



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
BOARD OF LIBRARY TRUSTEES

April 28, 2015

REGULAR MEETING – 6:00 PM

City Council Study Sessions

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

City Council Meetings

Special Presentations – 5:30 P.M.

Second & Fourth Tuesdays of each month – 6:00 p.m.

City Council Closed Session

Immediately following Regular City Council Meetings and Study Session, unless no Closed Session Items are Scheduled

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 Mark Sambito, ADA Coordinator, at 951.413.3120 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Dr. Yxstian A. Gutierrez, Mayor Pro Tem
Jeffrey J. Giba, Council Member

Jesse L. Molina, Mayor

George E. Price, Council Member
D. LaDonna Jempson, Council Member

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
April 28, 2015

CALL TO ORDER - 5:30 PM

SPECIAL PRESENTATIONS

1. Employee of the Quarter, 4th Quarter, 2014 - Mitchell Quiñonez, Recreation Program Leader
2. 2014 Officer of the Year - Deputy Jason Slover
3. Proclamation Recognizing 2014 Volunteer of the Year – Matthew Shoemaker
4. Proclamation Recognizing National Poetry Month - April 2015
5. Recycling All-Star Awards Presented by Waste Management
 - a)Business: Del Taco #190
 - b)Residents: Carmona Family and Cumbow Family

**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
APRIL 28, 2015**

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

Stake President Kendall Shumway, Church of Jesus Christ Latter-Day Saints

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 Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the 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

Recommendation: Waive reading of all Ordinances.

A.2. MINUTES - CITY COUNCIL - REGULAR MEETING - APR 14, 2015 6:00 PM

Recommendation: Approve as submitted.

A.3. CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk)

Recommendation:

1. Receive and file the Reports on Reimbursable Activities for the period of April 8-21, 2015.

A.4. ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING THE REGISTRATION FEE FOR THE REGISTRATION OF RESIDENTIAL PROPERTY IN FORECLOSURE PROGRAM AND AMEND THE CITY OF MORENO VALLEY FEE SCHEDULE (Report of: Community & Economic Development)

Recommendation:

1. Adopt Resolution No. 2015-26. A Resolution of the City Council of the City of Moreno Valley, California, Establishing the Registration Fee for the Registration of Residential Property in Foreclosure Program and Amend the City of Moreno Valley Fee Schedule.

A.5. ACCEPTANCE OF SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) CARL MOYER PROGRAM AWARD (Report of: Public Works)

Recommendations:

1. Accept the program award of \$49,412 from the FY 2013-14/Year 16 Carl Moyer/SOON (Surplus Off-road Opt-in for Nitrogen Oxides) Program awarded by the South Coast Air Quality Management District (SCQMD).
2. Authorize the Public Works Director/City Engineer to execute a contract with South Coast Air Quality Management District (SCAQMD)

when it is received for the FY 2013-14/Year 16 Carl Moyer/SOON (Surplus Off-road Opt-in for Nitrogen Oxides) Program, subject to approval of the City Attorney.

3. Amend the Fiscal Year (FY) 2014-15 Revised Operating Budget to include the FY 2013-14/Year 16 Carl Moyer/SOON (Surplus Off-road Opt-in for Nitrogen Oxides) Program funding the procurement and replacement of (3) street maintenance backhoes.
4. Authorize the revenue appropriation of \$49,412 in the Measure A Fund (Fund 2001) for the purchase of (3) street maintenance backhoes.

A.6. ADOPT RESOLUTION 2015-27. AUTHORIZING THE STREET NAME CHANGE OF EUCALYPTUS AVENUE BETWEEN REDLANDS BOULEVARD AND MORENO BEACH DRIVE TO ENCILIA AVENUE (Report of: Public Works)

Recommendations:

1. Adopt Resolution No. 2015-27. A Resolution of the City Council of the City of Moreno Valley, California, Changing the Name of Eucalyptus Avenue Between Redlands Boulevard and Moreno Beach Drive to Encilia Avenue.
2. Direct the City Clerk to certify Resolution No. 2015-27 and transmit a copy of the resolution to the Riverside County Assessor's office, 911 Management at the Riverside County Sheriff's Department, as well as the Police Chief, Fire Chief, City Building Official, and the United States Postmaster at Moreno Valley, California.

A.7. FIRST AMENDMENT TO AGREEMENT FOR LAW ENFORCEMENT SERVICES BETWEEN THE CITY OF MORENO VALLEY AND 2250 TOWN CIRCLE HOLDINGS, LLC (Report of: City Manager)

Recommendations:

1. Approve the First Amendment to Agreement for Law Enforcement Services between the City of Moreno Valley and 2250 Town Circle Holdings, LLC; and
2. Authorize the City Manager to sign the amended agreement.

A.8. TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS) POLICY 3.20 REVISION (Report of: City Clerk)

Recommendation:

1. Revise City Council Policy 3.20 Travel and Related Business

Expenses (Elected Officials).

- A.9. APPROVE THE CITY OF MORENO VALLEY'S FIVE-YEAR MEASURE A LOCAL STREETS AND ROADS CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2015/16 – 2019/20 AND MAINTENANCE OF EFFORT CERTIFICATION FOR FISCAL YEAR 2015/16 (Report of: Public Works)

Recommendations:

1. Approve the City of Moreno Valley's Measure A Local Streets and Roads Five-Year Capital Improvement Plan for Fiscal Years 2015/16 – 2019/20 and Maintenance of Effort Certification for Fiscal Year 2015/16.
2. Authorize submittal of the Measure A Local Streets and Roads Five-Year Capital Improvement Plan for Fiscal Years 2015/16 – 2019/20 and Maintenance of Effort Certification for Fiscal Year 2015/16 to the Riverside County Transportation Commission.
3. Authorize staff to submit an amended five year plan to RCTC if changes are made by City Council to the listed Measure A projects as part of the upcoming Fiscal Year 2015/16 budget approval process.

- A.10. ACCEPTANCE OF GRANT AWARD FROM THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (ASPCA) FOR CONSTRUCTION OF A HEALTHY DOG INTAKE AREA (Report of: Administrative Services)

Recommendations:

1. Receive and accept a grant award in the amount of \$20,000 from the ASPCA for the construction of a Healthy Dog Intake Area at the Moreno Valley Animal Shelter.

- A.11. AUTHORIZATION TO SUBMIT GRANT APPLICATION UNDER THE TDA ARTICLE 3 (SB 821) BICYCLE AND PEDESTRIAN FACILITIES PROGRAM (Report of: Public Works)

Recommendation:

1. Authorize the submission of a grant application for the TDA Article 3 (SB 821) Bicycle and Pedestrian Facilities Program as administered by the Riverside County Transportation Commission (RCTC).

- A.12. LIST OF PERSONNEL CHANGES (Report of: Administrative Services)

Recommendation:

1. Ratify the list of personnel changes as described.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1. ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

B.2. MINUTES - REGULAR MEETING OF APRIL 14, 2015 (See A.2)

Recommendation: Approve as submitted.

C. CONSENT CALENDAR - HOUSING AUTHORITY

C.1. ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

C.2. MINUTES - REGULAR MEETING OF APRIL 14, 2015 (See A.2)

Recommendation: Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1. ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

D.2. MINUTES - REGULAR MEETING OF APRIL 14, 2015 (See A.2)

Recommendation: Approve as submitted.

E. PUBLIC HEARINGS

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

Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E.1. PUBLIC HEARING FOR DELINQUENT NUISANCE ABATEMENT ACCOUNTS (Report of: Fire Department)

Recommendation That the City Council:

1. Conduct a public hearing and accept public testimony on delinquent nuisance abatement accounts.
2. Adopt Resolution No. 2015-29. A Resolution of the City Council of the City of Moreno Valley, California, Confirming Statements of Costs against Real Property located in the City of Moreno Valley, for Abatements of Public Nuisances and direction that said Statement of Costs Constitute a Lien upon Said properties.

3. Approve placing the submitted Property Assessment List of delinquent nuisance abatement accounts on the Fiscal Year (FY) 2015/2016 Riverside County property tax roll for collection.
4. Direct the City Clerk to file with the Riverside County Assessor's office a certified copy of Resolution No. 2015-29 and the Property Assessment List as required by Section 6.04.120 of the City of Moreno Valley Municipal Code.

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

G. REPORTS

- G.1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
 - a) March Joint Powers Commission (MJPC)
 - b) Riverside County Habitat Conservation Agency (RCHCA)
 - c) Riverside County Transportation Commission (RCTC)
 - d) Riverside Transit Agency (RTA)
 - e) Western Riverside Council of Governments (WRCOG)
 - f) Western Riverside County Regional Conservation Authority (RCA)
 - g) School District's/City Joint Task Force
- G.2. ANNUAL REPORT OF THE RECREATIONAL TRAILS BOARD (ORAL PRESENTATION)
- G.3. HIRE MOVAL INCENTIVE PROGRAM (Report of: Community & Economic Development)

Recommendations: That the City Council:

1. Adopt Resolution No. 2015-28. A Resolution of the City Council, of the City of Moreno Valley, California, Adopting the Hire MoVal Incentive Program.
2. Approve the MVU 2/20-4/40 electrical incentive into the Moreno Valley Utility rate structure.

- G.4. PUBLIC MEETING REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAIL BALLOT PROCEEDING TO APPROVE THE COMMERCIAL/INDUSTRIAL REGULATORY RATE FOR ROSS DRESS FOR LESS, INC (PARKING LOT EXPANSION - SOUTHWEST CORNER OF GLOBE ST AND KITCHING ST) (Report of: Financial & Management Services)

Recommendations: That the City Council:

1. Accept public comments regarding the mail ballot proceeding for Ross Dress for Less, Inc. (parking lot expansion - southwest corner of Globe St. and Kitching St.) for approval of the NPDES maximum commercial/industrial regulatory rate to be applied to the property tax bill.

- G.5. PUBLIC MEETING TO DISCUSS THE MAIL BALLOT PROCEEDING TO ANNEX RESIDENTIAL HOUSING TRACT 27251 (SOUTH OF FIR AVENUE, EAST OF MORRISON STREET, AND NORTH OF EUCALYPTUS AVENUE) AS ZONE 09 TO MORENO VALLEY COMMUNITY SERVICES DISTRICT LANDSCAPE MAINTENANCE DISTRICT 2014-02 (Report of: Financial & Management Services)

Recommendations: That the CSD:

1. Accept public comments regarding the mail ballot proceeding for the annexation of residential housing Tract 27251 (south of Fir Avenue, east of Morrison Street, and north of Eucalyptus Avenue) as Zone 09 to Moreno Valley Community Services District Landscape Maintenance District 2014-02.

- G.6. APPOINTMENT OF PLANNING COMMISSION ALTERNATES (Report of: City Clerk)

Recommendations: That the City Council:

1. Appoint two Planning Commission Alternates with terms expiring in two years from the list of interested candidates (runner-ups) from the second interviews. The candidates are: Erlan Gonzalez, Wraymond Sawyerr, Glen Jacobs, and Lori Nickel.

- G.7. RESOLUTION TO ADOPT COUNCIL RULES OF PROCEDURE (Report of: City Attorney) **Continued from a previous meeting**

Recommendations: That the City Council:

1. Adopt Resolution No. 2015-30. A Resolution of the City Council of the City of Moreno Valley, California, Amending the Rules of Procedure for Council Meetings and Related Functions and Activities.

G.8. CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

G.9. CITY ATTORNEY'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1. ORDINANCES - 1ST READING AND INTRODUCTION

H.1.1. ORDINANCE FOR FINANCE AND CONVEYANCE MAPS (Report of: Community & Economic Development)

Recommendations: That the City Council:

1. **Find** that the proposed Municipal Code Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines; and
2. **Introduce** Ordinance No. 894 thereby approving the Municipal Code Amendment, creating a new section of Chapter 9.14 of the City of Moreno Valley Municipal Code, establishing standards and criteria for finance and conveyance maps

H.1.2. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA ADDING SECTION 10.02.105 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO THE MANDATORY MICROCHIPPING OF DOGS AND CATS. (Report of: Administrative Services)

Recommendations: That the City Council:

1. Introduce on first reading and waive full reading of Ordinance No. 895 for first reading and schedule adoption of the Ordinance for May 12, 2015 adding Section 10.02.105 of the City of Moreno Valley Municipal Code to require microchipping of dogs and cats.

H.2. ORDINANCES - 2ND READING AND ADOPTION

H.2.1. ORDINANCE NO. 893 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR APPLICATION PA14-0043 PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, AND APPROVING A ZONE CHANGE (PA14-0043) FROM COMMUNITY COMMERCIAL (CC) TO RESIDENTIAL 20 (r20) FOR 6.63 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 263-120-020 AND 263-120-025 AT THE SOUTHEAST CORNER OF

EUCALYPTUS AVENUE AND EDGEMONT STREET (Report of: City Clerk)

Recommendations: That the City Council:

1. Adopt Ordinance No. 893. Ordinance No. 893 - An Ordinance Of The City Council Of The City Of Moreno Valley, California, Adopting A Mitigated Negative Declaration For Application PA14-0043 Pursuant To California Environmental Quality Act (CEQA) Guidelines, And Approving A Zone Change (PA14-0043) From Community Commercial (CC) To Residential 20 (R20) For 6.63 Acres Located Within Assessor's Parcel Numbers 263-120-020 And 263-120-025 At The Southeast Corner Of Eucalyptus Avenue And Edgemont Street (Received First Reading and Introduction on April 14, 2015 by a 5-0 Vote)

H.3. ORDINANCES - URGENCY ORDINANCES - NONE

H.4. RESOLUTIONS - NONE

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

Materials related to an item on this Agenda submitted to the City Council/Community Services District/City as Successor Agency for the Community Redevelopment Agency/Housing Authority or Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

I. CLOSED SESSION

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

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

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council.

The Closed Session will be held pursuant to Government Code:

- I.1 SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OR (3) OF SUBDIVISION (D) OF SECTION 54956.9

Number of Cases: 5

- I.2 SECTION 54956.9(d)(4) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

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

ADJOURNMENT

CERTIFICATION

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, certify that the City Council Agenda was 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

Jane Halstead, CMC,
City Clerk

Date Posted:

MINUTES
CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY
April 14, 2015

CALL TO ORDER

SPECIAL PRESENTATIONS

- 1) Introduce "The Mayor's Cup" Soccer Challenge Team MoVal
- 2) Presentation by Tuning Sounds
- 3) Officer of the Quarter for the 4th Quarter 2014 - Deputy Kamron Honore
- 4) Business Spotlight
 - a) El Surtidor Candy & Supplies
 - b) Plaza Family Dental Group

**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
April 14, 2015**

The 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 was called to order at 6:12 p.m. by Mayor Jesse L. Molina in the Council Chamber located at 14177 Frederick Street.

Mayor Jesse L. Molina announced that the City Council receives a separate stipend for CSD meetings.

PLEDGE OF ALLEGIANCE

Pledge of allegiance was led by City Clerk Jane Halstead.

INVOCATION

Pastor Charles Gibson - Breakthrough Church of God in Christ

ROLL CALL

Council:

- | | |
|--------------------------|----------------|
| Jesse L. Molina | Mayor |
| Dr. Yxstian A. Gutierrez | Mayor Pro Tem |
| D. LaDonna Jempson | Council Member |
| George E. Price | Council Member |
| Jeffrey J. Giba | Council Member |

Staff:

- | | |
|-----------------|------------------------|
| Michelle Dawson | City Manager |
| Suzanne Bryant | City Attorney |
| Jane Halstead | City Clerk |
| Tom DeSantis | Assistant City Manager |
| Abdul Ahmad | Fire Chief |
| Ahmad Ansari | Public Works Director |
| Joel Ontiveros | Police Chief |

Chris Paxton
 Richard Teichert
 Ewa Lopez
 Betsy Adams
 Mike Lee

Administrative Services Director
 Chief Financial Officer/City Treasurer
 Deputy City Clerk
 Parks & Community Services Director
 Community & Economic Development Director

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

Mayor announced that there will be 30 minutes of public comments not on the agenda. The remaining public comments will be heard prior to City Council Reports and Closing Comments. In the event that the agenda item for such public comments has not been called by 9:00 p.m., it shall be called as the next item of business following the conclusion of any item being heard at 9:00 p.m.

Scott Heveran

1. Ethics policy/ethics committee

Chef Basil

1. Memorial Day feeding veterans

Gilbert Espinoza (Moreno Valley Hispanic Chamber of Commerce)

1. Cinco De Mayo event on May 6 at Moreno Valley College

Jaime Moreno (Moreno Valley Hispanic Chamber of Commerce)

1. Community outreach - encouraged residents to join the Hispanic Chamber

Daryl Terrell

1. City's common purpose and common future

Luis Mojica

1. Thanked Police Department for protection
2. Thanked everyone for attending Emerging Leaders Council Meet & Greet

Eduardo Gomez

1. World Logistics Center
2. Working together

Marcos Garcia

1. Jobs

Frank Loza

1. World Logistics Center

Marilyn Ontiveros

1. World Logistics Center

Marisela Lopez

1. World Logistics Center

Remaining Public Comments were taken before Council Comments:

Donovan Saadiq

1. Jobs
2. World Logistics Center
3. Edgemont District

Louise Palomarez

1. Word Logistics Center/jobs
2. City's expenditures

Chris Baca

1. On behalf of Tom Jerele at Sundance Center addressed mail theft issue
2. Ethics committee

Ruby Williams

1. Assistance for veteran women

JOINT CONSENT CALENDARS (SECTIONS A-D)

Mayor Jesse L. Molina opened the agenda items for the Consent Calendars for public comments, which were received from Chris Baca (Item A.5) and Louise Palomarez (Item A.5).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF MARCH 24, 2015 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

Recommendation:

Receive and file the Reports on Reimbursable Activities for the period of March 18 – April 7, 2015.

Motion to approve the verbal motion as presented.

Council Member D. LaDonna Jempson made a motion, seconded by Council Member George Price to agendize updated policy change, which obligates City Council members to reimburse the City from their personal funds for any cost associated with absence from an event where the City incurred the cost associated with the council member's scheduled attendance.

- A.4 FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH AKM CONSULTING ENGINEERS FOR THE SAN TIMOTEO FOOTHILL NEIGHBORHOOD FLOOD PROTECTION - MORENO MASTER DRAINAGE PLAN STORM DRAIN LINES K-1 AND K-4 –
PROJECT NO. 804 0007 70 77
(Report of: Public Works Department)

Recommendations

1. Approve the First Amendment to Agreement for Professional Consultant Services with AKM Consulting Engineers (AKM) to provide additional design services for the San Timoteo Foothill Neighborhood Flood Protection – Moreno Master Drainage Plan Storm Drain Lines K-1 and K-4 project.
2. Authorize the City Manager to execute the First Amendment to Agreement for Professional Consultant Services with AKM.
3. Authorize an increase in the Purchase Order to AKM in the amount of \$69,953.00 once the First Amendment to Agreement has been signed by all parties.

- A.5 APPROVAL OF THREE-YEAR ENTERPRISE LICENSING AGREEMENT OF MICROSOFT LICENSES THROUGH COMPUCOM SYSTEMS, INC., UTILIZING THE COUNTY OF RIVERSIDE'S MICROSOFT ENTERPRISE MASTER AGREEMENT
(Report of: Financial & Management Services Department)

Recommendations

1. Waive formal bidding per Municipal Code Section 3.12.260 (Cooperative Purchasing).
2. Approve a three-year enterprise licensing agreement of Microsoft licenses through CompuCom Systems, Inc., utilizing the County of

Riverside's Microsoft Enterprise Licensing Master Agreement in an amount not to exceed \$459,000.

3. Authorize the City Manager to execute the Microsoft Enterprise Master Agreement and any related documents required to effectuate participation in the Microsoft Enterprise Master Agreement.
4. Authorize the Purchasing & Facilities Division Manager to issue a purchase order to CompuCom Systems to maintain the current licensing level at an annual cost not to exceed \$153,000.

A.6 PA11-0019 (P12-077) – AUTHORIZE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND REDUCE FAITHFUL PERFORMANCE BOND FOR PHASE 1; AND ACCEPT THE AGREEMENT AND SECURITY FOR PUBLIC IMPROVEMENTS FOR PHASE 2 FOR THE RENAISSANCE VILLAGE PROJECT LOCATED AT THE SOUTHWEST CORNER OF MORENO BEACH DRIVE AND BRODIAEA AVENUE

DEVELOPER – CONTINENTAL EAST FUND VII, LLC
(Report of: Public Works Department)

Recommendations

1. Accept the Public Improvements for the Phase 1 Improvements as complete for bond reduction but not into the City's maintained street system until Phase 2 Improvements are completed and accepted.
2. Authorize the City Engineer to execute a 90% reduction to the original Faithful Performance Security for the Phase 1 Improvements, exonerate the Material and Labor Security in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Security in one year when all clearances are received.
3. Accept the Agreement for Public Improvements and security for the Phase 2 Improvements with Continental East Fund VII, LLC, Murrieta, CA 92562.
4. Authorize the Mayor to execute the Phase 2 Agreement, subject to City Attorney approval.
5. Direct the City Clerk to forward the Phase 2 signed Agreement to the County Recorder's Office for recordation.
6. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if

the required Phase 2 public improvements are not completed within said timeframe.

A.7 LIST OF PERSONNEL CHANGES
(Report of: Administrative Services Department)

Recommendations

Ratify the list of personnel changes.

A.8 APPOINTMENT OF A DELEGATE AND ALTERNATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) GENERAL ASSEMBLY
(Report of: City Clerk Department)

Recommendation:

Appoint Mayor Jesse L. Molina as the delegate and Mayor Pro Tem Dr. Yxstian A. Gutierrez as the alternate for the Southern California Association of Governments (SCAG) General Assembly, May 7-8, 2015.

Motion as amended: Appoint Council Member Jeffrey J. Giba as the delegate and Mayor Pro Tem Dr. Yxstian A. Gutierrez as the alternate for the Southern California Association of Governments (SCAG) General Assembly, May 7-8, 2015. by m/Council Member George E. Price, s/Council Member D. LaDonna Jempson

Passed by a vote of 5-0.

A.9 ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA SUPPORTING PROGRAMS AND SERVICES FOR DEVELOPMENT, LEARNING, LEADERSHIP, AND RECREATION FOR THE CITY'S YOUTH
(Report of: Financial & Management Services Department)

Recommendation:

Adopt Resolution No. 2015-21. A Resolution of the City Council of the City of Moreno Valley, California Supporting Programs and Services for Development, Learning, Leadership, and Recreation for the City's Youth.

