 ext. 6265	951.928.6170
Davita Canyon Springs Dialysis	22555 Alessandro Blvd Bldg. 5		951.653.6400	
Kaiser Permanente	27200 Iris Ave Medical Bldg		951.353.4359	
United States Postal Services	23800 Cactus Ave	Facility Manager	951.697.4661	
Waste Management	17700 Indian St	Fleet Manager - Fleet Maintenance	951.601.1129 951.339.6681	

Pursuant to the SEMS structure, MVU participates in annual training exercises. Training exercises include workshops, tabletop exercises, and field drills. A sample of topics covered include; earthquake safety, disaster response & management, active shooter, crisis leadership, and NIMS/SEMS/ICS compliance.

MVU is a member of the California Utility Emergency Association, which plays a key role in ensuring communications between utilities during emergencies and provides mutual aid. MVU also participates in the American Public Power Association Mutual Assistance Agreement, which covers public utilities across the United States. The City of Moreno Valley is a participant in the California Disaster and Civil Defense Mutual Aid Agreement which allocates state resources to cope with any type of disaster.



## IV. WILDFIRE RISKS AND DRIVERS ASSOCIATED WITH DESIGN, CONSTRUCTION, OPERATION, AND MAINTENANCE

### A. PARTICULAR RISKS AND RISK DRIVERS ASSOCIATED WITH TOPOGRAPHIC AND CLIMATOLOGICAL RISK FACTORS

Due to MVU's distribution system being 100% underground, the primary risk drivers for wildfire within MVU's service territory are the following:

- Earthquake
- Flooding

### B. ENTERPRISEWIDE SAFETY RISKS

Earthquake profile - There are three major faults/fault zones that directly affect Moreno Valley. They are the southern section of the San Andreas Fault, the San Jacinto Fault Zone, and the Elsinore Fault Zone. The San Jacinto Fault Zone is considered to be the most active fault in Southern California. It is the closest fault to Moreno Valley and runs through the eastern portion of the city, followed by the Elsinore Fault Zone which is located approximately 12-18 miles south of Moreno Valley. The San Andreas Fault Zone is located approximately 15-20 miles north of Moreno Valley. The largest earthquake to occur within 100 miles of Moreno Valley was the 7.4 magnitude Hector Mine earthquake in 1999.

The City of Moreno Valley could be affected by large earthquakes occurring in many parts of the Southern California region. However, the degree to which the earthquakes are felt, and the damages associated with them may vary. At risk from earthquake damage are critical facilities, buildings, bridges, highways and roads; hazardous materials facilities; sewer, water, and natural gas pipelines; earth dams; petroleum pipelines; and private property located in the city. The relative or secondary earthquake hazards, which are liquefaction, ground shaking, amplification, and earthquake-induced landslides, can be just as devastating as the earthquake. The USGS estimates that there is a greater than 99% chance of a major earthquake occurring within 31 miles of Moreno Valley within the next 50 years

Flooding profile - There are four types flooding conditions that exist within the Moreno Valley area: flooding in defined watercourses; ponding; sheet flow; and dam inundation. Flooding within defined watercourses occurs within drainage channels and immediately adjacent floodplains. Ponding occurs when water flow is obstructed due to manmade obstacles such as the embankments of SR-60 and other roadways, where they cross-defined watercourses. Sheet flow occurs when capacities of defined watercourses are exceeded and water flows over broad areas.

Known flood-prone areas as noted in the General Plan as well as recorded in city maintenance files, include:

- Along the Quincy Channel between Cottonwood Avenue and Cactus Avenue.
- An extensive floodplain that extends along the Oliver Street alignment from a point north of Alessandro Boulevard to John F. Kennedy Drive and extending in a southwesterly direction as far

as the northeast corner of Morrison Street and Filaree Avenue and the northeast corner of Nason Street and Iris Avenue.

- Along Heacock Street and Lateral A of the Perris Valley Channel between Cactus Avenue and a point north of the intersection of Lateral A and Indian Street (next to March Air Reserve Base).
- Along Sunnymead Boulevard between Frederick Street and Graham Street.
- Along Pigeon Pass Road, between Sunnymead Ranch Parkway and Lawless Road.
- Along Moreno Beach Boulevard, between Juniper Avenue and Locust Avenue.
- Along Highland Avenue, between Redlands Boulevard and Alessandro Boulevard.
- Along Locust Avenue, between Moreno Beach Boulevard and northerly city Limits.
- Along Heacock Street, between Lake Summit Drive and Reche Vista Drive.
- Along Hubbard Street, between Skyland Drive and Ironwood Avenue.
- Along Cottonwood Avenue, between Nason St and Martha Crawford Street.
- Alessandro Boulevard, between Gilman Springs Road and Theodore Street.
- Neighborhood bounded by Alessandro Boulevard, Brodiaea Avenue, Redlands Boulevard, and Merwin Street.
- Miramontes Court, north of Via Solana Court.
- Easterly side of neighborhood east of Perris Boulevard, between Covey Road and Manzanita Avenue.

## V. WILDFIRE PREVENTATIVE STRATEGIES

### A. HIGH FIRE THREAT DISTRICT

MVU directly participated in the development of the CPUC's Fire-Threat Map,<sup>4</sup> which designates a High-Fire Threat District. In the map development process, MVU coordinated with Southern California Edison Company(SCE) and determined that because MVU's system is entirely undergrounded, that SCE would serve as territory lead for the region served by MVU. MVU has incorporated the High Fire Threat District into its construction, inspection, maintenance, repair, and clearance practices, where applicable.

### B. DESIGN AND CONSTRUCTION STANDARDS

MVU's electric facilities are designed and constructed to meet or exceed the relevant federal, state, or industry standard. MVU treats CPUC General Orders (GO) 95 and 128 as a key industry standard for design and construction standards for underground electrical facilities. MVU meets or exceeds all standards in GO 95 and 128. Additionally, MVU monitors and follows, as appropriate, the National Electric Safety Code.

### C. VEGETATION MANAGEMENT

MVU meets or exceeds the minimum industry standard vegetation management practices. For transmission-level facilities, MVU complies with NERC FAC-003-4, where applicable. For both transmission and distribution level facilities, MVU meets: (1) Public Resources Code section 4292; (2) Public Resources Code section 4293; (3) CPUC GO 95, 128, 165, and 174.

### D. INSPECTIONS

MVU meets or exceeds the minimum inspection requirements provided in CPUC GO 165 and 174. Pursuant to these rules, utilities inspect electric facilities in the High Fire Threat District more frequently than the other areas of its service territory. As described above, MVU currently does not have any overhead power lines located within or near the High-Fire Threat District within the CPUC's Fire Threat Map. However, MVU staff uses their knowledge of the specific environmental and geographical conditions of MVU's service territory to determine if any particular areas require more frequent inspections.

If MVU staff discovers a facility in need of repair that is owned by an entity other than MVU, MVU will issue a notice to repair to the facility owner and work to ensure that necessary repairs are completed promptly.

<sup>4</sup> Adopted by CPUC Decision 17-12-024.

## E. RECLOSING POLICY

MVU's system is 100% underground. Reclosers are not installed on underground circuits. MVU does not change substation relay settings.

## F. DEENERGIZATION

MVU has the authority to preemptively shut off power due to fire-threat conditions, however, this option will only be used in extraordinary circumstances. Due to the minimal risk of MVU's electrical supply facilities causing a power-line ignited wildfire, MVU is not adopting specific protocols for de-energizing any portions of its electric distribution system. MVU will re-evaluate this determination in future updates to this Wildfire Mitigation Plan.

## VI. RESTORATION OF SERVICE

MVU's electric distribution system is completely underground. However, we are interconnected with SCE's transmission and distribution systems, much of which is overhead and exposed to wind, rain and lightning. This is our primary source of vulnerability to potential electrical service interruptions during rain and wind storms such as the ones that can be precipitated by El Nino.

Our underground electric distribution system is designed, and has been constructed, with redundant sources of feed. These do not guarantee the elimination of outages but can facilitate service restoration and reduce the duration of such outages.

Preparation in advance of predicted storms: Since, as discussed in the introduction, our primary trouble source during storms is outages on SCE's transmission and distribution lines, many of which are overhead, we will patrol, to the extent practical, SCE's primary interconnect lines for any potential trouble spots including but not limited to broken tree limbs or other vulnerabilities. We will also double check the loading conditions of our underground lines to satisfy ourselves that alternate sources have the capacity to serve the electric load (customers) in the event that it is necessary.

Our underground system will be patrolled in advance of storms for any open trenches or excavations at construction sites to minimize water intrusion into the underground system. Although the underground system is designed to operate under such conditions, small pinholes in splices or cable can cause problems, including possible electrical shorts/faults, that can interrupt service to customers. Likewise, after the storm, each underground vault, manhole or other structure will be inspected for water intrusion and pumped, when necessary, in accordance proper utility practice and environmental guidelines.

All vehicular equipment, man-lifts, tools and appurtenances will be thoroughly inspected for proper operation. All operating personnel will be placed on standby in the event of weather related problems.

The MVU Operations and Call Centers will be appropriately staffed for handling of trouble calls from customers and dispatching to field personnel.

Call Center support includes:

- Outage Management System (OMS)
- Field Dispatching
- Customer Callbacks

Response Prioritization:

- First Priority: Response to imminent threats to life and/or public property
- Second Priority: Removals of immediate hazards (fallen trees, power poles, etc.)
- Third Priority: Clearing of arterial roadways
- Fourth Priority: Maintenance of traffic control/closures to prevent potential accidents
- Fifth Priority (Post Storm Activity): Follow-up work such as addressing storm-related potholes and residual clean-up of all streets that have remained in a "passable and drivable" state

Referral Protocol:

- Flooding of structures on private property- Residents will be advised to call 911 for Fire Department assistance
- Facilities associated with other government agencies (RCFCD) or private utilities will be referred to appropriate agencies/company
- All storm related issues involving streets, curbs and gutters, sidewalks, residential trees in the right of way, catch basins, and miscellaneous drainage facilities will be referred to the City's Maintenance and Operations Division.

During EOC activation period, all routine maintenance programs and requests will be suspended and deferred.

## VII. EVALUATING OF THE PLAN

### A. METRICS AND ASSUMPTIONS FOR MEASURING PLAN PERFORMANCE

MVU will track the following metric to measure the performance of this Wildfire Mitigation Plan: (1) number of fire ignitions caused by utility equipment.

#### METRIC 1: FIRE IGNITIONS

For purposes of this metric, a fire ignition is defined as follows:

- MVU facility was associated with the fire;
- The fire was self-propagating and of a material other than electrical and/or communication facilities;
- The resulting fire traveled greater than one linear meter from the ignition point; and
- MVU has knowledge that the fire occurred.

In future Wildfire Mitigation Plans, MVU will provide the number of fires that occurred that were less than 10 acres in size. Any fires greater than 10 acres will be individually described.

### B. IMPACT OF METRICS ON PLAN

In the initial years, MVU anticipates that there will be relatively limited data gathered through the metric. However, as the data collection history becomes more robust, MVU will be able to identify areas of its operations and service territory that are disproportionately impacted. MVU will then evaluate potential improvements to the plan.

### C. MONITORING AND AUDITING THE PLAN

This Wildfire Mitigation Plan will be presented to the MVU Utilities Commission and the Moreno Valley City Council. MVU will present updates to this plan to the MVU Utilities Commission on an annual basis.

### D. IDENTIFYING AND CORRECTING DEFICIENCIES IN THE PLAN

Based on the recommendations of the MVU Utilities Commission and the Moreno Valley City Council, MVU will correct any identified deficiencies.

### E. MONITORING THE EFFECTIVENESS OF INSPECTIONS

MVU reviews and evaluates its reliability indices regularly to monitor inspection and maintenance procedures. SAIDI, SAIFI, CAIDI, and MAIFI statistics show that MVU maintains an electric system that operates well below the State and National averages for outage incidents per the American Public Power Association's eReliability Tracker program. MVU's Utility

Maintenance Management System (UMMS) is used to collect all data subject to GO165. The UMMS prepares monthly inspection and maintenance reports for all electric distribution facilities. Maintenance history for each piece of equipment is archived in the UMMS. Additionally, MVU's substation inspection and maintenance program complies with GO174 guidelines as well as manufacturer specifications, standards, and recommendations. MVU performs monthly inspections of all substation components including recording and analysis of all alarms, fluid levels, meters, and Load Tap Changer settings.

Although MVU does not fall under the jurisdiction of the California Public Utilities Commission (CPUC), MVU has cooperated with the CPUC's Utilities Safety and Reliability Branch and their requests for periodic audits. The audit in October 2008 noted no GO 95 infractions, and identified two GO 128 infractions to MVU Pad Mounted Electric structures. Repairs were made to correct the violation the day they were identified by the CPUC. Again in March of 2013 the CPUC audit identified three vegetation obstructions that were immediately corrected in the field as they were identified. No additional infractions have been identified by the CPUC.







## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Marshall Eyerman, Chief Financial Officer

**AGENDA DATE:** October 15, 2019

**TITLE:** APPROVE 2020 ANNUAL SYSTEM RESOURCE ADEQUACY PLAN FOR MORENO VALLEY UTILITY

---

### **RECOMMENDED ACTION**

#### **Recommendations:**

1. Approve the Annual System Resource Adequacy Plan for 2020.
2. Appropriate additional funds of \$585,300 to fund the purchase of Resource Adequacy.

### **SUMMARY**

This report recommends that the City Council approve the Moreno Valley Utility (MVU) Annual System Resource Adequacy Plan (Plan) for 2020. The Plan represents the amount of capacity that is needed to meet the requirements of the California Independent System Operator (CAISO).

### **DISCUSSION**

The CAISO is the agency responsible for the reliable operation of the electric transmission system in California. The CAISO requires utilities to have a plan in place which ensures that they will have enough capacity available to meet customer demands for electricity. An annual report showing the utilities' purchases of adequate capacity, known as Resource Adequacy (RA), is to be approved by the City Council and submitted to the CAISO by October 31 of each year for the following year.

The capacity requirement is calculated based upon a percentage of the utility's monthly forecasted peak demand. The capacity requirement needed to comply with the CAISO Tariff for 2020 is set at 115% of MVU's forecasted monthly peak demand. The total RA

row included in the following table is the capacity requirement for 2020.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>Peak Load</b>	25	25	25	30	31	38	49	47	41	34	28	26
<b>Total RA</b>	29	29	29	34	36	43	57	54	47	40	32	30

MVU has secured capacity through existing contracts to meet most of the Resource Adequacy requirement under the CAISO Tariff; there is a shortfall of capacity during the months of July through September due to lack of supply. The CAISO has recently expressed concern for a statewide potential resource adequacy shortfall over the next few years, and is currently working with stakeholders to address the forecasted shortfall and increase supply.

### **ALTERNATIVES**

1. Approve the 2020 Annual Resource Adequacy Plan as described above for Moreno Valley Utility. *Staff recommends this alternative as it will keep Moreno Valley Utility in compliance with CAISO requirements.*
2. Do not approve the 2020 Annual Resource Adequacy Plan for Moreno Valley Utility. *Staff does not recommend this alternative as MVU will not have a 2020 annual plan in place to comply with the CAISO Reliability Requirement Tariff and may be subject to a penalty of \$500 per day for non-submittal.*

### **FISCAL IMPACT**

The statewide shortage of capacity has significantly increased the price for Resource Adequacy; for example, in calendar year 2018, the cost per kW-month for RA products was approximately \$1.30. The calendar year 2020 cost per kW-month is approximately \$6.20. For the period January 1 – June 30, 2020, the fiscal impact to MVU will be \$632,400.

Description	GL Account No.	Type (Rev/Exp)	FY 19/20-Budget	Proposed Adjustment	FY 19/20 Amended Budget
6010 - Operating	GL-6010-30-80-45510-710146	Exp	\$900,000	\$585,300	\$1,485,300

### **NOTIFICATION**

Publication of the Agenda.

### **PREPARATION OF STAFF REPORT**

Prepared By:  
Jeannette Olko  
Electric Utility Division Manager

Department Head Approval:  
Marshall Eyeran  
Chief Financial Officer/City Treasurer

**CITY COUNCIL GOALS**

**Positive Environment.** Create a positive environment for the development of Moreno Valley's future.

**CITY COUNCIL STRATEGIC PRIORITIES**

- 1. Economic Development
- 2. Public Safety
- 3. Library
- 4. Infrastructure
- 5. Beautification, Community Engagement, and Quality of Life
- 6. Youth Programs

Objective 4.1: Develop a Moreno Valley Utility Strategic Plan to prepare for the 2020 expiration of the ENCO Utility Systems agreement.

**ATTACHMENTS**

None

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	10/02/19 4:44 PM
City Attorney Approval	<u>✓ Approved</u>	10/08/19 10:58 AM
City Manager Approval	<u>✓ Approved</u>	10/08/19 3:31 PM



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Michael L. Wolfe, P.E., Public Works Director/City Engineer

**AGENDA DATE:** October 15, 2019

**TITLE:** APPROVE AN EASEMENT DEED FOR EASTERN MUNICIPAL WATER DISTRICT

---

### **RECOMMENDED ACTION**

#### **Recommendation:**

Approve the Easement Deed for Eastern Municipal Water District (EMWD) and authorize the City Manager to sign the Easement Deed.

### **SUMMARY**

This report recommends approval of the Easement Deed for Eastern Municipal Water District's Lake Perris Sewer Siphon Project, and authorizing the City Manager to sign the Easement Deed.

### **DISCUSSION**

EMWD currently has existing at-grade and underground sewer facilities within a City owned vacant lot (APN 308-552-019) at the northeast corner of Kentucky Derby Drive and Equestrian Way. EMWD has a proposed Lake Perris Sewer Siphon Project that requires the addition of temporary and permanent sewer facilities on the City's property.

Since the proposed sewer work will occur on City owned property, EMWD is requesting the City of Moreno Valley grant an additional easement area of 625 square feet (attached Easement Deed) for access, construction and maintenance purposes. EMWD's schedule estimates that the award of their construction project will occur in December 2019. EMWD's proposed sewer work will not interfere with the City's future use of the property, which will include a bike trail and a community park. City staff has been able to acquire an easement for a City storm drain CIP project in consideration of granting EMWD this sewer easement.

## **ALTERNATIVES**

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will allow EMWD to move forward with the Lake Perris Sewer Siphon Project to serve the community.*
2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative will delay EMWD's Lake Perris Sewer Siphon Project.*

## **FISCAL IMPACT**

There is no impact to the General Fund.

## **NOTIFICATION**

Agenda Publication. EMWD will post project signs and send out notification to residents prior to construction per specifications.

## **PREPARATION OF STAFF REPORT**

Prepared By:  
Henry Ngo, P.E.  
Capital Projects Division Manager

Department Head Approval:  
Michael L. Wolfe, P.E.  
Public Works Director/City Engineer

## **CITY COUNCIL GOALS**

**Public Safety.** Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

**Public Facilities and Capital Projects.** Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

**Community Image, Neighborhood Pride and Cleanliness.** Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

## **CITY COUNCIL STRATEGIC PRIORITIES**

1. Economic Development
2. Public Safety
3. Library
4. Infrastructure

- 5. Beautification, Community Engagement, and Quality of Life
- 6. Youth Programs

**CITY COUNCIL GOALS**

**Public Facilities and Capital Projects.** Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

**CITY COUNCIL STRATEGIC PRIORITIES**

- 1. Economic Development
- 2. Public Safety
- 3. Library
- 4. Infrastructure
- 5. Beautification, Community Engagement, and Quality of Life
- 6. Youth Programs

**ATTACHMENTS**

- 1. Easement Deed APN 308-552-019
- 2. Location Map

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	10/07/19 1:49 PM
City Attorney Approval	<u>✓ Approved</u>	10/08/19 9:55 AM
City Manager Approval	<u>✓ Approved</u>	10/08/19 2:26 PM

Recording requested by and when recorded, mail to:  
City Clerk  
City of Moreno Valley  
P.O. Box 88005  
Moreno Valley, CA 92552-0805

Exempt from Recording Fee  
Govt. Code Sec. 6103  
City of Moreno Valley  
  
A.P.N. 308-552-019

*(Space above this line for Recorder's use)*  
**DOCUMENTARY TRANSFER TAX IS NONE.**  
*Public Agency exempt.  
Revenue and Taxation Code Section 11922*

### EASEMENT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **The City of Moreno Valley**, A Municipal Corporation (GRANTOR), hereby grants and conveys to **Eastern Municipal Water District**, a public agency organized and existing under and by virtue of the Municipal Water District Law of 1911 (GRANTEE) a perpetual easement and right of way for public highway purposes, including public utilities, private utilities permitted by the City and public service facilities over, under, upon, across, and within the real property in the City of Moreno Valley, County of Riverside, State of California, described on the attached Exhibit "A", and as illustrated on the plat hereto and marked exhibit "B". IN WITNESS WHEREOF, this instrument has been executed this \_\_\_\_ day of \_\_\_\_\_, 2019.

STATE OF CALIFORNIA  
County of \_\_\_\_\_  
On \_\_\_\_\_ before me,  
\_\_\_\_\_ the Undersigned.  
A Notary Public in and for said State, personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

City of Moreno Valley

By: \_\_\_\_\_

\_\_\_\_\_ Date

Attachment: Easement Deed APN 308-552-019 (3728 : EASEMENT DEED FOR EASTERN MUNICIPAL WATER DISTRICT)

**EXHIBIT "A"****EASTERN MUNICIPAL WATER DISTRICT  
SEWER EASEMENT****W.O: 19124****APN: 308-552-019****GRANTOR: CITY OF MORENO VALLEY****LEGAL DESCRIPTION**

**THAT PORTION OF LOT H OF TRACT NO. 30321, IN THE CITY OF MORENO VALLEY AS SHOWN BY MAP FILED IN BOOK 354, PAGES 69 THROUGH 87, INCLUSIVE, OF MAPS FILED IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, LYING IN SECTION 32, TOWNSHIP 3 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE CENTERLINE INTERSECTION OF KENTUCKY DERBY DRIVE AND EQUESTRIAN WAY AS SHOWN ON SAID TRACT NO. 30321, ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 800.00 FEET, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 85°26'28" EAST;**

**THENCE NORTHERLY ALONG SAID CURVE AND SAID CENTERLINE OF KENTUCKY DERBY DRIVE THROUGH A CENTRAL ANGLE OF 0°38'31", AN ARC DISTANCE OF 8.96 FEET TO A POINT OF REVERSE CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 300.00 FEET, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 86°04'59" EAST;**

**THENCE NORTHERLY ALONG SAID CURVE AND SAID CENTERLINE THROUGH A CENTRAL ANGLE OF 5°34'28", AN ARC DISTANCE OF 29.19 FEET;**

**THENCE CONTINUING ALONG SAID CENTERLINE NORTH 9°29'29" WEST, 58.92 FEET;**

**THENCE LEAVING SAID CENTERLINE NORTH 80°30'31" EAST, 25.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF KENTUCKY DERBY DRIVE, SAID POINT BEING THE TRUE POINT OF BEGINNING;**

**THENCE ALONG SAID RIGHT OF WAY NORTH 9°29'29" WEST, 20.01 FEET;**

**THENCE LEAVING SAID RIGHT OF WAY NORTH 81°47'59" EAST, 31.48 FEET;**

**THENCE SOUTH 8°12'01" EAST, 20.00 FEET;**

**THENCE SOUTH 81°47'59" WEST, 31.03 FEET TO THE TRUE POINT OF BEGINNING.**



**EXHIBIT "A": SEWER EASEMENT  
APN: 308-552-019**

**CONTAINING: 625 SQUARE FEET, MORE OR LESS.**

**EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.**

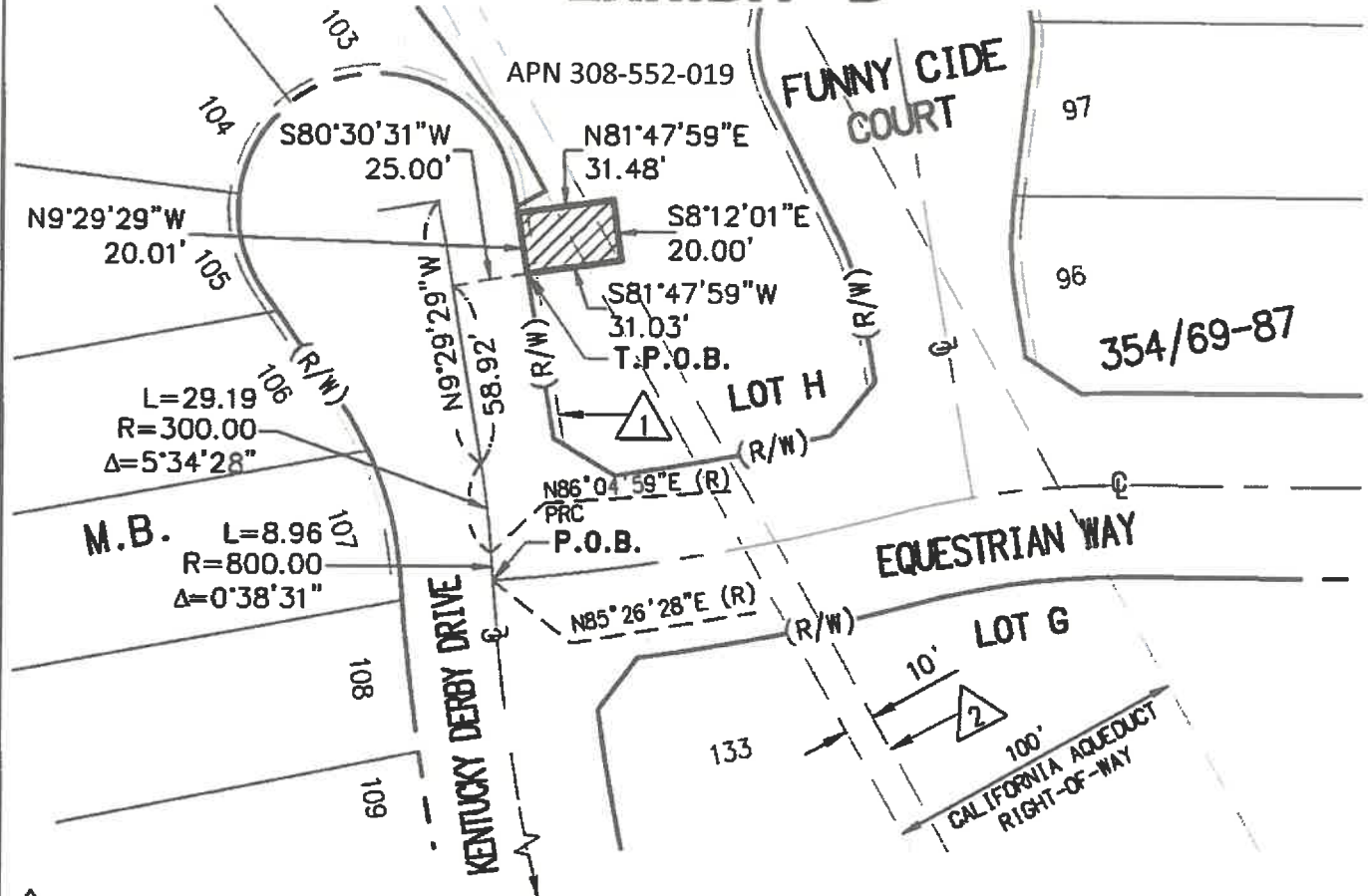
**THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY  
DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS' ACT.**

  
\_\_\_\_\_  
BRIAN D. FOX  
PLS 7171

6/5/19  
\_\_\_\_\_  
DATE



# EXHIBIT "B"



- 1 DENOTES 3' WIDE EASEMENT IN FAVOR OF THE CITY OF MORENO VALLEY FOR PUBLIC UTILITY PURPOSES
- 2 DENOTES AN EASEMENT IN FAVOR OF THE EASTERN MUNICIPAL WATER DISTRICT FOR PIPELINES AND INCIDENTAL PURPOSES RECORDED MAY 3, 1973 AS INSTRUMENT NO.57140 OF OFFICIAL RECORDS

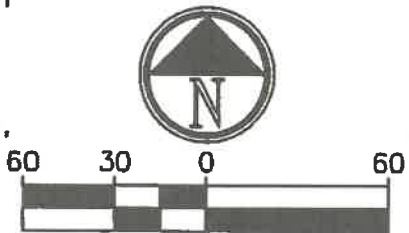
PREPARED UNDER MY DIRECTION  
*Brian D. Fox*  
 BRIAN D. FOX  
 DATE: 6/5/19



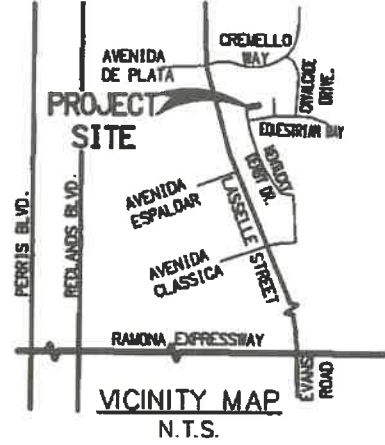
BASIS OF BEARINGS  
 THE BEARINGS HEREON ARE BASED ON THE CENTERLINE OF KENTUCKY DERBY DRIVE AS SHOWN IN TRACT NO. 30321 OF MB 354/69-87. TAKEN AS N9°29'29"W

PROPERTY DESCRIPTION  
 A PORTION OF LOT H OF TRACT NO. 30321, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP ON FILE IN BOOK 354, PAGES 69-87 OF MAPS, RECORDS OF SAID COUNTY.

LEGEND  
 INDICATES EMWD SEWER EASEMENT ( 625 SQ. FT.)



SCALE: 1" = 60'

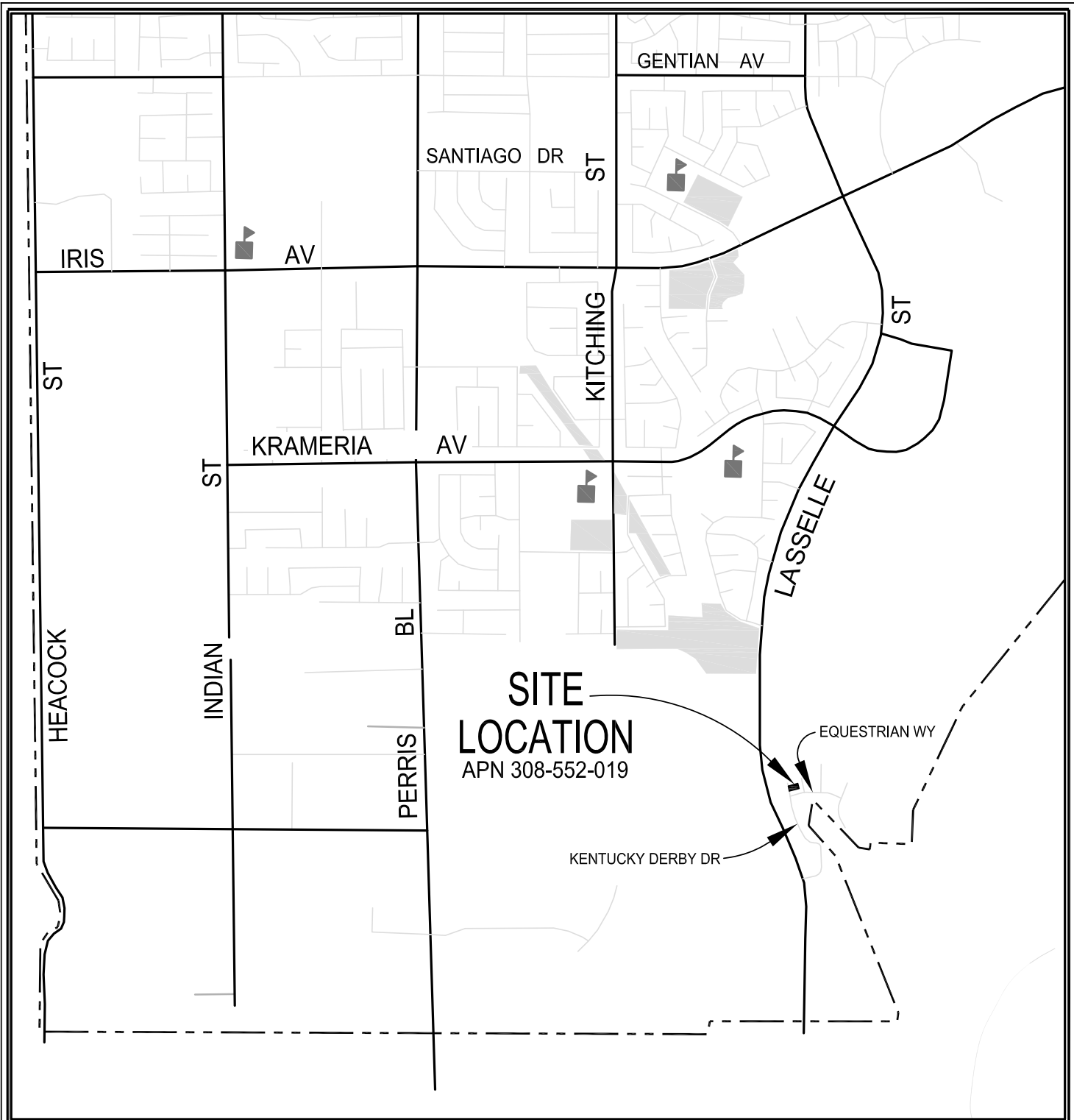


APN: 308-552-019

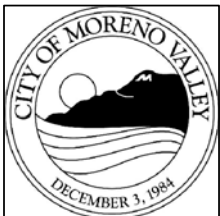
SEC. 32, T.3S. R.3W. SBM

EASTERN MUNICIPAL WATER DISTRICT RIVERSIDE COUNTY, CALIFORNIA	INST NO	DATE:	RA-
	APPROVALS		SCALE AS SHOWN
GRANT OF EASEMENT — PROPERTY OF: CITY OF MORENO VALLEY	ENGINEERING	REAL PROPERTY	DATE: 12/04/18
			SHT 1 OF 1

Attachment: Easement Deed APN 308-552-019 (3728 : EASEMENT DEED FOR EASTERN MUNICIPAL WATER DISTRICT)



Attachment: Location Map (3728 : EASEMENT DEED FOR EASTERN MUNICIPAL WATER DISTRICT)



# APN 308-552-019

Public Works Department  
Capital Projects Division

Scale: None

## LOCATION MAP



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Martin Koczanowicz, City Attorney  
Pat Jacquez-Nares, City Clerk

**AGENDA DATE:** October 15, 2019

**TITLE:** SECOND READING AND ADOPTION OF ORDINANCE  
SETTING THE PLANNING COMMISSION AT 7 MEMBERS

---

### **RECOMMENDED ACTION**

#### **Recommendation:**

Staff recommends that City Council conducts a second reading and adoption of Ordinance XXX, amending Chapter 2.18 returning the Planning Commission to 7 members.

### **SUMMARY**

This report recommends adoption of an Ordinance to return the composition of the City's Planning Commission to 7 Members.

### **DISCUSSION**

At the last meeting City Council introduced Ordinance XXX and scheduled second reading and adoption for this Council meeting.

Ordinance when adopted will set the Planning Commission back to seven members, removing the two Alternate Planning Commissioner positions.

### **ALTERNATIVES**

1. Conduct the second reading by title only and adopt Ordinance XXX.
2. Do not adopt the Ordinance and leave the Planning Commission with 9 positions.

### **FISCAL IMPACT**

There is no direct fiscal impact from the recommended action.

**NOTIFICATION**

Agenda was posted in accordance with the Brown Act.

**PREPARATION OF STAFF REPORT**

Prepared By:  
Martin D. Koczanowicz  
City Attorney

**CITY COUNCIL GOALS**

None

**CITY COUNCIL STRATEGIC PRIORITIES**

- 1. Economic Development
- 2. Public Safety
- 3. Library
- 4. Infrastructure
- 5. Beautification, Community Engagement, and Quality of Life
- 6. Youth Programs

**ATTACHMENTS**

- 1. Ordinance Council comp2019final

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	10/10/19 1:04 PM
City Attorney Approval	<u>✓ Approved</u>	10/10/19 3:47 PM
City Manager Approval	<u>✓ Approved</u>	10/10/19 4:35 PM

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTER 2.18 OF TITLE 2 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RETURNING THE PLANNING COMMISSION TO SEVEN MEMBERS

WHEREAS, in 2015 the City Council amended the Municipal Code adding Section 2.18.050 to create two Alternate Planning Commission positions due to concerns about meeting quorum requirements; and

WHEREAS, since that amendment no Alternate Planning Commissioner was needed to meet quorum requirements for any Planning Commission meeting; and

WHEREAS, City Council now desires to return the composition of the Planning Commission back to seven members.

The City Council of the City of Moreno Valley does therefore ordain as follows:

SECTION 1. PRIOR ENACTMENTS REPEALED:

All prior enactments of the City Council, which are in conflict with this Ordinance, are hereby repealed, the repeal to be effective only upon the effective date of this Ordinance.

SECTION 2. MUNICIPAL CODE CHAPTER 2.18 AMENDMENTS:

Section 2.18.050 of Chapter 2.18 of the City of Moreno Valley Municipal Code is hereby repealed in its entirety.

SECTION 3. NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 4. SEVERANCE CLAUSE

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be in violation of the law, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared in violation of the law.

SECTION 5. EFFECTIVE DATE:

This ordinance shall take effect 30 days after adoption by the City Council.

INTRODUCED at a regular meeting of the City Council on \_\_\_\_\_ and PASSED, APPROVED, and ADOPTED by the City Council on \_\_\_\_\_ by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Dr. Yxstian Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
Pat Jacquez-Nares, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Martin D. Koczanowicz, City Attorney

APPROVED AND ADOPTED this 18th day of June, 2019.

3

Ordinance  
Date adopted:







## Report to City Council

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**TO:**

**FROM:** Martin Koczanowicz, City Attorney  
Steve Fries, Animal Services Division Manager

**AGENDA DATE:** October 15, 2019

**TITLE:** SECOND READING AND ADOPTION OF ORDINANCE  
PROHIBITING THE FEEDING OF BURROS

---

### **RECOMMENDED ACTION**

#### **Recommendation:**

Staff recommends that the City Council conduct the second reading, by title only, and adopt Ordinance \_\_\_\_, which would prohibit the feeding of wild burros in the City limits.

### **SUMMARY**

This report recommends adoption of an Ordinance to prohibit the feeding and harassment of wild burros in the City of Moreno Valley.

### **DISCUSSION**

At a prior meeting the City Council introduced and conducted the first reading of Ordinance, which when adopted would make it a violation to feed or otherwise harass wild burros in the City of Moreno Valley. Feeding or other interaction with humans causes the wild burros to move into residential areas of the City. Their presence not only creates a nuisance, it is a public health and safety issue due to the potential collisions with vehicular traffic.

Currently State law already prohibits feeding of wild burros, however it is not a crime that is of high priority for the District Attorney's office. City Ordinance would permit the City to issue citations and prosecute any violations.

### **ALTERNATIVES**

1. Conduct the second reading and adopt the Ordinance.

2. Do not adopt the Ordinance and rely on State law for control of that activity.

**FISCAL IMPACT**

There is no direct fiscal impact from the recommended action. Once adopted, the enforcement of the Ordinance may result in additional staff time and costs. Portions will be off-set by the fines and penalties.

**NOTIFICATION**

Agenda was posted in accordance with the Brown Act.