Adopt Resolution No. 2015-21. A Resolution of the City Council of the City of Moreno Valley, California Supporting Programs and Services for Development, Learning, Leadership, and Recreation for the City's Youth. by m/Council Member Jeffrey J. Giba, s/Mayor Pro Tem Dr. Yxstian A. Gutierrez

Passed by a vote of 5-0.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF MARCH 24, 2015 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - HOUSING AUTHORITY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF MARCH 24, 2015 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF MARCH 24, 2015 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

Motion to Approve Joint Consent Calendar Items A.1 through D.2, with the exception of Items A.3, A.48, and A.9, which were pulled for separate action. by m/Council Member George E. Price, s/Council Member D. LaDonna Jempson

Passed by a vote of 5-0.

E. PUBLIC HEARINGS

E.1 GENERAL PLAN AMENDMENT FROM COMMERCIAL (C) TO RESIDENTIAL 20 (R20) AND ZONE CHANGE FROM COMMUNITY COMMERCIAL (CC) TO RESIDENTIAL 20 (R20) FOR DEVELOPMENT OF A PLOT PLAN FOR A 112 UNIT APARTMENT PROJECT ON 6.63

ACRES. THE PROJECT PROPOSES 14 TWO STORY BUILDINGS WITH A MIX OF 1 AND 2 BEDROOM UNITS AND WITH COVERED PARKING TO INCLUDE CARPORTS AND GARAGES. THE PROJECT IS LOCATED AT THE SOUTHEAST CORNER OF EUCALYPTUS AVENUE AND EDMONT STREET. THE DEVELOPER IS LATCO ENTERPRISES.
(Report of: Community & Economic Development Department)

Recommendations That the City Council:

1. Conduct a public hearing for Edgemont Apartments Project:
2. Approve Resolution No. 2015-22. A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Mitigated Negative Declaration for Application PA14-0044 pursuant to California Environmental Quality Act (CEQA) Guidelines, and Approving a General Plan Amendment (PA14-0044) from Commercial Land Use Designation to Residential 20 for 6.63 acres located within Assessor's Parcel Numbers 263-120-020 and 263-120-025 at the Southeast Corner of Eucalyptus Avenue and Edgemont Street.
3. Introduce Ordinance No. 893. An Ordinance of the City Council of the City of Moreno Valley, California, Adopting a Mitigated Negative Declaration for Application PA14-0043 pursuant to California Environmental Quality Act (CEQA) Guidelines, and Approving a Zone Change (PA14-0043) from Community Commercial (CC) to Residential 20 (R20) for 6.63 acres located within Assessor's Parcel Numbers 263-120-020 and 263-120-025 at the Southeast Corner of Eucalyptus Avenue and Edgemont Street.
4. Approve Resolution No. 2015-23. A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Mitigated Negative Declaration for Application PA14-0042 pursuant to California Environmental Quality Act (CEQA) Guidelines, and Approving Plot Plan Application PA14-0042 for Development of a 112 Unit Apartment Project on the 6.63 acres of Assessor's Parcel Numbers 263-120-020 and 263-120-025 located at the Southeast Corner of Eucalyptus Avenue and Edgemont Street.

Council Member D. LaDonna Jempson announced that she met with the developer and the owner.

Applicant Wes Alston made a presentation on behalf of Latco Enterprises, the developer.

Mayor Jesse L. Molina opened the public testimony portion of the public hearing. Public testimony was received from Bernestine Lee (supports).

Approve Resolution No. 2015-22. A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Mitigated Negative Declaration for Application PA14-0044 pursuant to California Environmental Quality Act (CEQA) Guidelines, and Approving a General Plan Amendment (PA14-0044) from Commercial Land Use Designation to Residential 20 for 6.63 acres located within Assessor's Parcel Numbers 263-120-020 and 263-120-025 at the Southeast Corner of Eucalyptus Avenue and Edgemont Street. by m/Council Member D. LaDonna Jempson, s/Council Member Jeffrey J. Giba

Passed by a vote of 5-0.

Introduce Ordinance No. 893. An Ordinance of the City Council of the City of Moreno Valley, California, Adopting a Mitigated Negative Declaration for Application PA14-0043 pursuant to California Environmental Quality Act (CEQA) Guidelines, and Approving a Zone Change (PA14-0043) from Community Commercial (CC) to Residential 20 (R20) for 6.63 acres located within Assessor's Parcel Numbers 263-120-020 and 263-120-025 at the Southeast Corner of Eucalyptus Avenue and Edgemont Street. by m/Council Member George E. Price, s/Council Member Jeffrey J. Giba

Passed by a vote of 5-0.

Approve Resolution No. 2015-23. A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Mitigated Negative Declaration for Application PA14-0042 pursuant to California Environmental Quality Act (CEQA) Guidelines, and Approving Plot Plan Application PA14-0042 for Development of a 112 Unit Apartment Project on the 6.63 acres of Assessor's Parcel Numbers 263-120-020 and 263-120-025 located at the Southeast Corner of Eucalyptus Avenue and Edgemont Street. by m/Mayor Pro Tem Dr. Yxstian A. Gutierrez, s/Council Member Jeffrey J. Giba

Passed by a vote of 5-0.

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

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

Items A.3, A.8 and A.9 were pulled for separate action.

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

G.1.1 Mayor Pro Tem Dr. Yxstian A. Guterrez reports on the March Joint Powers Commission (MJPC)

Mayor Pro Tem Dr. Yxstian A. Gutierrez reported he attended the March Joint Powers Commission (MJPC) meeting on April 1. The next meeting will be held on April 15, 2015 at 8:30 a.m. He spoke about several items that were discussed at the April 1 meeting including: approving a five- year lease for two buildings the Army Corps of Engineers will be using to relocate their office. In addition, they approved a one-year option on a ground lease for the Coachella Valley Coalition so they can approve site control. He spoke about a transfer of a small parcel that was approved by the Riverside Transportation Commission and the approved contract for the demolition for the March Life Campus. Mayor Pro Tem Dr. Yxstian A. Gutierrez invited the public to attend the ribbon cutting ceremony for the aviation terminal on May 6 at 9:00 a.m.

G.1.2 Riverside County Habitat Conservation Agency (RCHCA)

No meeting

G.1.3 Mayor Jesse L. Molina reported on the Riverside County Transportation Commission (RCTC)

Mayor Jesse L. Molina reported on the Riverside County Transportation Commission (RCTC). A recent meeting was held on April 8, 2015 where they approved funding grants under the 2015 Western Riverside Specialized Transit Call for Projects. The program will provide Measure A funding for non-profit organizations that provide assistance for those with disabilities, low income and senior citizens. The following grants were awarded: Riverside County Regional Medical Center, \$918,322; The Friends of Moreno Valley Senior Center, \$205,128; and the Riverside Transit Agency, \$82,000.

G.1.4 Mayor Jesse L. Molina reported on the Riverside Transit Agency (RTA)

Mayor Jesse L. Molina reported on the Riverside Transit Agency (RTA). He spoke briefly about the importance of earth day and that the RTA will be celebrating it by giving a way free passes to select people who ride the bus on April 22, 2015. The RTA Staff will be at the Moreno Valley Mall

between on April 22, 2015 between 10:00 a.m. and 11:00 a.m. They will be providing refreshments and giveaways to the public.

G.1.5 Council Member Jeffery J. Giba reported on Western Riverside Council of Governments (WRCOG)

Council Member Jeffrey J. Giba gave a report on Western Riverside Council of Governments (WRCOG). He spoke about the **Regional Streetlight Acquisition Program** and said the first step of the effort, which is to conduct the streetlight inventory, is underway and anticipated to be completed by July. The **Transportation Uniform Mitigation Fee (TUMF) Program** update included the executive committee approving a revised network cost assumptions needed for the Nexus Study. This study is anticipated to be completed in draft form by early summer 2015. The **HERO Program** provides options to Western Riverside residents to finance energy efficiency and water conservation improvements to homes and businesses. Meetings with local area realtors regarding this program are being conducted since there have been some recent concerns about the HERO liens impacting property sales. The Riverside County Superintendent of Schools Kenn Young gave a presentation countywide to encourage current and prospective college students to complete their "Free Application for Federal Student Aid" (FAFSA). The WRCO General Assembly will be held on Thursday, June 11, 2015 at Morongo Casino in Cabazon.

G.1.6 Council Member D. LaDonna Jempson reported on the Western Riverside County Regional Conservation Authority (RCA)

Council Member D. LaDonna Jempson reported on the Regional Conservation Authority. She reported the Multiple Species Habitat Conservation Plan, Wildlife Corridors presentation was made by Laurie Correa, Director of the Reserve Management and Monitoring. She provided an overview of the wildlife corridors and spoke about the linkages. The City of Moreno Valley has one principal linkage, linkage 4, which is in the northern city limits. The potential impacts for future development at that location are limited.

G.1.7 Mayor Pro Tem Dr. Yxstian A. Gutierrez reported on the School District/City Joint Task Force

Mayor Pro Tem Dr. Yxstian A. Gutierrez announced they will have their next meeting this coming Thursday. They will be receiving an update from the school district, the City of Moreno Valley and Lake Perris. In addition, they will be looking at the mission statement for the task force and the goals for the coming year.

- G.2 ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR CYCLE 1 ACTIVE TRANSPORTATION PROGRAM CITYWIDE SAFE ROUTES TO SCHOOL PEDESTRIAN FACILITY IMPROVEMENTS
PROJECT NO. 801 0063
(Report of: Public Works Department)

Recommendations That the City Council:

Approve Resolution No. 2015-24. A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Cycle 1 Active Transportation Program Citywide Safe Routes to School Pedestrian Facility Improvements Project No. 801 0063.

Item G.2 was pulled and will be rescheduled.

- G.3 PROPOSED RESOLUTION AMENDING THE RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES
(Report of: City Attorney Department)

Recommendations That the City Council:

Adopt Resolution No. 2015-25. A Resolution of the City Council of the City of Moreno Valley, California, Repealing Resolution No. 2013-10, and Adopting Amended and Restated Rules of Procedure for Council Meetings and Related Functions and Activities.

Motion made by Mayor Jesse L. Molina and seconded by Mayor Pro Tem Yxstian A. Gutierrez to Continue the item to April 28, 2015 City Council meeting.

- G.4 REQUEST TO INCREASE THE CITY'S ECONOMIC DEVELOPMENT FOCUS BY SEPARATING THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT AND REESTABLISHING THE COMMUNITY DEVELOPMENT DIRECTOR POSITION
(Report of: City Manager Department)

Recommendations That the City Council:

1. Increase the City's focus on economic development.
2. Reorganize the Economic Development functions of CEDD into a separate Economic Development Department.
3. Designate the current Community and Economic Development

Director's position as Economic Development Director.

4. Transfer Economic Development staff to the separate department.
5. Re-designate the remaining functions now within CEDD (building & safety, planning, and code compliance) as the Community Development Department.
6. Reestablish the Community Development Director position.
7. Direct the City Manager to commence an internal recruitment for the position of Community Development Director, with the intent to downgrade a resulting vacancy to a supervisor (rather than a Division Manager).

Mayor Jesse L. Molina opened the agenda item for public comments, which were received from Roy Bleckert.

Increase the City's focus on economic development.

Reorganize the Economic Development functions of CEDD into a separate Economic Development Department.

Designate the current Community and Economic Development Director's position as Economic Development Director.

Transfer Economic Development staff to the separate department.

Re-designate the remaining functions now within CEDD (building & safety, planning, and code compliance) as the Community Development Department.

Reestablish the Community Development Director position.

Direct the City Manager to commence an internal recruitment for the position of Community Development Director, with the intent to downgrade a resulting vacancy to a supervisor (rather than a Division Manager). by m/Council Member Jeffrey J. Giba, s/Mayor Pro Tem Dr. Yxstian A. Gutierrez

Passed by a vote of 5-0.

- G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

None

- G.6 CITY ATTORNEY'S REPORT (Informational Oral Presentation - not for Council action)

None

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

Council Member D. LaDonna Jempson

1. Thanked Julie Reyes for facilitating, and those who participated in donating ties. Over 90 ties were donated to help individuals who are in need of assistance to get back into the work force.
2. Attended the Moreno Valley Historical Society Event.
3. Reminded residents the Moreno Valley Wind Symphony will be putting on a free concern on April 23, 2015, from 6:00 p.m. to 9:00 p.m.
4. Spoke about the Riverside County DA Victim Rights Candle Vigil on April 23, 2015.
5. Previous speaker regarding low-cost housing.
6. Previous speaker regarding Chef Basil's event being political. The City Attorney stated if the City Council does not discuss any city business, the event would be a ceremonial function and the council can attend.

Mayor Pro Tem Dr. Yxstian A. Gutierrez

1. Thanked Roby Williams for attending the City Council meeting tonight.
2. Attended the Youth Council Academy last Saturday.
3. Spoke at the Second Annual Family Conference for the Muslim community.
4. Spoke against new taxes.
5. Thanked staff for the quick turnaround of the youth resolution.
6. Previous speaker regarding Microsoft Licensing.
7. Previous speaker regarding the splitting of the departments and transparency.

Council Member George E. Price

1. Congratulated the Economic Development on retaining Serta.
2. Attended the Riverside Sheriff Awards dinner at Morongo Casino. He congratulated the officers from Moreno Valley that received awards.
3. Encouraged the public to participate in the 4th of July parade.

Council Member Jeffrey J. Giba

1. Suggested staff contact Ruby Williams regarding the renovation home program.
2. Suggested bringing a Crab Shack to Moreno Valley.
3. Previous speaker regarding Microsoft software.
4. Spoke about the new stop sign on Pigeon Pass.
5. Attended the Riverside County Women of the Year awards.
6. Thanked staff for their hard work on the CDBG Grants.
7. Stated he was not in favor of new taxes.

Mayor Jesse L. Molina

1. Spoke about the mailbox theft at the Sundance Center.
2. Thanked Ruby Williams for attending the meeting.
3. Attended the Historical Society Meeting.
4. Spoke about the drought problem in California and the city ordinance regarding green lawns.
5. Previous speaker regarding Microsoft software.
6. Thanked city staff for all their hard work.

There being no further business to conduct, the meeting was adjourned at 8:58 p.m. to Closed Session by unanimous informal consent.

CLOSED SESSION

A Closed Session of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency and Housing Authority was held in City Manager's Conference Room, Second Floor, City Hall. The City Council met in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

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

Mayor Jesse L. Molina opened the Closed Session items, which were received from Chris Baca.

City Attorney announced that the cases listed on the Closed Session agenda Section 1 and Section 4 will be discussed.

The Closed Session was held pursuant to Government Code:

1 SECTION 54956.9(d)(1) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

- a) Lavonne Sparks V. City of Moreno Valley
- b) Jose Dominguez and Adrian Dominguez V. City of Moreno Valley
- c) Wells Fargo V. City of Moreno Valley
- d) Olga Rodriguez V. City of Moreno Valley
- e) Michelle Davis V. City of Moreno Valley
- f) Verizon California, Inc. V. California State Board of Equalization, et al.
- g) Verizon California, Inc. v. California State Board of Equalization, et al.
- h) Verizon California, Inc. v. California State Board of Equalization, et al.
- i) Verizon California, Inc. V. California State Board of Equalization, et al.
- j) Boe et al. V. City of Moreno Valley, et al.

2 SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OR (3) OF SUBDIVISION (D) OF SECTION 54956.9

Number of Cases: 5

3 SECTION 54956.9(d)(4) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

4 SECTION 54957.6 - LABOR NEGOTIATIONS

- a) *Agency Representatives: Michelle Dawson, Tom DeSantis, Chris*

*Paxton, Steve Hargis, and Rick Teichert; Employee Organization:
MVCEA*

- b) *Agency Representatives: Michelle Dawson, Tom DeSantis, Chris Paxton, Steve Hargis, and Rick Teichert; Employee Organization:
MVMA*

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

None

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 10:15 p.m. by unanimous informal consent.

Submitted by:

Jane Halstead, CMC
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

Approved by:

Jesse L. Molina, Mayor
President, Moreno Valley Community Services District
Chairperson, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Moreno Valley Housing Authority
Chairperson, Board of Library Trustees

Minutes Acceptance: Minutes of Apr 14, 2015 6:00 PM (CONSENT CALENDAR-CITY COUNCIL)



Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: April 28, 2015

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Recommendation:

1. Receive and file the Reports on Reimbursable Activities for the period of April 8-21, 2015.

<i>Reports on Reimbursable Activities</i>			
April 8-21, 2015			
Council Member	Date	Meeting	Cost
Jeffrey J. Giba	4/8/15	Riverside County Sheriff's Department 2015 Annual Awards Ceremony	\$25.00
	4/10/15	Moreno Valley Historical Society 5 th Annual Dinner	\$30.00
Dr. Yxstian A. Gutierrez	4/10/15	Moreno Valley Historical Society 5 th Annual Dinner	\$30.00
	4/17-18/15	USC Price EXED Local Curriculum Program	\$703.00
D. LaDonna Jempson	4/8/15	Riverside County Sheriff's Department 2015 Annual Awards Ceremony	\$25.00
Jesse L. Molina	4/10/15	Moreno Valley Historical Society 5 th Annual Dinner	\$30.00
	4/15/15	Student of the Month	\$15.00

George E. Price	4/8/15	Riverside County Sheriff's Department 2015 Annual Awards Ceremony	\$25.00
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NOTIFICATION

Publication of Agenda.

PREPARATION OF STAFF REPORT

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

CITY COUNCIL GOALS

ATTACHMENTS

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>
City Attorney Approval	<u>✓ Approved</u>
City Manager Approval	<u>✓ Approved</u>



Report to City Council

TO: Mayor and City Council

FROM: Mike Lee, Community and Economic Development

AGENDA DATE: April 28, 2015

TITLE: ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING THE REGISTRATION FEE FOR THE REGISTRATION OF RESIDENTIAL PROPERTY IN FORECLOSURE PROGRAM AND AMEND THE CITY OF MORENO VALLEY FEE SCHEDULE

RECOMMENDED ACTION

Recommendation:

1. Adopt Resolution No. 2015-26. A Resolution of the City Council of the City of Moreno Valley, California, Establishing the Registration Fee for the Registration of Residential Property in Foreclosure Program and Amend the City of Moreno Valley Fee Schedule.

SUMMARY

This report recommends the approval of the registration fee amount for the recently adopted Ordinance 887, Registration of Residential Property in Foreclosure Program.

DISCUSSION

On February 24, 2014, the City Council adopted Ordinance No. 887 establishing the Registration of Residential Property in Foreclosure Program within the City of Moreno Valley. The Ordinance became effective on April 10, 2015. The Ordinance requires every property with a Notice of Default to be registered with the City and includes a fee to cover the costs to administer the program. The fee shall cover the costs of the registration effort for tasks including researching beneficiaries and trustees, creating and maintaining a database of properties, documenting property condition, conducting site inspections, notifications, correspondence and fee and fine collection and processing. According to Government Code Section 66000, municipal fees must not

exceed the reasonable cost to administer a regulatory program. The fee was estimated to be between \$300 and \$400 per registration.

The foreclosure program can be administered by either a consultant with expertise in foreclosure registration ordinances or by city staff. In addition, City staff will provide administrative support along with general oversight of the program and of any consultant.

The fee has been determined on the services to be provided for each registered foreclosed property and is summarized in the table below:

Task / Action	Provider / Time	Cost
Database creation	Code Officer II /	\$320
Notice and Order generation	6 hours	
Notice and program information mailings		
Website update and maintenance		
Registration of properties		
Case file generation		
Communications (email and telephone)		
Database management		
Realist report review		
Map production		
Field inspections and reports		
Code Compliance referrals/cases		
Administration of invoices, agreements, insurance certifications	Administrative / .7 hour	\$30
General Oversight	Management / .4 hour	\$50
Total Registration Fee		\$400

Note: Staff rates based on fully burdened hourly rate including salary, benefits and overhead.

ALTERNATIVES

1. Approve the proposed resolution establishing the registration fee amount for the

Registration of Residential Property in Foreclosure Program to recover the costs to implement the program to reduce blight and improve residential property values. This alternative is recommended by staff.

- 2. Do not approve the proposed resolution establishing the registration fee amount for the Registration of Residential Property in Foreclosure Program to recover the costs to implement the program thereby restricting the ability to monitor foreclosed properties and to reduce blight and improve residential property values. This alternative is not recommended by staff.

FISCAL IMPACT

This registration fee is calculated to recover the costs to administer the Registration of Residential Property in Foreclosure Program and is therefore revenue neutral to the general fund.

NOTIFICATION

Indicate any outreach efforts made to elicit comments from parties with interest in the issue. Review comments that may have been made. Also, identify to whom copies of the report were sent so they could be informed about the agenda item.

PREPARATION OF STAFF REPORT

Prepared By:
Allen D. Brock
Building and Neighborhood Services Division Manager

Department Head Approval:
Mike Lee
Community & Economic Development Director

CITY COUNCIL GOALS

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.

ATTACHMENTS

- 1. Resolution 2015-26_City Council

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	4/17/15 10:16 AM
City Attorney Approval	<u>✓ Approved</u>	4/20/15 2:41 PM
City Manager Approval	<u>✓ Approved</u>	4/20/15 4:14 PM

RESOLUTION NO. 2015-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING THE REGISTRATION FEE FOR THE REGISTRATION OF RESIDENTIAL PROPERTY IN FORECLOSURE PROGRAM AND AMEND THE CITY OF MORENO VALLEY FEE SCHEDULE

WHEREAS, the presence of real properties in foreclosure can lead to neighborhood decline by creating a public nuisance which could contribute to lower property values and could discourage potential buyers from purchasing a property adjacent to or in neighborhoods with properties in foreclosure; and

WHEREAS, many properties in foreclosure are the responsibility of out of area or out of state beneficiaries and trustees, and in many instances the beneficiaries and/or trustees fail to adequately maintain and secure these properties in foreclosure; and

WHEREAS, the City Council desires to preserve the health, safety and welfare of residents and the community, and to the extent possible, protect neighborhoods from declining property values, aesthetic decay, and/or loss of character; and

WHEREAS, the City has established a registration program for real properties in foreclosure to assist City staff in comprising and maintaining a database to contact the responsible parties to enforce maintenance and safety provisions of the Moreno Valley Municipal Code; and

WHEREAS, Chapter 6.14 of the Moreno Valley Municipal Code entitled "Registration of Residential Property in Foreclosure" authorizes the City Council to adopt fees for the implementation of the Registration of Residential Property in Foreclosure Ordinance; and

WHEREAS, municipalities may set regulatory fees to recover the cost associated with the administration of programs which protect public health and preserve the welfare of the community; and

WHEREAS, the Moreno Valley Fee Schedule needs to be amended to incorporate the fee to be paid in connection with the registration program.

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

1. The City Council hereby adopts to amend the City of Moreno Valley Fee Schedule to add the fee of Four Hundred Dollars (\$400) for the registration of each residential property in foreclosure under the Registration of Residential Property in Foreclosure Program.