**PREPARATION OF STAFF REPORT**

Prepared By:  
Martin D. Koczanowicz  
City Attorney

**CITY COUNCIL GOALS**

None

**CITY COUNCIL STRATEGIC PRIORITIES**

- 1. Economic Development
- 2. Public Safety
- 3. Library
- 4. Infrastructure
- 5. Beautification, Community Engagement, and Quality of Life
- 6. Youth Programs

**ATTACHMENTS**

- 1. UndomesticatedBurros-Ordinancedraftmdkclean090319

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	10/07/19 1:03 PM
City Attorney Approval	<u>✓ Approved</u>	10/07/19 11:55 AM
City Manager Approval	<u>✓ Approved</u>	10/10/19 5:12 PM

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADDING SECTION 10.02.115 AND AMENDING SECTION 10.02.010 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE PROHIBITING THE HARASSMENT AND FEEDING OF UNDOMESTICATED BURROS

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1. FINDINGS. The City Council finds that the population growth of undomesticated burro herds, and the increased urbanization of the City of Moreno Valley, as well as the surrounding County areas, has resulted in an increase in injured wild burros from traffic accidents as well as property damage within the City limits; and that

The herds have migrated into populated areas using rail lines and roadways, seeking food that is provided by well-meaning people. Food that is made available in more populated areas reduces or eliminates the burros' fear of humans and cars and encourages the burros to abandon their natural instinct to graze in their habitat; and that

The change in the food seeking behaviors of the burros presents a safety issue for the residents, and burros within the City limits, as the burros continue to move further into populated areas in search of food, resulting in an increase in traffic accidents with serious injuries to citizens, burros, and the infrastructure of roadways; and that

In an attempt to bring this problem under control, it is necessary to (1) prohibit feeding, or providing food in any manner, to undomesticated burros, (2) prohibit the harassment of the burros to reduce the human interaction that has resulted in the burros abandoning their grazing grounds and moving into the City limits.

SECTION 2. PURPOSE. The purpose of this Ordinance is to establish reasonable and uniform regulations to protect the undomesticated burro population by encouraging the instinctual behavior of the undomesticated burros by reducing human interactions with them. This purpose will be fulfilled by establishing and enforcing restrictions on human and undomesticated burro interactions. These will be enforced with citations, administrative penalties and fines, as well as any other enforcement mechanism permitted under Moreno Valley Municipal Code.

SECTION 3. AUTHORITY. This Ordinance is adopted pursuant to the authority granted by Article 11, Section 7 of the Constitution of the State of California, Section 2156 and Section 4600 of the California Fish and

Game Code, Section 53074.5 of the Government Code, and California Code of Regulations, Title 14, Division 1, section 251.1 regarding the harassment of animals. Generally, this subject matter has been preempted by the state, however, Fish and Game Code Section 2156 authorizes regulation of fish and game by local government in situations where the enacted Ordinances relating to the possession or care of wild animals are more restrictive than the regulations. This Ordinance is based on a regulation of the Department of Fish and Game, 14 CA ADC, § 25.1, which was sought by San Bernardino and Riverside Counties, and prohibits the harassment, including feeding of, undomesticated mammals, or birds. This Ordinance is more restrictive than the regulation because it is specific to Riverside County burros and focuses on prohibiting feeding as its primary objective, with a secondary goal of prohibiting the harassment as set forth in the regulation. The Ordinance is not duplicative of state law, or preempted by state legislation.

SECTION 4. Section 10.02.115 of the Moreno Valley Municipal Code is hereby added to read as follows:

**Section 10.02.115 Prohibiting the Harassment and Feeding of Undomesticated Burros**

- A. FEEDING OF UNDOMESTICATED BURROS. Except as provided in Subsection E, it is unlawful for any person to feed, or in any manner provide food to, any burro that is not owned or lawfully possessed by that person.
  
- B. HARASSMENT OF ANIMALS. Except as otherwise authorized in this Ordinance or in the California Fish and Game Code and regulations promulgated pursuant thereto, no person shall feed, harass, herd, drive capture, keep, or attempt to domesticate, any undomesticated burro.
  
- C. ENFORCEMENT.
  - 1. The Animal Services Division Manager shall supervise the administration and enforcement of this Ordinance and the enforcement of the laws of the State of California pertaining to the care and control of animals.
  - 2. The Animal Services Division Manager is authorized to post signs advising the public that feeding undomesticated burros is prohibited by this Ordinance and the California Code, Regulations, Title 14, Division 1, Section 251.1 regarding the harassment of animals.
  - 3. The City Council may enter into a written agreement or agreements with any veterinarian, organized humane society, association, person,

corporation or organization which will provide assistance to the City in providing care for undomesticated burros.

4. It shall be unlawful for any person to interfere with, oppose, or resist any officer, employee or person empowered to enforce the provisions of this Ordinance while such officer, employee or person is engaged in the performance of his/her duties as provided in the Moreno Valley Municipal Code or state law.
5. Nothing in this Ordinance shall prevent the Animal Services Division Manager from acting, when he/she deems it appropriate to do so, under the applicable provisions of the California Penal Code, Section 597, et seq.

**D. VIOLATION.**

1. A violation of this Section shall be punishable in accordance with Section 1.01.200.

**E. EXEMPTIONS.** This Section shall not apply to:

1. Any Animal Rescue Operation or Animal Rescuer that is authorized to assist the Department of Animal Services in the care and relocation of undomesticated burro herds.
2. A landowner or tenant who drives or herds undomesticated burros for the purpose of preventing damage to private or public property, including aquaculture and agriculture crops.

In order to be exempted from the provisions of this Section, a person must notice the Department of Animal Services of their action as soon as they are reasonably able, but no later than 48 hours after the event.

**SECTION 5.** Section 10.02.010 of the Moreno Valley Municipal Code is hereby amended to include definitions used in this Ordinance to be alphabetically incorporated into the existing section:

**Section 10.02.010 Definitions:**

Animal Rescuer. Any individual possessing a rescue permit from the Department, who routinely takes temporary possession of an animal from the rightful owner of said animal, or any animal from an animal shelter that has been retained by the City in accordance with this Ordinance.

Animal Rescue Operation. Any building, structure, enclosure or premises run by an Animal Rescuer, whether or not a valid

nonprofit corporation has been formed pursuant to the provisions of the California Corporations Code for the prevention of cruelty to animals.

Feeding. The intentional act of providing food to any animal by a person.

Harass. Any intentional act which disrupts an animal's normal behavioral patterns, which includes, but is not limited to, driving, breeding, feeding or sheltering.

Person. Any person, firm, cooperation, association, society, or other organization or entity.

Providing Food. The intentional act of making food available to wild animals in any location within the City limits without the approval of the City.

Undomesticated Burro. As defined in California Government Code §53074.5; A wild burro or a burro which has not been tamed or domesticated for a period of three years after its capture and is not protected by the federal government under the federal Wild Free-Roaming Horses and Burros Act.

Section 6. SEVERABILITY. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 7. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after its adoption.

This Ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Attachment: UndomesticatedBurros-Ordinancedraftmdkclean090319 (3777 : SECOND READING AND ADOPTION OF ORDINANCE



**ORDINANCE JURAT**

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF MORENO VALLEY        )

I, Pat Jacquez-Nares, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. YYYY-\_\_\_\_ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_, YYYY, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)

Attachment: UndomesticatedBurros-Ordinancedraftmdkclean090319 (3777 : SECOND READING AND ADOPTION OF ORDINANCE



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Kathleen Sanchez, Human Resources Director

**AGENDA DATE:** October 15, 2019

**TITLE:** LIST OF PERSONNEL CHANGES

---

### **RECOMMENDED ACTION**

#### **Recommendation:**

1. Ratify the list of personnel changes as described.

### **DISCUSSION**

The attached list of personnel changes scheduled since the last City Council meeting is presented for City Council ratification.

Staffing of City positions ensures assignment of highly qualified and trained personnel to achieve Momentum MoVal priorities, objectives and initiatives.

### **FISCAL IMPACT**

All position changes are consistent with appropriations previously approved by the City Council.

### **PREPARATION OF STAFF REPORT**

Prepared By:  
Vanessa Leccese  
Executive Assistant

Department Head Approval:  
Kathleen M. Sanchez  
Human Resources Director

### **CITY COUNCIL GOALS**

None

### **CITY COUNCIL STRATEGIC PRIORITIES**

- 1. Economic Development
- 2. Public Safety
- 3. Library
- 4. Infrastructure
- 5. Beautification, Community Engagement, and Quality of Life
- 6. Youth Programs

**ATTACHMENTS**

- 1. Personnel Changes

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	10/07/19 1:38 PM
City Attorney Approval	<u>✓ Approved</u>	10/08/19 9:45 AM
City Manager Approval	<u>✓ Approved</u>	10/08/19 11:46 AM

**City of Moreno Valley  
Personnel Changes  
October 15, 2019**

**New Hires**

Travis Jimenez, Laborer, Public Works Department/Maintenance & Operations Division

Michelle Gunnels, Park Ranger, Parks & Community Services Department/Parks Maintenance

**Promotions**

Kimberly Ganimian

From: Management Aide, Financial & Management Services Department/Treasury Operations Division

To: Senior Management Analyst, Public Works Department/Special Districts Division

Andrea Palacios

From: Administrative Assistant, Fire Department/Fire Prevention

To: Senior Administrative Assistant, Fire Department/Fire Prevention

Jasmine Monroe

From: Recreation Program Leader, Parks & Community Services Department/Community Services

To: Senior Recreation Program Leader, Parks & Community Services Department/Community Services

**Transfers**

None

**Separations**

Katherine Perdomo, Animal Services Assistant, Community Development Department/Animal Services Division



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Kathleen Sanchez, Human Resources Director

**AGENDA DATE:** October 15, 2019

**TITLE:** REPORT OF APPROVED SALARY CHANGES

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### **RECOMMENDED ACTION**

#### **Recommendation:**

1. Receive and file the attached Report of Approved Salary Changes.

### **DISCUSSION**

As part of the City of Moreno Valley's ongoing commitment to enhance transparency, the attached list shows permanent salary changes approved over the past month.

This report provides information associated with approved actions (e.g. promotions, changes of assignment, reclassifications, merit increases) which took effect over the past month (or since the last monthly report).

### **FISCAL IMPACT**

All approved salary changes were consistent with appropriations previously approved by the City Council.

### **PREPARATION OF STAFF REPORT**

Prepared By:  
Kathleen M. Sanchez  
Human Resources Director

Department Head Approval:  
Kathleen M. Sanchez  
Human Resources Director

### **CITY COUNCIL GOALS**

None

**CITY COUNCIL STRATEGIC PRIORITIES**

- 1. Economic Development
- 2. Public Safety
- 3. Library
- 4. Infrastructure
- 5. Beautification, Community Engagement, and Quality of Life
- 6. Youth Programs

**ATTACHMENTS**

- 1. Report of Approved Salary Changes 10-15-2019

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	10/07/19 5:43 PM
City Attorney Approval	<u>✓ Approved</u>	10/08/19 9:42 AM
City Manager Approval	<u>✓ Approved</u>	10/08/19 11:51 AM

# Report of Approved Salary Changes: October 15, 2019

<u>Position</u>	<u>Previous Salary Range/Step</u>	<u>Approved Salary Range/Step (Adjusted)</u>	<u>Qualifying Event</u>
Administrative Assistant	C16/B	C16/C	Merit Increase
Animal Care Assistant	T11/A	C10/A	Promotion
Animal Care Technician	C11/G	C11/H	Merit Increase
Animal Services Field Supervisor	C22/D	C22/E	Merit Increase
Animal Services Office Supervisor	C21/H	C21/I	Merit Increase
Assistant Buyer	C17/G	C17/H	Merit Increase
Assistant City Manager		5%	Merit Increase
Capital Projects Division Manager	C34/F	C34/G	Merit Increase
Management Assistant	C22/E	C22/F	Merit Increase
OEM Program Specialist	C16/E	C16/F	Merit Increase
Permit Technician	C18/E	C18/F	Merit Increase
Security Guard	C08/G	C08/H	Merit Increase
Senior Parking Control Officer	C14/G	C14/H	Merit Increase
Sr. Administrative Assistant	C17/D	C17/E	Merit Increase
Sr. Administrative Assistant	C17/D	C17/E	Merit Increase
Sr. Administrative Assistant	C16/B	C17/B	Promotion
Sr. Management Analyst	C18/A	C27/A	Promotion
Sr. Payroll Technician	C18/E	C18/F	Merit Increase

**Merit Increases:** Movement from Salary Steps A-G reflect a 5% annual increase. Movement to Steps H-I reflects a 2.5% annual increase

Attachment: Report of Approved Salary Changes 10-15-2019 (3790 : REPORT OF APPROVED SALARY

**Merit Increases:** Movement from Salary Steps A-G reflect a 5% annual increase. Movement to Steps H-I reflects a 2.5% annual increase









## Report to City Council

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**TO:** Mayor and City Council Acting in its Capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

**FROM:** Michael L. Wolfe, P.E., Public Works Director/City Engineer

**AGENDA DATE:** October 15, 2019

**TITLE:** PURSUANT TO A LANDOWNER PETITION, ANNEX ONE PARCEL INTO COMMUNITY FACILITIES DISTRICT NO. 1 (PARK MAINTENANCE) — AS ANNEXATION NO. 2019-49 (RESO. NO. CSD 2019-\_\_\_)

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### **RECOMMENDED ACTION**

#### **Recommendation:**

Acting as the legislative body of Community Facilities District No. 1 (Park Maintenance) adopt Resolution No. CSD 2019-\_\_\_, a Resolution of the Board of Directors of the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory for Annexation No. 2019-49 to its Community Facilities District No. 1 and approving the amended map for said District.

### **SUMMARY**

Approval of the proposed resolution will certify the annexation of one parcel into Community Facilities District (CFD) No. 1 (Park Maintenance) ("District"). This action impacts only the property owner identified below, not the general citizens or taxpayers of the City.

The City requires property owners of new development projects to mitigate the cost of certain impacts created by the proposed development (e.g., the increase in demand on parks created by residential development). The City created CFD No. 1 to provide the development community with a funding mechanism to assist in satisfying the requirement. After a property owner elects to annex their property into the District and the CSD Board approves the annexation, a special tax can be levied on the annual

property tax bills of the annexed parcels to fund the cost of increased demands on parks.

As a condition of approval for development of their project, Jose Palafox (the “Property Owner”) is required to provide a funding source to maintain parks and has elected to annex the parcel of his project into the District to satisfy the condition. The Property Owner submitted a Landowner Petition approving the annexation and the City Clerk has confirmed the petition is valid.

## **DISCUSSION**

The District was formed on July 8, 2003, to provide an alternative funding tool for the development community. It provides a mechanism to fund the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trail systems included within the District.

At the time CFD No. 1 was formed, the CSD Board designated a future annexation area for the District. With the future annexation area designated, annexations can occur without an additional public hearing as long as the annexing landowner provides unanimous consent. Once annexed, parcels are subject to the annual special tax to fund the park maintenance services of the District.

The Property Owner is approved to construct a custom home on Kimberly Ave. between Wilmot St. and Redlands Blvd. As a condition of approval for the project, the Property Owner is required to provide an ongoing funding source for park maintenance. The table below provides information for the parcel under development (“Subject Property”).

<b>Property Owner/ Project</b>	<b>APN</b>	<b>Proposed Number of DUs<sup>1</sup></b>	<b>Location</b>
Jose Palafox Custom Home PEN18-0047/SCP19-0008	478-165-021	1	Kimberly Ave. between Wilmot St. and Redlands Blvd.
<sup>1</sup> DU = Dwelling Units (single-family residential lot or dwelling unit for multi-family)			

A property owner has two options to satisfy the condition of approval:

- 1) Submit a Landowner Petition unanimously approving annexation of their property into the District. Approval of the petition and special tax rate allows the City to levy the special tax on the annual property tax bill of their property. This option is only available if there are fewer than 12 registered voters living within the proposed annexation area; or
- 2) Fund an endowment to satisfy the annual requirement.

The Property Owner elected to annex the Subject Property into CFD No. 1 and have the special tax applied to the annual property tax bill. The Office of the Riverside County Registrar of Voters confirmed there were no registered voters residing at the Subject

Property, allowing for a special election of the landowner. Adoption of the attached resolution (Attachment 1) adds the Subject Property to the District and directs the recordation of the boundary map (Attachment 2) and amended notice of special tax lien for Annexation No. 2019-49. The City Clerk received and reviewed the Landowner Petition and confirmed the Property Owner unanimously approved annexation of the Subject Property into the District (Attachment 3).

Successful completion of the annexation process satisfies the project’s condition of approval to provide an ongoing funding source for park maintenance.

**ALTERNATIVES**

- 1. Adopt the proposed resolution. *Staff recommends this alternative as it will annex the Subject Property into CFD No. 1 at the request of the Property Owner and satisfy the condition of approval for the proposed development.*
- 2. Do not adopt the proposed resolution. *Staff does not recommend this alternative as it is contrary to the Property Owner’s request, will not satisfy the condition of approval, and may delay development of the project.*
- 3. Do not adopt the proposed resolution but rather continue the item to a future regularly scheduled CSD Board meeting. *Staff does not recommend this alternative as it will delay the Property Owner from satisfying the condition of approval and may delay development of the project.*

**FISCAL IMPACT**

Revenue received from the special tax is restricted and can only be used to fund the maintenance and operation of CFD No. 1 park facilities and services. The special tax can only be applied to the property tax bill of a parcel wherein the qualified electors (i.e., landowners or registered voters, depending on the number of registered voters) have previously provided approval. The estimated maximum special tax revenue which can be generated from the project is detailed below:

Property Owner/ Project	Proposed Number of DUs <sup>1,2</sup>	FY 2019/20 Maximum Special Tax <sup>3</sup>	Estimated FY 2019/20 Maximum Special Tax for the Project <sup>2</sup>
Jose Palafox Custom Home	1	\$176.37/DU	\$176.37

<sup>1</sup> DU = Dwelling Unit (single-family residential lot or dwelling unit for multi-family).  
<sup>2</sup> Based on the current project description. The special tax will be calculated based on the final development of the project.  
<sup>3</sup> The special tax applied to the property tax bill will be based on the needs of the District, which can be lower than, but cannot exceed the maximum special tax. The FY 2019/20 applied rate is \$146.32 per DU.

The maximum special tax rate is subject to an annual inflation adjustment based on the change in Consumer Price Index (CPI) or by two percent (2%), whichever is greater. However, the annual adjustment cannot be applied unless the CSD Board annually

authorizes such adjustment. The increase to the maximum special tax rate cannot exceed the annual inflationary adjustment without a two-thirds approval of the qualified electors within the District.

## **NOTIFICATION**

On August 29, 2019, the annexation materials were mailed to the Property Owner. A cover letter, Landowner Petition, Rates and Method of Apportionment of Special Tax, and an envelope to return the completed petition were included.

## **PREPARATION OF STAFF REPORT**

Prepared by:  
Isa Rojas  
Management Analyst

Department Head Approval:  
Michael L. Wolfe, P.E.  
Public Works Director/City Engineer

Concurred by:  
Candace E. Cassel  
Special Districts Division Manager

Concurred by:  
Patti Solano  
Parks & Community Services Director

## **CITY COUNCIL GOALS**

**Revenue Diversification and Preservation.** Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

**Community Image, Neighborhood Pride and Cleanliness.** Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

## **CITY COUNCIL STRATEGIC PRIORITIES**

1. Economic Development
2. Public Safety
3. Library
4. Infrastructure
5. Beautification, Community Engagement, and Quality of Life
6. Youth Programs

Objective 5.2: Promote the installation and maintenance of cost effective, low maintenance landscape, hardscape and other improvements which create a clean, inviting community.

## **ATTACHMENTS**

1. Resolution Ordering Annexation - Annexation 2019-49

- 2. Boundary Map CFD 1 - Annexation 2019-49
- 3. Certificate of Election Official - Annexation 2019-49

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	10/04/19 8:12 AM
City Attorney Approval	<u>✓ Approved</u>	10/08/19 9:44 AM
City Manager Approval	<u>✓ Approved</u>	10/08/19 11:49 AM

## RESOLUTION NO. CSD 2019-\_\_\_\_

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY FOR ANNEXATION NO. 2019-49 TO ITS COMMUNITY FACILITIES DISTRICT NO. 1 AND APPROVING THE AMENDED MAP FOR SAID DISTRICT

WHEREAS, by its Resolution No. CSD 2003-23, the Board of Directors of the Moreno Valley Community Services District (the "CSD") established the CSD's Community Facilities District No. 1 (the "CFD"), a citywide district, pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the "Act"); and

WHEREAS, by its Ordinance No. 41, the Board of Directors levied an annual special tax against all non-exempt parcels of real property within the CFD (the "Special Tax") to fund parks and park improvements; and

WHEREAS, by its Resolution No. CSD 2003-26, the Board of Directors designated all territory within the City of Moreno Valley to be a Future Annexation Area for the CFD; and

WHEREAS, pursuant to Resolution No. CSD 2003-26 territory located within the Future Annexation Area may be annexed to the CFD upon the unanimous approval of the owner or owners of each parcel or parcels at the time that the parcel or parcels are annexed, without additional hearings; and

WHEREAS, the landowners of the parcels listed on Exhibit A to this Resolution, which is attached hereto and incorporated herein by reference, have submitted a petition requesting and approving annexation of the listed parcel (the "Annexation Parcel") to the CFD; and

WHEREAS, the boundary map entitled "Annexation Map No. 2019-49 of Community Facilities District No. 1 of the Moreno Valley Community Services District City of Moreno Valley, County of Riverside, State of California," showing the extent of the proposed annexation is included as Exhibit B to this Resolution and incorporated herein by reference (the "Boundary Map"); and

WHEREAS, the Board of Directors desires to annex the Annexation Parcel to the CFD.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1  
Resolution No. CSD 2019-\_\_\_\_  
Date Adopted: October 15, 2019



1. Recitals. The above recitals are all true and correct and are herein incorporated.
2. Annexation Ordered. The Annexation Parcel is hereby added to and part of the CFD with full legal effect. The Annexation Parcel is subject to the Special Tax levied in connection with the CFD.
3. Description of Services. The following is a general description of the services provided in the CFD:

The maintenance and/or repair of Parks and Park Improvements including, but not limited to, the planting, replanting, mowing, trimming, irrigation and fertilization of grass, trees, shrubs, and other ornamental plants and vegetation, the operation, maintenance, repair, and replacement of irrigation systems associated with Parks and Park Improvements, and all the effort by Park Rangers that is devoted to the maintenance of the Parks and Park Improvements and public safety. "Parks and Park Improvement" means parks and park improvements which are to be developed, constructed, installed, and maintained within and in the area of the CSD and which will be owned and operated by the CSD for the benefit of the residents of the CFD.

Such maintenance shall include, but not be limited to, the provision of all labor, material, administration, personnel, equipment and utilities necessary to maintain such Parks and Park Improvements.

It is the intention of the Board of Directors to fund all direct, administrative and incidental annual costs and expenses necessary to provide the authorized maintenance and services.

4. Amended Boundary Map. The Boundary Map attached hereto as Exhibit B is hereby approved. This map amends, and does not supersede, the existing map of the CFD. The City Council directs that said map be filed with the Riverside County Recorder pursuant to Section 3113 of the Streets and Highways Code.
5. Notice of Special Tax Lien. The City Council directs that an amended notice of special tax lien be recorded pursuant to Section 3117.5 of the Streets and Highways Code with respect to the Annexation Parcel associated with the Boundary Map.
6. Severability. That should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this resolution as hereby adopted shall remain in full force and effect.
7. This Resolution shall be effective immediately upon adoption.
8. The City Clerk shall certify to the adoption of this Resolution, and shall maintain on file

2  
Resolution No. CSD 2019-\_\_\_\_  
Date Adopted: October 15, 2019

as a public record this Resolution.

APPROVED AND ADOPTED this 15th day of October, 2019.

\_\_\_\_\_  
Mayor of the City of Moreno Valley,  
Acting in the capacity of President of the  
Moreno Valley Community Services District

ATTEST:

\_\_\_\_\_  
City Clerk, acting in the capacity of  
Secretary of the Moreno Valley  
Community Services District

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney, acting in the capacity  
of General Counsel of the Moreno  
Valley Community Services District

Resolution No. CSD 2019-3  
Date Adopted: October 15, 2019

Attachment: Resolution Ordering Annexation - Annexation 2019-49 (3716 : PURSUANT TO A LANDOWNER PETITION, ANNEX ONE PARCEL

**RESOLUTION JURAT**

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    ) ss.  
CITY OF MORENO VALLEY    )

I, Pat Jacquez-Nares, Secretary of the Moreno Valley Community Services District, Moreno Valley, California do hereby certify that Resolution No. CSD 2019-\_\_\_ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting held on the 15th day of October, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vice-President and President)

\_\_\_\_\_  
SECRETARY

(SEAL)

Resolution No. CSD 2019-\_\_\_ 4  
Date Adopted: October 15, 2019

Attachment: Resolution Ordering Annexation - Annexation 2019-49 (3716 : PURSUANT TO A LANDOWNER PETITION, ANNEX ONE PARCEL

**EXHIBIT A**

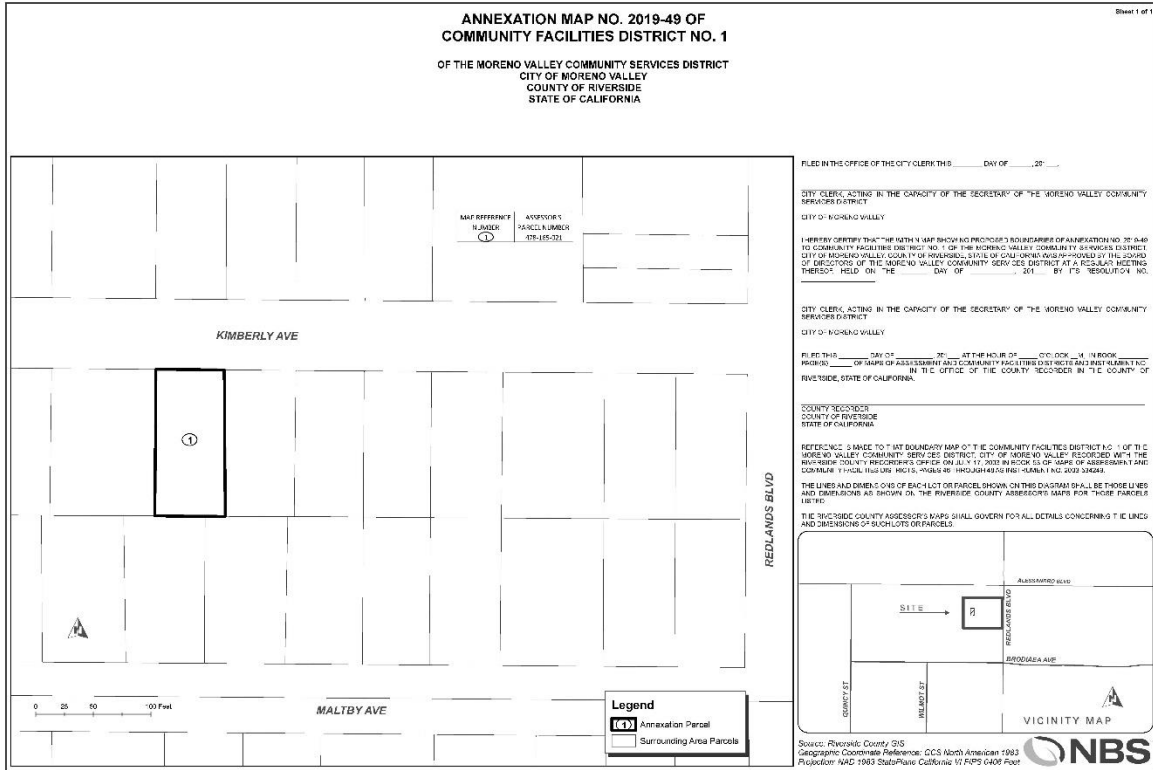
List of Annexation Parcel(s)

Annexation Map No.	Assessor's Parcel Numbers
2019-49	478-165-021

Attachment: Resolution Ordering Annexation - Annexation 2019-49 (3716 : PURSUANT TO A LANDOWNER PETITION, ANNEX ONE PARCEL

Resolution No. CSD 2019-5  
Date Adopted: October 15, 2019

# EXHIBIT B Annexation Map No. 2019-49

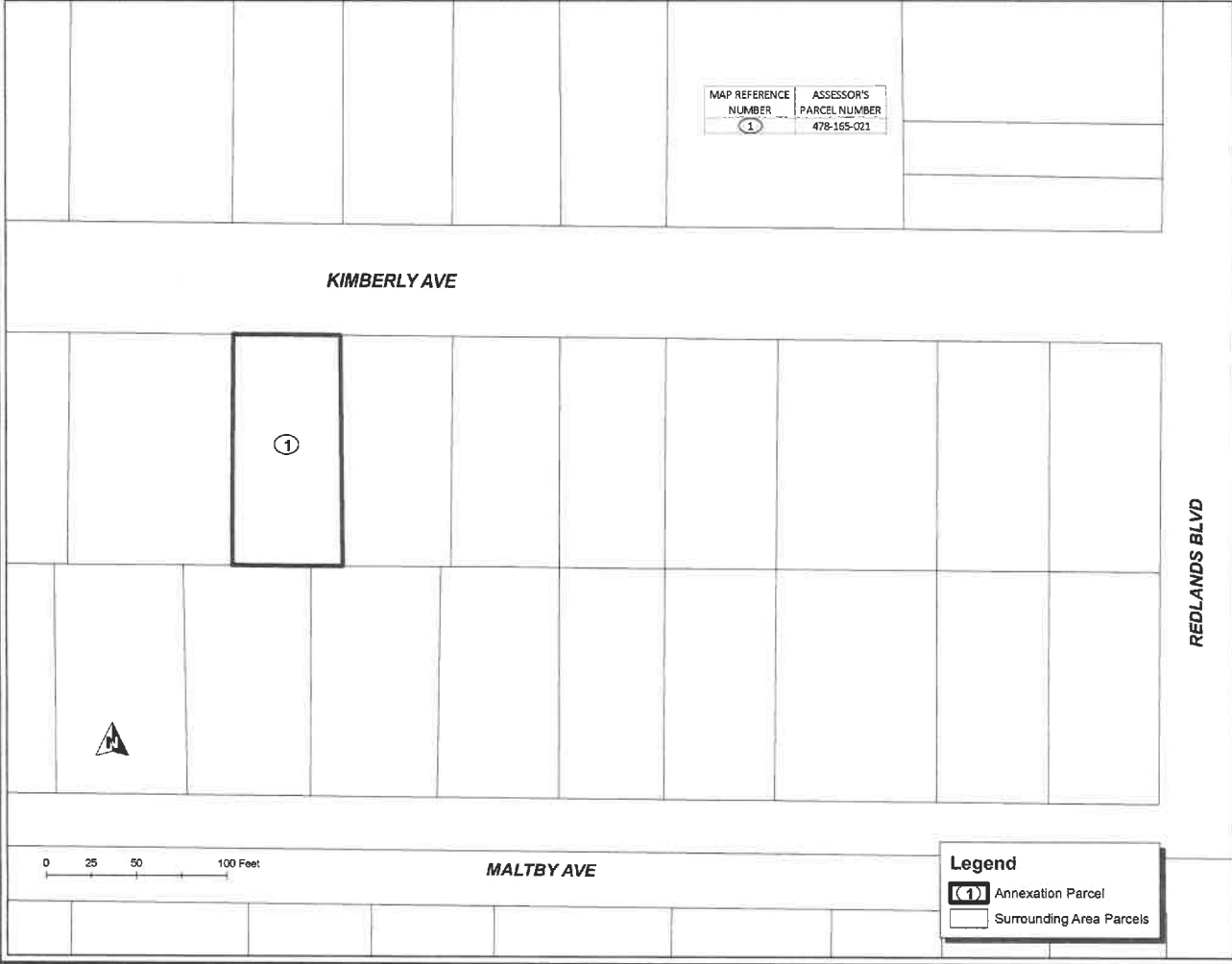


Attachment: Resolution Ordering Annexation - Annexation 2019-49 (3716 : PURSUANT TO A LANDOWNER PETITION, ANNEX ONE PARCEL

# ANNEXATION MAP NO. 2019-49 OF COMMUNITY FACILITIES DISTRICT NO. 1

Sheet 1 of 1

OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY OF MORENO VALLEY  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE CITY CLERK THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

CITY CLERK, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY OF MORENO VALLEY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 2019-49 TO COMMUNITY FACILITIES DISTRICT NO. 1 OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_, BY ITS RESOLUTION NO. \_\_\_\_\_

CITY CLERK, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY OF MORENO VALLEY

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_, AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. IN BOOK \_\_\_\_\_ PAGE(S) \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND INSTRUMENT NO. \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

COUNTY RECORDER  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 1 OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON JULY 17, 2003 IN BOOK 53 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGES 46 THROUGH 48 AS INSTRUMENT NO. 2003-534249.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE RIVERSIDE COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

REDLANDS BLVD



Source: Riverside County GIS  
Geographic Coordinate Reference: GCS North American 1983  
Projection: NAD 1983 StatePlane California VI FIPS 0406 Feet



Attachment: Boundary Map CFD 1 - Annexation 2019-49 (3716 : PURSUANT TO A LANDOWNER

**CERTIFICATE OF ELECTION OFFICIAL  
AND CONFIRMATION OF LANDOWNER PETITION**

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF MORENO VALLEY        )

The undersigned, Election Official of the City of Moreno Valley, County of Riverside, State of California, Does Hereby Certify that on **September 23, 2019**, I did verify the completeness of the Landowner Petition for the annexation of property into

CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01  
(MAINTENANCE SERVICES) – AMENDMENT NO. **2019-49**

WITNESS my hand this **23<sup>rd</sup>** day of **September**, 2019.

*Regina Flores*  
*jr* \_\_\_\_\_  
ELECTION OFFICIAL  
CITY OF MORENO VALLEY  
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Annexation 2019-49 (3716 : PURSUANT TO A LANDOWNER PETITION, ANNEX ONE PARCEL INTO



## Report to City Council

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**TO:** Mayor and City Council Acting in its Capacity as Chairman and Commissioners of the Moreno Valley Housing Authority (HA)

**FROM:** Mike Lee, Economic Development Director

**AGENDA DATE:** October 15, 2019

**TITLE:** RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE SALE OF PROPERTY AT ALESSANDRO BOULEVARD AND DAY STREET

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### **RECOMMENDED ACTION**

#### **Recommendations: That the Housing Authority:**

1. Adopt the Resolution setting the time and place for the Housing Authority's final action on the sale of the Property.

### **SUMMARY**

This report recommends adoption of a Resolution that, in compliance with State law, sets a time and date for a public hearing to consider the sale of certain property owned by the Housing Authority.

### **DISCUSSION**

The Housing Authority owns several contiguous parcels at the northeast corner of Day and Alessandro (Property), more specifically described in the attached resolution (Attachment A). The parcels cannot be developed with residential units due to their proximity to March Reserve Air Base and inconsistency with the adopted Airport Land Use Compatibility Plan.

Consistent with the direction received from the City Council, Staff negotiated a potential sale of the Property to a developer, who will build out a business park project at this location. The net proceeds from the sale would be restricted for use on advancement of affordable housing in the City.



The Resolution meets the requirements of the State Law by setting the time and place for the final action by the City Council (as Housing Authority Board) on the sale of the Property. If the Resolution is adopted, a public hearing will be held at the November 5, 2019 City Council meeting for final action on the sale and any potential protest.

### **ALTERNATIVES**

1. Adopt the Resolution setting time and place for the City Council's final action on the sale of the Property. This alternative will allow the scheduling of a public hearing at the November 5, 2019 City Council meeting regarding final action on the sale and any potential protest. Staff recommends this alternative.
2. Do not adopt the Resolution and do not move forward with the sale of the Property. Staff does not recommend this alternative.

### **FISCAL IMPACT**

There is no direct fiscal impact from the recommended action. Sale of the property will have a positive fiscal impact on affordable housing funds and will assist in continued economic growth of the City.

### **NOTIFICATION**

The agenda was posted in accordance with the Brown Act.

### **PREPARATION OF STAFF REPORT**

Prepared By:  
Michele Patterson  
Economic Development Manager

Department Head Approval:  
Mike Lee  
Economic Development Director

### **CITY COUNCIL GOALS**

**Revenue Diversification and Preservation.** Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

**Community Image, Neighborhood Pride and Cleanliness.** Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

### **CITY COUNCIL STRATEGIC PRIORITIES**

1. Economic Development
2. Public Safety
3. Library

- 4. Infrastructure
- 5. Beautification, Community Engagement, and Quality of Life
- 6. Youth Programs

**ATTACHMENTS**

- 1. Reso Setting Public Hearing for Sale of Alessandro & Day Property 101519

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	10/08/19 9:26 AM
City Attorney Approval	<u>✓ Approved</u>	10/08/19 9:41 AM
City Manager Approval	<u>✓ Approved</u>	10/10/19 5:11 PM

## RESOLUTION NO. 2019-

A RESOLUTION OF THE CITY COUNCIL SITTING AS THE  
HOUSING AUTHORITY BOARD FOR THE CITY OF  
MORENO VALLEY, CALIFORNIA, ADVISING OF INTENT  
TO SELL CERTAIN CITY PROPERTY AND SETTING A  
DATE AND TIME FOR A PUBLIC HEARING FOR THAT  
PURPOSE

WHEREAS, the Housing Authority owns certain adjoining parcels designated for low and moderate income housing development located at the North/East corner of Alessandro Boulevard and Day Street (Property), more specifically described below:

Approximately 8.19 acres containing the following parcels:

APN 291-191-007  
APN 291-191-008  
APN 291-191-009  
APN 291-191-010  
APN 291-191-011  
APN 291-191-012  
APN 291-191-013  
APN 291-191-025  
APN 291-191-026  
APN 291-191-027  
APN 291-191-028  
APN 291-191-029

; and

WHEREAS, the Property lays within area unsuitable for residential development due to its proximity to the March Reserve Air Base and inconsistency with the Airport Land Use Compatibility Plan; and

WHEREAS, public convenience and necessity exists for development of the Property with industrial establishments, thus creating additional jobs in the City and continuing the economically beneficial growth and development of the City; and

WHEREAS, proceeds from the sale of the Property can be used to advance development of low and moderate income housing in the City in a more appropriate location; and

WHEREAS, City has identified a buyer who has committed to developing the Property with industrial projects and to pay fair market value for the property; and

WHEREAS, all of the requirements of Government Code Sections 37421 et seq. and other applicable State laws have been met.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, SITTING AS THE HOUSING AUTHORITY BOARD, DOES HEREBY RESOLVE AS

FOLLOWS:

1. The Property proposed for sale cannot be developed with residential housing, thus requiring liquidation so the proceeds can be used for advancement of low and moderate income housing in the City.
2. Public interest and convenience dictates that the 8.19 acres more specifically described above in this Resolution be sold.
3. The Housing Authority Board will hold a Public Hearing at its meeting of November 5<sup>th</sup>, 2019 at 6:00 pm where the final action on the sale of the Property will be taken by the Board.
4. The net proceeds from the sale of the Property shall be used for advancement of affordable housing in Moreno Valley.