APPROVED AND ADOPTED this 28th day of April, 2015.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Resolution No. 2015-26²
Date Adopted: April 28, 2015

Attachment: Resolution 2015-26_City Council [Revision 1] (1380 : RESOLUTION NO. 2015-26 APPROVING THE FEE FOR RESIDENTIAL

RESOLUTION JURAT

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

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2015-26 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 28th day of April, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

3
Resolution No. 2015-26
Date Adopted: April 28, 2015

Attachment: Resolution 2015-26_City Council [Revision 1] (1380 : RESOLUTION NO. 2015-26 APPROVING THE FEE FOR RESIDENTIAL



Report to City Council

TO: Mayor and City Council

FROM: Ahmad R. Ansari, P.E., Public Works Director/City Engineer

AGENDA DATE: April 28, 2015

TITLE: ACCEPTANCE OF SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) CARL MOYER PROGRAM AWARD

RECOMMENDED ACTION

Recommendations:

1. Accept the program award of \$49,412 from the FY 2013-14/Year 16 Carl Moyer/SOON (Surplus Off-road Opt-in for Nitrogen Oxides) Program awarded by the South Coast Air Quality Management District (SCQMD).
2. Authorize the Public Works Director/City Engineer to execute a contract with South Coast Air Quality Management District (SCAQMD) when it is received for the FY 2013-14/Year 16 Carl Moyer/SOON (Surplus Off-road Opt-in for Nitrogen Oxides) Program, subject to approval of the City Attorney.
3. Amend the Fiscal Year (FY) 2014-15 Revised Operating Budget to include the FY 2013-14/Year 16 Carl Moyer/SOON (Surplus Off-road Opt-in for Nitrogen Oxides) Program funding the procurement and replacement of (3) street maintenance backhoes.
4. Authorize the revenue appropriation of \$49,412 in the Measure A Fund (Fund 2001) for the purchase of (3) street maintenance backhoes.

SUMMARY

This report recommends acceptance of a \$49,412 program award from the SCAQMD. This award provides partial funding for the procurement and replacement of (3) street maintenance backhoes. These backhoes will be utilized for asphalt/concrete repairs, miscellaneous street maintenance repairs/construction, storm cleanup/mud removal, and illegal dumping response.

DISCUSSION

The FY 2013-14/Year 16 Carl Moyer/SOON (Surplus Off-road Opt-in for Nitrogen Oxides) Program is designed to achieve additional NOx (mono-nitrogen oxides) reductions above those that would be obtained from the State In-Use Off-Road Vehicle Regulation. These reductions are critical to meeting the PM_{2.5} (particulate matter) air emission reductions and ozone ambient air quality standards in the South Coast Basin. The primary focus of the SOON Program is to achieve emission reductions from heavy-duty vehicles and equipment operating in California as early and as cost-effectively as possible. The SOON Program is intended to achieve additional NOx reductions which are needed to meet PM_{2.5} and ozone ambient air quality standards in the South Coast Air Basin.

The procurement and replacement of the (3) street maintenance backhoes is critical to the Maintenance & Operations fleet as the vehicles being replaced have surpassed their useful life expectancy. The additional funding through this award will make it possible to replace the aging vehicles with decreased impact to the Measure A Fund.

ALTERNATIVES

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will allow the City to receive SCAQMD funding to procure (3) street maintenance backhoes and implement effective air pollution reduction projects.*
2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative will prohibit the City from receiving SCAQMD funding to procure (3) street maintenance backhoes and implement effective air pollution reduction projects.*

FISCAL IMPACT

The program award will provide funding of up to \$49,412. Expenditure for the purchase of the (3) street maintenance backhoes and transfer of funds were approved in the Mid-Year Budget Adjustments for Funds 7410 and 2001, accordingly. These adjustments were approved by the City Council on March 24, 2015.

Description	Fund	GL Account No.	Type (Rev/Exp)	FY 14/15 Budget	Proposed Adjustments	FY 14/15 Amended Budget
Receipt of Award	2001	2001-99-99-92001-486010	Rev	\$543,500	\$49,412	\$592,912

NOTIFICATION

Publication of Agenda.

PREPARATION OF STAFF REPORT

Prepared By:
Patty Brock
Management Assistant

Department Head Approval:
Ahmad R. Ansari, P.E.
Public Works Director/City Engineer

Concurred By:
Robert R. Lemon
Maintenance & Operations Division Manager

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.

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

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.

ATTACHMENTS

1. SCAQMD Carl Moyer Contract #15532
2. SUMMARY OF ACTIONS March 24, 2015

APPROVALS

Budget Officer Approval	<u> ✓ Approved </u>	4/21/15 10:22 AM
City Attorney Approval	<u> ✓ Approved </u>	4/21/15 1:26 PM
City Manager Approval	<u> ✓ Approved </u>	4/21/15 4:45 PM



South Coast Air Quality Management District

Contract No. 15532
Carl Moyer Program

This Contract consists of 17 pages.

1. PARTIES - The parties to this Contract are the South Coast Air Quality Management District (referred to here as "SCAQMD") whose address is 21865 Copley Drive, Diamond Bar, California 91765-4178, and the City of Moreno Valley (referred to here as "CONTRACTOR") whose address is 14177 Frederick Street, Moreno Valley, California 92552.

2. RECITALS
 - A. SCAQMD is the local agency with primary responsibility for regulating stationary source air pollution within the geographical boundaries of the South Coast Air Quality Management District in the State of California. SCAQMD is authorized to enter into this Contract under California Health and Safety Code Section 40489. Through this Carl Moyer Program-funded Contract, the parties desire to fund the incremental costs of certain cleaner-than-required equipment in order to generate cost-effective and surplus air emission reductions within the geographical boundaries of the South Coast Air Quality Management District. Accordingly, SCAQMD desires to contract with CONTRACTOR for the project described in Attachment 1 - Statement of Work, attached here and made a part here by reference.
 - B. CONTRACTOR is authorized to do business in the State of California and attests that it is in good tax standing with the California Franchise Tax Board.
 - C. All parties to this Contract have had the opportunity to have this Contract reviewed by their attorney.
 - D. "Equipment," as used in this Contract, means the equipment described in Attachment 1 – Statement of Work and funded in whole or in part by the Carl Moyer Program, which may include, but is not limited to, trucks, engines, marine vessels, retrofit devices, electrification infrastructure, cargo handling equipment and/or locomotives, as applicable.

3. PERFORMANCE REQUIREMENTS
 - A. CONTRACTOR agrees to obtain and maintain the required licenses, permits, and all other appropriate legal authorizations from all applicable federal, state and local jurisdictions and pay all applicable fees. CONTRACTOR further agrees to immediately notify SCAQMD in writing of any change in its licensing status which has a material impact on the CONTRACTOR's performance under this Contract.
 - B. CONTRACTOR shall submit reports to SCAQMD as outlined in Attachment 1 - Statement of Work. All reports shall be submitted in an environmentally friendly format: recycled paper; stapled, not bound; black and white, double-sided print; and no three-ring, spiral, or plastic binders or cardstock covers. SCAQMD reserves the right to review, comment, and request changes to any report produced as a result of this Contract.
 - C. CONTRACTOR shall perform all tasks set forth in Attachment 1 - Statement of Work, and shall not engage, during the term of this Contract, in any performance of work that is in direct or indirect conflict with duties and responsibilities set forth in Attachment 1 - Statement of Work.
 - D. CONTRACTOR must ensure that the Equipment to be purchased or installed is in compliance with all applicable federal, state, and local air quality rules and regulations, and that it will maintain compliance for the full Contract term.

- E. CONTRACTOR shall require its subcontractors to abide by the requirements set forth in this Contract.
4. TERM - The term of this Contract is from the date of execution by both parties, which is the effective date of this Contract, to December 30, 2020, unless further extended by amendment of this Contract in writing. No work shall commence until this Contract is fully executed by all parties. CONTRACTOR assumes all financial risk and is in no way guaranteed Carl Moyer Program funds for work done prior to the effective date of this Contract. The Contract term above encompasses both the project completion and project implementation periods, as described below, to ensure that the SCAQMD and the California Air Resources Board ("CARB") can fully enforce the terms of this Contract during the life of this Carl Moyer Program-funded project.
- A. Project Completion – Project completion is the time frame starting with the date of Contract execution by both parties to the date the project post-inspection confirms that the project has become operational. This includes the time period when the Equipment described in Attachment 1 - Statement of Work is ordered, delivered and installed.
- B. Project Implementation - The project implementation time frame is the second part of the Contract term and equals the project life, which is the number of years that the Equipment must operate as specified in the Attachment 1 – Statement of Work to obtain surplus emissions reductions that are cost-effective. CONTRACTOR is required to operate and maintain the Carl Moyer Program-funded Equipment according to the terms of this Contract for the full project implementation period.
5. TIME PERIOD FOR CONTRACT EXECUTION - This Contract must be signed by the CONTRACTOR and received by SCAQMD within sixty (60) days from the receipt of the Contract by the CONTRACTOR. Failure to timely sign and return the Contract to SCAQMD may result in the withdrawal of the award. Time is of the essence in executing this Contract.
6. TERMINATION
- A. CONTRACTOR's failure to comply with any term or condition of this Contract shall constitute a material breach of this Contract. The SCAQMD will either notify the CONTRACTOR that it must timely cure this breach, or provide ten (10) days' written notification of SCAQMD's intention to terminate this Contract and invoke the penalties under Clause 6.D. The SCAQMD reserves all rights under law and equity to enforce this Contract or to recover damages.
- B. Notwithstanding sub-Clause 6A, this Contract may be terminated without penalty prior to completion of the Contract term if the Equipment becomes inoperable through mechanical failure of components or systems and cannot be repaired or replaced and such failure is not caused by CONTRACTOR's negligence, misuse or malfeasance. CONTRACTOR shall submit written documentation supporting any basis for early termination under this sub-Clause for the approval of SCAQMD.
- C. SCAQMD reserves the right to terminate this Contract, in whole or in part without cause upon thirty (30) days' written notice. Once such notice has been given, CONTRACTOR shall, except as otherwise directed by SCAQMD, discontinue any work being performed under this Contract and cancel all of CONTRACTOR'S orders in connection with such work, and shall use its best efforts to terminate existing subcontracts upon terms satisfactory to the SCAQMD. Thereafter, CONTRACTOR shall perform only such services as may be necessary to preserve and protect any work already in progress and to dispose of any property as requested by SCAQMD.

CONTRACTOR shall also promptly deliver to SCAQMD all copies of documentation and other information and data prepared or developed by CONTRACTOR under this Contract. CONTRACTOR will be paid in accordance with this Contract for work performed before the effective date of termination.

- D. Should CONTRACTOR desire to terminate this Contract in whole or in part prior to the completion of the Contract term for reasons other than those stated in sub-Clause 6B, CONTRACTOR shall return to SCAQMD a prorated share of the funds already paid under this Contract, in an amount determined by SCAQMD.
7. STOP WORK – SCAQMD may, at any time, by written notice to CONTRACTOR, require CONTRACTOR to stop all or any part of the work tasks in this Contract. A stop work order may be issued for reasons including, but not limited to, the project exceeding the budget, out of scope work, delay in project schedule, or misrepresentations. Upon receipt of the stop work order, CONTRACTOR shall immediately take all necessary steps to comply with the order. CONTRACTOR shall resume the work only upon receipt of written instructions from SCAQMD cancelling the stop work order. CONTRACTOR agrees and understands that CONTRACTOR will not be paid for performing work while the stop work order is in effect, unless SCAQMD agrees to do so in its written cancellation of the stop work order.
8. INSURANCE
- A. CONTRACTOR shall furnish evidence to SCAQMD of workers' compensation insurance for each of its employees, in accordance with either California or other states' applicable statutory requirements prior to commencement of any work on this Contract.
- B. CONTRACTOR shall furnish evidence to SCAQMD of general liability insurance with a limit of at least \$1,000,000 per occurrence, and \$2,000,000 in a general aggregate prior to commencement of any work on this Contract. SCAQMD must be named as an additional insured on any such liability policy, and thirty (30) days written notice prior to cancellation of any such insurance shall be given by CONTRACTOR to SCAQMD.
- C. CONTRACTOR shall furnish evidence to SCAQMD of automobile liability insurance with limits of at least \$100,000 per person and \$300,000 per accident for bodily injuries, and \$50,000 in property damage, or \$1,000,000 combined single limit for bodily injury or property damage, prior to commencement of any work on this Contract. SCAQMD must be named as an additional insured on any such liability policy, and thirty (30) days written notice prior to cancellation of any such insurance shall be given by CONTRACTOR to SCAQMD.
- D. If CONTRACTOR fails to maintain the required insurance coverage set forth above, SCAQMD reserves the right either to purchase such additional insurance and to deduct the cost thereof from any payments owed to CONTRACTOR or terminate this Contract for breach.
- E. All insurance certificates should be mailed to: SCAQMD Risk Management, 21865 Copley Drive, Diamond Bar, CA 91765-4182. **The SCAQMD Contract Number must be included on the face of the certificate.**
- F. CONTRACTOR agrees to maintain the above required insurance as well as property insurance with sufficient limits to cover the loss of the Equipment. CONTRACTOR must provide updates on the insurance coverage throughout the term of the Contract to ensure that there is no break in coverage during the period of Contract performance. Failure to provide evidence of current coverage is grounds for termination for breach of Contract.

- G. If CONTRACTOR subcontracts all or part of the work under this Contract, CONTRACTOR shall require its subcontractors to comply with the above-mentioned insurance requirements and to name SCAQMD as an additional insured in the above-mentioned insurance policies.
9. INDEMNIFICATION - CONTRACTOR agrees to hold harmless, defend and indemnify SCAQMD, its officers, employees, agents, representatives, and successors-in-interest against any and all loss, damage, costs, lawsuits, claims, demands, causes of action judgments, attorney's fees, or any other expenses arising from or related to any third party claim against SCAQMD, its officers, employees, agents, representatives, or successors in interest that arise or result in whole or in part, from any actual or alleged act or omission of CONTRACTOR, its employees, subcontractors, agents or representatives in the performance of this Contract. This Indemnification Clause shall survive the expiration or termination (for any reason) of the Contract and shall remain in full force and effect.
10. COMPLIANCE WITH CARL MOYER PROGRAM GUIDELINES – CONTRACTOR warrants that the project upon which this Contract is based complies with CARB's current Carl Moyer Program Guidelines ("CMP Guidelines"), incorporated herein by reference, which include, but are not limited to, the following:
- A. The project described in the Statement of Work is not required by any local, state and/or federal rule or regulation, memorandum of understanding/agreement, settlement agreement, mitigation requirement, or other legal mandate.
 - B. The low emissions technology used in the project has been certified or verified by CARB and meets the applicable NOx, PM and/or ROG requirements, or if it has not been certified/verified by CARB, the low emissions technology has been approved by CARB on a case-by-case basis.
 - C. Rights to the emission reductions generated by the Project must not be claimed by any participant as emission reduction credits or be used under any emission averaging banking and trading program. In addition, rights to the emission reductions may not be claimed by the engine or equipment manufacturer in any flexibility or "early introduction" incentive program.
 - D. The Equipment must not have been ordered or purchased prior to the date of the SCAQMD Governing Board approval of the Contract award.
 - E. For repowers and replacement projects, the existing (old) engine must be destroyed and rendered permanently unusable and irreparable. There must be no cannibalization of parts from the old engine. Destruction methods and requirements are specified in the Statement of Work and the CMP Guidelines.
 - F. For repower projects, the installation of the engine must be completed in a manner such that it does not void the engine warranty provided by the manufacturer and any remaining warranty provided by the equipment manufacturer.
 - G. In signing this Contract, CONTRACTOR certifies that its fleet, engine(s) or equipment/vehicle is in compliance with all applicable federal state, and local air quality rules and regulations at the time of Contract execution, and that it will maintain compliance for the full Contract term.
 - H. The Project must be included when defining the size of the CONTRACTOR's fleet for determining regulatory requirements.
 - I. Throughout the Contract term, the Project must not be used to generate credits or compliance extensions, and must be excluded when determining regulatory compliance.

11. INCORPORATION OF CARL MOYER PROGRAM APPLICATION – CONTRACTOR'S application for the project funded under this Contract is hereby incorporated by reference and made a part of this Contract.
12. MAINTENANCE - CONTRACTOR shall maintain the Equipment in accordance with the manufacturer's specifications for the project life. Tampering with the engine is strictly prohibited. CONTRACTOR is responsible for maintaining a working hour meter or other SCAQMD-approved measuring device to track Equipment usage for projects that use hours of operation as a means of calculating emission reductions and cost-effectiveness. If the hour meter/usage device fails, CONTRACTOR must immediately notify SCAQMD, and CONTRACTOR remains responsible for validating any hours not recorded by the hour meter/usage device. The CONTRACTOR must either repair or replace the non-operating meter/device or provide other documentation of Equipment operating hours acceptable to SCAQMD.
13. RECORDS RETENTION, ON-SITE INSPECTIONS AND AUDIT
 - A. CONTRACTOR agrees to the following Records Retention Period: maintain records related to this Contract during the Contract term and continue to retain these records for a period of three years beyond the Contract term.
 - B. SCAQMD, CARB, or its designee(s), shall have the right to conduct on-site inspections of the project and to audit records related to this Contract during the Records Retention Period. CONTRACTOR agrees to include a similar right for SCAQMD to conduct on-site inspections and audits in any related subcontract.
 - C. If an amount is found to be inappropriately expended, SCAQMD may withhold payment, or seek reimbursement, from CONTRACTOR in the amount equal to the amount which was inappropriately expended. Such withholding or reimbursement shall not be construed as SCAQMD's sole remedy and shall not relieve CONTRACTOR of its obligation to perform under the terms of this Contract.
14. INSPECTIONS
 - A. A Pre-Inspection shall be conducted by the SCAQMD on all existing (old) equipment (including engines and vehicles) prior to any work commencing under this Contract. SCAQMD must verify that CONTRACTOR has met all requirements of the Carl Moyer Program regarding eligibility of the existing equipment. This includes documentation of the type of equipment, operational condition, mileage, vehicle and engine identification. This Contract may be modified or terminated based upon the results of the Pre-Inspection should the SCAQMD determine that: the existing equipment is non-operational; does not match the information submitted for analysis (i.e. vehicle make, model, model-year, engine type, horsepower, model year, etc.); or other factors exist that would not result in the calculated real, quantifiable and surplus emission reductions. For fleets owned or operated by public agencies, SCAQMD may conduct the Pre-Inspection by requiring the public agency to provide documentation to verify that all requirements of the Carl Moyer Program regarding eligibility of existing equipment/vehicles/engines are met. It is the responsibility of the CONTRACTOR to contact SCAQMD and arrange a Pre-Inspection of the existing equipment, and to confirm with SCAQMD that the equipment has been pre-inspected and is eligible to participate in the Carl Moyer Program.
 - B. A Post-Inspection shall be conducted by the SCAQMD after receipt of the invoice from the CONTRACTOR. SCAQMD must verify that CONTRACTOR has met all requirements of the Carl

Moyer Program. Final payment will not be made unless the SCAQMD verifies that: the retrofit device or engine listed in the Statement of Work has/have been installed; that the Equipment is operational; and, where applicable, that the replaced engine(s) or vehicle(s) has/have been destroyed and rendered useless and there is no evidence of cannibalization of parts from the old engine(s). For fleets owned or operated by public agencies, SCAQMD may conduct the Post-Inspection through a statistically significant random sample of the vehicles, where the project under this Contract consists of more than twenty (20) vehicles.

15. MONITORING AND ENFORCEMENT – CONTRACTOR agrees to operate the Equipment according to the terms of this Contract, including the CMP Guidelines, and to cooperate with SCAQMD and CARB in implementation, monitoring, enforcement, and other efforts to assure the emission benefits are real, quantifiable, surplus, and enforceable. CONTRACTOR also understands and agrees that in addition to SCAQMD, CARB, as an intended third-party beneficiary of this Contract, also has the right to enforce the terms of this Contract to ensure emission reductions are generated. SCAQMD and CARB will seek whatever legal, equitable and other remedies are available for CONTRACTOR's failure to comply with the terms of this Contract, including the CMP Guidelines.
16. REPORTING REQUIREMENTS - CONTRACTOR shall submit reports in accordance with Attachments 1, 1A and 1B, attached here and incorporated herein by reference. Non-compliance with the reporting requirements of this Contract may result in the implementation of on-site monitoring by the SCAQMD.
17. SUCCESSORS-IN-INTEREST – This Contract shall be binding on and inure to the benefit of each party's heirs, executors, administrators, successors, and assigns.
18. EQUIPMENT USAGE
 - A. The percentage of each Equipment's annual mileage or engine hours of operation that must be accrued within the geographical boundaries of the South Coast Air Quality Management District shall be in accordance with Attachment 1 – Statement of Work. Information included in the annual reports required under this Contract will be used to verify this usage.
 - B. CONTRACTOR is prohibited from removing the Equipment from service in California during the term of this Contract, unless the Equipment become inoperable through mechanical failure of components or systems, and cannot be repaired or replaced, and such failure is not caused by CONTRACTOR'S negligence, misuse, or malfeasance. CONTRACTOR shall promptly notify SCAQMD if any Equipment is removed from service in California.
 - C. If the Equipment usage reported in the annual report does not meet the usage specified in Attachment 1 – Statement of Work, the SCAQMD will flag the project. SCAQMD will take appropriate action to ensure the contracted emissions reductions are realized, which may include, but are not limited to, recapturing funds in an amount proportional to the unrealized emissions reductions or extending the project life.
19. FUNDS FROM OTHER SOURCES
 - A. In signing this Contract, CONTRACTOR certifies that it has disclosed all other public funds that it applied for or received for the project described in the Statement of Work. CONTRACTOR understands that failure to disclose shall, at a minimum, result in disqualification from receiving funding for that project, the recapture of funds, and may result in CONTRACTOR being banned from submitting future applications to any and all Carl Moyer Program solicitations.

- B. CONTRACTOR is prohibited from applying for or receiving other public funds for the same project described in the Statement of Work, except CONTRACTOR may apply for and receive additional funding for the same project from federal programs to reduce greenhouse gas emissions (GHG) or funding provided by the Alternative and Renewable Fuel and Vehicle Technology Program to reduce GHG. Such funding is subject to the disclosure requirements of Clause 19.A.
- C. The total amount of public funds received by CONTRACTOR for the same project during the term of this Contract must not exceed eighty-five (85) percent of the project cost. If the total amount of public funds exceeds eighty-five percent, CONTRACTOR shall return sufficient amounts to SCAQMD to decrease the total amount of public funds funding the same project to eighty-five percent.