APPROVED AND ADOPTED this 15<sup>th</sup> day of October, 2019

\_\_\_\_\_  
Mayor of the City of Moreno Valley

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**RESOLUTION JURAT**

STATE OF CALIFORNIA        )  
COUNTY OF RIVERSIDE       ) ss.  
CITY OF MORENO VALLEY     )

I, Pat Jacquez-Nares, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2017- \_\_ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 30th day of March, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)

Attachment: Reso Setting Public Hearing for Sale of Alessandro & Day Property 101519 (3795 : RESOLUTION SETTING A PUBLIC HEARING TO



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Patty Nevins, Acting Community Development Director

**AGENDA DATE:** October 15, 2019

**TITLE:** ADOPTION OF 2019 CALIFORNIA BUILDING CODES, CALIFORNIA CODE OF REGULATIONS, TITLE 24, INCORPORATING THE LATEST EDITIONS OF THE MODEL CODES WITH AMENDMENTS

---

### **RECOMMENDED ACTION**

#### **Recommendations: That the City Council:**

1. Conduct a Public Hearing to receive public input on the proposed Ordinance.
2. Introduce and conduct the first reading of Ordinance No. \_\_\_\_\_, amending Title 8 of the City of Moreno Valley Municipal Code by adding Chapters 8.28, 8.30, 8.32, 8.34, 8.38, and 8.44, and by repealing and replacing Chapters 8.20, 8.22, 8.23, 8.24, 8.26, 8.36 and adopting, as modified, the California Building Standards Code, California Code of Regulations, Title 24: including the 2019 California Administrative Code, the 2019 California Building Code, the 2019 California Residential Code, the 2019 California Electrical Code, the 2019 California Mechanical Code, the 2019 California Plumbing code, the 2019 California Energy Code, the 2019 California Historical Building Code, the 2019 California Existing Building Code, the 2019 California Green Building Code, the 2019 California Reference Standards Code, and the 2019 California Fire Code, and adopting other regulations relating to building and fire prevention requirements.
3. Schedule the second reading and adoption of Ordinance No. \_\_\_\_\_ for the next regular Council meeting.

### **SUMMARY**

The adoption of the 2019 California Building Standards Code, California Code of Regulations, Title 24 as amended will ensure that minimum building standards are

implemented to safeguard life, limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use, occupancy, location, and maintenance of all buildings and structures within the City of Moreno Valley.

## **DISCUSSION**

In accordance with California Health and Safety Code Sections 17922 and 18935, the California Building Standards Commission approved the adoption of new model codes relating to fire and life safety. The California Building Standards Commission has advised local jurisdictions that the State will adopt the 2019 Editions of the California Administrative Code, the California Building Code, the California Residential Code, the California Electrical Code, the California Mechanical Code, the California Plumbing Code, the California Energy Code, the California Historical Building Code, the California Existing Building Code, the California Green Building Code, the California Reference Standards Code, and the California Fire Code. Once the California Building Standards Commission amends the model codes to include California specific amendments, local jurisdictions are given 180 days to further amend the code by local ordinance.

In addition to State amendments, Moreno Valley has made various “Findings of Need” with regard to specific building and fire amendments to be adopted to reflect Moreno Valley’s unique climatic, geographical, and topographical conditions.

The California Building Standards Commission has indicated that the above referenced codes will become effective at the local level on January 1, 2020. In order to include local amendments and adequately protect first responders, the business community, and citizens, the City must complete its adoption process 30 days prior to this date. The adoption of the code into the Moreno Valley Municipal Code provides for an orderly administration of the codes by City Building and Fire officials.

This recommended action contributes to the pursuit of Momentum MoVal Strategic Plan priorities of Economic Development and Beautification, Community Engagement, and Quality of Life by regulating the safety and usability of the structures in the built environment.

## **ALTERNATIVES**

1. Introduce and conduct the first reading of the proposed Ordinance incorporating local amendments to the California Building Standards Code in accordance with Health and Safety Code, §§ 17950 and 18938 (b), and schedule the second reading and adoption for the next regular City Council meeting. *This alternative is recommended by staff to ensure effective codes for the future development of Moreno Valley.*
2. Do not introduce, nor pursue, the adoption of the proposed Ordinance of the California Building Standards Code with amendments thus reducing measures ensuring consistent development. *This alternative is not recommended by staff.*

**FISCAL IMPACT**

There is no fiscal impact with the adoption of this Ordinance.

**NOTIFICATION**

The City Council meeting of October 15, 2019, has been properly noticed as a Public Hearing as required by Government Code Section 6066.

**PREPARATION OF STAFF REPORT**

Prepared By:  
James Verdugo  
Building & Safety Supervisor

Department Head Approval:  
Patty Nevins  
Acting Community Development Director

Concurred By:  
Paul R. Villalobos  
Fire Marshal

Concurred By:  
Abdul Ahmad  
Fire Chief

**CITY COUNCIL GOALS**

**Positive Environment.** Create a positive environment for the development of Moreno Valley's future.

**CITY COUNCIL STRATEGIC PRIORITIES**

- 1. Economic Development
- 2. Public Safety
- 3. Library
- 4. Infrastructure
- 5. Beautification, Community Engagement, and Quality of Life
- 6. Youth Programs

Objective 5.6: Enhance community outreach, partnership opportunities, and stakeholder ownership of the City's parks and recreation services, programs and events.

**ATTACHMENTS**

- 1. 2019 Ordinance DRAFT 20191010

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	10/10/19 2:22 PM
City Attorney Approval	<u>✓ Approved</u>	10/10/19 2:56 PM
City Manager Approval	<u>✓ Approved</u>	10/10/19 3:05 PM



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 8, OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY ADDING CHAPTERS 8.28, 8.30, 8.32, 8.34, 8.38, AND 8.44, AND BY REPEALING AND REPLACING CHAPTERS 8.20, 8.22, 8.23, 8.24, 8.26, 8.36, AND ADOPTING, AS MODIFIED, THE 2019~~96~~ CALIFORNIA BUILDING STANDARDS CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24: INCLUDING THE 2019 CALIFORNIA ADMINISTRATIVE CODE, THE 2019~~96~~ CALIFORNIA BUILDING CODE, THE 2019 CALIFORNIA RESIDENTIAL CODE, THE 2019 CALIFORNIA ELECTRICAL CODE, THE 2019~~96~~ CALIFORNIA MECHANICAL CODE, THE 2019~~96~~ CALIFORNIA PLUMBING RESIDENTIAL CODE, THE 2019~~96~~ CALIFORNIA ENERGY PLUMBING CODE, THE 2019~~96~~ CALIFORNIA HISTORICAL BUILDING ELECTRICAL CODE, THE 2019 CALIFORNIA EXISTING BUILDING CODE, THE 2019 CALIFORNIA GREEN BUILDING CODE, THE 2019 CALIFORNIA REFERENCE STANDARDS CODE, AND THE 2019~~96~~ CALIFORNIA FIRE CODE, AND ADOPTING OTHER REGULATIONS RELATING TO BUILDING AND FIRE PREVENTION REQUIREMENTS.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1. PRIOR ENACTMENTS REPEALED:

1.1 All prior enactments of the City, which are in conflict with this Ordinance, are hereby repealed, effective upon the date on which this Ordinance becomes effective and operative.

SECTION 2. CONTINUING EFFECT:

2.1 Notwithstanding Section 1.1 of the Ordinance, and solely for the purposes of this Section 2.1, this Ordinance shall be construed as a continuation of said prior enactments as the same may have been heretofore amended from time to time, and compliance therewith prior to the effective date hereof shall be deemed to be compliance with this Ordinance unless provided otherwise herein.

2.2 Except as specifically or by necessary implication required to the contrary by this Ordinance, no right or entitlement granted, or obligation imposed, or action or proceeding commenced or taken pursuant to a prior resolution or ordinance repealed or modified hereby shall be deemed to be invalidated, waived, terminated or otherwise affected by the enactment hereof.

1  
Ordinance No. ~~945~~  
Date Adopted: November 5, 2019 ~~November 15, 2016~~

SECTION 3. EFFECT OF ENACTMENT:

3.1 Except as specifically provided herein, nothing contained in this Ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 4. FINDINGS:

4.1 The International Code Council is a private organization which has been in existence for at least three (3) years.

4.2 The 201~~95~~<sup>96</sup> California Building Code, the 201~~95~~<sup>96</sup> California Fire Code, the California Building Standards Code, and the California Fire Code Standards published by said organization, are a nationally recognized compilation of proposed rules, regulations, and standards of said organization.

4.3 The California Building Code and the California Fire Code have been printed and published as a code in book form within the meaning of Section 50022.2 et seq., of the California Government Code and said code has been adopted and amended by the California Building Standards Commission into the California Code of Regulations (CCR) as Title 24, 201~~95~~<sup>96</sup> edition.

4.4 That one (1) copy of the 201~~95~~<sup>96</sup> California Building Code based on the 201~~85~~<sup>96</sup> International Building Code and one (1) copy of the 201~~95~~<sup>96</sup> California Fire Code based on the 201~~85~~<sup>96</sup> International Fire Code have been on file for use and examination by the public in the office of the Building Official prior to adoption of this Ordinance.

4.5 That the sections of the International Building Code and California Building Code Standards may be referred to by the same number used in said published compilation preceded by the words "City of Moreno Valley International Building Code Section" or "International Building Code Section" or "Building Code Section". –Said amendments to the California Building Standards Code under the California Building Code shall be referred to in the same manner as listed above for ease of application.

4.6 That the sections of the California Fire Code may be referred to by the same number used in said published compilation preceded by the words "City of Moreno Valley California Fire Code Section" or "California Fire Code Section" or "Fire Code Section". Said amendments to the California Building Standards Code under the California Fire Code shall be referred to in the same manner as listed above for ease of application.

4.7 Pursuant to Section(s) 17958.5(a) and (b) as well as Section 17958.7 of the California Health and Safety Code, the Section contained herein shall be submitted as the "Findings of Need" with regard to the specific California Building Code and California

2

Ordinance No. ~~945~~

Date Adopted: ~~November 5, 2019~~ ~~November 15, 2016~~

Fire Code Ordinance Amendments adopted by the City of Moreno Valley and addressed herein. Additional requirements and standards herein are necessary to properly protect the health, safety and welfare of the existing and future residents as well as workers of the City of Moreno Valley. Under the provisions of Section 17958.7 of the Health and Safety Code, local amendments shall be based on climatic, geological or topographical conditions. The "Findings of Need" contained herein shall address each of these situations and shall present the local situation which singularly or in combination cause the established amendments to be adopted. Each such modification is identified as to which section such finding refers.

4.7.1 Life Safety: That the additional requirements and standard established herein are needed to properly protect the health, safety, life and limb, and welfare of existing and future residents, workers and guests of the City of Moreno Valley.

4.7.2 That these changes and modifications to the standards published in the California Building Code and California Fire Code are reasonably necessary because of local climatic, geological, and topographical conditions. The following are hereby adopted as non-inclusive specific findings in respect to such local conditions and refer to amendments made to the California Building Code, California Code of Regulations, Title 24, and International Fire Code as more particularly set forth below.

**Climatic Conditions:**

4.7.2.1 The City of Moreno Valley receives relatively low amounts of precipitation, low humidity and high temperatures. Such climate conditions are conducive to the spread of fire (Information from the University of California, Riverside, Meteorological Weather Station). This finding refers to and supports modifications to 4906.4, 5601.1.3, 5601.1.3.1, 5607.1.1 of the California Fire Code, 2019~~96~~ edition.

4.7.2.2 Strong winds, commonly referred to as the Santa Ana Winds, have reached speeds up to 57 miles per hour in Moreno Valley during various months of past years. Damage that can occur during such winds includes the creation of highly flammable conditions of brush, downed trees, utility poles, utility circuits, and power line (Wind speeds documented at March Air Reserve Base). This finding refers to and supports modifications to Chapter 1, Division II, Section 105.2 of the California Building Code, 2019~~96~~ edition and to Chapter 1, Division II, Section R105.2 of the California Residential Code, 2019~~96~~ edition. This finding also refers to and supports modifications to 606.10.1.2, 4906.4, 5601.1.3, 5601.1.3.1, 5607.1.1 of the California Fire Code, 2016~~99~~ edition.

4.7.2.3 Other areas within the City of Moreno Valley are subject to landslides, wind erosion, blown sand, flooding and wildfires. This finding refers to and supports modifications to Chapter 1, Division II, Section 105.2 of the California Building Code, 2019~~96~~ edition and to Chapter 1, Division II, Section R105.2 and Section R405.1 of the California Residential Code, 2019~~96~~ edition. This finding also refers to and

3

Ordinance No. ~~945~~

Date Adopted: ~~November 15, 2016~~ November 5, 2019

supports modifications to 4906.4, 5601.1.3, 5601.1.3.1, 5607.1.1 of the California Fire Code, 2019~~6~~ edition.

4

Ordinance No. 945

Date Adopted: November 5, 2019 ~~November 15, 2016~~

**Geological:**

4.7.2.4 Within the city limits of Moreno Valley, there are two (2) earthquake faults; the San Jacinto Fault and the Casa Loma Fault. There are also other faults in the immediate adjacent areas. In the event of a severe earthquake, these faults present the potential for catastrophic damage including fire, damage to roadways, and other impairments of emergency apparatus (Fault information from California Division of Mines and Geology). This finding refers to and supports modifications to Chapter 1, Division II, Section 105.2 of the California Building Code, 20196 edition and to Chapter 14, Division II, Section R 105.2 and Chapter 4, Section R403.1.3 and Section R405.1 of the California Residential Code, 20169 edition.

4.7.2.5 There is a lack of fire hydrants and water supply to new construction hillside areas in the City of Moreno Valley. This finding refers to and supports modifications to Sections 505.1903.2, 903.3.5.3, 4906.4 of the California Fire Code, 20196 edition.

4.7.2.6 In Moreno Valley there are known areas where the radio coverage is insufficient to ensure the life safety of emergency personnel due to the mountainous and hilly terrain at the City's northern and eastern boundaries. These areas include the Reche Vista area, the Hidden Springs area near Box Springs Mountain, and the entrance to San Timoteo Canyon ~~off~~ ~~of~~ both Moreno Beach Boulevard and Redlands Boulevard near the northern City limits. This finding refers to and supports modifications to Sections 508.1; 508.1.1, 508.1.3; 508.1.5; 508.1.7 of the California Fire Code, 20196 edition.

**Topographical:**

4.7.2.7 Development has occurred and continues to occur in Moreno Valley at a rapid pace. Traffic congestion occurs during certain peak business hours, weekends, and on holidays along main thoroughfares such as Sunnymead Blvd., Perris Blvd., Alessandro Blvd., Heacock St., Pigeon Pass/Frederick St., and at some points along Indian St. and Cactus Ave. (Information provided by the Transportation Engineering Division of the Public Works Department). This finding refers to and supports modification 505.1 of the California Fire Code, 20196 edition.

4.7.2.8 The distance between fire stations, and the response time in our City compared to the time when flashover generally occurs creates a need for on-site fire suppression capability in all structures, and also the need for specific turning radius and turnaround requirements for fire apparatus. In order to accommodate fire equipment during emergency response, we find that fire apparatus roads, grades, turning radius and turnaround dimensions are required as set forth herein. This finding refers to and supports modifications to Sections 505.1, 606.10.1.2, 903.2, 903.3.5.3 of the California Fire Code, 20196 edition.

5

Ordinance No. ~~915~~Date Adopted: ~~November 15, 2016~~ November 5, 2019

4.7.2.9 Moreno Valley has a number of different water companies serving the area, with varying capacity to deliver water flows for fire suppression purposes. This finding refers to and supports modifications to Sections B105.1, C103.2, 507.5.7, 903.2, 903.3.5.3 of the California Fire Code, 20196 edition.

4.7.2.10 Radio communications and ability to communicate can be hindered by topographical features in Moreno Valley as well as building design, which can include subterranean structures. It is vital to ensure there is adequate radio coverage and breathing air throughout the City for the life safety of the emergency response personnel. This finding refers to and supports modifications to Sections 508.1; 508.1.1; 508.1.3; 508.1.5; 508.1.7 of the California Fire Code, 20196 edition.

SECTION 5. MUNICIPAL CODE AMENDED:

5.1 Chapter 8.20 of Title 8 of the City of Moreno Valley Municipal Code is hereby repealed and replaced in its entirety to read as follows:

“Chapter 8.20

**California Building Code**

Sections

8.20.010 Adopted

8.20.010 Adopted

The California Building Code, 20196 Edition, based on the 20158 International Building Code as published by the International Code Council, excluding Chapter 29 and Chapter 34 and including Appendix H and the Standards referred to therein, is adopted and made part of this title by reference with the following modifications:

- A. Chapter 1, Division II, Section 101.2, Exception is amended to read as follows:

**Exception:** Detached one- and two-family dwellings and multiple single family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height, shall comply with the California Residential Code, Title 24, Part 2.5.

~~B. Chapter 1, Division II, Section 101.4 is deleted.~~

~~G.B.~~ Chapter 1, Division II, Section 105.1.1 and 105.1.2 are deleted.

~~D.C.~~ Chapter 1, Division II, Section 105.2, Building 2 is hereby amended to read as follows:

6

Ordinance No. ~~945~~

Date Adopted: ~~November 15, 2016~~ November 5, 2019

Fences not over six (6) feet high, masonry concrete block walls under three (3) feet measured from top of footing, or combination masonry concrete block walls under (3) feet measured from top of footing, with any approved building material wood, wrought iron, chain link -not exceeding (6) feet in total height.

~~E.D.~~ Chapter 1, Division II, Section 105.3.2 is amended to read as follows:

**Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit had been issued; except that that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Plans and other data submitted for review shall be returned to the applicant or destroyed by the City.

E. Chapter 1, Division II, Section 105.5 is amended to read as follows:

Every permit shall remain valid for purposes of this part if the work on the site authorized by that permit is commenced within 12 months after its issuance, unless, the permittee has abandoned the work authorized by this permit.

A permittee may request an extension of a permit. The City is authorized to grant, in writing, one or more extensions of time for periods of not more than 180 days per extension. The permittee shall request an extension pursuant to this subdivision in writing and demonstrate justifiable cause for the extension.

F. Chapter 1, Division II, Section 107.3.3 is deleted.

G. Chapter 1, Division II, Section 113 is deleted. (Note to City Attorney to research this deletion. Per discussion with James, If we remove this Section of the code from our ordinance, do we have a similar or equal venue in our MC to address grievances and complaint as referenced in CBC section 113?)

H. Chapter 3, Section 304.1 is amended to include (show in bold)

Motor Vehicle Showrooms

**Police and Fire Stations**

Post Office

I. Chapter 9, Section 903.2 is amended to read as follows:

\_\_\_\_\_ In all new buildings and structures which are 3,600 square feet or greater, \_\_\_\_\_

\_\_\_\_\_ an approved automatic sprinkler system shall be provided regardless of \_\_\_\_\_

occupancy classification. Where the California Fire Code is requiring more

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restrictive requirements in Sections 903.2.1 – 903.2.19, the more restrictive requirement shall take precedence.

Any existing building shall retrofit with automatic fire sprinklers when a structure exceeds 3,600 square feet and additions are made which exceed thirty-three (33) percent of the original building square footage.

Exception: ~~Detached Group U occupancies with setback distances of 50 feet or more from the property line or other structures.~~

J. Chapter 9, Section 903.3.5.3 is amended to read as follows:

Hydraulically calculated systems. The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

Exception: When static pressure exceeds 100 psi, and required by the ~~Fire Code Official~~ Fire Code Official, the fire sprinkler system shall not exceed water supply capacity specified by Table 903.3.5.3.”