20. PAYMENT

- A. SCAQMD will reimburse CONTRACTOR an amount not-to-exceed Forty Nine Thousand Four Hundred Twelve Dollars (\$49,412) in accordance with Attachment 2, Payment Schedule, attached here and incorporated herein by reference.
- B. Payment may be made directly to the dealer or distributor upon submission of an itemized invoice from the CONTRACTOR requesting that such direct payment be made. If the purchase is being financed, CONTRACTOR may choose to have the payment sent directly to the financing company, or provide SCAQMD with proof of payment to the financing company in order for CONTRACTOR to be reimbursed. Payments made under this Contract must be used to reduce the principal owed for the Equipment.
- C. Before any payment can be made, CONTRACTOR must submit itemized invoices from the engine supplier for repowers or paid invoices from the vehicle owner for replacement vehicles, and the Post-Inspection pursuant to Clause 14.B. must indicate that the project is operational. The itemized invoices must include enough detail to ensure that only eligible project costs are paid, in accordance with the CMP Guidelines. Each invoice must be prepared in duplicate, on company letterhead, and list SCAQMD's Contract number, period covered by invoice, and CONTRACTOR's Social Security Number or Employer Identification Number and submitted to: South Coast Air Quality Management District, Attn: Carl Moyer Contract Administrator, Technology Advancement, 21865 Copley Drive, Diamond Bar, CA 91765-4178.
- D. Payment under this Contract is contingent upon receipt of funds from CARB.
- E. SCAQMD may de-obligate from the Contract funds that remain unexpended as required in the Contract upon thirty (30) days' written notice to CONTRACTOR. CONTRACTOR to initial here acknowledging consent to de-obligation of non-expended funding. _____

21. SECURITY INTEREST - CONTRACTOR hereby grants SCAQMD a security interest in any and all equipment, including vehicles and marine vessels, purchased in whole or in part with funding provided by SCAQMD pursuant to this Contract. CONTRACTOR acknowledges and agrees that SCAQMD shall have all lien rights as a secured creditor on any and all equipment and/or vehicles purchased in whole or in part by the CONTRACTOR, under this Contract or any amendments thereto. The SCAQMD shall have lien rights in effect until the CONTRACTOR satisfies all terms under the Contract, including but not limited to, the use and reporting requirements. **Accordingly, CONTRACTOR further agrees that SCAQMD is authorized to file a UCC filing statement or similar security instrument to secure its interests in the equipment and/or vehicles that are the subject of the Contract.** In the event CONTRACTOR files for bankruptcy protection, CONTRACTOR shall notify SCAQMD within 10 business days of such filing.

- 22. MOBILE SOURCE EMISSION REDUCTION CREDITS - No emission reductions generated by Carl Moyer Program-funded projects may be used as marketable emission reduction credits, or to offset any emission reduction obligation of any person or entity. All validated emission reductions shall be applied toward the State Implementation Plan (SIP) attainment demonstration. All emission reductions generated from the expenditure of Carl Moyer funds may not be converted into tradable credits, and shall be used for the sole purpose of meeting the attainment schedule contained in the applicable SIP.
- 23. INTELLECTUAL PROPERTY RIGHTS - Title and full ownership rights to any intellectual property developed under this Contract shall at all time remain with SCAQMD. Such material is agreed to be SCAQMD's proprietary information.
 - A. Rights of Technical Data - SCAQMD shall have the unlimited right to use technical data, including material designated as a trade secret, resulting from the performance of services by CONTRACTOR under this Contract. CONTRACTOR shall have the right to use data for its own benefit.
 - B. Copyright - CONTRACTOR agrees to grant SCAQMD a royalty free, nonexclusive, irrevocable license to produce, translate, publish, use, and dispose of all copyrightable material first produced or composed in the performance of this Contract.
- 24. NOTICES - Any notices from either party to the other shall be given in writing to the attention of the persons listed below, or to other such addresses or addressees as may hereafter be designated in writing for notices by either party to the other. Notice shall be given by certified, express, or registered mail, return receipt requested, and shall be effective as of the date of receipt indicated on the return receipt card.

SCAQMD: South Coast Air Quality Management District
 21865 Copley Drive
 Diamond Bar, CA 91765-4178
 Attn: Carl Moyer Contract Administrator, Technology Advancement

CONTRACTOR: City of Moreno Valley
 14177 Frederick Street
 Moreno Valley, California 92552
 Attn: Ahmad R. Ansari

- 25. INDEPENDENT CONTRACTOR – CONTRACTOR is an independent contractor. CONTRACTOR, its officers, employees, agents, representatives, or subcontractors shall in no sense be considered employees or agents of SCAQMD or CARB, nor shall CONTRACTOR, its officers, employees, agents, representatives, or subcontractors be entitled to or eligible to participate in any benefits, privileges, or plans, given or extended by SCAQMD to its employees. SCAQMD will not supervise, direct, or have control over, or be responsible for, CONTRACTOR's or subcontractor's means, methods, techniques, work sequences or procedures or for the safety precautions and programs incident thereto, or for any failure by them to comply with any local, state, or federal laws, or rules or regulations, including state minimum wage laws and OSHA requirements. CONTRACTOR shall promptly notify SCAQMD of any material changes to subcontracts that affect the Contract's scope of work, deliverable schedule, and/or payment/cost schedule.

26. PUBLICATION

- A. SCAQMD shall have the right of prior written approval of any document which shall be disseminated to the public by CONTRACTOR in which CONTRACTOR utilized information obtained from SCAQMD in connection with performance under this Contract.
- B. Information, data, documents, photographs or reports developed by CONTRACTOR for SCAQMD, pursuant to this Contract, shall be part of SCAQMD's public record unless otherwise indicated. CONTRACTOR may use or publish, at its own expense, such information provided to SCAQMD. The following acknowledgment of support and disclaimer must appear in each publication of materials, whether copyrighted or not, based upon or developed under this Contract.
 - i. "This report was prepared as a result of work sponsored, paid for, in whole or in part, by the South Coast Air Quality Management District (SCAQMD). The opinions, findings, conclusions, and recommendations are those of the author and do not necessarily represent the views of SCAQMD. SCAQMD, its officers, employees, contractors, and subcontractors make no warranty, expressed or implied, and assume no legal liability for the information in this report. SCAQMD has not approved or disapproved this report, nor has SCAQMD passed upon the accuracy or adequacy of the information contained herein."

27. NON-DISCRIMINATION - In the performance of this Contract, CONTRACTOR shall not discriminate in recruiting, hiring, promotion, demotion, or termination practices on the basis of race, religious creed, color, national origin, ancestry, sex, age, or physical or mental disability and shall comply with the provisions of the California Fair Employment & Housing Act (Government Code Section 12900 et seq.), the Federal Civil Rights Act of 1964 (P.L. 88-352) and all amendments thereto, Executive Order No. 11246 (30 Federal Register 12319), and all administrative rules and regulations issued pursuant to said Acts and Order.

28. ASSIGNMENT AND TRANSFER OF EQUIPMENT

- A. The rights and responsibilities granted hereby may not be assigned, sold, licensed, or otherwise transferred by CONTRACTOR without the prior written consent of SCAQMD, and any attempt by CONTRACTOR to do so shall be void upon inception.
- B. CONTRACTOR agrees to obtain SCAQMD's written consent to any assignment, sale, license or transfer of the Equipment, prior to completing the transaction. CONTRACTOR shall inform the proposed assignee, buyer, licensee or transferee (collectively referred to here as "Buyer") of the terms of this Contract. CONTRACTOR is responsible for establishing contact between SCAQMD and the Buyer and shall assist SCAQMD in facilitating the transfer of this Contract's terms and conditions to the Buyer. **CONTRACTOR will not be relieved of the legal obligation to fulfill the terms and conditions of this Contract until and unless the Buyer has assumed responsibility of this Contract's terms and conditions through an executed contract with SCAQMD.**

29. NON-EFFECT OF WAIVER - The failure of CONTRACTOR or SCAQMD to insist upon the performance of any or all of the terms, covenants, or conditions of this Contract, or failure to exercise any rights or remedies hereunder, shall not be construed as a waiver or relinquishment of the future performance of any such terms, covenants, or conditions, or of the future exercise of such rights or remedies, unless otherwise provided for herein.

30. ATTORNEYS' FEES - In the event any action is filed in connection with the enforcement or interpretation of this Contract, each party shall bear its own attorneys' fees and costs.
31. FORCE MAJEURE - Neither SCAQMD nor CONTRACTOR shall be liable or deemed to be in default for any delay or failure in performance under this Contract or interruption of services resulting, directly or indirectly, from acts of God, civil or military authority, acts of public enemy, war, strikes, labor disputes, shortages of suitable parts, materials, labor or transportation, or any similar cause beyond the reasonable control of SCAQMD or CONTRACTOR.
32. SEVERABILITY - In the event that any one or more of the provisions contained in this Contract shall for any reason be held to be unenforceable in any respect by a court of competent jurisdiction, such holding shall not affect any other provisions of this Contract, and the Contract shall then be construed as if such unenforceable provisions are not a part hereof.
33. HEADINGS - Headings on the Clauses of this Contract are for convenience and reference only, and the words contained therein shall in no way be held to explain, modify, amplify, or aid in the interpretation, construction, or meaning of the provisions of this Contract.
34. DUPLICATE EXECUTION - This Contract is executed in duplicate. Each signed copy shall have the force and effect of an original.
35. GOVERNING LAW - This Contract shall be construed and interpreted and the legal relations created thereby shall be determined in accordance with the laws of the State of California. Venue for resolution of any disputes under this Contract shall be Los Angeles County, California.
36. CITIZENSHIP AND ALIEN STATUS
- A. CONTRACTOR warrants that it fully complies with all laws regarding the employment of aliens and others, and that its employees performing services hereunder meet the citizenship or alien status requirements contained in federal and state statutes and regulations including, but not limited to, the Immigration Reform and Control Act of 1986 (P.L. 99-603). CONTRACTOR shall obtain from all covered employees performing services hereunder all verification and other documentation of employees' eligibility status required by federal statutes and regulations as they currently exist and as they may be hereafter amended. CONTRACTOR shall have a continuing obligation to verify and document the continuing employment authorization and authorized alien status of employees performing services under this Contract to insure continued compliance with all federal statutes and regulations. Notwithstanding the above, CONTRACTOR, in the performance of this Contract, shall not discriminate against any person in violation of 8 USC Section 1324b.
- B. CONTRACTOR shall retain such documentation for all covered employees for the period described by law. CONTRACTOR shall indemnify, defend, and hold harmless SCAQMD, its officers and employees from employer sanctions and other liability which may be assessed against CONTRACTOR or SCAQMD, or both in connection with any alleged violation of federal statutes or regulations pertaining to the eligibility for employment of persons performing services under this Contract.

- 37. SUBCONTRACTOR APPROVAL – If CONTRACTOR intends to subcontract all or a portion of the work under this Contract, then CONTRACTOR must first obtain written approval from SCAQMD’s Executive Officer or designee prior to subcontracting any work. Any material changes to the subcontract(s) that affect the scope of work, deliverable schedule, and/or payment/cost schedule shall also require the prior written approval of the Executive Officer or designee. No subcontract charges will be reimbursed unless the required approvals have been obtained from SCAQMD.
- 38. TAX IMPLICATIONS FROM RECEIPT OF CARL MOYER PROGRAM FUNDS – CONTRACTOR is advised to consult a tax attorney regarding potential tax implications from receipt of funds under the Carl Moyer Program.
- 39. DISCLAIMER OF WARRANTY – The decision to participate in the Carl Moyer Program and to purchase Program-eligible Equipment is CONTRACTOR’s decision. **SCAQMD does not make any express or implied warranty of merchantability, fitness for a particular purpose or otherwise, quality or usefulness of the technology or Equipment.** SCAQMD will not be financially responsible or otherwise liable for the installation or performance of the Equipment.
- 40. ENTIRE CONTRACT - This Contract represents the entire agreement between CONTRACTOR and SCAQMD. There are no understandings, representations, or warranties of any kind except as expressly set forth herein. No waiver, alteration, or modification of any of the provisions herein shall be binding on any party unless in writing and signed by the authorized representative of the party against whom enforcement of such waiver, alteration, or modification is sought.

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UNRECOGNIZED CHARACTER SET

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Attachment: SCAQMD Carl Moyer Contract #15532 (1355 : ACCEPTANCE OF SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

IN WITNESS WHEREOF, the parties to this Contract have caused this Contract to be duly executed on their behalf by their authorized representatives.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

CITY OF MORENO VALLEY

By: _____
Dr. William A. Burke, Chairman, Governing Board

By: _____
Name:
Title:

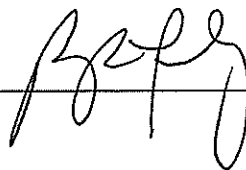
Date: _____

Date: _____

ATTEST:
Saundra McDaniel, Clerk of the Board

By: _____

APPROVED AS TO FORM:
Kurt R. Wiese, General Counsel

By:  _____

//Moyer Template
Last Updated: October 17, 2014

APPROVED AS TO FORM:

DATE 3-13-15 _____

BY:  _____
CITY ATTORNEY
CITY OF MORENO VALLEY

Attachment: SCAQMD Carl Moyer Contract #15532 (1355 : ACCEPTANCE OF SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

ATTACHMENT 1

STATEMENT OF WORK
CITY OF MORENO VALLEY
FY 2013-14 CARL MOYER PROGRAM
FUND 32-SB1107 ACCOUNT

The purpose of this Contract is to reduce emissions from construction equipment through the replacement of three (3) existing diesel backhoe loaders with three (3) new diesel backhoe loaders to meet the CARB Interim Tier 4 ALT NOx engine emissions standard of 2.5 g/bhp-hr of NOx and 0.15 g/bhp-hr for PM. Project emissions reductions were calculated using a five-year life.

CONTRACTOR agrees to replace one (1) existing diesel Caterpillar 430D (Unit 02-552), one (1) existing John Deere 410E (Unit 00-543) and one (1) existing diesel John Deere 410G (Unit 06-544) backhoe loaders with three (3) new diesel Caterpillar 420F backhoe loaders to meet the CARB Interim Tier 4 ALT NOx engine emission standards. Tasks necessary to implement this intent are subject to the due dates specified in Attachment 1A and are as follows:

Task 1: Inspections

- 1.1 CONTRACTOR shall make all equipment/vehicles/engines available to SCAQMD staff for pre-inspection prior to any work commencing to implement this Contract. All equipment/vehicles/engines must be in working order. CONTRACTOR shall provide access to all vehicle identification numbers, engine identification numbers and other legal identification of equipment/vehicles/engines.
- 1.2 CONTRACTOR shall make all equipment/vehicles/engines available to SCAQMD staff for post-inspection in accordance with the INSPECTIONS clause of the Contract.
- 1.3 CONTRACTOR shall destroy and render useless the existing engine(s) and the replaced equipment/vehicles described above in a manner in accordance with the COMPLIANCE WITH CARL MOYER PROGRAM GUIDELINES clause of the Contract.

Task 2: Procurement of Engines and Equipment

- 2.1 CONTRACTOR shall provide procurement documentation of three (3) new diesel 93-horsepower Caterpillar 420F to replace one (1) existing diesel 96-horsepower Caterpillar 430D, one (1) existing diesel 98-horsepower John Deere 410E and one (1) existing diesel John Deere 100-horsepower 410E backhoe loaders. This documentation shall include, at a minimum, identification of the engine manufacturer; the price of the engine including any taxes, delivery fees and other costs; identification of the new engine make, model, model year, engine family, serial number, horsepower and fuel type.

Task 3: Operation of Vehicles

- 3.1 CONTRACTOR shall place the three (3) new diesel Caterpillar 420F backhoe loaders into regular service and shall inform the SCAQMD where the vehicles are located within the geographical boundaries of the South Coast Air Quality Management District.
- 3.2 CONTRACTOR shall operate the three (3) new diesel Caterpillar 420F backhoe loaders to meet the CARB Interim Tier 4 ALT NOx engine emissions standard for a minimum of five years with 100% of the engine hours of each vehicle accumulated within the geographical boundaries of the South Coast Air Quality Management District. CONTRACTOR shall make operational information for the vehicles available, upon reasonable notice, to SCAQMD or CARB staff during the life of the vehicles. This information shall include annual hours operated and amount of fuel consumed. The expected usages of the new equipment as reported in the proposal application and the estimated emission reductions as calculated are:

Equipment	Average Annual Hours of Operation (per equipment)	Estimated Reduction of NOx+ROG Per Equipment (tons/yr)	Estimated Reduction of PM Per Equipment (tons/yr)
One (1) diesel Caterpillar 420F Backhoe Loader	447	0.097	0.01
One (1) diesel Caterpillar 420F Backhoe Loader	263	0.058	0.006
One (1) diesel Caterpillar 420F Backhoe Loader	595	0.055	0.003

If CONTRACTOR’s hours of operation do not average out to within 70% of the above-stated annual average hours of operation over at least a 3-year period, (i.e. no more than 30% below the above-stated annual average hours of operation), CONTRACTOR shall coordinate with SCAQMD staff to develop actions to ensure that the required emission reductions are realized.

Task 4: Reporting

- 4.1 CONTRACTOR shall provide quarterly and annual reports as described in the Deliverables, Attachment 1B.
- 4.2 CONTRACTOR shall notify SCAQMD in advance of the sale of the equipment/vehicles/engines in accordance with the ASSIGNMENT AND TRANSFER OF EQUIPMENT clause of the Contract.

Attachment: SCAQMD Carl Moyer Contract #15532 (1355 : ACCEPTANCE OF SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

**ATTACHMENT 1A
CITY OF MORENO VALLEY
PROJECT MILESTONES
FY 2013-14 CARL MOYER PROGRAM
FUND 32-SB1107 ACCOUNT**

<u>Milestone</u>	<u>Due Date</u>
Vehicles Delivery and Acceptance Completed	September 30, 2015
Vehicles in Service	December 31, 2015
All Invoices Due No Later Than	December 31, 2015
Quarterly Progress Reports Due	June 30, 2015 September 30, 2015 December 31, 2015
Annual Project Progress Reports Due	December 31, 2016 thru December 31, 2020

Attachment: SCAQMD Carl Moyer Contract #15532 (1355 : ACCEPTANCE OF SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

**ATTACHMENT 1B
CITY OF MORENO VALLEY
DELIVERABLES
FY 2013-14 CARL MOYER PROGRAM
FUND 32-SB1107 ACCOUNT**

In addition to the deliverables set forth in the above-referenced statement of work, CONTRACTOR shall supply the following reports to the SCAQMD under this Contract. Each submitted report shall be stapled, not bound, printed in black ink, double-sided type, on an 8-1/2 by 11 inch page, and shall include camera-ready originals.

1. Two stapled copies of each quarterly progress report due by the 15th day of the month following the reporting period. CONTRACTOR shall submit two copies of each progress report to SCAQMD's Carl Moyer Contract Administrator-Technology Advancement, in conjunction with any applicable invoice for the same period. Quarterly reports are required until all vehicles are placed into regular operating service. **Invoices will not be paid if quarterly reports are not up to date.** Each progress report shall include, but not be limited to, the following:
 - a. Reference to SCAQMD contract number and title of project.
 - b. Reporting time period (months, year).
 - c. Description of work completed during the reporting period, including a discussion of problems encountered and how those problems were resolved; and other relevant activities. Include information such as:
 - Accumulated hours, mileage and fuel consumed per vehicle in service during the reporting period.
 - Discussion of vehicle performance, including operational performance and repairs and maintenance performed.
2. Two stapled copies of an annual report, to be submitted annually for the term of the agreement. This document shall be considered in the public domain, in conformance with the California Public Records Act (Government Code Section 6250 et seq.). The annual report shall include, but not be limited to, the following:
 - a. Reference to SCAQMD contract number and title of project.
 - b. Color photographs in a digital format, such as .ppt, .tif, .jpg on a CD or sent electronically, of:
 - The vehicles funded by the Carl Moyer Program.
 - c. A description of the operation of the vehicles, including:
 - Accumulated hours of operation per vehicle in service during the reporting period, and the percentage of the total annual accumulated hours operated within the geographical boundaries of the South Coast Air Quality Management District.
 - Amount of fuel purchased during the reporting period.
 - Discussion of vehicle performance, including operational performance and repairs and maintenance performed.
 - d. Problems - a discussion of significant problems encountered during the year and how they were resolved.

**ATTACHMENT 2
CITY OF MORENO VALLEY
PAYMENT SCHEDULE
FY 2013-14 CARL MOYER PROGRAM
FUND 32-SB1107 ACCOUNT**

CONTRACTOR shall be reimbursed for the replacement of three (3) existing diesel backhoe loaders with three (3) new diesel backhoe loaders to meet the CARB Interim Tier 4 ALT NOx engine emissions standard in an amount not to exceed \$49,412. All invoices must be accompanied by supporting documentation, including invoices, proof of payment and a written report documenting delivery, acceptance and placement into service.

**Maximum Cost Per Vehicle
to be Reimbursed By SCAQMD
Carl Moyer Program**

<u>Maximum Cost Per Vehicle to be Reimbursed By SCAQMD Carl Moyer Program</u>	<u>Number of Engines</u>	<u>Maximum Total Cost</u>
\$24,742 – One (1) new diesel Caterpillar 420F backhoe loader (02-552)	1	\$24,742
\$14,904 – One (1) new diesel Caterpillar 420F backhoe loader (00-543)	1	\$14,904
\$9,766 – One (1) new diesel Caterpillar 420F backhoe loader (00-543)	1	\$ 9,766
Total Contract not-to-exceed		\$49,412

Payments will be disbursed after evidence of the existing (old) engine and vehicle/equipment destruction is submitted and a satisfactory post-inspection is conducted by the SCAQMD staff.

Attachment: SCAQMD Carl Moyer Contract #15532 (1355 : ACCEPTANCE OF SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

SUMMARY OF ACTIONS March 24, 2015

The motion for the Consent Calendars will be presented at the conclusion of the Consent Calendars.

- A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances and approve reading by title only.
- A.2 MINUTES - REGULAR MEETING OF MARCH 10, 2015 (Report of: City Clerk's Department)
- A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)
- A.4 PURSUANT TO LANDOWNER PETITIONS, ANNEX ASSESSOR'S PARCEL NUMBERS ASSOCIATED WITH CSIP WR MORENO VALLEY (MULTIPLE INDUSTRIAL BUILDING DEVELOPMENT), CV COMMUNITIES (159 LOT RESIDENTIAL HOUSING TRACT) AND RB JOHNSON INVESTMENTS, LLC (OFFICE BUILDING DEVELOPMENT) INTO COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) — AS AMENDMENT NO. 3, 4, AND 5, RESPECTIVELY
(Report of: Financial & Management Services Department)

Item A.4 Approved by a vote of 5-0.