5.2 Chapter 8.22 of Title 8 of the City of Moreno Valley Municipal Code is hereby repealed and replaced in its entirety to read as follows:

“Chapter 8.22

**California Mechanical Code**

Sections

8.22.010 Adopted

8.22.010 Adopted

The California Mechanical Code, 2019~~6~~ Edition, including Appendices B, C and D thereto, based on the 201~~5~~8 Uniform Mechanical Code and the Standards incorporated therein, as published by the International Association of Plumbing and Mechanical Officials is adopted and made a part of this chapter by reference with the following modifications:

A. Chapter 1, Division II Section 104.3.3 is amended to read as follows:

Expiration of Plan Review. ~~Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, plans and other data submitted for review thereafter, shall be returned to the applicant or destroyed by the City. The City shall have the authority to extend the time for action by the applicant for a period not to exceed 180 days upon request by the applicant. The extension shall be requested in writing and justifiable cause demonstrated.~~ Applications for which no permit is issued within one hundred and eighty (180) days following the date of application shall expire by limitation, and plans and other data submitted for review shall be permitted to be returned to the applicant or destroyed by the City. ~~The City shall be permitted to extend the time for action by the~~

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~~applicant for a period not to exceed one hundred and eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once.~~

B. Chapter 1, Division II Section 104.4.3 is amended to read as follows:

Expiration. A permit issued by City under the provisions of this code shall expire by limitation and become null and void where the work authorized by such permit is not commenced within 12 months from the date of such permit, or where the work authorized by such permit is suspended or abandoned at a time after the work is commenced for a period of 180 days. Before such work is recommenced, a new permit shall first be obtained.

C. ~~Chapter 1, Division II Section 104.4.4 is amended to read as follows:~~

Extension. A permittee holding an unexpired permit shall be permitted to apply for an extension of the time within which work shall be permitted to commence under that permit where the permittee is unable to commence work within the time required by this section. The City shall have the authority to extend the time for action by the permittee for a period not exceeding one-hundred and eighty (180) days upon written request by the permittee. The extension shall be requested in writing and justifiable cause demonstrated.~~A permittee holding an unexpired permit shall be permitted to apply for an extension of the time within which work may be commenced under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The City shall have the authority to extend the time for action by the permittee for a period not exceeding one hundred and eighty (180) days upon written request by the permittee showing that circumstances beyond the control of said permittee have prevented action from being taken.~~

B-D. Chapter 1, Division II Section 106.3 is deleted.”

5.3 Chapter 8.23 of Title 8 of the City of Moreno Valley Municipal Code is hereby repealed and replaced in its entirety to read as follows:

“Chapter 8.23

**California Residential Code**

Sections

8.23.010 Adopted

8.23.010 Adopted

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Ordinance No. ~~945~~

Date Adopted: November 5, 2019 ~~November 15, 2016~~

The California Residential Code, 2019~~6~~ Edition, based on the 2018~~5~~ International Residential Code and the Standards referred to therein, as published by the International Code Council, is adopted and made part of this chapter by reference with the following modifications:

A. ~~A.~~ Chapter 1, Division II, Section R105.2, Building 2 is hereby amended to read as follows:

Fences not over six (6) feet high, masonry concrete block walls under three (3) feet measured from top of footing, or combination masonry concrete block walls under (3) feet measured from top of footing, with any approved building material wood, wrought iron, chain link –not exceeding (6) feet in total height.

B. ~~Chapter 1, Division II, Section R105.5 is amended to read as follows:~~

~~Every permit shall remain valid for purposes of this part if the work on the site authorized by that permit is commenced within 12 months after its issuance, unless, the permittee has abandoned the work abandoned the work authorized by this permit.~~

C. ~~B~~ Chapter 1, Division II, Section R106.3.3 is deleted.

~~B.~~

~~C.D.~~ Chapter 1, Division II, Section R112 is deleted. ~~(Note to City Attorney to research this deletion. Per discussion with James, If we remove this Section of the code from our ordinance, do we have a similar or equal venue in our MC to address grievances and complaint as referenced in CRC section 112?)~~

~~D.E.~~ Chapter 3, Table R301.2(1) is revised to read:

**TABLE R301.2(1)  
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP <sup>a</sup>	ICE BARRIER UNDERLAYMENT REQUIRED <sup>b</sup>	FLOOD HAZARDS <sup>g</sup>	AIR FREEZING INDEX <sup>h</sup>	MEAN ANNUAL TEMP <sup>i</sup>
	Speed <sup>d</sup> (mph)	Topographic effects <sup>e</sup>	Special Wind region <sup>f</sup>	Wind-borne debris zone <sup>m</sup>		Weathering <sup>a</sup>	Frost Line depth <sup>b</sup>	Termite <sup>c</sup>					
Zero	110	No	No	No	D <sup>2</sup> or E	Negligible	12"	Very Heavy	43	No	Per Title 8	0	64

For SI: 1 pound per square foot = 0.0479kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. -The weathering column shall be filled in with the weathering index, "negligible," "moderate" or "severe" for concrete as determined from Figure R301.2(3). -The grade of masonry units shall be determined from ASTM, C34, C55, C62, C73, C90, C129, C145, C216 or C652.

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- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). –The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)A]. –Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. Temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table (a) the date of the jurisdiction’s entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel number and dates of the currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.
- h. In accordance with Section R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with “YES.” Otherwise, the jurisdiction shall fill in this part of the table with “NO.”
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table “Air Freezing Index-USA Method (Base 32°F).”
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table “Air Freezing Index-USA Method (Base 32°F).”
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with “YES.” –Otherwise, the jurisdiction shall indicate “NO” in this part of the table.
- l. In accordance with Figure R301.2(4)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with “YES” and identify any specific requirements. Otherwise, the jurisdiction shall indicate “NO” in this part of the table.
- m. In accordance with Section R301.2.1.2.1, the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate “NO” in this part of the table.”

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5.4 Chapter 8.24 of Title 8 of the City of Moreno Valley Municipal Code is hereby repealed and replaced in its entirety to read as follows:

“Chapter 8.24

**California Plumbing Code**

Sections

8.24.010 Adopted

8.24.010 Adopted

The California Plumbing Code, 2019~~6~~ Edition, including the Appendices thereto, based on the 201~~5~~~~8~~ Uniform Plumbing Code and installation standards incorporated therein, as published by the International Association of Plumbing and Mechanical Officials, is adopted and made part of this chapter by reference with the following modifications:

A. Chapter 1, Division II Section 104.3.3 is amended to read as follows:

~~—Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, plans and other data submitted for review thereafter, shall be returned to the applicant or destroyed by the City. The City shall have the authority to extend the time for action by the applicant for a period not to exceed 180 days upon request by the applicant. The extension shall be requested in writing and justifiable cause demonstrated.~~ Applications for which no permit is issued within one hundred and eighty (180) days following the date of application shall expire by limitation, and plans and other data submitted for review shall be returned to the applicant or destroyed by the City. The City shall be permitted to extend the time for action by the applicant for a period not to exceed one hundred and eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once.

B. Chapter 1, Division II Section 104.4.3 is amended to read as follows:

Expiration. A permit issued by City under the provisions of this code shall expire by limitation and become null and void where the work authorized by such permit is not commenced within 12 months from the date of such permit, or where the work authorized by such permit is suspended or abandoned at a time after the work is commenced for a period of 180 days. Before such work is recommenced, a new permit shall first be obtained.

~~B.C.~~ Chapter 1, Division II Section 104.4.4 is amended to read as follows:

Extension. A permittee holding an unexpired permit shall be permitted to apply for an extension of the time within which work shall be permitted to

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~~commence under that permit where the permittee is unable to commence work within the time required by this section. The City shall have the authority to extend the time for action by the permittee for a period not exceeding one-hundred and eighty (180) days upon written request by the permittee. The extension shall be requested in writing and justifiable cause demonstrated. A permittee holding an unexpired permit shall be permitted to apply for an extension of the time within which work may be commenced under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The City shall have the authority to extend the time for action by the permittee for a period not exceeding one hundred and eighty (180) days upon written request by the permittee showing that circumstances beyond the control of said permittee have prevented action from being taken.~~

~~C.D.~~ Chapter 1, Division II Section 104.5 is deleted.”

5.5 Chapter 8.26 of Title 8 of the City of Moreno Valley Municipal Code is hereby repealed and replaced in its entirety to read as follows:

“Chapter 8.26

**California Electrical Code**

Sections

8.26.010 Adopted

8.26.010 Adopted

The California Electric Code, 2019~~6~~ Edition, based on the 2017~~4~~ National Electric Code as published by the National Fire Protection Association, is adopted and made a part of this chapter by reference.”

5.6 Chapter 8.28 of Title 8 of the City of Moreno Valley Municipal Code is hereby added to read as follows:

“Chapter 8.28

**California Administrative Code**

Sections

8.28.010 Adopted

8.28.010 Adopted

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Date Adopted: November 5, 2019 ~~November 15, 2016~~

The California Administrative Code, 2019 Edition, is adopted and made a part of this chapter by reference.

5.7 Chapter 8.30 of Title 8 of the City of Moreno Valley Municipal Code is hereby added to read as follows:

“Chapter 8.30

**California Energy Code**

Sections

8.30.010 Adopted

8.30.010 Adopted

The California Energy Code, 2019 Edition, is adopted and made a part of this chapter by reference.”

5.8 Chapter 8.32 of Title 8 of the City of Moreno Valley Municipal Code is hereby added to read as follows:

“Chapter 8.32

**California Historical Building Code**

Sections

8.32.010 Adopted

8.32.010 Adopted

The California Historical Building Code, 2019 Edition, is adopted and made a part of this chapter by reference.”

5.9 Chapter 8.34 of Title 8 of the City of Moreno Valley Municipal Code is hereby added to read as follows:

“Chapter 8.34

**California Existing Building Code**

Sections

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Ordinance No. ~~945~~

Date Adopted: ~~November 15, 2016~~ November 5, 2019

8.34.010 Adopted8.34.010 Adopted

The California Existing Building Code, 2019 Edition, based on the 2018 International Existing Building Code, is adopted and made a part of this chapter by reference.

5.106 Chapter 8.36 of Title 8 of the City of Moreno Valley Municipal Code is hereby repealed and replaced in its entirety to read as follows:

“Chapter 8.36

**California Fire Code**

8.36.010 Adopted

**APPLICATION AND ADOPTION OF THE CALIFORNIA FIRE CODE.** Except as stated in this Section or as amended below in Section 5 of this Ordinance, all of the provisions and appendices of the 20196 California Fire Code, inclusive of all of the inclusions and exclusions set for in each chapter’s matrix, are hereby adopted and shall apply to the City of Moreno Valley~~unincorporated areas of Riverside County~~. -In addition, the following provisions that are excluded in the 20196 California Fire Code are hereby adopted - Chapter 1, Division II of the California Fire Code is hereby adopted, except that Section 103.2 and 1098.3 are not adopted, and Chapters 3, 25, and Sections 403.12, 503, 510.2, and 1103.2 are adopted.

8.36.020 Administrative

A. Section 102.5 is hereby amended as follows:

102.5 Application of residential code. Where structures are designed and constructed in accordance with the California Residential Code, the provisions of this code shall apply as follows:

1. Construction and design provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 of this code shall apply.
2. Administrative, operational and maintenance provisions of this code shall apply.
3. Automatic fire sprinkler system requirements of this code shall apply to detached accessory buildings 3,600 square feet or greater in accordance with Section 903.2. -The provisions contained in Section 903.2.18 of the California Fire Code or Section R309.6 of the California Residential Code may be used for the design of the automatic fire sprinkler system for detached private garages.

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Date Adopted: November 5, 2019 ~~November 15, 2016~~

B. Section 103.2 of the California Fire Code is hereby amended to read as follows:

103.2 Appointment. The Fire Chief, Fire Marshal or their designees shall be appointed by the ~~C~~chief appointing authority of the jurisdiction; and the Fire Chief, Fire Marshal or their designees shall not be removed from office without prior ~~approval~~consultation with the County Fire Chief regarding implementation, administration and enforcement of the provisions of this Code.

C. Sections 103.4 and 103.4.1 of the California Fire Code are hereby deleted in their entirety and replaced with the following:

103.4 Liability. Any liability against Riverside County or Moreno Valley or any officer or employee for damages resulting from the discharge of their duties shall be as provided by law.

D. Section 104.1.1 is hereby added to the California Fire Code to read as follows:

104.1.1 Authority of the Fire Chief.

(1) The ~~Fire C~~chief and his or her designees are authorized and directed to enforce all applicable State fire laws and the provisions of this code and he or she shall perform such related duties as may be fixed by the City Council, and for such purposes, he or she shall have the power of a peace officer.

(2) The ~~Fire C~~chief is authorized to administer, interpret and enforce this code. Under the ~~Fire C~~chief's direction, the fire department is authorized to enforce all ordinances of the jurisdiction pertaining to:

- a. The prevention of fires,
- b. The suppression or extinguishment of dangerous or hazardous fires,
- c. The storage, use and handling of hazardous materials,
- d. The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment,
- e. The maintenance and regulation of fire escapes,
- f. The maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures and other property, including those under construction,
- g. The maintenance of means of egress, ~~and~~,
- h. The investigation of the cause, origin and circumstance of fire and unauthorized releases of hazardous materials.

(3) The following persons are hereby authorized to interpret and enforce the provisions of this Code (except as provided in Section 101.4) and to make arrests and issue citations as authorized by law:

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Date Adopted: ~~November 15, 2016~~ November 5, 2019



- a. The Unit Chief and peace officers and public officers of the California Department of Forestry and Fire Protection.
- b. The Fire Chief, Peace Officers and Public Officers of the Riverside County Fire Department.
- c. The City Fire Marshal and members of the Moreno Valley Fire Prevention Bureau.
- d. The Riverside County Sheriff and any Deputy Sheriff.
- e. The Police Chief and any Police Officer of any city served by the County Fire Department.
- f. Officers of the California Highway Patrol.
- g. Code Officers of the ~~Riverside County Code Enforcement Department~~ City of Moreno Valley Code Enforcement Department.
- g. Peace Officers of the California Department of Parks and Recreation.
- h. The law enforcement officers of the Federal Bureau of Land Management.

Commented [RK1]: I thought thee City had it's own Enforcement

E. A new sSection 104.12 is hereby added to the California Fire Code to read as follows:

104.12 Authority of the Fire Chief to close hazardous fire areas. -Except upon National Forest Land, the Fire Chief is authorized to determine and announce the closure of any hazardous fire area or portion thereof. Any closure by the Fire Chief for a period of more than fifteen (15) calendar days must be approved by the ~~Riverside County Board of Supervisors and/or~~ City Council within fifteen (15) calendar days of the Fire Chief's original order of closure. Upon such closure, no person shall go in or be upon any hazardous fire area, except upon the public roadways and inhabited areas. During such closure, the Fire Chief shall erect and maintain at all entrances to the closed area sufficient signs giving notice of closure. This section shall not prohibit residents or owners of private property within any closed area, or their invitees, from going in or being upon their lands. This section shall not apply to any entry, in the course of duty, by a peace officer, duly authorized public officer or fire department personnel. For the purpose of this section, "hazardous fire area" shall mean public or private land that is covered with grass, grain, brush or forest and situated in a location that makes suppression difficult resulting in great damage. Such areas are designated on Hazardous Fire Area maps filed with the office of the Fire Chief.

F. Section 106.2 is hereby deleted in its entirety and replaced with the following:

106.2 Schedule of permit fees. Fees for services and permits shall be as set forth in the City of Moreno Valley fee schedule.

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Date Adopted: ~~November 15, 2016~~ November 5, 2019

GI. A new ~~s~~Section ~~10613.66~~ is hereby added to the California Fire Code to read as follows:

10613.6 Cost recovery. Fire suppression, investigation, rescue or emergency medical costs are recoverable in accordance with Health and Safety Code Sections 13009 and 13009.1, as may be amended from time to time. Additionally, any person who negligently, intentionally or in violation of law causes an emergency response, including, but not limited to, a traffic accident, spill of toxic or flammable fluids or chemicals is liable for the costs of securing such emergency, including those costs pursuant to Government Code Section 53150, et seq, as may be amended from time to time. Any expense incurred by the City of Moreno Valley or Riverside County Fire Department for securing such emergency shall constitute a debt of such person and shall be collectable by Riverside County in the same manner as in the case of an obligation under contract, express or implied.

HF. Section ~~1098.1~~ of the California Fire Code is hereby amended as follows:

~~1098.1~~ Board of appeals established. The Board of Appeals shall be the ~~County Executive Officer~~City Council. -If he or she determines an outside board is needed, he or she shall designate an outside hearing officer to hear the appeal. -The Fire Chief shall be notified of any appeal and the Fire Chief or designee shall be in attendance at the appeal hearing. -Depending on the subject of the appeal, specialized expertise may be solicited, at the expense of the applicant, for the purpose of providing input to the Appeals Board.

IG. Section ~~11009.4~~ is hereby deleted in its entirety and replaced with the following:

~~[A] 110.4 Violation penalties; It shall be unlawful for any person, firm, corporation or association of persons to violate any provision of this ordinance, or to violate the provisions of any permit granted pursuant to this code. Punishments and penalties for violations shall be in accordance with the City of Moreno Valley ordinances, fee schedule, and Health and Safety Code Sections 17995 through 17995.5. 409.4 Violation and penalties. It shall be unlawful for any person, firm, corporation or association of persons to violate any provision of this ordinance, or to violate the provisions of any permit granted pursuant to this code. Punishments and penalties for violations shall be in accordance with the City of Moreno Valley ordinances, fee schedule and Health and Safety Code Sections 17995 through 17995.5.~~

~~H.~~ Section ~~113.2~~ is hereby deleted in its entirety and replaced with the following:

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Date Adopted: ~~November 15, 2016~~ November 5, 2019

~~113.2 Schedule of permit fees. Fees for services and permits shall be as set forth in the City of Moreno Valley fee schedule.~~

~~I. Section 113.6 is hereby added to the California Fire Code to read as follows:~~

~~113.6 Cost recovery. Fire suppression, investigation, rescue or emergency medical costs are recoverable in accordance with Health and Safety Code Sections 13000 and 13000.1, as may be amended from time to time. Additionally, any person who negligently, intentionally or in violation of law causes an emergency response, including, but not limited to, a traffic accident, spill of toxic or flammable fluids or chemicals is liable for the costs of securing such emergency, including those costs pursuant to Government Code Section 53150, et seq, as may be amended from time to time. Any expense incurred by the City of Moreno Valley or Riverside County Fire Department for securing such emergency shall constitute a debt of such person and shall be collectable by Riverside County in the same manner as in the case of an obligation under contract, express or implied.~~

J. The following definition of Section 202 of the California Fire Code is hereby amended as follows:

"FIRE CHIEF." The Fire Chief of Riverside County or the Fire Chief's designee.

K. Open Flames

1. Section 308.1.6.3 of the California Fire Code is deleted in its entirety and replaced with the following:

308.1.6.3 Sky lanterns or similar devices. A person shall not release or cause to be released a sky lantern or similar device.

8.36.030 Building and Equipment Design Features

A. ~~A.~~ Section 503.2.1 of the California Fire Code is hereby amended as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm). ~~-For additional requirements or alternatives, see~~

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Date Adopted: ~~November 15, 2016~~ November 5, 2019

Riverside County Fire Department Standards and Policies, as may be amended from time to time.

B. ~~B.~~ Section 503.2.2 is hereby amended as follows:

503.2.2 Authority. The ~~fire code official~~ Fire Code Official shall be the only authority authorized to designate fire apparatus access roads and fire lanes and to modify the minimum fire lane access widths for fire or rescue operations.

C. ~~C.~~ Section 503.6.1 is hereby added to the California Fire Code to read as follows:

503.6.1 Automatic opener. New motorized gates shall be provided with means to be automatically opened remotely by emergency vehicle in accordance with Riverside County Fire Department standards and Policies, as may be amended from time to time.

Exception: Gates serving individual one- and two-family dwelling parcels.

D. ~~D.~~ Section 503.7 is hereby added to the California Fire Code to read as follows:

503.7 Loading areas and passenger drop-off areas. On private properties, where fire apparatus access roads are utilized for loading or unloading or utilized for passenger drop-off or pick-up, an additional eight (8) feet of width shall be added to the minimum required width for the fire apparatus access road.

E. ~~E.~~ Section 505.1 is hereby amended as follows:

505.1 Address identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the ~~fire code official~~ Fire Code Official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm) for R-3 occupancies, for all other occupancies the numbers shall be a minimum of 6 inches high with a minimum stroke width of 1 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

F. ~~F.~~ Section 507.5.7 is hereby added to the California Fire Code to read as follows:

507.5.7 Fire hydrant size and outlets. As determined by the ~~fire code official~~ Fire Code Official, fire hydrant sizes and outlets shall be based on the following:

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Date Adopted: ~~November 15, 2016~~ November 5, 2019

- 1. Residential Standard – one (1) four (4) inch outlet, and one (1) two and one-half (2 ½) inch outlet.
- 2. Super Hydrant Standard – one (1) four (4) inch outlet, and two (2) two and one-half (2 ½) inch outlet.
- 3. Super Hydrant Enhanced - two (2) four (4) inch outlet, and one (1) two and one-half (2 ½) inch outlet.

G. ~~G.~~ Section 507.5.8 is hereby added to the California Fire Code to read as follows:

507.5.8 Fire hydrant street marker. Fire hydrant locations shall be visually indicated in accordance with Riverside County Fire Department Technical Policy 06-11, as may be amended from time to time. Any hydrant marker damaged or removed during the course of street construction or repair shall be immediately replaced by the contractor, developer or person responsible for removal or damage.

H. ~~H.~~ Section 508.1 of the California Fire Code is hereby amended as follows:

508.1 General. Where required by other sections of this code and in all buildings classified as high-rise buildings by the California Building Code and buildings greater than 300,000 square feet in area, and Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access, a fire command center for fire department operations shall be provided and shall comply with Sections 508.1.1 through 508.1.86.-

I. ~~I.~~ Section 508.1.1 of the California Fire Code is deleted in its entirety hereby and replaced with the following ~~hereby amended as follows:~~

508.1.1 Location and access. The fire command center shall be located adjacent to the main lobby and shall be accessible from fire department vehicular access or as approved by the ~~fire code official~~ Fire Code Official.- The room shall have direct access from the building exterior at the lowest level of fire department access.-

~~J. Section~~  
J. Exception -508.1.3 of the California Fire Code is hereby ~~amende~~ amended to add the following:

~~J. to add the following~~ as follows:

~~508.1.3 Exception~~ Size. The fire command center shall be a minimum of 200 square feet (19 m<sup>2</sup>) in area with a minimum dimension of 10 feet (3,048 mm). When solely required due to building area greater than 300,000 square feet, the fire command center shall be a minimum of 96 square feet (9 m<sup>2</sup>) with a minimum dimension of 8 feet (2,438

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~~mm). Exception: A fire command center solely required because a building is greater than 300,000 square feet in area shall be a minimum of 96 square feet (9 m<sup>2</sup>) with a minimum dimension of 8 feet (2438mm). The fire command center shall be a minimum of 200 square feet (19 m<sup>2</sup>) in area, with a minimum dimension of 10 feet (3048 mm), when solely required due to a building greater than 300,000 square feet, the fire command center shall be a minimum of 96 square feet (9m<sup>2</sup>) with a minimum dimension of 8 feet (2,438 mm).~~

~~K. Section 508.1.65 of the California Fire Code is hereby amended as follows:~~

~~508.1.65 Required features. The fire command center shall comply with NFPA 72 and shall contain the following features:~~

~~Exception: When solely required due to building area greater than 300,000 square feet, the fire command center shall comply with NFPA 72 and contain features 3, 5, 8, 10, 12, 13 and 14. All other features shall be provided only when the building contains the respective system. REMOVED SECTION K – REDUNDANT LANGUAGE (SECTION L)~~

K. ~~LK.~~ Section 508.1.6 of the California Fire Code is hereby amended to add the following:

Exception: A fire command center solely required because a building is greater than 300,000 square feet in area shall comply with NFPA 72 and contain the features set forth in Section 508.1.6 subsections 5, 8, 10, 12, 13 and 14. The features set forth in Section 508.1.6 subsections 1, 2, 3, 4, 6, 7, 9, 11, 15, 16, 17, 18 and 19 shall be required when such building contains systems or functions related to these features.

L. ~~M.L.~~ Section 508.1.8 is hereby added to the California Fire Code:

508.1.7 Fire command center identification. The fire command center shall be identified by permanent easily visible sign stating "Fire Dept. Command Center," located on the door to the fire command center.

M. ~~NM.~~ Section 6056.10.1.2 Manual operation is hereby amended as follows:

6065.10.1.2 Manual operation. When required by the ~~fire code official~~ Fire Code Official, automatic crossover valves shall be capable of manual operation. The manual valves

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shall be located in an approved location immediately outside of the machinery room, in a secure metal box or equivalent and marked as Emergency Controls.-

~~N.~~ ~~ON.~~ Section 903.2.11.1.1 of the California Fire Code is hereby amended to read as follows:

~~903.2.11.1.1 Opening dimension and access. Openings shall have a minimum dimension of not less than 36 inches (762 mm). Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that the fire fighter or rescue cannot be accomplished from the exterior.~~

~~N.~~ ~~P.O.~~ Section 903.2 of the California Fire Code is hereby amended as follows:

903.2 Where required.

1. New Buildings. In all new buildings and structures which are 3,600 square feet or greater, an approved automatic sprinkler system shall be provided regardless of occupancy classification. Where the California Fire Code is requiring more restrictive requirements in Sections 903.2.1 – 903.2.~~2019~~, the more restrictive requirement shall take precedence.

2. Existing Buildings. Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and when one of the following conditions exists:

- a. When an addition is 33% or more of the existing building area, and the resulting building area exceeds 3,600 square feet (465 m<sup>2</sup>) as defined in Section 202; or
- b. When an addition exceeds 1,500 square feet (186 m<sup>2</sup>) and the resulting building area exceeds 3,600 square feet (465 m<sup>2</sup>) as defined in Section 202.

Exception: ~~Unless required elsewhere in this code or the California Building Code, automatic fire sprinkler systems shall not be required for the following:~~

1. ~~-Detached Group U occupancies used for agricultural purposes or livestock purposes, less than 5,500 square feet, and having setback distances of 50 feet or more from the property line and other buildings constructed in accordance with the California Building Code.~~
2. ~~-Detached non-combustible equestrian arena shade canopies that are open on all sides and used for riding only - no commercial, assembly or storage uses.~~
3. ~~-Detached fabric or non-combustible shade structures that are open on all sides and used to shade playground equipment, temporary storage of vehicles and dining areas with no cooking.~~
4. ~~-Detached Group U occupancy greenhouses less than 5,500 square feet.~~
5. ~~Where determined by the Fire Chief that no major life safety hazard exists, and the fuel load does not pose a significant threat to firefighter safety or to other structures or property, automatic fire sprinklers may be exempted.~~

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Date Adopted: ~~November 15, 2016~~ November 5, 2019

One- and two-family dwellings shall have an automatic fire sprinkler system regardless of square footage in accordance with the California Residential Code. Fire sprinkler systems shall be installed in mobile homes, manufactured homes and multifamily manufactured homes with two dwelling units in accordance with Title 25 of the California Code of Regulations.

The following exceptions in the California Fire Code shall not be allowed:

- a. Exception in Section 903.2.3
- b. Exception 2 in Section 903.2.11.3

~~One- and two-family dwellings shall have an automatic fire sprinkler system regardless of square footage in accordance with the California Residential Code. Fire sprinkler systems shall be installed in mobile homes, manufactured homes and multifamily manufactured homes with two dwelling units in accordance with Title 25 of the California Code of Regulations.~~

O. Section 903.2.11.1.1 of the California Fire Code is hereby amended to read as follows:

903.2.11.1.1 Opening dimension and access. Openings shall have a minimum dimension of not less than 36 inches (762 mm). Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that the fire fighter or rescue cannot be accomplished from the exterior.

~~A.P. ——— QP. —~~ A new Ssection 903.3.5.3 of the California Fire Code is hereby ~~amended~~ added as follows:-

903.3.5.3 Hydraulically calculated systems. The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

8.36.040 Special Occupancies and Operations

A. Section 3204.2.4 is hereby added to the California Fire Code to read as follows:

3204.2.1 Minimum requirements for client leased or occupant owned warehouses. Designs of an automatic sprinkler system for client leased or occupant owned buildings containing high pile storage shall be based on the requirements of NFPA 13. The responsible fire protection engineer shall perform a survey of the building to determine commodity classification, storage configuration, building height and other information

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related to the development of an appropriate sprinkler system design. The fire protection engineer shall also make reasonable efforts to meet with the building owner or operator to understand seasonal or customer related fluctuations to the stored commodities, storage height, and configuration. The sprinkler design shall be based on the most demanding requirements determined through the onsite survey and discussions with the building owner or operator. The technical report shall describe the basis for determining the commodity and sprinkler design selection, how the commodities will be isolated or separated, and include references to the design document(s), ~~including NFPA 13 or the current applicable factory mutual data sheets~~. If a specific fire test is used as the basis of design, a copy of the fire test report shall be provided at the time of plan review.

#### 8.36.050 Requirements for Wildland-Urban Interface Areas

A. Section 4904.3 ~~and Section 4904.4 are~~ is hereby added to the California Fire Code to read as follows:

4904.3 High Fire Hazard ~~and Very High Fire~~ Severity Zone Maps. In accordance with Government Code Sections 51175 through 51189, Very High Fire Hazard Severity Zones are designated as shown on a map titled Very High Fire Hazard Severity Zones, dated December 24, 2009 and retained on file at the office of the Fire Chief, which supersedes other maps previously adopted by Riverside County designating high fire hazard areas.

B. Section 4906.4 is hereby added to the California Fire Code to read as follows:

4906.4 Fuel Modification Requirements for New Construction. All new buildings to be built or installed in areas containing combustible vegetation shall comply with the following:

1. Preliminary fuel modification plans shall be submitted to and approved by the ~~fire code official~~Fire Code Official concurrent with the submittal for approval of any tentative map.
2. Final fuel modification plans shall be submitted to and approved by the ~~fire code official~~Fire Code Official prior to the issuance of a grading permit.
3. The fuel modification plans shall meet the criteria set forth in the Riverside County Fire Department Fuel Modification Technical Policy.
4. The fuel modification plan may be altered if conditions change. Any alterations to the fuel modification areas shall have prior approval by the ~~fire code official~~Fire Code Official.
5. All elements of the fuel modification plan shall be maintained in accordance with the approved plan and are subject to the enforcement process outlined in the Fire Code.

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Date Adopted: ~~November 15, 2016~~ November 5, 2019

8.36.060 Hazardous Materials

A. Section 5601.1.3 is hereby added to the California Fire Code to read as follows:

5601.1.3 Fireworks. The storage, use, sale, possession, and handling of fireworks 1.4G (commonly referred to as Safe and Sane) and fireworks 1.3G is prohibited.

Exception: Fireworks 1.4G and fireworks 1.3G may be part of an electrically fired public display when permitted and conducted by a licensed pyrotechnic operator.

B. Section 5601.1.3.1 is hereby added to the California Fire Code to read as follows:

5601.1.3.1 Seizure of fireworks. The ~~F~~ire ~~C~~hief shall have the authority to seize, take, and remove all fireworks stored, sold, offered for sale, used or handled in violation of the provisions of Title 19 CCR, Chapter 6. Any seizure or removal pursuant to this section shall be in compliance with all applicable statutory, constitutional, and decisional law.

C. Section 5607.1.1 is hereby added to the California Fire Code to read as follows:

5607.1.1 Explosives and blasting. Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within wildland-urban interface areas, or hazardous fire areas except by permit from the ~~fire code official~~Fire Code Official.

8.36.070 Appendix Bees

A. Table B105.2 of the California Fire Code is hereby amended as follows:

TABLE B105.2  
REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the <i>California Fire Code</i>	50% of the value in Table B105.1(2)a	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the <i>California Fire Code</i>	50% of the value in Table B105.1(2)b	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute = 3.785 L/m.

- a. The reduced fire-flow shall be not less than 1,000 gallons per minute.
- b. The reduced fire-flow shall be not less than 1,500 gallons per minute.

B. Section C103.1 of the California Fire Code is ~~deleted in its entirety and replaced with the following~~hereby amended as follows:

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Ordinance No. ~~945~~

Date Adopted: ~~November 15, 2016~~ November 5, 2019

C103.1 Hydrant spacing. Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 of the International Fire Code shall be provided with one or more fire hydrants, as determined by Section C102.1. Where more than one fire hydrant is required, the distance between required fire hydrants shall be in accordance with Sections C103.2 and C103.3. -Fire hydrants shall also be provided at street intersections.”

5.11 Chapter 8.38 of Title 8 of the City of Moreno Valley Municipal Code is hereby added to read as follows:

“Chapter 8.38

California Green Building Code

Sections

8.38.010 Adopted

8.38.010 Adopted

The California Green Building Code, 2019 Edition, is adopted and made a part of this chapter by reference.”

5.12 Chapter 8.44 of Title 8 of the City of Moreno Valley Municipal Code is hereby added to read as follows:

“Chapter 8.44

California Reference Standards Code

Sections

8.44.010 Adopted

8.44.010 Adopted

The California Reference Standards Code, 2019 Edition, is adopted and made a part of this chapter by reference.”

SECTION 6. SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional, ~~or~~ invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the meaning portions of this chapter or any part thereof. The ~~City~~ City Council

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Ordinance No. ~~945~~

Date Adopted: November 5, 2019 ~~November 15, 2016~~

hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsection, subdivision, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 7. NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 8. EFFECTIVE DATE:

This ordinance shall take effect on January 1, 202017.

INTRODUCED at a regular meeting of the City Council on October 15, 2019 and PASSED, APPROVED, and ADOPTED by the City Council on November 5, 2019 the following roll call vote, to wit: APPROVED AND ADOPTED this 15<sup>th</sup> day of November, 2016.

- AYES: Council Members -
- NOES: Council Members -
- ABSENT: Council Members -
- ABSTAIN: Council Members -

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Pat Jacquez-Nares, CMC & CERA, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Martin D. Koczanowicz, City Attorney

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Ordinance No. 915  
Date Adopted: November 5, 2019 ~~November 15, 2016~~

**ORDINANCE JURAT**

~~STATE OF CALIFORNIA )~~

~~COUNTY OF RIVERSIDE ) ss:~~

~~CITY OF MORENO VALLEY )~~

~~I, Marie Macias, Interim City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 915 had its first reading on November 1, 2016 and had its second reading on November 15, 2016, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 15<sup>th</sup> day of November, 2016, by the following vote:~~

~~AYES:~~

~~NOES:~~

~~ABSENT:~~

~~ABSTAIN:~~

~~(Council Members, Mayor Pro Tem and Mayor)~~

\_\_\_\_\_  
City Clerk

—(SEAL)

**AFFIDAVIT OF POSTING  
CITY OF MORENO VALLEY**

I, \_\_\_\_\_, City Clerk of the City of Moreno Valley, California, certify that on the \_\_\_\_ day of \_\_\_\_\_, 2016, I caused Ordinance No. \_\_\_\_\_ to be posted in the following places pursuant to City of Moreno Valley Resolution No. 2007-40:

City Hall, City of Moreno Valley  
14177 Frederick Street

Moreno Valley Library  
25480 Alessandro Boulevard

Moreno Valley Senior/Community Center  
25075 Fir Avenue

Dated: \_\_\_\_\_, 2016

\_\_\_\_\_  
\_\_\_\_\_, City Clerk

{SEAL}

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Ordinance No. ~~945~~  
Date Adopted: November 5, 2019 ~~November 15, 2016~~



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Michael L. Wolfe, P.E., Public Works Director/City Engineer

**AGENDA DATE:** October 15, 2019

**TITLE:** PUBLIC HEARING FOR ONE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MAIL BALLOT PROCEEDING

---

### **RECOMMENDED ACTION**

#### **Recommend that the City Council:**

1. Conduct the Public Hearing and accept public testimony for the mail ballot proceeding for the National Pollutant Discharge Elimination System (NPDES) Residential Regulatory Rate to be applied to the property tax bill as identified herein;
2. Direct the City Clerk to open and count the returned NPDES ballot;
3. Verify and accept the results of the mail ballot proceeding as maintained by the City Clerk on the Official Tally Sheet and if approved, set the rate and impose the NPDES Residential Regulatory Rate, as applicable, on the Assessor's Parcel Number as mentioned;
4. Receive and file the Official Tally Sheet with the City Clerk's office.

### **SUMMARY**

The action before the City Council is to conduct a Public Hearing for one NPDES mail ballot proceeding. The process to accept a parcel into the City's NPDES funding program impacts only the property owner(s) identified below, not the general citizens or taxpayers of the City.

The City requires property owners of development projects to mitigate the cost of certain impacts created by the proposed development, such as the cost of complying with state and federal NPDES requirements. The City offers the NPDES funding program to assist

property owners in satisfying the requirement. After a property owner approves the City's NPDES rate through a mail ballot proceeding, the City can levy the rate on the annual property tax bills of the authorized parcel(s).

As a condition of approval for development of their project, Jose Palafox (the "Property Owner") is required to provide a funding source for the NPDES program and has requested the City conduct a mail ballot proceeding to satisfy the condition of approval. If the Property Owner approves the mail ballot and the City Council accepts the results, the condition of approval will be satisfied for the project. Tonight's Public Hearing is a required part of the process.

## **DISCUSSION**

The Clean Water Act of 1987 established requirements for the discharge of Urban Runoff from Municipal Separate Storm Sewer Systems under the NPDES program. The Santa Ana Regional Water Quality Control Board administers the NPDES program through the issuance of a Permit. The NPDES program requires public agencies to obtain coverage under the Permit to discharge urban stormwater runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels. The City's current NPDES Permit requires all new development projects to comply with stormwater management requirements.

The City Council adopted the NPDES Residential Regulatory Rate on June 10, 2003, and the NPDES Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate ("Commercial/Industrial Rate") on January 10, 2006. As a condition of approval from the Planning Commission, development projects are required to provide a funding source, consistent with the rates established by the City Council, to support activities for the NPDES program requirements. Revenue received from the rate supports the increased compliance activities related to the development. It also reduces the financial impact to the General Fund to maintain compliance with the unfunded requirements of the Permit.

The Property Owner received approval to construct a custom home on Kimberly Ave. between Wilmot St. and Redlands Blvd. As a condition of approval for the project, the Property Owner is required to provide a funding source to mitigate the increase in costs to the NPDES program, which will be created by their development project. The table below provides information for the parcel under development.

<b>Property Owner/ Project</b>	<b>Assessor's Parcel Numbers</b>	<b>Location</b>	<b>FY 2018/19 Maximum<sup>1</sup> NPDES Rate(s)</b>
Jose Palafox Custom Home PEN18-0047/SBP19-0005	478-165-021	Kimberly Ave. between Wilmot St. and Redlands Blvd.	Residential Regulatory Rate \$336.42/parcel
<sup>1</sup> The NPDES applied rate levied on the property tax bill will be based on the development status of the property at the time rates are evaluated each year, prior to levying them onto the property tax roll.			

A property owner has two options to satisfy the condition of approval:



1. Approve the NPDES rate and authorize the City to collect the rate on the annual Riverside County property tax bill through participation in a successful mail ballot proceeding; or
2. Fund an endowment.

The Property Owner elected to have the NPDES rate applied to the annual property tax bill of the property under development. Proposition 218 outlines the process to approve new charges, or an increase to existing charges, on property tax bills which includes conducting a mail ballot proceeding, noticing requirements, timing of noticing, and providing an opportunity for the property owner to address the City Council (i.e., public comment portion of the Public Hearing). A notice describing the purpose and amount of the charge, including the potential annual inflationary adjustment, and a ballot for the property (Attachment 1) was mailed to the Property Owner at least 45-days in advance of tonight's meeting. The ballot is due to the City Clerk prior to the close of the Public Hearing. The ballot can be opened and counted, and results announced, at the close of the Public Hearing.