- A.5 RESOLUTION RECOGNIZING THE COTTONWOOD GOLF CENTER AS THE LOCATION OF THE CITY OF MORENO VALLEY'S FIRST CITY HALL
(Report of: Parks & Community Services Department)

Failed by a vote of 2-2-1, Mayor Jesse L. Molina, Council Member Jeffrey J. Giba opposed, Mayor Pro Tem Dr. Yxstian A. Gutierrez abstained.

- A.6 AWARD OF CONTRACT TO NTH GENERATION FOR THE PURCHASE OF A STORAGE AREA NETWORK
(Report of: Financial & Management Services Department)
- A.7 LIST OF PERSONNEL CHANGES
(Report of: Administrative Services Department)

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

- B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances and approve reading by title only.
- B.2 MINUTES - REGULAR MEETING OF MARCH 10, 2015 (Report of: City Clerk's Department)

- B.3 DECLARING INTENTION TO ANNEX RESIDENTIAL HOUSING TRACT 27251 (SOUTH OF FIR AVENUE, EAST OF MORRISON STREET, AND NORTH OF EUCALYPTUS AVENUE) AS ZONE 09 TO MORENO VALLEY COMMUNITY SERVICES DISTRICT LANDSCAPE MAINTENANCE DISTRICT 2014-02
(Report of: Financial & Management Services Department)

C. CONSENT CALENDAR - HOUSING AUTHORITY

- C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances and approve reading by title only.
- C.2 MINUTES - REGULAR MEETING OF MARCH 10, 2015 (Report of: City Clerk's Department)

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances and approve reading by title only.
- D.2 MINUTES - REGULAR MEETING OF MARCH 10, 2015 (Report of: City Clerk's Department)

Joint Consent Calendar Items A.1 through D.2, except Items A.4 and A.5 which were pulled for separate action, Approved by a vote of 5-0.

E. PUBLIC HEARINGS

- E.1 PUBLIC HEARING REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAIL BALLOT PROCEEDINGS TO APPROVE THE COMMERCIAL/INDUSTRIAL REGULATORY RATE FOR CSIP WR MORENO VALLEY (MULTIPLE INDUSTRIAL BUILDING DEVELOPMENT - SOUTHEAST CORNER OF IRIS AVENUE AND HEACOCK STREET) AND RB JOHNSON INVESTMENTS, LLC (OFFICE BUILDING DEVELOPMENT- WEST SIDE OF HEACOCK STREET AT WEBSTER AVENUE)
(Report of: Financial & Management Services Department)

Approved by a vote of 5-0.

- E.2 APPEAL OF THE PLANNING COMMISSION ACTION OF JANUARY 8, 2015, ADOPTING A NEGATIVE DECLARATION, APPROVING TENTATIVE TRACT MAP 34544 (PA14-0032) AND CONDITIONAL USE PERMIT (PA14-0033) FOR A PLANNED UNIT DEVELOPMENT FOR A DETACHED UNIT CONDOMINIUM COMPLEX INCLUDING COMMON RECREATION AREAS WITH A MINIMUM OF 72 AND A MAXIMUM OF 76 UNITS IN THE RESIDENTIAL 10 (R10) ZONING DISTRICT. THE APPELLANTS ARE JUAN VILLA AND JERI ROBERTS ET AL.
(Report of: Community & Economic Development Department)

Item E.2: applicant withdrew the item.

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

Items A.4 and A.5 were pulled for separate action.

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

G.1.1 March Joint Powers Commission (JPC)

G.1.2 Riverside County Habitat Conservation Agency (RCHCA)

G.1.3 Riverside County Transportation Commission (RCTC)

G.1.4 Riverside Transit Agency (RTA)

G.1.5 Western Riverside Council of Governments (WRCOG)

G.1.6 Western Riverside County Regional Conservation Authority (RCA)

G.1.7 School District/City Joint Task Force

G.2 ANNUAL REPORT OF THE PARKS AND RECREATION COMMISSION (ORAL PRESENTATION)

G.3 PLANNING COMMISSION APPOINTMENTS AND TERMS
(Report of: City Clerk Department)

Motion to appoint Mary Ellen "Meli" Van Natta for a term expiring March 31, 2017; and Jeff Sims, Jeffrey Barnes and Patricia Korzec for terms expiring March 31, 2019.

Approved by a vote of 5-0.

G.4 APPOINTMENTS TO THE ARTS COMMISSION, JULY 4TH ADVISORY BOARD, LIBRARY COMMISSION, SENIOR CITIZENS' BOARD, PARKS AND RECREATION COMMISSION, AND APPOINTMENT OF TEENAGE MEMBER TO THE PARKS AND RECREATION COMMISSION
(Report of: City Clerk Department)

Motion to appoint the following members:

Erick McKain to the Arts Commission with a term expiring June 30, 2015,

Scott Heveran to the July 4th Advisory Board with a term expiring July 31, 2015.

Sarah Martinez to the July 4th Advisory Board with a term expiring July 31, 2016.

Norberto Perez to the Library Commission with a term expiring June 30, 2015.

Omorefe Igbinosa to the Library Commission with a term expiring June 30, 2017.

Robert Snyder to the Senior Citizens' Board with a term expiring June 30, 2015.

Linda Joyce Echols to the Parks and Recreation Commission with a term expiring June 30 2015, and

Andre Gutierrez to the Parks and Recreation Commission as a teen member with a term expiring January 27, 2016, or until high school graduation, whichever comes first.

Approved by a vote of 5-0.

- G.5 REQUEST TO INCREASE THE CITY'S ECONOMIC DEVELOPMENT FOCUS BY SEPARATING THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT AND REESTABLISHING THE COMMUNITY DEVELOPMENT DIRECTOR POSITION
(Report of: City Manager Department)

Continued to April 14, 2015 City Council Meeting.

- G.6 MID-YEAR BUDGET REVIEW AND APPROVAL OF THE REVISED OPERATING BUDGET FOR FISCAL YEAR 2014/15
(Report of: Financial & Management Services Department)

Approved by a vote of 5-0.

- G.7 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)
- G.8 CITY ATTORNEY'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION

- H.1.1 INTRODUCE ORDINANCE AMENDING SECTION 2.64.050 OF CHAPTER 2.64 ENTITLED "MEETINGS AND RULES OF PROCEDURE" TO REDUCE JULY 4TH ADVISORY BOARD QUORUM
(Report of: Parks & Community Services Department)

Council's direction: Research and bring it back.

H.2 ORDINANCES - 2ND READING AND ADOPTION

- H.2.1 ADOPT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING MORENO VALLEY MUNICIPAL CODE SECTION 2.18.050 REGARDING ALTERNATE MEMBERS OF THE PLANNING COMMISSION (RECEIVED FIRST READING AND INTRODUCTION ON MARCH 10, 2015 BY A 4-0-1 VOTE, MAYOR MOLINA ABSENT) (Report of: City Attorney Department)

Approved by a vote of 4-0-1, Mayor Jesse L. Molina abstained.

- H.2.2 ADOPT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING MUNICIPAL CODE SECTION 2.08.060(B) RELATING TO POWERS AND DUTIES OF THE CITY MANAGER (RECEIVED FIRST READING AND INTRODUCTION ON MARCH 10, 2015 BY A 3-2 VOTE, JEMPSON AND PRICE OPPOSED) (Report of: City Attorney Department)

Approved by a vote of 4-1, Council Member George E. Price opposed.

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

ADJOURNMENT

The next Study Session has been scheduled for April 7, 2015.

The next Regular City Council Meeting has been scheduled for April 14, 2015.

Closed Session – will immediately follow Regular City Council Meetings and Study Sessions, unless no Closed Session items are scheduled.



Report to City Council

TO: Mayor and City Council

FROM: Ahmad R. Ansari, P.E., Public Works Director/City Engineer

AGENDA DATE: April 28, 2015

TITLE: ADOPT RESOLUTION 2015-27. AUTHORIZING THE STREET NAME CHANGE OF EUCALYPTUS AVENUE BETWEEN REDLANDS BOULEVARD AND MORENO BEACH DRIVE TO ENCILIA AVENUE

RECOMMENDED ACTION

Recommendations:

1. Adopt Resolution No. 2015-27. A Resolution of the City Council of the City of Moreno Valley, California, Changing the Name of Eucalyptus Avenue Between Redlands Boulevard and Moreno Beach Drive to Encilia Avenue.
2. Direct the City Clerk to certify Resolution No. 2015-27 and transmit a copy of the resolution to the Riverside County Assessor's office, 911 Management at the Riverside County Sheriff's Department, as well as the Police Chief, Fire Chief, City Building Official, and the United States Postmaster at Moreno Valley, California.

SUMMARY

In keeping with the City's General Plan and original Bear Valley & Alessandro Map, it is necessary to change the name of Eucalyptus Avenue between Redlands Boulevard and Moreno Beach Drive to Encilia Avenue. The street is located approximately 2,600 feet south of State Route 60. The existing roadway is currently paved, and was dedicated for street and public utility purposes by Tract Map 24751 and 31424. The existing street name of Eucalyptus Avenue causes confusion as there is a new road by the same name approximately 1280 feet south of State Route 60.

DISCUSSION

The request to change the name of this portion of Eucalyptus Avenue to Encilia Avenue will be in conformance with the City's General Plan as shown in Figure 5.2-6 of the Circulation Section, which identifies Encilia Avenue approximately a half mile south of State Route 60. The request for a street name change was circulated through the Transportation Engineering Division and the Building and Safety Division. Both divisions approved the name change.

On April 22, 2014 the Moreno Valley City Council approved Parcel Map 36207 for the ALDI grocery warehouse. This map included a road which will be named Eucalyptus Avenue in an alignment that matches the General Plan circulation element and is a westerly extension of the existing roadway to the east by the same name. The new street is located approximately 1280 feet south of State Route 60. Once the developer has completed the construction of all public improvements, the City will accept the roadway into our maintained system.

The renaming of the former Eucalyptus Avenue to Encilia Avenue will not affect any residences or businesses, as there are no properties located within this portion of the roadway. No material hardship will be incurred by any person or business as a result of changing the name

ALTERNATIVES

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will ensure conformance with the City's General Plan and avoids confusion and duplicate street names.*
2. Do not approve and authorize the recommends actions as presented in this staff report. *This alternative will maintain the current street name of Eucalyptus Avenue. This alternative also results in duplicate street names and causes confusion which could delay public safety responses.*

FISCAL IMPACT

There is no fiscal impact to the General Fund as the costs associated with the renaming of Eucalyptus Avenue will be absorbed in the Transportation Engineering Division budget for signing and striping.

NOTIFICATION

Publication of City Council agenda.

PREPARATION OF STAFF REPORT

Prepared By:
Mark W. Sambito, P.E.
Engineering Division Manager

Department Head Approval:
Ahmad R. Ansari, P.E.
Public Works Director/City Engineer

CITY COUNCIL GOALS

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

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.

ATTACHMENTS

- 1. Resolution No. 2015-27_Street Name Change
- 2. Vicinity Map _Street Name Change

APPROVALS

Budget Officer Approval	<u> ✓ Approved </u>	4/02/15 5:49 PM
City Attorney Approval	<u> ✓ Approved </u>	4/20/15 1:50 PM
City Manager Approval	<u> ✓ Approved </u>	4/03/15 4:55 PM

RESOLUTION NO. 2015-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CHANGING THE NAME OF EUCALYPTUS AVENUE BETWEEN REDLANDS BOULEVARD AND MORENO BEACH DRIVE TO ENCILIA AVENUE

WHEREAS, it has been requested that Eucalyptus Avenue, between Redlands Boulevard and Moreno Beach Drive, be changed to Encilia Avenue, and

WHEREAS, none of the concerned agencies affected by such a street name change have expressed any objections to the proposed street name change,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. No material hardship will be incurred by any person or business as a result of changing the name of said street, and
- 2. The name of Eucalyptus Avenue from Redlands Boulevard to Moreno Beach Drive is hereby renamed Encilia Avenue, and
- 3. The City Clerk of the City of Moreno Valley, California, is hereby authorized and directed to transmit a certified copy of this Resolution to the Riverside County Assessor's office, 911 Management at the Riverside County Sheriff's Department, the Chief of Police, the Fire Chief, the City Building Official, and the United States Postmaster at Moreno Valley, California.

APPROVED AND ADOPTED this 28th day of April, 2015.

Jesse L. Molina, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Attachment: Resolution No. 2015-27_Street Name Change [Revision 2] (1309 : ADOPT RESOLUTION 2015-27. AUTHORIZING THE STREET

RESOLUTION JURAT

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

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2015-27 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 28th day of April, 2015 by the following vote:

AYES:

NOES:

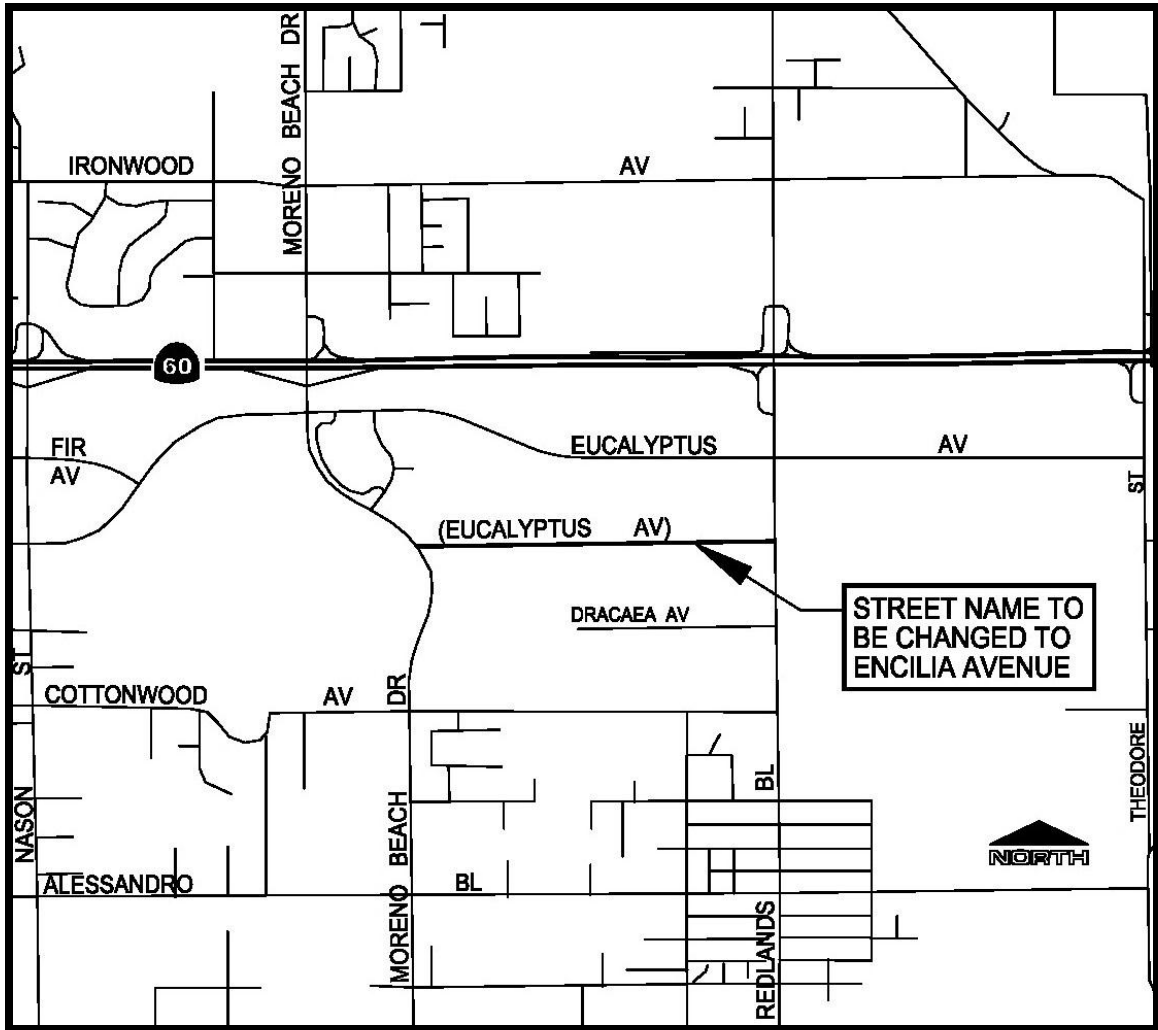
ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)



CITY OF MORENO VALLEY
 PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT

STREET NAME CHANGE

Attachment: Vicinity Map _ Street Name Change (1309 : ADOPT RESOLUTION 2015-27. AUTHORIZING THE STREET NAME CHANGE)



Report to City Council

TO: Mayor and City Council

FROM: Thomas M. DeSantis, Assistant City Manager

AGENDA DATE: April 28, 2015

TITLE: FIRST AMENDMENT TO AGREEMENT FOR LAW ENFORCEMENT SERVICES BETWEEN THE CITY OF MORENO VALLEY AND 2250 TOWN CIRCLE HOLDINGS, LLC

RECOMMENDED ACTION

Recommendations:

1. Approve the First Amendment to Agreement for Law Enforcement Services between the City of Moreno Valley and 2250 Town Circle Holdings, LLC; and
2. Authorize the City Manager to sign the amended agreement.

SUMMARY

The City of Moreno Valley has provided law enforcement services at the Moreno Valley Mall since 1992, with all costs for such services paid by the owners of the Mall. This report recommends approval of an amended agreement to adjust law enforcement service levels at the Mall. The Agreement was approved by the City Council on October 28, 2014; the Agreement has undergone one additional revision at the request of the Mall owners.

DISCUSSION

In 1992, the City of Moreno Valley and the owners of Moreno Valley Mall entered into an agreement which stationed a police officer at the Mall for 70 hours of service each week. The service level was specified in the Conditions of Approval for the mall project, and all costs for service are paid by the Mall.

The current owners of the Mall, 2250 Town Circle Holdings, requested that the City amend the Agreement to update service levels to reflect calls for service at that retail facility.

The City Manager’s Office, in collaboration with the Moreno Valley Police Department entered negotiations with Mall owners to review historical calls for service with detailed analysis of the days/times when demand is most significant.

All parties agree that adjusting the requirement to 41 hours per week will target on-site resources to correspond with the periods with the highest demand for law enforcement services. Calls for service outside these core hours will be assigned to Patrol officers, according to standard dispatch protocols.

Under the terms of the agreement, revised service hours are as follows:

Day of the Week	Hours
Sunday	3:00 pm - 8:00 pm (5 hours)
Monday	3:00 pm - 8:00 pm (5 hours)
Tuesday	3:00 pm - 8:00 pm (5 hours)
Wednesday	3:00 pm - 8:00 pm (5 hours)
Thursday	3:00 pm - 8:00 pm (5 hours)
Friday	3:00 pm - 11:00 pm (8 hours)
Saturday	3:00 pm - 11:00 pm (8 hours)
	Total Weekly Hours: 41
	Total Annual Hours: 2132

Amendments to the Agreement were approved by the City Council on October 28, 2014; the Agreement was not signed by the Mall owners, who have requested one additional revision to the final document. Section 2.2 has been updated to indicate that both parties reserve all rights, claims and defenses related to the Agreement that existed prior to this Amendment. This is the sole revision to the document since it was initially approved by the City Council.

ALTERNATIVES

1. Approve the recommended First Amendment to Agreement for Law Enforcement Services between the City of Moreno Valley and 2250 Town Circle Holdings, LLC

and authorize the City Manager to sign the amended agreement.

- 2. Do not approve the recommended amendment.

FISCAL IMPACT

Cost for service for provision of the recommended service level, based upon the Riverside Sheriff’s Department contract rate, is approximately \$320,000. All costs for service will continue to be paid by 2250 Town Circle Holdings, LLC. There is no impact upon the City’s General Fund.

PREPARATION OF STAFF REPORT

Department Head Approval:
Thomas M. DeSantis
Assistant City Manager

Concurred By:
Joel Ontiveros
Chief of Police

CITY COUNCIL GOALS

ATTACHMENTS

- 1. Amendment to Law Enforcement Services Agreement with Towngate Mall

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	4/22/15 3:21 PM
City Attorney Approval	<u>✓ Approved</u>	4/22/15 5:32 PM
City Manager Approval	<u>✓ Approved</u>	4/23/15 11:25 AM

**FIRST AMENDMENT TO AGREEMENT
FOR LAW ENFORCEMENT SERVICES**

The First Amendment to Agreement, hereinafter referred to as “Amendment” is by and between the CITY OF MORENO VALLEY, a municipal corporation, hereinafter referred to as “City,” and 2250 Town Circle Holdings, LLC, hereinafter referred to as “2250 Town Circle.” This Amendment is made and entered into effective on the date the City signs this Amendment, as evidenced on the signature page hereto.

RECITALS:

Whereas, the City and Towngate Regional Mall Company entered into that certain Agreement entitled “AGREEMENT FOR LAW ENFORCEMENT SERVICES,” hereinafter referred to as “Agreement,” dated October 14, 1992.

Whereas, the City is providing law enforcement services to the Towngate Mall pursuant to the Agreement.

Whereas, 2250 Town Circle is the current owner of Towngate Mall.

Whereas, it is desirable to amend the Agreement to amend the scope of the law enforcement services as is more particularly described in Section 1 of this Amendment. A copy of the amended scope of law enforcement service levels is attached as “Exhibit A-First Amendment” and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 2250 Town Circle is the current owner of the Towngate Mall.

FIRST AMENDMENT TO AGREEMENT FOR LAW ENFORCEMENT SERVICES

1.2 Notwithstanding anything to the contrary set forth in the Agreement, Section 2(g)(ii) and Section 5 of the Agreement are hereby amended to revise the law enforcement Service Levels as provided in Exhibit A – First Amendment.

1.3 Notwithstanding anything set forth in the Agreement, including, without limitation, Section 6, which is hereby deemed deleted from the Agreement, should calls for law enforcement services consistently increase significantly over a period of no less than one year, as reasonably determined by the City's Chief of Police, the Parties agree to negotiate in good faith regarding such increased demands for law enforcement services.

1.4 Compensation for the law enforcement services at the Service Levels set forth in Exhibit A-First Amendment shall be based on the terms of Section 7 of the Agreement but shall be appropriately and proportionately reduced to effectuate the reduced hours of service provided hereunder.

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect. To the extent of a conflict between the terms of this Amendment and the Agreement, the terms of this Amendment shall control.

2.2 Notwithstanding anything set forth in this Amendment to the contrary, or the mere existence of this Amendment, both parties reserve all rights, claims and defenses related to the Agreement that existed prior to this Amendment, including, without limitation the right to challenge the validity, legality and enforceability of the Agreement and this Amendment, and does not waive any such rights, claims or defenses by entering into this Amendment.