The condition of approval to provide a funding source for the NPDES program is satisfied with a property owner's approval of the NPDES mail ballot (i.e., marked yes and signed) and City Council acceptance of the results. In the event the ballot is not returned, is not approved, or is invalid (e.g., unmarked or unsigned), this condition of approval will remain unsatisfied and may delay development of the project. In the event more than one mail ballot proceeding is being conducted tonight, each ballot will be counted separately to determine if a property owner approved inclusion of their respective property in the NPDES funding program.

This action meets the Strategic Plan Priorities to manage and maximize Moreno Valley's public infrastructure to ensure an excellent quality of life, develop and implement innovative, cost effective infrastructure maintenance programs, public facilities management strategies, and capital improvement programming and project delivery.

### **ALTERNATIVES**

1. Conduct the Public Hearing and upon its close, open, count, and verify the returned ballot and accept the results. *Staff recommends this alternative as it will satisfy the project's condition of approval provided the property owner approves the ballot.*
2. Open the Public Hearing and continue it to a future regularly scheduled City Council meeting. *Staff does not recommend this alternative as it will delay announcement of the ballot results and may delay project development.*
3. Do not conduct the Public Hearing. *Staff does not recommend this alternative as it will delay the condition of approval from being satisfied and*

*may delay project development. The City will incur additional costs to restart the 45-day noticing period.*

4. Do not conduct the Public Hearing at this time but reschedule it to a date specific regularly scheduled City Council meeting. *Staff does not recommend this alternative as it may delay project development and will cause the City to incur additional costs to restart the 45-day noticing period.*

## **FISCAL IMPACT**

Revenue received from the NPDES rate is restricted and can only be used within the stormwater management program. The revenue provides funding to maintain compliance with the unfunded requirements of the Permit. It also offsets stormwater management program expenses, which reduces the financial impact to the General Fund. The NPDES rate is only applied to the property tax bills of parcels where approval of the rate has been authorized through a successful mail ballot proceeding.

The FY 2019/20 maximum Residential Regulatory Rate is \$336.42 per parcel, and any division thereof. The maximum NPDES rate is subject to an annual inflationary adjustment. However, the annual adjustment cannot be applied unless the City Council annually authorizes such adjustment. The increase to the maximum rate cannot exceed the annual inflationary adjustment without approval of the property owners subject to the charge. The NPDES rate applied to the property tax bill will be based on the development status of the property at the time the rates are calculated for the upcoming fiscal year.

## **NOTIFICATION**

The ballot documents were mailed to the Property Owner at least 45-days in advance of the Public Hearing. The documents included a notice, map of the project area, NPDES Residential Rate schedule, NPDES ballot, instructions for marking and returning the ballot, and a postage paid return envelope addressed to the City Clerk.

Newspaper advertising for tonight's Public Hearing was published in The Press-Enterprise on September 30 and October 7, 2019.

## **PREPARATION OF STAFF REPORT**

Prepared by:  
Isa Rojas  
Management Analyst

Department Head Approval:  
Michael L. Wolfe, P.E.  
Public Works Director/City Engineer

Concurred by:  
Candace E. Cassel  
Special Districts Division Manager

Concurred by:  
Michael Lloyd, P.E.  
Engineering Division Manager/Assistant City Engineer

## **CITY COUNCIL GOALS**

**Advocacy.** Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

**Revenue Diversification and Preservation.** Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

**CITY COUNCIL STRATEGIC PRIORITIES**

- 1. Economic Development
- 2. Public Safety
- 3. Library
- 4. Infrastructure
- 5. Beautification, Community Engagement, and Quality of Life
- 6. Youth Programs

See the Discussion section above for details of how this action supports the City Council’s Strategic Priorities.

**ATTACHMENTS**

- 1. Jose Palafox Ballot Documents

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	10/08/19 4:06 PM
City Attorney Approval	<u>✓ Approved</u>	10/08/19 10:59 AM
City Manager Approval	<u>✓ Approved</u>	10/08/19 6:11 PM

Tel: 951.413.3480  
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 www.moval.org



14177 FREDERICK STREET  
 P. O. BOX 88005  
 MORENO VALLEY, CA 92552-0805

August 29, 2019

Jose Palafox  
 1325 Hinson St.  
 Las Vegas, NV 89102

**NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM RESIDENTIAL REGULATORY RATE FOR APN(S) 478-165-021**

\*\*\*\*\* OFFICIAL BALLOT ENCLOSED \*\*\*\*\*

**Introduction**

In November of 1996, California voters passed Proposition 218 (“The Right to Vote on Taxes Act”). As a result, any new or proposed increase in a property-related charge requires approval by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of the APN(s) listed above the opportunity to express support for or opposition to the approval of the NPDES Maximum Residential Regulatory Rate and services. Approval of the NPDES Maximum Residential Regulatory Rate through a mail ballot proceeding fulfills the Land Development Division’s Condition of Approval to provide a funding source for the NPDES financial program.

**Background**

The Clean Water Act of 1987 established requirements for the discharge of Urban Runoff from Municipal Separate Storm Sewer Systems under the NPDES Program. The NPDES Program is administered by the Santa Ana Regional Water Quality Control Board through the issuance of a Permit. The City’s current NPDES Permit mandates all new development projects comply with storm water management activities. The NPDES Program requires public agencies to obtain coverage under the Permit to discharge urban storm water runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels.

**Services Provided**

In compliance with the Federal Clean Water Act, the City of Moreno Valley shall provide the necessary services for the continuous operation, enhancement, and maintenance of the storm water discharge system, and perform inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements.

**How is the Amount of the Charge Determined?**

Each fiscal year (FY), the City of Moreno Valley determines the type of services necessary to comply with NPDES Permit requirements and levies the rate applicable for that service, not to exceed the rate previously approved by the property owner.

Notice of Mail Ballot Proceeding for Jose Palafox  
August 29, 2019

### **Proposed Charge**

For FY 2019/20, the NPDES Maximum Residential Regulatory Rate is \$336.42 per parcel. The total amount of the NPDES rates levied for FY 2019/20 was \$549,905.508 for the program as a whole.

### **Annual Adjustment**

Beginning in FY 2020/21, the NPDES Maximum Residential Regulatory Rate will be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Long Beach-Anaheim Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

### **Duration of the Charge**

Upon approval of the NPDES Maximum select rate Regulatory Rate, the annual levy amount will be assessed to the APN(s) listed above (and any division thereof) and shall be placed on the Riverside County property tax bill or included as a monthly charge on a utility bill. The NPDES Maximum Residential Regulatory Rate will be levied each following year at the proposed rate, which includes an annual inflation adjustment.

### **Public Hearing**

To provide information concerning this mail ballot proceeding, the City has scheduled a Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

#### **Public Hearing**

**Tuesday, October 15, 2019**

6:00 p.m.

(Or As Soon Thereafter As The Matter May Be Called)

Tabulation of the returned ballot will commence after the close of the public testimony portion of the Public Hearing. Any ballot received shall be tabulated under the direction of the City Clerk in compliance with the City's Policy for Conducting Mail Ballot Proceedings Policy #1.12.

### **Effect if the Charge is Approved**

Approval of the NPDES Maximum Residential Regulatory Rate will be confirmed if the ballot is marked in favor (marked Yes) of the NPDES rate. Approving the NPDES Maximum Residential Regulatory Rate through a mail ballot proceeding will fulfill the Land Development Division's Condition of Approval to provide an ongoing funding source for the NPDES financial program.

### **Effect if the Charge is Not Approved**

Not approving the NPDES Maximum Residential Regulatory Rate to meet state and federally mandated NPDES Permit requirements **will not** satisfy the Land Development Division's Condition of Approval to provide a funding source for the NPDES financial program. If the returned ballot is marked "No", the NPDES rate will not be levied on the property tax bill.

Notice of Mail Ballot Proceeding for Jose Palafox  
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### Effect if the Ballot is Deemed Invalid or Incomplete

Not marking the corresponding box on the ballot in support of or opposition to the proposed program and annual rate and/or not signing the ballot will result in an invalid ballot. In order to satisfy the Land Development Division's Condition of Approval by placement of the NPDES rate on the annual property tax bill, the mail ballot proceeding and 45-day noticing period will need to start over. Reinitiating the process will require payment of the mail ballot proceeding fee.

### For More Information

If you have any questions about the mail ballot proceeding process, please contact Isa Rojas, Management Analyst, with the City's Special Districts Division at 951.413.3480 or via email at [IsaRo@moval.org](mailto:IsaRo@moval.org) or [SpecialDistricts@moval.org](mailto:SpecialDistricts@moval.org) during the City's business hours.

Questions regarding the NPDES financial program, the annual rate, or the Land Development Division's Conditions of Approval should be directed to the Land Development Division at 951.413.3120 or via email at [landdevelopment@moval.org](mailto:landdevelopment@moval.org) during the City's business hours.

The City's business hours are Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 7:30 a.m. to 4:30 p.m.

### Completing Your Ballot

Please follow the instructions below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballot are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed program and annual rate **by placing a mark in the corresponding box**. Ballots received without a designated vote will be considered invalid.
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted*.
3. Mail or personally deliver your completed ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the public testimony portion of the Public Hearing scheduled for **October 15, 2019**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:00 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

### Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

- A check mark substantially inside a box;
- An X mark substantially inside a box;
- A dot or oval mark substantially inside a box;

Notice of Mail Ballot Proceeding for Jose Palafox  
August 29, 2019



A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**OFFICIAL MAIL BALLOT for Assessor's Parcel Number (APN)  
478-165-021 National Pollutant Discharge Elimination System (NPDES)  
Residential Regulatory Rate**

**YES\*** — as property owner of the APN(s) listed above, **I approve** the NPDES Maximum Residential Regulatory Rate and services. For fiscal year (FY) 2019/20, the NPDES Maximum Residential Regulatory Rate is \$336.42 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the annual Riverside County property tax bill or included as a monthly charge on a utility bill. Beginning FY 2020/21, the maximum regulatory rate will be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Long Beach-Anaheim Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City shall provide the necessary services for the continuous operation, enhancement, and maintenance of the storm water discharge system, and perform inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements.

**NO\*\*** — as property owner of the APNs listed above, **I do not approve** the NPDES Maximum Residential Regulatory Rate and services. I understand that not approving the NPDES Maximum Residential Regulatory Rate to fund state and federally mandated NPDES Permit requirements will not satisfy the project's Conditions of Approval. The NPDES Maximum Residential Regulatory Rate will not be levied on the annual Riverside County property tax bill.

YES*	NO**	Weighted Ballot Count*	Fiscal Year 2019/20 NPDES Maximum Residential Regulatory Rate per Parcel
<input type="checkbox"/>	<input type="checkbox"/>	1	\$336.42

Each Assessor's Parcel Number equals 1 Weighted Ballot.

**I HEREBY DECLARE UNDER PENALTY OF PERJURY THAT I AM THE RECORD OWNER OF THE PARCEL(S) IDENTIFIED ON THIS BALLOT OR AM AUTHORIZED TO SUBMIT A BALLOT ON BEHALF OF THE RECORD OWNER.**

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
DATE

**Please remember to mark the appropriate box, sign and date the ballot, and return to the City Clerk's office in the enclosed envelope. This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the public testimony portion of the Public Hearing. The Public Hearing will be held at 6:00 p.m. or as soon thereafter as the matter may be called, on October 15, 2019, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California.**

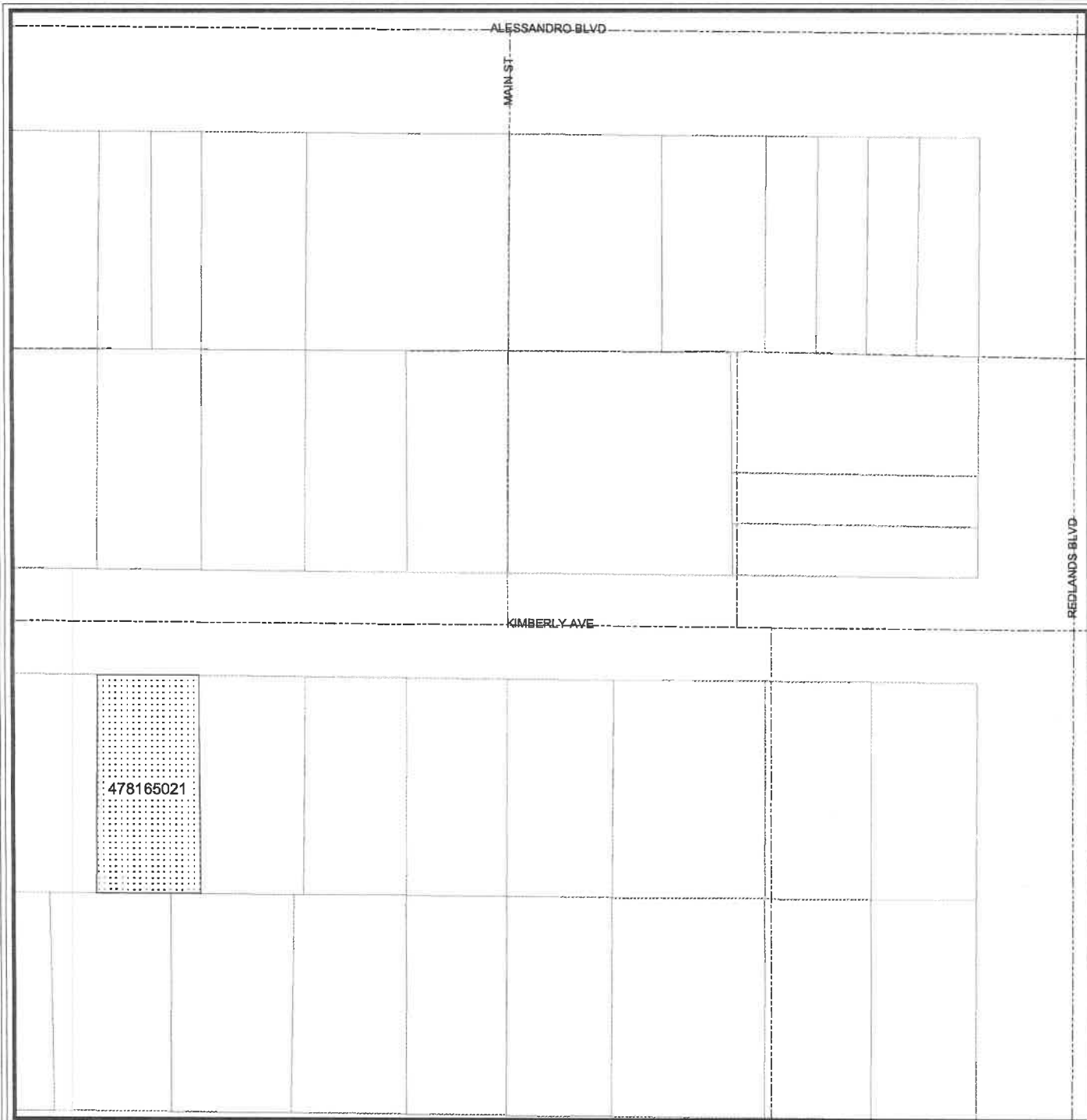
Ballot(s) deemed invalid or incomplete will be discarded and a new process must be initiated in order to place the charge on the annual Riverside County property tax bill, which includes payment of the mail ballot fee.



**FY 2019/20  
NPDES RATE SCHEDULE  
RESIDENTIAL**

LEVEL 1		LEVEL II		Level II-A		LEVEL III		LEVEL IV	
NPDES Administration (Not covered by CSA 152)		Water Quality Pond/Basin Maintenance		Sand Filter Maintenance		Water Quality Pond/Basin Remediation/Reconstruction		Water Quality System Retrofit	
<p>Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various storm water reports and data collection and management.</p> <p>Level I is levied on all parcels conditioned for the NPDES Rate Schedule.</p>		<p>Costs associated with the maintenance and monitoring of the water quality pond/basin. This includes, but is not limited to maintenance on a quarterly basis of vegetative material, civil work and utility and personnel costs.</p> <p>Level II, in addition to Level I is levied on all properties within tracts that have a water quality pond/basin or on properties that benefit from a neighboring water quality pond/basin</p>		<p>Costs associated with the maintenance and monitoring of the sand filter within a water quality pond/basin. This includes, but is not limited to maintenance of a sand bed, bleeder lines and costs for personnel.</p> <p>Level II-A, in addition to Level II and Level I is levied on all properties within residential developments that have a water quality pond/basin with a sand filter or on properties that benefit from a neighboring water quality pond/basin with a sand filter.</p>		<p>Costs associated with the remediation and reconstruction of water quality pond/basin. Remediation and reconstruction may include the following: replacement of soil, plants, irrigation, removal and hauling of wastes and possible civil work.</p>		<p>Costs associated with the retrofitting, replacement, monitoring and maintenance of the water quality pond/basin systems and appurtenances. This may include retrofitting of catch basin insert filters, vortex devices, installation of in-line filter systems, and nutrient baskets, etc.</p>	
<b>FY 2019/20</b>	<b>Annual Rate</b>	<b>FY 2019/20</b>	<b>Annual Rate</b>	<b>FY 2019/20</b>	<b>Annual Rate</b>	<b>FY 2019/20</b>	<b>Annual Rate</b>	<b>FY 2019/20</b>	<b>Annual Rate</b>
<b>Parcel Rate</b>	<b>\$44.14</b>	<b>Parcel Rate</b>	<b>\$83.86</b>	<b>Parcel Rate</b>	<b>\$38.22</b>	<b>Parcel Rate</b>	<b>\$74.80</b>	<b>Parcel Rate</b>	<b>\$170.20</b>
*Service Levels will be imposed on an as-needed basis and cumulative (if required)									
Levels I, II, III, and IV - Adopted by the City Council on June 10, 2003									
Level II-A - Adopted by the City Council on June 10, 2008									
Fiscal Year (FY) 2003/2004 - Base Year Calculation, subject to inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index									
<u>Inflation Factor Adjustments:</u>									
2004/2005 - 1.8% = (\$31.00, 58.00, 52.00 & 118.00)		2012/2013 - 2.7% = (\$37.00, \$74.00, \$33.00, \$64.00, \$147.00)		2013/2014 - 2.0% = (\$38.00, \$75.00, \$34.00, \$65.00, \$150.00) rounded to the nearest whole dollar		2014/2015 - 1.14% = (\$39.38, \$74.82, \$34.10, \$66.73, \$151.84) (approved 6/10/14)		2015/2016 - 0.73% = (\$39.66, \$75.36, \$34.35, \$67.22, \$152.95)	
2005/2006 - 4.4% = (\$32.00, 61.00, 54.00 & 123.00)		2016/2017 - 2.03% = (\$40.47, \$76.89, \$35.05, \$68.58, \$156.05)		2017/2018 - 1.97% = (\$41.27, \$78.40, \$35.74, \$69.93, \$159.12)		2018/2019 - 3.61% = (\$42.74, \$81.22, \$37.02, \$72.44, \$164.86)(approved 6/19/18)		2019/2020 - 3.24% = (\$44.14, \$83.86, \$38.22, \$74.80, \$170.20) (approved 5/21/19)	
2006/2007 - 4.5% = (\$33.00, 64.00, 56.00, & 128.00)		2008/2009 - 4.2% = (\$35.00, \$69.00, \$31.00, \$60.00, \$138.00)		2009/2010 - no change = (\$35.00, \$69.00, \$31.00, \$60.00, \$138.00)		2010/2011 - no change = (\$35.00, \$69.00, \$31.00, \$60.00, \$138.00)		2011/2012 - 3.8% = (\$36.00, \$72.00, \$32.00, \$62.00, \$143.00)	

Attachment: Jose Palafox Ballot Documents (3714 : PUBLIC HEARING FOR ONE NATIONAL POLLUTANT



# Jose Palafox Custom Home PEN18-0047

## APN

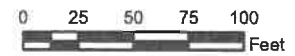
 478165021

 Parcels

 City Boundary

 Roads

Map reflects all changes indicated on Riverside County Assessor Maps as of July 19, 2019.



G:\Divisions\SpecialDist\2018\MXD\IPEN18-0047.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recycled or resold.