SIGNATURE PAGE TO FOLLOW

FIRST AMENDMENT TO AGREEMENT FOR LAW ENFORCEMENT SERVICES

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

2250 Town Circle Holdings, LLC

By: _____

By: _____

City Manager

Title: _____

(President or Vice President)

Date: _____

Date: _____

INTERNAL USE ONLY

APPROVED AS TO FORM:

By: _____

City Attorney

Title: _____

(Corporate Secretary)

Date

Date: _____

Attachments: Exhibit A – First Amendment

Attachment: Amendment to Law Enforcement Services Agreement with Towngate Mall (1384 : FIRST AMENDMENT TO AGREEMENT FOR LAW

FIRST AMENDMENT TO AGREEMENT FOR LAW ENFORCEMENT SERVICES

EXHIBIT A – FIRST AMENDMENT

Day of the Week	Hours
Sunday	3:00 pm - 8:00 pm (5 hours)
Monday	3:00 pm - 8:00 pm (5 hours)
Tuesday	3:00 pm - 8:00 pm (5 hours)
Wednesday	3:00 pm - 8:00 pm (5 hours)
Thursday	3:00 pm - 8:00 pm (5 hours)
Friday	3:00 pm - 11:00 pm (8 hours)
Saturday	3:00 pm - 11:00 pm (8 hours)
	Total of 41 hours weekly

Total Hours - Year
2132



Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: April 28, 2015

TITLE: TRAVEL AND RELATED BUSINESS EXPENSES
(ELECTED OFFICIALS) POLICY 3.20 REVISION

RECOMMENDED ACTION

Recommendation:

1. Revise City Council Policy 3.20 Travel and Related Business Expenses (Elected Officials).

SUMMARY

Council Member Jempson and seconded by Council Member Price requested to agendize the proposed policy change. The change would obligate a City Council Member to reimburse the City from their personal funds for any cost associated with an absence from an event where the City incurred the cost associated with the Council Member's scheduled attendance.

DISCUSSION

The City Council adopted Policy 3.20 in July 6, 2011 which relates to the travel and related business expenses (elected officials).

Government Code Section 53232.2 effective January 1, 2006, AB 1234 addressed three areas of compensation for elected officials: a) salaries/stipends/per diem, b) reimbursement for expenses, and c) ethics training. AB 1234 requires all local agencies which provide reimbursements to members of its legislative body, to adopt a written policy identifying what expenses qualify for reimbursement and requiring the filing of expense reports. The City has adhered to this requirement since the adoption of Policy 3.20. Language proposed for addition to Policy 3.20 is outlined in the attached document, and shown below:

“In the event that a City Council Member fails without good cause to attend an event for which the City has incurred an unrecoverable cost, the Council Member shall reimburse the City the full amount of the advanced cost from his or her personal funds. For purposes of this section, “good cause” shall be limited to a documented illness, family emergency or transportation delay outside the control of the Council Member.”

ALTERNATIVES

Approve the proposed update to Policy 3.20, as outlined in Attachment 1.

Do not update the policy, which will result in no change to the current policy.

FISCAL IMPACT

None

NOTIFICATION

Publication of the agenda.

PREPARATION OF STAFF REPORT

Prepared By:
Jane Halstead, City Clerk

Department Head Approval:
Jane Halstead, City Clerk

CITY COUNCIL GOALS

ATTACHMENTS

- 1. Policy 3.20_Travel Expenses Elected Officials_red-lined

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	4/22/15 3:19 PM
City Attorney Approval	<u>✓ Approved</u>	4/22/15 5:29 PM
City Manager Approval	<u>✓ Approved</u>	4/23/15 11:24 AM

TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

PURPOSE: AB 1234 requires the adoption of reimbursement policies that specify necessary and reasonable expenses that demonstrate a substantial benefit to the City. Some of these necessary and reasonable expenses that would be beneficial to the City include:

1. Discussing community concerns with regional, state and national government representatives;
2. Participating in regional, state and national organizations whose activities affect the City;
3. Attending educational seminars designed to improve the skills and information levels of officials; and
4. Promoting public service and morale by recognizing such service.

This policy establishes business expense guidelines for members of the City Council subject to the Ralph M. Brown Act and California Constitution provisions governing open meetings, including the City Council, pursuant to the requirements of AB 1234. It specifies the kinds of activities that will be reimbursable for expenses incurred in the performance of their official duties. The rates of reimbursement are specified for travel, meals, lodging and other related expenses. This policy also applies to any charges made to a City credit card (Cal-Card), cash advances or other line of credit. If an official wishes to seek reimbursement for something that has not been adopted by this policy, then the official has the option of seeking prior approval for such reimbursement by action of the City Council. If officials choose to upgrade a related travel/business service or accommodation, they may do so at their own expense.

POLICY:

I. General Standards

A. Authorized Expenses

1. City funds, equipment, supplies (including letterhead), and staff time must only be used for authorized City business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:
 - a. Communicating with representatives of regional, state and national government on City adopted policy positions;
 - b. Attending educational seminars designed to improve the skill and information levels of officials;
 - c. Participating in regional, state and national organizations whose activities affect the City's interests;
 - d. Recognizing service to the City (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);
 - e. Attending City and community events as a representative of the City;

Approved by: City Council
July 11, 2006

Revised _____

TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

- f. Implementing a City-approved strategy for attracting or retaining businesses to the City, which will typically involve at least one staff member; and
 - g. Attending meetings such as those listed above for which a meeting stipend is expressly authorized under this policy.
2. All other expenditures require prior approval by the City Council. The following expenses also require prior City Council approval:
- a. International and out-of-state travel;
 - b. Expenses which exceed the annual limits established for each office holder; and
 - c. Expenses exceeding \$3,000 per trip.

B. Unauthorized Expenses

1. Examples of personal expenses that the City will not reimburse include, but are not limited to:
- a. The personal portion of any trip;
 - b. Political or charitable contributions or events;
 - c. Family expenses, including partners' expenses when accompanying official on agency-related business, as well as children or pet-related expenses;
 - d. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
 - e. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
 - f. Personal losses incurred while on City business.

Any questions regarding the propriety of a particular type of expense should be resolved by the City Council before the expense is incurred.

C. Cash Advance Policy

On occasion, it may be necessary for an official to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such request for an advance should be submitted to the Finance Department no later than 7 working days prior to the need for the advance with the following information:

- 1. The purpose of the expenditure(s);
- 2. The benefits of such expenditure to the residents of the City;
- 3. The anticipated amount of the expenditure(s) (for example: hotel rates, meal costs and transportation expenses); and

Approved by: City Council
July 11, 2006

Revised _____

TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

4. The dates of the expenditure(s).

Any unused advance must be returned to the City treasury within two business days of the official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

In the event the Finance Department is uncertain as to whether a request complies with this policy, such individual must seek resolution from the City Council.

D. Credit Card Use Policy

The City does not issue credit cards to individual office holders but does have an agency credit card for selected City expenses. City office holders may use the City credit card for such purposes as airline tickets and hotel reservations by following the same procedures as for cash advances. Receipts documenting expenses incurred on the City credit card and compliance with this policy must be submitted within five business days of use.

City credit cards may not be used for personal or other non-City expenses, even if the official subsequently reimburses the City.

II. TravelA. Transportation

The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Government and group rates must be used when available.

1. Airfare – Airfares that are equal to or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities (www.cacities.org/travel), California State Association of Counties (<http://www.csac.counties.org/default.asp?id=635>) and State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy.
2. Automobile – Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (*see* www.irs.gov). For 2006, the rate is 44.5 cents per mile. These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle.¹ This amount does not include bridge and road tolls, which are also reimbursable. The Internal Revenue Service rates will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed.
3. Car Rental – Rental rates that are equal or less than those available through the State of California's website (<http://www.catravelmart.com/default.htm>) shall be considered the most economical and reasonable for purposes of reimbursement under this policy.
4. Taxis/Shuttles – Taxis or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.
5. Reasonable incidental travel costs such as parking, tips, gratuities, etc. shall be reimbursed.

Approved by: City Council
July 11, 2006

Revised _____

TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

6. Expenses for which City officials receive reimbursement from another agency are neither reimbursable nor reportable through the City.

B. Lodging

Lodging expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay.

1. Conferences/Meetings – If such lodging is in connection with a conference, lodging expenses shall not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, see next section.
2. Other Lodging – Travelers must request government rates, when available. A listing of hotels offering government rates in different areas is available at <http://www.catravelmart.com/lodguideframes.htm>. Lodging rates that are equal or less to government rates are presumed to be reasonable and hence reimbursable for purposes of this policy.
 - a. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence reimbursable, when available.

C. Meals

This policy recognizes that legislative and other regional, state and federal agency business is frequently conducted over meals; sharing a meal with regional, state and federal officials is frequently the best opportunity for a more extensive, focused and uninterrupted communication about the City's policy concerns. Each meal expenditure must comply with the limits and reporting requirements of local, state and federal law.

1. Reimbursable meal expenses and associated gratuities will not exceed the following rates:
 - a. Breakfast: \$12
 - b. Lunch: \$18
 - c. Dinner: \$34
2. Such amounts will be annually adjusted to reflect changes in the cost of living in accordance with statistics published by the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index, all urban consumers for the Southern California area. (The annual adjustment will be based on this area whether travel is within the area or not.)
3. The City will not pay for alcohol/personal bar expenses.

III. Communications

A. Telephone/Fax/Cellular

Approved by: City Council
July 11, 2006

Revised _____

TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

Officials will be reimbursed for actual telephone and fax expenses incurred on City business. Telephone bills should identify which calls were made on City business. For cellular calls when the official has a particular number of minutes included in the official's plan, the official can identify the percentage of calls made on public business.

B. Internet

Officials will be reimbursed for reasonable Internet access connection and/or usage fees away from home, if Internet access is necessary for City-related business.

IV. Expense Reporting Requirements

A. Form Content and Submission Deadline

1. All cash advance expenditures, credit card expenses and expense reimbursement requests must be submitted on an expense report form provided by the City. This form shall contain the following advisory:

All expenses reported on this form must comply with the City's policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the City's policies may include loss of reimbursement privileges, restitution, civil and criminal penalties and/or state and federal income tax liability.

2. Expense reports must document that the expense in question met the requirements of this policy. For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the City's adopted legislative positions and priorities.
3. Officials must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation. Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.
4. All expenses are subject to verification that they comply with this policy.

B. Reports to Legislative Bodies

At the following meeting of the City Council, each official shall briefly report on meetings attended at City expense. The report may be either a written or oral report. The report should be agendized to comply with Brown Act requirements. The report need not disclose details of confidential conversations, but shall disclose the date and place of the meeting and its general subject matter. If multiple officials attended the same event, a joint report may be made.

C. Compliance With Laws

City officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. For example, meals are considered "gifts" to legislators that must be reported by them if the total value of gifts given from the City exceeds \$50 in a year; there also is an annual gift limit. All agency expenditures are public records subject to disclosure under the Public Records Act.

Approved by: City Council
July 11, 2006

Revised _____

TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

D. Violation of this Policy

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

1. Loss of reimbursement privileges;
2. A demand for restitution to the City;
3. The City reporting expenses as income to the elected official to state and federal tax authorities;
4. Civil penalties of up to \$1,000 per day and three times the value of the resources used pursuant to state law; and
5. Prosecution for misuse of public resources.

E. Personal Reimbursement

In the event that a City Council Member fails without good cause to attend an event for which the City has incurred an unrecoverable cost, the Council Member shall reimburse the City the full amount of the advanced cost from his or her personal funds. For purposes of this section, "good cause" shall be limited to a documented illness, family emergency or transportation delay outside the control of the Council Member.

Approved by: City Council
July 11, 2006

Revised _____



Report to City Council

TO: Mayor and City Council

FROM: Ahmad R. Ansari, P.E., Public Works Director/City Engineer

AGENDA DATE: April 28, 2015

TITLE: APPROVE THE CITY OF MORENO VALLEY'S FIVE-YEAR MEASURE A LOCAL STREETS AND ROADS CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2015/16 – 2019/20 AND MAINTENANCE OF EFFORT CERTIFICATION FOR FISCAL YEAR 2015/16

RECOMMENDED ACTION

Recommendations:

1. Approve the City of Moreno Valley's Measure A Local Streets and Roads Five-Year Capital Improvement Plan for Fiscal Years 2015/16 – 2019/20 and Maintenance of Effort Certification for Fiscal Year 2015/16.
2. Authorize submittal of the Measure A Local Streets and Roads Five-Year Capital Improvement Plan for Fiscal Years 2015/16 – 2019/20 and Maintenance of Effort Certification for Fiscal Year 2015/16 to the Riverside County Transportation Commission.
3. Authorize staff to submit an amended five year plan to RCTC if changes are made by City Council to the listed Measure A projects as part of the upcoming Fiscal Year 2015/16 budget approval process.

SUMMARY

This report recommends approval of the City of Moreno Valley's Measure A Local Streets and Roads Five-Year Capital Improvement Plan (CIP) for Fiscal Years 2015/16 – 2019/20 and Maintenance of Effort (MOE) Certification for FY 2015/16. Annual submittal of the Measure A CIP and MOE to the Riverside County Transportation Commission (RCTC) is required for continued receipt of Measure A funds.

DISCUSSION

Measure A is a major funding source for transportation infrastructure improvements. The City is scheduled to receive \$3,586,000 in Measure A revenue by the end of Fiscal Year (FY) 2014/15 and \$3,611,000 in funding for FY 2015/16.

The Riverside County Transportation Commission (RCTC) requires all local jurisdictions to submit an annual five-year CIP for continued receipt of Measure A Local Streets and Roads funds. The attached tables include proposed projects for FY 2015/16 and planned projects for FY 2016/17 through FY 2019/20. The listed projects are consistent with the City's Capital Improvement Plan. All identified projects meet the criteria for Measure A funding. The annual debt service obligations in the Measure A fund considerably impact the availability of this revenue source for construction of new CIP projects in future years.

As required by RCTC, the attached tables include a Project Status Report for Council approved FY 2014/15 CIP projects. The purpose of this report is to document progress to date on engineering, right-of-way acquisition, and construction; and anticipated project completion date.

The projects are included in the Measure A Five-Year CIP to satisfy RCTC Ordinance No. 02-001. Although RCTC requires this information by May 11, 2015, the City Council may make any changes to the list of projects as part of the City's annual CIP budget approval process. City staff can forward the amended Measure A project list to RCTC once the City's budget is approved.

RCTC Ordinance No. 02-001 also requires the City to provide an executed MOE Certification Statement indicating that Measure A funds will not replace local discretionary funds used for the City's transportation related activities, but will be in addition to the City's funds for transportation purposes. The MOE base year amount, approved by RCTC at its July 2011 meeting, is \$1,459,153. The MOE requirement is met by the Public Works Department General Fund operating budgets and by a contribution from the General Fund to the Gas Tax Fund.

ALTERNATIVES

1. Approve the City of Moreno Valley's Measure A Local Streets and Roads Five-Year CIP for FY 2015/16 – 2019/20 and MOE Certification for FY 2015/16; authorize submittal of the CIP and MOE for the RCTC Measure A Local Funds Program, FY 2015/16 – 2019/20; and authorize staff to submit an amended five-year plan to RCTC if changes are made by City Council to the listed Measure A projects as part of the upcoming FY 2015/16 CIP budget approval process. *This alternative allows the City to continue receiving Measure A revenue annually to fund significant roadway and other transportation related infrastructure*

improvements.

- 2. Do not approve the City of Moreno Valley’s Measure A Local Streets and Roads Five-Year CIP for FY 2015/16 – 2019/20 and MOE Certification for FY 2015/16 for the RCTC Measure A Local Funds Program FY 2015/16 – 2019/20. *This alternative eliminates Measure A funding for the City, significantly affecting the ability to deliver critical CIP projects.*

FISCAL IMPACT

The timely approval and submittal of the Measure A Five-Year CIP and MOE by May 11, 2015, ensures continued receipt of Measure A funds for FY 2015/16. City staff can forward an amended Measure A project list to RCTC once City Council approves the FY 15/16 City budget. Measure A funds can only be used for transportation related projects and functions.

NOTIFICATION

PREPARATION OF STAFF REPORT

Prepared By:
Linda Wilson
Senior Management Analyst

Department Head Approval:
Ahmad R. Ansari
Public Works Director/City Engineer

Concurred By:
Prem Kumar
Deputy Public Works Director/Assistant City Engineer

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.

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

ATTACHMENTS

- 1. Moreno Valley - MOE
- 2. Measure A CIP 2016-2020
- 3. 2015 Project Status Report

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	4/23/15 12:02 PM
City Attorney Approval	<u>✓ Approved</u>	4/23/15 2:08 PM
City Manager Approval	<u>✓ Approved</u>	4/23/15 3:43 PM

**FY 2015/16 MAINTENANCE OF EFFORT
CERTIFICATION STATEMENT**

The undersigned agrees and certifies for the city of Moreno Valley (the "Agency") that sales tax transportation funds received pursuant to Ordinance No. 02-001 of the Riverside County Transportation Commission ("Measure A") shall be used in compliance with the Commission's Maintenance of Effort Guidelines and a base year amount of \$1,459,153, approved by the Commission at its July 13, 2011 meeting, and that the Agency shall not use such funds to replace discretionary local funds previously expended by the Agency for local transportation purposes. The Agency hereby acknowledges that the failure of the Agency to continue such local expenditure shall result in a reduction or loss of Measure A funds. Additionally, the Agency commits to expending Measure A Local Streets and Roads funds for projects listed in the Five Year Capital Improvement Plan as approved by Riverside County Transportation Commission.

Dated: _____, 2015

CITY MANAGER

ATTEST:

CITY CLERK

Attachment: Moreno Valley - MOE (1234 : MEASURE A CIP)

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION
MEASURE A LOCAL FUNDS PROGRAM
FY 2015 - 2016**

Agency: City of Moreno Valley

Page 1 of 7

Prepared by: Linda Wilson

Phone #: 951.413.3132

Date: April 28, 2015

Estimated Prior Year Measure A Balance: \$7,367,262
Estimated FY 2015-2016 Measure A Allocation: \$3,611,000
Estimated Measure A Available for FY 2015-2016 Projects: \$10,978,262

Item No.	Project Name / Limits	Project Type	Total Cost	Measure A Funds
2015-2016				
1	<u>Measure A Program Budget</u> Provide cost effective administrative functions for essential transportation projects and services: annual update of 5-Year CIP, revisions to Standard Plans, DBE Program Management, preparation of grant applications, quarterly utility coordination, and project engineering and right of way services for unfunded new projects.	Program Budget	328,755	328,755
2	Public Works - Signing/Striping	Operating Budget	239,485	239,485
3	Indirect Cost Rate	Overhead Costs	435,500	288,880
4	Transfers to TRIP Debt Service	Debt Service	919,313	919,313
5	Transfers to 2005 Lease Revenue Bonds	Debt Service	1,080,000	1,080,000
6	<u>Transfers to Capital Projects Grants</u>	Local Match for Grant Funded Projects		
	a. Alessandro Blvd at Chagall Court and at Graham Street	Street Improvements	613,000	61,300
	b. Aqueduct Trail	Street Improvements	335,000	67,000
	c. Cactus Ave EB 3rd Ln Imprv/Veterans Way to Heacock St	Street Improvements	997,323	349,063
	d. Dynamic Traveler Alert Message Boards	Traffic Signals	420,000	101,766
	e. ITS Deployment	Traffic Signals	2,320,000	348,000
	f. Safe Routes to School Outreach Program	Public Outreach	417,600	41,760
7	Alessandro Blvd Median/Indian St to Perris Blvd	Street Improvements	10,000	10,000
8	Alessandro Blvd/Elsworth St Intersection Improvements	Street Improvements	730,000	73,000
9	Annual ADA Compliant Curb Ramps	Street Improvements	234,657	234,657
10	Bike Lane Improvements	Street Improvements	83,569	58,569

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION
MEASURE A LOCAL FUNDS PROGRAM
FY 2015 - 2016**

Agency: City of Moreno Valley

Page 2 of 7

Prepared by: Linda Wilson

Phone #: 951.413.3132

Date: April 28, 2015

Estimated Prior Year Measure A Balance: \$7,240,763
Estimated FY 2015-2016 Measure A Allocation: \$3,611,000
Estimated Measure A Available for FY 2015-2016 Projects: \$10,851,763

Item No.	Project Name / Limits	Project Type	Total Cost	Measure A Funds
<u>2015-2016</u>				
11	Citywide Annual Pavement Resurfacing	Street Improvements	1,521,513	505,513
12	Cycle 1 ATP Citywide SRTS Pedestrian Facility Improvements	Street Improvements	1,675,000	35,000
13	Delphinium Ave Sidewalk Improvements	Street Improvements	5,000	5,000
14	Heacock St/PVSD Lateral A to Cactus Ave	Street Improvements	725,000	725,000
15	Heacock St/San Michelle Rd to PVSD Lateral A	Street Improvements	324,000	24,000
16	On-Call Property Acquisition for Street Purposes	Street Improvements	25,000	25,000
17	Pavement Rehabilitation and Slurry Seal Program	Street Improvements	84,623	84,623
18	Perris Blvd Widening/Ironwood Ave to Mazanita Ave	Street Improvements	1,126,864	196,359
19	Residential Traffic Management Program	Street Improvements	52,796	52,796
20	SR-60/Nason St Interchange	Street Improvements	3,027	3,027
21	SR-60/Theodore St Interchange	Street Improvements	1,865,543	1,117,238
22	Street Improvement Program	Street Improvements	3,254,625	606,810
23	Sunnymead Blvd/SR-60 EB Onramp Intersection Improvements	Street Improvements	350,000	91,455
24	Bridge Repair Maintenance Program	Bridge Maintenance	10,186	10,186
25	San Timoteo Foothill Storm Drain K-1 and K-4	Drainage	1,222,106	305,527
26	Pedestrian Highbrid Beacon on Cactus Ave at Woodland Park	Traffic Signals	219,000	219,000
27	Pedestrian Signal at Catus ave and Philo St	Traffic Signals	279,000	279,000
28	Traffic Signal Equipment / Upgrades	Traffic Signals	91,249	91,249
TOTALS			21,998,734	8,578,331

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION
MEASURE A LOCAL FUNDS PROGRAM
2016 - 2017**

Agency: City of Moreno Valley

Page 3 of 7

Prepared by: Linda Wilson

Phone #: 951.413.3132

Date: April 28, 2015

Estimated Prior Year Measure A Balance:	2,399,931
Estimated FY 2016-2017 Measure A Allocation:	3,683,000
Estimated Measure A Available for FY 2016-2017 Projects:	6,082,931

Item No.	Project Name / Limits	Project Type	Total Cost	Measure A Funds
2016-2017				
1	Measure A Program Budget	Program Budget	329,758	329,758
2	Public Works - Signing/Striping	Operating Budget	242,155	242,155
	Indirect Cost Rate			
	Calculated amount at 8% of revenue - \$294,640			
3	Estimated amount due to fewer projects - \$100,000	Overhead Costs	435,500	100,000
4	Transfers to TRIP Debt Service	Debt Service	1,481,313	1,481,313
5	Transfers to 2005 Lease Revenue Bonds	Debt Service	1,060,000	1,060,000
6	Annual ADA Compliant Curb Ramp Upgrades	Street Improvements	200,000	200,000
7	Citywide Annual Pavement Resurfacing	Street Improvements	600,000	600,000
8	Pavement Rehabilitation and Slurry Seal Program	Street Improvements	60,000	60,000
9	Residential Traffic Management Program	Street Improvements	50,000	50,000
10	Street Improvement Program	Street Improvements	200,000	200,000
11	Bridge Repair Maintenance Program	Bridge Maintenance	10,000	10,000
12	Indian Street Cardinal Ave Bridge	Bridge Improvements	350,000	350,000
13	Traffic Signal Equipment / Upgrades	Traffic Signals	80,000	80,000
		TOTALS	5,098,726	4,763,226

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION
MEASURE A LOCAL FUNDS PROGRAM
FY 2017 - 2018**

Agency: City of Moreno Valley

Page 4 of 7

Prepared by: Linda Wilson

Phone #: 951.413.3132

Date: April 28, 2015

Estimated Prior Year Measure A Balance:	1,319,705
Estimated FY 2017-2018 Measure A Allocation:	<u>3,575,000</u>
Estimated Measure A Available for FY 2017-2018 Projects:	4,894,705

Item No.	Project Name / Limits	Project Type	Total Cost	Measure A Funds
2017-2018				
1	Measure A Program Budget	Program Budget	329,758	329,758
2	Public Works - Signing/Striping	Operating Budget	242,155	242,155
	Indirect Cost Rate			
	Calculated amount at 8% of revenue - \$300,560			
3	Estimated amount due to fewer projects - \$80,000	Overhead Costs	435,500	80,000
4	Transfers to TRIP Debt Service	Debt Service	1,481,313	1,481,313
5	Transfers to 2005 Lease Revenue Bonds	Debt Service	1,056,000	1,056,000
6	Annual ADA Compliant Curb Ramp Upgrades	Street Improvements	200,000	200,000
7	Citywide Annual Pavement Resurfacing	Street Improvements	600,000	600,000
8	Pavement Rehabilitation and Slurry Seal Program	Street Improvements	60,000	60,000
9	Residential Traffic Management Program	Street Improvements	50,000	50,000
10	Street Improvement Program	Street Improvements	200,000	200,000
11	Bridge Repair Maintenance Program	Bridge Maintenance	10,000	10,000
12	Traffic Signal Equipment / Upgrades	Traffic Signals	80,000	80,000
		TOTALS	4,744,726	4,389,226

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION
MEASURE A LOCAL FUNDS PROGRAM
FY 2018 - 2019**

Agency: City of Moreno Valley

Page 5 of 7

Prepared by: Linda Wilson

Phone #: 951.413.3132

Date: April 28, 2015

Estimated Prior Year Measure A Balance:	505,479
Estimated FY 2018-2019 Measure A Allocation:	<u>3,870,000</u>
Estimated Measure A Available for FY 2018-2019 Projects:	4,375,479

Item No.	Project Name / Limits	Project Type	Total Cost	Measure A Funds
2018-2019				
1	Measure A Program Budget	Program Budget	319,000	319,000
2	Public Works - Signing/Striping	Operating Budget	237,000	237,000
	Indirect Cost Rate			
	Calculated amount at 8% of revenue - \$309,600			
3	Estimated amount due to fewer projects - \$80,000	Overhead Costs	435,500	80,000
4	Transfers to TRIP Debt Service	Debt Service	1,481,313	1,481,313
5	Transfers to 2005 Lease Revenue Bonds	Debt Service	1,053,000	1,053,000
6	Annual ADA Compliant Curb Ramp Upgrades	Street Improvements	200,000	200,000
7	Citywide Annual Pavement Resurfacing	Street Improvements	600,000	600,000
8	Pavement Rehabilitation and Slurry Seal Program	Street Improvements	60,000	60,000
9	Residential Traffic Management Program	Street Improvements	50,000	50,000
10	Street Improvement Program	Street Improvements	200,000	200,000
11	Bridge Repair Maintenance Program	Bridge Maintenance	10,000	10,000
12	Traffic Signal Equipment / Upgrades	Traffic Signals	80,000	80,000
		TOTALS	4,725,813	4,370,313

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION
MEASURE A LOCAL FUNDS PROGRAM
FY 2019 - 2020**

Agency: City of Moreno Valley

Page 6 of 7

Prepared by: Linda Wilson

Phone #: 951.413.3132

Date: April 28, 2015

Estimated Prior Year Measure A Balance:	5,166
Estimated FY 2019-2020 Measure A Allocation:	3,986,000
Estimated Measure A Available for FY 2019-2020 Projects:	3,991,166

Item No.	Project Name / Limits	Project Type	Total Cost	Measure A Funds
2019-2020				
1	Measure A Program Budget	Program Budget	94,000	94,000
2	Public Works - Signing/Striping	Operating Budget	76,000	76,000
	Indirect Cost Rate			
	Calculated amount at 8% of revenue - \$309,600			
3	Estimated amount due to fewer projects - \$80,000	Overhead Costs	309,600	80,000
4	Transfers to TRIP Debt Service	Debt Service	1,481,313	1,481,313
5	Transfers to 2005 Lease Revenue Bonds	Debt Service	1,059,000	1,059,000
6	Annual ADA Compliant Curb Ramp Upgrades	Street Improvements	200,000	200,000
7	Citywide Annual Pavement Resurfacing	Street Improvements	600,000	600,000
8	Pavement Rehabilitation and Slurry Seal Program	Street Improvements	60,000	60,000
9	Residential Traffic Management Program	Street Improvements	50,000	50,000
10	Street Improvement Program	Street Improvements	200,000	200,000
11	Bridge Repair Maintenance Program	Bridge Maintenance	10,000	10,000
12	Traffic Signal Equipment / Upgrades	Traffic Signals	80,000	80,000
TOTALS			4,219,913	3,990,313

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION
MEASURE A LOCAL FUNDS PROGRAM
PROJECT STATUS REPORT FY 2014-2015**

Agency: City of Moreno Valley
Page 1 of 2
Prepared by: Linda Wilson
Phone #: 951.413.3132
Date: April 28, 2015

Item No.	Project Name / Limits	Project Type	Total Cost (\$000's)	Measure A Funds (\$000's)	Estimated Completion	Status
1	Measure A Program Budget	Program Budget	445	445	NA	Annual Programs
2	Public Works - Sign/Striping	Operating Budget	225	225	NA	Annual Budget
3	Street Maintenance Vehicle/Equipment	Equipment Budget	1,058	1,058	Jun-15	Purchase in Process
4	Indirect Cost Rate	Overhead Costs	287	287	NA	Annual
5	Transfers to TRIP Debt Service	Debt Service	991	991	Jun-39	Annual
6	Transfers to 2005 LRB Debt Service	Debt Service	560	560	NA	Annual
7	<u>Transfers to Capital Projects Grants</u> Total transfer amount - \$1,495,760	Local Match for Grant Funded Projects				
	a. Alessandro Blvd at Chagall Court and at Graham Street	Street Improvements	74	7	Jun-18 Subject to Available Funding	Design
	b. Aqueduct Trail	Street Improvements	90	18		PA&ED
	c. Cactus Ave EB 3rd Ln Imprv/Veterans Way to Heacock St	Street Improvements	1,353	474	Jan-16	Under Construction
	d. Dynamic Traveler Alert Message Boards	Traffic Signal	30	7	Dec-16	Design
	e. ITS Deployment	Traffic Signal	80	12	Jun-16	Design
	f. Safe Routes to School Outreach Program	Public Outreach	-	-	Aug-15	On-going
8	Alessandro Blvd/Elsworth St Intersection Improvements	Street Improvements	143	14	Sep-16	Design
9	Alessandro Blvd Median/Indian St to Perris Blvd	Street Improvements	1,138	370	Jan-15	Completed On-going annual project
10	Annual ADA Compliant Curb Ramp Upgrades	Street Improvements	235	235	NA	
11	Bike Lane Improvements	Street Improvements	70	35	Jun-15	Under Construction On-going annual project
12	Citywide Annual Pavement Resurfacing	Street Improvements	4,221	580	NA	
13	Cycle 1 ATP Citywide SRTS Pedestrian Facility Improvements	Street Improvements	60	60	Jan-18	PA&ED
14	Delphinium Ave Sidewalk Improvements	Street Improvements	326	33	Jan-15	Completed
15	Heacock St/San Michelle Rd to PVSD Lateral A	Street Improvements	1,724	98	Oct-15 Subject to Available Funding	Under Construction 35% Design Completed
16	Heacock Street South Extension	Street Improvements	15	15		Completed
17	Moreno Valley Bicycle Master Plan Update	Street Improvements	36	4	Feb-15	Completed Completed
18	Nason St/Cactus Ave Street Improvements	Street Improvements	5	5	May-13	Project Closeout
19	Pavement Rehabilitation and Slurry Seal Program	Street Improvements	30	30	NA	On-going annual project
20	Reche Vista Dr Realignment / Perris Blvd / Heacock St to NCL	Street Improvements	304	4	Jun-16	Advertise / Award
21	Residential Traffic Management Program (Speed Humps)	Street Improvements	71	71	NA	On-going annual project
22	SR-60/Nason St Interchange	Street Improvements	63	63	Jun-12 Subject to Available Funding	Closeout and Audit
23	SR-60/Theodore St Interchange	Street Improvements	626	275		PA&ED On-going annual project
24	Street Improvement Program	Street Improvements	80	38	NA	
25	Sunnymead Blvd/SR-60 EB On-ramp Intersection Improvements	Street Improvements	77	20	Jan-17	Design Completed
26	Wayfinding and Welcome Signs	Street Improvements	6	1	Dec-13	Project Closeout

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION
MEASURE A LOCAL FUNDS PROGRAM
PROJECT STATUS REPORT FY 2014-2015**

Agency: City of Moreno Valley
Page 2 of 2
Prepared by: Linda Wilson
Phone #: 951.413.3132
Date: April 28, 2015

Item No.	Project Name / Limits	Project Type	Total Cost (\$000's)	Measure A Funds (\$000's)	Estimated Completion	Status
27	Bridge Repair Maintenance Program	Bridge Maintenance	48	8	NA	On-going annual project
28	Indian St/Cardinal Ave Bridge	Bridge Improvements	70	70	Jun-19	PA&ED
29	San Timoteo Foothill Storm Drain K-1 and K-4	Drainage	220	55	Dec-16	Design
30	Citywide Traffic Sign Retroreflectivity Inventory	Traffic Signals	15	15	Jun-15	Completed
31	Traffic Signal Equipment/Upgrades	Traffic Signals	90	90	NA	On-going annual project
		TOTALS	13,138	4,545		



Report to City Council

TO: Mayor and City Council

FROM: Chris Paxton, Administrative Services Director

AGENDA DATE: April 28, 2015

TITLE: ACCEPTANCE OF GRANT AWARD FROM THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (ASPCA) FOR CONSTRUCTION OF A HEALTHY DOG INTAKE AREA

RECOMMENDED ACTION

Recommendations:

1. Receive and accept a grant award in the amount of \$20,000 from the ASPCA for the construction of a Healthy Dog Intake Area at the Moreno Valley Animal Shelter.

SUMMARY

This report recommends acceptance of a \$20,000 grant from the ASPCA. Funds will be used to support the Animal Shelter's ongoing efforts to maintain the health of stray dogs through the construction of a Healthy Dog Intake Area used as the initial holding area for large breed dogs that appear to be normal and healthy during their first 24 hours of impound.

Daily inspections by the Animal Shelter's contract veterinarians and Animal Shelter staff of these dogs will determine if the dogs are healthy enough to place into the general population of dogs after their first day of impound.

DISCUSSION

The Moreno Valley Animal Shelter submitted a project proposal to the ASPCA to construct a Healthy Dog Intake Area. This area will be constructed outside of the main Animal Shelter building with the purpose of:

- Providing intake kennels located in an area isolated from the main population of dogs thereby reducing the incidence of introducing communicable diseases from stray dogs with unknown medical backgrounds into the main population.
- Providing an area of isolation where Animal Care Technicians and Shelter Veterinarians can easily identify incoming dogs during the first 24 hours to observe whether they begin to exhibit any symptoms of illness.

The project proposal came at the recommendation of Dr. Tami McReynolds, DVM, Senior Director of Shelter Outreach Services with the ASPCA. Dr. McReynolds visited the Moreno Valley Animal Shelter on January 6 – 7, 2015 at the request of Steve Fries, Animal Services Division Manager, to interact with Shelter staff and veterinary staff and to observe operational protocols at the Shelter. Dr. McReynolds was very complimentary of staff and made a number of operational suggestions, many of which have already been implemented. We applied for the grant in early February and we were notified of funding on February 25th.

The timeline on available grant funding from the ASPCA for the requested amount of \$20,000 for the proposed project was extremely short; therefore staff was unable to present the request to submit the grant application to the City Council without missing the opportunity to secure the grant award.

Project Description

The Healthy Dog Intake Area will be constructed along the northernmost outside wall of the shelter. The area will be 50' x 10' x 10' with a wood patio cover and waterproof roofing that will allow for adequate shelter during inclement weather. A 2" drain line will be installed that will connect to the existing sewer system along with a catch basin for run off.

Within this constructed area, the Moreno Valley Animal Shelter plans to purchase and install 12 kennels. These kennels will be used to house dogs for their first 24 hours of initial intake. The kennels are constructed so that they rest above ground to protect the animals from the elements. These kennels have side panels with a transfer door so the animals can be moved while the unit is being cleaned.

The area designated for the newly designed Healthy Dog Intake Area will be enclosed with chain link fence including a double gate and privacy screening. This provides a secured area in the event a dog breaks away during the initial placement and subsequent movement of dogs into the main population. The privacy screening allows

for ongoing activities within the adjacent truck bay area whenever a citizen who is escorted by shelter staff to the isolation area in search of their lost pet.

Because this will be an isolation area, the posting of intake photos with the locations where the dogs were found will be posted in a conspicuous location within the Animal Shelter where staff will direct pet owners to review these postings.

Expected Results

The Moreno Valley Animal Shelter expects to achieve the following results by completing this project:

- A measurable reduction in disease transmission among the general population of dogs.
- An increase in the Live Return Rate.
- Enhanced operational efficiencies with an initial intake isolation area for dogs.
- Allow kennel staff to spend more time on adoptions and transfers rather than medicating sick dogs.
- Reduce veterinary medical costs associated in treating dogs with upper respiratory illnesses.

While the current intake of dogs easily exceeds the shelter’s capacity due to the shelter’s size and design, the healthy dog intake area will meet the immediate need to stabilize the overcrowded conditions for dogs, along with the concurrent implementation of other operational efficiencies.

Project Budget

Below is the estimated cost breakdown of the material and labor costs necessary to construct the Healthy Dog Intake Area. With this total cost estimate, the project will exceed available ASPCA grant funding. To complete the project, additional funding is being requested from the General Fund.

Expenditure Category	Estimated Cost
Raised Kennels (12)	\$33,200.00
Fencing – Privacy / Security	\$ 3,000.00
Structure Cover & Sewer Drain System	\$20,000.00
Unexpected Project Costs (if needed)	\$ 3,800.00
Total	\$60,000.00

The expected timeline to complete the project is 90 to 120 days.

ALTERNATIVES

1. Accept the grant award of \$20,000 and approve the proposed budget

adjustments.

- 2. Reject the grant award of \$20,000 and do not approve the proposed budget adjustments.

Staff recommends Alternative Number 1.

FISCAL IMPACT

The fiscal impact of accepting the \$20,000 grant award will increase the Animal Services Division’s revenue and expenditure budgets for FY 2014-15 as identified below. The approval of this project will require an additional contribution from the General Fund in the amount of \$40,000.

Description	GL Account No.	Type (Rev/Exp)	FY 14/15 Budget	Proposed Adjustments	FY 14/15 Amended Budget
Other Grant – Operating Revenue	1010-18-38-18210-489000	Rev	\$6,000	\$20,000	\$26,000
Oper. Mtrls. - Equipment	1010-18-38-18210-630330	Exp	\$48,000	\$60,000	\$108,000

PREPARATION OF STAFF REPORT

Prepared By:
Steve Fries
Animal Services Division Manager

Department Head Approval:
Chris Paxton
Administrative Services Director

CITY COUNCIL GOALS

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

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

ATTACHMENTS

- 1. 1_ASPCAGrantAward2-25-15

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	4/21/15 9:58 AM
City Attorney Approval	<u>✓ Approved</u>	4/21/15 1:23 PM
City Manager Approval	<u>✓ Approved</u>	4/23/15 3:46 PM



GRANT AGREEMENT REFERENCE:

NAME: **City of Moreno Valley Animal Services**
 PROJECT: **Construction Costs for Healthy Dog Intake Area**
 AMOUNT: **\$20,000.00**
 GRANT NUMBER: **2015-0089**
 GRANT TERM: **February 25, 2015 - February 25, 2016**
 ASPCA GRANT OFFICER: **Tami McReynolds, DVM**

GRANT ACCOUNT LOGIN: https://www.grantrequest.com/SID_900?SA=AM

February 25, 2015

Mr. Steve Fries
 City of Moreno Valley Animal Services
 P.O. Box 88005
 Moreno Valley, CA 92552-0805

Dear Mr. Fries,

The American Society for the Prevention of Cruelty to Animals (the “ASPCA”) is deeply honored to be able to grant to City of Moreno Valley Animal Services (the “Grantee,” and together with the ASPCA, the “parties” and each a “party”) the amount of \$20,000.00 (the “Grant”). These funds are designated for the purpose set forth below and as outlined in your grant request and as further described in this agreement (this “Agreement”) and, if applicable, its amendments: Construction Costs for Healthy Dog Intake Area (the “Project”).

Unless otherwise noted in the payment schedule below, the ASPCA shall pay the grant to the Grantee approximately two to six weeks following receipt of the signed original contract, including all pages. By endorsing and depositing the Grant check, you represent and warrant that Grantee will meet the obligations specified in this Agreement.

Intending to be legally bound and in consideration of the Grant provided to the Grantee and the desire of the Grantee to conduct the Project, the parties hereby agree to the following terms and conditions as of the first date listed above (the “Effective Date”):

1. Grantee Requirements.

Type	Notes	Schedule Date
Signed Contract		March 25, 2015
Progress Report		August 25, 2015

Final Report		February 25, 2016
Financial Report/Receipts		February 25, 2016
Photographs		February 25, 2016
Press Information		February 25, 2016

The Grantee shall communicate with Tami McReynolds, DVM (tami.mcreynolds@aspca.org) (the “ASPCA Grant Officer”) according to the schedule and additional instructions (if applicable) to review and evaluate the use of the Grant funds. **Requirements must be submitted through your ASPCA Grants account at: https://www.grantrequest.com/SID_900?SA=AM**

An explanation of additional grant requirements you may be asked to fulfill are described in Schedule 1 and on our website at aspca.org/grants.

You are required to provide additional information relating to this Grant upon the ASPCA's request. Such additional information may include but is not limited to: receipts (up to three years after the Grant end date), photographs, and press information. In addition, you are required to provide access to the ASPCA upon the ASPCA’s request so that the ASPCA may conduct a site visit of your location(s) during standard business hours, or at a day and time mutually agreed upon by the ASPCA and the Grantee. The ASPCA will provide you with reasonable notice of any such request unless otherwise mutually agreed upon.

You may submit requirements upon completion at any point during the grant term. Organizations that fail to submit required documentation in a timely manner may jeopardize future grants and/or grant payments. Should you need a due date extension, please forward your request, prior to the due date, to tami.mcreynolds@aspca.org with the requirement type (e.g. Final Report, Financial Report, etc.), an explanation for your request (including the reason for the anticipated delay) and your preferred new due date.

2. Use of Grant Funds. The ASPCA shall pay the Grant to the Grantee according to the following schedule:

Payment Number	Total # of Payments	Approximate Schedule Date	Amount
1	1	February 25, 2015	\$20,000

Please note that payment is contingent upon our receipt of the signed contract, including all pages of the Agreement and original signature on the Agreement, from you. The ASPCA will not advance Grant funds until all required documents have been received and reviewed. Please return the originally executed agreement as soon as possible in order to expedite payment.

The Project shall consist of the activities outlined in the Grant request submitted to the ASPCA (“Construction Costs for Healthy Dog Intake Area”). The Project shall also include the following:

Attachment: 1_ASPCAGrantAward2-25-15 (1236 : ACCEPTANCE OF GRANT AWARD FROM THE AMERICAN SOCIETY FOR THE PREVENTION

The Grantee agrees that it is the sole employer of all individuals who are compensated in whole or in part with Grant funds, or whose employment, fellowship or internship position arises in any way as a direct or indirect result of the Grant (each a “Funded Position”). The Grantee further agrees that it is exclusively responsible for the classification and engagement of any contractors whose fees and/or expenses are paid in whole or in part with Grant funds (“Funded Contractor”). Accordingly, the Grantee agrees that with respect to any Funded Position and/or any Funded Contractor, the Grantee is exclusively responsible for compliance with, and will comply with, any and all applicable federal, state and local employment laws, regulations and rules, including, but not limited to, any employer obligations to: (a) timely pay all wages or other compensation due; (b) withhold and remit employment taxes; (c) administer any required discipline; (d) provide insurance coverages; (e) prohibit discrimination or harassment based on any protected characteristic; and (f) provide any required leave or accommodation. The Grantee acknowledges and agrees that the parties to this Agreement are in the relationship of Grantor and Grantee, and the use of Grant funds for Funded Positions and/or Funded Contractors does not constitute a joint venture, affiliation, or joint employment relationship of any kind.

The Grantee acknowledges and agrees that the grant shall be used exclusively for costs incurred directly in connection with the Project and as set forth in this Agreement, and that failure to do so will result in the Grantee having to return the grant to the ASPCA within ten (10) days of the ASPCA’s request to do so.

The Grantee hereby grants to the ASPCA a license to use the Grantee’s name and trademarks on materials directly related to the activities of the Project and/or the Grant. The Grantee Key Contact is Mr. Steve Fries (the “Grantee Key Contact”), and the Grantee Key Contact shall communicate with Tami McReynolds, DVM (tami.mcreynolds@aspc.org) monthly to review and evaluate the progress of the Project.

3. Acknowledgment of ASPCA Support. In consideration of the grant, the Grantee shall publicly acknowledge that the Project was made possible through a generous grant from the ASPCA and shall reference the ASPCA in all “Project Materials.” “Project Materials” shall include, but not be limited to, all copy, script, text, graphics, photographs, video, audio, promotional and advertising materials, and all other editorial matter(s) or press releases relating to the Project. The Grantee shall submit the Project Materials for review and approval by the ASPCA Grant Officer prior to its inclusion in any materials prepared and intended to be distributed regarding the activities of the Project. No changes on the approved version of any Project Materials shall be instituted by the Grantee without the prior written approval of the ASPCA Grant Officer. The ASPCA hereby grants to the Grantee a license to use the ASPCA Trademarks on materials directly related to the activities of the Project. “ASPCA Trademarks” are: “ASPCA®”, which must always appear in PMS 422 and 021, unless used in materials that are completely black and white in nature, in which case it may appear in black; and “The American Society for the Prevention of Cruelty to Animals®”. The ASPCA has the right in its sole discretion to require the Grantee to remove all references to the ASPCA’s involvement if the ASPCA determines that the Grantee is not fulfilling its obligations under this Agreement or if for any other reason the ASPCA determines that it is no longer in the ASPCA’s best interest to be referenced in such manner.

Jpegs of the ASPCA logo are embedded below for your cut-and-paste use on your website or other collateral. Additional logos and badges can be found here: <http://aspcapro.org/badges>. Instructions regarding links to the ASPCA's website can be found at this URL: <http://www.aspca.org/about-us/linking-policy>.

For assistance regarding recognition of your Grant, including press releases, advisories, or general media outreach, please contact the ASPCA's Media Department at press@aspca.org. A suggested press release template is provided as Schedule 2 as a helpful guide. Social media tips are provided on Schedule 3.

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A GRANT FROM THE ASPCA®

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A GRANT FROM THE
ASPCA®



4. Records. The Grantee will keep accurate books and records with respect to the grant in accordance with generally accepted accounting principles and business practices. The Grantee will maintain its books and records in such a manner that the receipts and expenditures of the Grant funds will be shown separately on such books and records in any easily checked form. The Grantee will keep records of receipts and expenditures made of Grant funds as well as copies of the reports submitted to the ASPCA and supporting documentation for at least three years after completion of the use of the Grant funds, and will furnish or make available such books, records, and supporting documentation to the ASPCA for inspection at reasonable times from the time of the Grantee's acceptance of the Grant through such period.

5. Maintenance of Tax-Exempt Status. In carrying out the Project, the Grantee shall comply with all applicable federal, state and local laws and regulations. If the Grantee is a 501(c)(3) organization, the Grantee certifies that it is in good standing with the Internal Revenue Service and shall notify the ASPCA immediately of any change in, or challenge by the Internal Revenue Service to, its status as a 501(c)(3) tax-exempt organization.

6. Termination. The ASPCA may, in its sole discretion (i) withhold payment of funds until in its opinion the situation has been corrected or (ii) declare the Grant terminated in any of the following circumstances:

- (a) If, as the result of the consideration of reports and information submitted to it by the Grantee or from other sources, the ASPCA, in its sole discretion, determines that continuation of the Project is not reasonably in furtherance of the ASPCA's mission to provide effective means for the prevention of cruelty to animals throughout the United States (the "ASPCA Mission") or that the Project is not being executed in substantial compliance with the grant request (or work plan as revised) or that the Grantee is incapable of satisfactorily completing the work of the Project;
- (b) In the case of any violation by the Grantee of the terms and conditions of this Agreement;
- (c) In the event of any change in, or challenge by the Internal Revenue Service to, the Grantee's status as a 501(c)(3) tax-exempt organization if applicable; or
- (d) If it is revealed that, during the Project, the Grantee is or was involved in any activity or makes any statement disparaging of, or reflecting unfavorably upon the ASPCA, tarnishes the reputation of the ASPCA or is not in alignment with the ASPCA Mission.

If the ASPCA terminates the Grant, it shall so notify the Grantee, whereupon it, if so requested by the ASPCA, shall promptly refund and pay back to the ASPCA any unexpended balance of the Grant funds in the Grantee's hands or under its control.

Upon completion of the Project or termination of this Agreement for any reason, the ASPCA will withhold any further payments of Grant funds and the Grantee shall, at the option of the ASPCA, repay to the ASPCA any portion of the Grant funds that were not spent for the Project. All such determinations by the ASPCA under this Section 6 will be final, binding and conclusive upon the Grantee.

7. Future Funding. The Grantee acknowledges that the ASPCA and its representatives have made no actual or implied promise of funding except for the amounts specified in this Agreement. If any of the Grant funds are returned or if the Grant is rescinded, the Grantee acknowledges that the ASPCA will have no further obligation to the Grantee in connection with this Grant as a result of such return or rescission.

8. Modification. No amendment or modification of this Agreement shall be valid, unless made in writing and duly executed by the parties hereto.

9. Miscellaneous. This Agreement is intended to be binding upon the Grantee and the ASPCA. This Agreement represents the final agreement between the parties with respect to the subject matter hereto, and supersedes any and all prior agreements, written or oral, between the parties with respect to the matters contained herein. This Agreement is not intended to, nor shall it be deemed to create, any partnership or joint venture between the Grantee and the ASPCA. This Agreement shall be interpreted, governed by and construed in accordance with the internal laws of the State of New York, without regard to the conflict of laws principles thereof. The parties hereto acknowledge and consent to personal jurisdiction and venue exclusively in New York, New York with respect to any action or proceeding brought in connection with this Agreement.

This Agreement may be executed by the parties hereto in counterparts, each of which, when executed and delivered, shall be deemed to be an original and all of which shall constitute together the same document.

If the terms and conditions of this Agreement are acceptable, please sign this Agreement and return it to us. By signing this Agreement, you represent and warrant that you are capable of binding the Grantee to the terms set forth in this Agreement.

SIGNATURE PAGE BELOW

Attachment: 1_ASPCAGrantAward2-25-15 (1236 : ACCEPTANCE OF GRANT AWARD FROM THE AMERICAN SOCIETY FOR THE PREVENTION

GRANT NUMBER: 2015-0089
GRANT AMOUNT: \$20,000.00

Sincerely,
THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

Sarah Levin Goodstine
Senior Vice President of Operations

OR

Julie Morris
Senior Vice President
Community Outreach

OR

Michael Barrett
Vice President
ASPCA Grants

OR

Adam Liebling
Director of Grants Management
ASPCA Grants

ACCEPTED AND AGREED:

City of Moreno Valley Animal Services

By (signature of CEO/President/Director): 

Name: ANIMAL SERVICES DIVISION MANAGER

Title: President/CEO/Executive Director (circle one or add actual title after name)

Attachment: 1 ASPCA Grant Award 2-25-15 (1236 : ACCEPTANCE OF GRANT AWARD FROM THE AMERICAN SOCIETY FOR THE PREVENTION



Report to City Council

TO: Mayor and City Council

FROM: Ahmad R. Ansari, P.E., Public Works Director/City Engineer

AGENDA DATE: April 28, 2015

TITLE: AUTHORIZATION TO SUBMIT GRANT APPLICATION UNDER THE TDA ARTICLE 3 (SB 821) BICYCLE AND PEDESTRIAN FACILITIES PROGRAM

RECOMMENDED ACTION

Recommendation:

1. Authorize the submission of a grant application for the TDA Article 3 (SB 821) Bicycle and Pedestrian Facilities Program as administered by the Riverside County Transportation Commission (RCTC).

SUMMARY

This report recommends authorization to submit a grant application for the Transportation Development Act (TDA) Article 3 as established by Senate Bill 821 (SB 821) Bicycle and Pedestrian Facilities Program administered by RCTC.

DISCUSSION

The TDA Article 3 Bicycle and Pedestrian Facilities Program, established by SB 821 and administered by RCTC, provides funding for sidewalks, bicycle lanes, access ramps, and pedestrian related enhancements. Eligible expenditures for this competitive grant program are limited to preliminary engineering, right of way acquisition, construction, and reconstruction.

On February 2, 2015, the City received notification from RCTC of a call for projects for the FY 2015/2016 program. Applications are due to RCTC on April 30, 2015 and notification of projects selected to receive program funding is expected to occur in June 2015.

The application will include projects that will install sidewalk, curb, gutter, Americans with Disabilities Act (ADA) compliant access ramps, and bicycle lanes. Locations for the sidewalk and ramp improvements were selected based upon the results of the Public Right of Way Access ADA Transition Plan. Other factors included requests from residents and field observations of existing infrastructure. The following is a list of recommended locations and improvements:

- Elsworth Street at Juan Bautista de Anza Trail: Construct curb access ramps
- Dracaea Avenue at Alexis Drive: Construct curb access ramps
- Pigeon Pass Road at Sunnymead Ranch Parkway: Construct curb access ramps
- Dracaea Avenue at Arbor Park Lane: Construct curb access ramps
- Alessandro Boulevard (south side) from 300 feet east of Perris Boulevard to Apple Blossom Lane: Construct sidewalk
- Alessandro Boulevard from Perris Boulevard to Kitching Street: Install Class II bicycle lanes
- Perris Boulevard (east side) from 600 feet south of Alessandro Boulevard to Brodiaea Avenue: Construct sidewalk
- Brodiaea Avenue (north side) from Perris Boulevard to 600' west of Perris Boulevard: Construct sidewalk

ALTERNATIVES

1. Authorize the submission of grant applications for the SB 821 Bicycle and Pedestrian Facilities Program. *Staff recommends this action so that the grant application can be submitted to RCTC before the deadline.*
2. Do not authorize the submission of grant applications for the SB 821 Bicycle and Pedestrian Facilities Program. *If authorization is not granted, the City will not submit a grant application to RCTC for this program.*

FISCAL IMPACT

Applications for the Bicycle and Pedestrian Facilities Program receive higher scores with committed matching funding from the submitting agency. Matching funding amounts range from five to fifty percent of the total project cost. The estimated overall cost for this project is approximately \$525,000. Staff is recommending utilizing Annual ADA Compliant Curb Ramp Upgrades (City Project Number 801 0008 70 77) Measure A (Fund 2001) monies in the proposed FY 2015/2016 Capital Improvement Plan budget as matching funds up to \$210,000, to maximize the opportunity for a successful application. Measure A funds may be used only to implement transportation related programs. There is no impact to the General Fund with this action. Upon notification of a successful application, Staff will request City Council to accept the grant award and appropriate funds for the project.

NOTIFICATION

N/A

PREPARATION OF STAFF REPORT

Prepared By:
Michael Lloyd
Senior Engineer, P.E.

Department Head Approval:
Ahmad R. Ansari, P.E.
Public Works Director/City Engineer

Concurred By:
Eric Lewis, P.E. T.E.
Transportation Division Manager

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.

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.

ATTACHMENTS

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	4/22/15 3:33 PM
City Attorney Approval	<u>✓ Approved</u>	4/23/15 12:16 PM
City Manager Approval	<u>✓ Approved</u>	4/23/15 3:48 PM



Report to City Council

TO: Mayor and City Council

FROM: Chris Paxton, Administrative Services Director

AGENDA DATE: April 28, 2015

TITLE: LIST OF PERSONNEL CHANGES

RECOMMENDED ACTION

Recommendation:

1. Ratify the list of personnel changes as described.

DISCUSSION

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

FISCAL IMPACT

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

PREPARATION OF STAFF REPORT

Prepared By:
Chris Paxton
Administrative Services Director

Department Head Approval:
Chris Paxton
Administrative Services Director

CITY COUNCIL GOALS

ATTACHMENTS

1. List of Personnel Changes

APPROVALS

Budget Officer Approval ✓ Approved 4/22/15 3:35 PM

City Attorney Approval
City Manager Approval

✓ Approved
✓ Approved

4/23/15 12:17 PM
4/23/15 3:52 PM

City of Moreno Valley Personnel Changes

New Hires

None

Promotions

Steve Wilkinson, Management Assistant, Public Works Department
To: Management Analyst, Fire Department

Separations

None



Report to City Council

TO: Mayor and City Council

FROM: Abdul Ahmad, Fire Chief

AGENDA DATE: April 28, 2015

TITLE: PUBLIC HEARING FOR DELINQUENT NUISANCE ABATEMENT ACCOUNTS

RECOMMENDED ACTION

Recommendation That the City Council:

1. Conduct a public hearing and accept public testimony on delinquent nuisance abatement accounts.
2. Adopt Resolution No. 2015-29. A Resolution of the City Council of the City of Moreno Valley, California, Confirming Statements of Costs against Real Property located in the City of Moreno Valley, for Abatements of Public Nuisances and direction that said Statement of Costs Constitute a Lien upon Said properties.
3. Approve placing the submitted Property Assessment List of delinquent nuisance abatement accounts on the Fiscal Year (FY) 2015/2016 Riverside County property tax roll for collection.
4. Direct the City Clerk to file with the Riverside County Assessor's office a certified copy of Resolution No. 2015-29 and the Property Assessment List as required by Section 6.04.120 of the City of Moreno Valley Municipal Code.

In 2014, the Fire Prevention Bureau performed public nuisance abatements to remove hazardous and other nuisance conditions from vacant parcels in the City. After having been served with a "Notice to Abate" and given a reasonable time for compliance, the property owners failed to voluntarily abate the conditions.

This report recommends that the City Council convene a Public Hearing and consider staff recommendations to adopt the proposed resolution of the City of Moreno Valley, confirming assessments on certain real properties and approve placing the submitted Property Assessment List of delinquent nuisance abatement accounts on the Fiscal

Year 2015/2016 Riverside County property tax roll for collection.

DISCUSSION

In March of each year, the Fire Prevention Bureau sends each vacant parcel owner as identified by the last equalized assessment roll a Weed and Nuisance Abatement letter. This letter states that all weeds, dry vegetation, rubble, junk, trash, debris, objects, discarded auto bodies, parts and other waste matter upon the premises is a public nuisance and must be abated per Moreno Valley Municipal Code 6.04 by April 1.

After April 1, each vacant parcel in Moreno Valley is inspected to determine if the property owner has voluntarily complied with the request in the letter. If the parcel is non-compliant, a notice of violation is then mailed to the property owner advising them that they have 10 days to perform the required abatement. The property is then reinspected for compliance. Should the vacant parcel still require the removal of all weeds, dry vegetation, rubble, junk, trash, debris, objects, discarded auto bodies, parts and other waste matter, then a final notice of violation is mailed to the property owner giving the parcel owner 7 additional days to comply.

Once the period of time has passed as identified in the final notice, then per Municipal Code 6.04 the property is scheduled for abatement by city contractor. This section of the municipal code also allows for recovery of costs associated with said abatements. The Property Assessment List for general nuisance and weed abatements is hereby submitted for review and consideration by the City Council. A statement of costs was mailed to the legal owner of record for each property requiring abatement action. The County of Riverside equalized tax assessment roll was utilized to determine property ownership. A summary of each abatement is included in the statement of costs, along with the owner's name(s), property description, and the cost for the abatement action. A copy of the statement of costs shall remain on file in the Fire Prevention Bureau.

The Property Assessment List is a current listing of unpaid abatement costs incurred during 2014. Costs approved by the City Council Resolution will result in a special assessment and will become a levy on the FY 2015/2016 tax bill if not paid directly to the City by July 1, 2015. The Notices of Special Assessment will be recorded at the Riverside County Recorder's Office following approval by the City Council.

ALTERNATIVES

1. Approve and authorize the recommended action as presented in this staff report. *This alternative will facilitate cost recovery for those costs incurred by the City for the abatement of public nuisance and hazard reduction work performed as outlined in the attached Property Assessment List.*

- 2. Do not approve and authorized the recommended actions as presented in this staff report. *This will result in cost for contract abatement work being absorbed by the City for all costs that remain unpaid by the property owners.*

FISCAL IMPACT

Adoption of the resolution would facilitate cost recovery for those costs incurred by the City for public nuisance and hazard reduction work performed as outlined in the Property Assessment List that is attached to the resolution as Exhibit A.

As detailed in the Property Assessment List, the costs incurred by the City for contractual abatements are outlined below. An additional \$13.98 Special Districts Administration (S.D.A.) fixed charge will be added for each parcel at the time the assessment is placed on the County of Riverside Tax Roll for FY 2015/2016.

Fire Prevention Bureau

Contractual, Inspection, and Administrative	\$58,872.56
S.D.A. Fixed Charge Fee: (87 @ \$13.98 each)	<u>\$1,216.26</u>
Total:	<u>\$60,088.82</u>

The Property Assessment List, as approved by City Council, is subject to amendment as necessary to reflect any payments subsequently received from property owners. Costs not paid in full by July 1, 2015, will be processed as special assessments and cost recovery will occur through the payment of taxes. The Statement of Costs and Notices of Special Assessment for each property shall remain on file in the Fire Prevention Bureau. If payment, or partial payment, is received from property owners, that portion of the Exhibit(s) will be revised as appropriate.

NOTIFICATION

Moreno Valley Municipal Code Section 6.04.060 – Notification of Nuisance provides that written notice of nuisance conditions **may** be given to property owners in the following manner:

By regular mail addressed to the owner or person in charge and control of the property; at the address shown on the last available equalized assessment roll of the County of Riverside; or as otherwise known, by posting a “Notice to Abate” on the property where the nuisance condition(s) exists thereby allowing ten days to comply.

Notification of weed abatement conditions was specifically met by:

- 1. Mailing a “Notice to Abate” to property owners by regular mail.
- 2. Telephone contact with property owners, when possible (i.e., phone number on file).

Furthermore, a "Notice of Public Hearing" was published on April 9, 2015 and April 16, 2015, in The Press Enterprise in accordance with Section 6066 of the Government Code. A public posting of Council's action will also be done in accordance with section 6066 of the Government Code. In addition, the Fire Prevention Bureau mailed a Statement of Cost to each property owner in February 2015 indicating the amount owed for the nuisance abatement services performed by the City as well as the date of the City Council meeting at which this Public Hearing would occur. An official list of the submitted delinquent accounts was submitted to Special Districts and indicates the maximum charges which can be placed on the property tax roll for FY 2015/2016.

PREPARATION OF STAFF REPORT

Prepared By:
Mayra Robledo
Administrative Assistant

Department Head Approval:
Abdul Ahmad
Fire Chief

Concurred By:
Adria Reinertson
Fire Marshal

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.

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.

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.

ATTACHMENTS

- 1. Resolution 2015-29_City Council
- 2. 15_16 Property Assessment List

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	4/21/15 3:54 PM
City Attorney Approval	<u>✓ Approved</u>	4/21/15 3:56 PM
City Manager Approval	<u>✓ Approved</u>	4/21/15 5:30 PM

RESOLUTION NO. 2015 -29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CONFIRMING STATEMENTS OF COSTS AGAINST REAL PROPERTY LOCATED IN THE CITY OF MORENO VALLY, FOR ABATEMENTS OF PUBLIC NUISANCES AND DIRECTION THAT SAID STATEMENT OF COSTS CONSTITUTE A LIEN UPON SAID PROPERTIES

WHEREAS, pursuant to the provisions of the City of Moreno Valley Municipal Code Chapter 6.04, the City of Moreno Valley, State of California, in order to protect and preserve the public health, safety and general welfare, has conducted and completed the abatement of certain public nuisances on real properties located within the City of Moreno Valley, State of California; and

WHEREAS, in accordance with the provisions of the City of Moreno Valley Municipal Code, the City of Moreno Valley has submitted Statement of Costs; and

WHEREAS, having received and considered said Statement of Costs and having notified the affected property owners and given them an opportunity to be heard.

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

1. The Statements of Costs, Notice of City Council Meeting, and Notices of Special Assessments, copies of which are on file with the Fire Prevention Bureau, and incorporated herein by this reference, are confirmed.
2. That the Property Assessment List, attached hereto as Exhibit A and incorporated herein by this reference, is also confirmed.
3. That the Notices of Special Assessments shall be recorded with the Riverside County Recorder's Office and copies transmitted to the Assessor and Tax Collector of the County of Riverside and after recordation shall constitute special assessments against the property to which they relate, and shall constitute liens on the property in the amount of the assessment to be added to the tax bill next levied against the property.

1
Resolution No. 2015 -29
Date Adopted: April 28, 2015

APPROVED AND ADOPTED this 28th day of April, 2015.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Resolution No. 2015 -29²
Date Adopted: April 28, 2015

Attachment: Resolution 2015-29_City Council [Revision 2] (1360 : PUBLIC HEARING FOR DELINQUENT NUISANCE ABATEMENT ACCOUNTS)

RESOLUTION JURAT

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

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2015-29 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 28th day of April, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Resolution No. 2015 -29
Date Adopted: April 28, 2015

START DATE: 02/01/2014
 END DATE: 06/30/2014

Property Abatement List (PAL)
 FY 15/16 Tax Year

Council Mtg:
 Fire Prevention

	APN	Owner	Owner Mailing Address	Abate Date	Summary of Work	Contractor Costs	Admin Fee	Re-Inspection fee	SubTotal	S.D. Fee	Total
1	259240062	JW CAPITAL PP	1801 AVE OF STARS NO 1240 LOS ANGELES CA, 90067	6/19/2014	Weeds have not been properly abated according to the lot size requirements. Insufficient firebreak(s). Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	619.00	240.00	157.00	\$ 1,016.00	\$ 13.98	\$ 1,029.98
2	259240090	JW CAPITAL PP	1801 AVE OF STARS NO 1240 LOS ANGELES CA, 90067	6/19/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of	1,013.00	240.00	157.00	\$ 1,410.00	\$ 13.98	\$ 1,423.98
3	263132028	AMUNDSON, DAVID	GENERAL DELIVERY CATHEDRAL CITY CA, 92235	6/16/2014	Weeds have not been properly abated according to the lot size requirements. Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the	97.00	240.00	157.00	\$ 494.00	\$ 13.98	\$ 507.98
4	263160002	SLCW INV	29217 LAKEVIEW LN HIGHLAND CA, 92346	6/16/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the	292.00	240.00	157.00	\$ 689.00	\$ 13.98	\$ 702.98
5	263160008	SLCW INV	29217 LAKEVIEW LN HIGHLAND CA, 92346	6/24/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to	390.00	240.00	157.00	\$ 787.00	\$ 13.98	\$ 800.98
6	263160015	INDIO SECURITY STORAGE INC	45800 FLOWER ST INDIO CA, 92201	6/24/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat	99.00	240.00	157.00	\$ 496.00	\$ 13.98	\$ 509.98
7	263160028	SLCW INV	29217 LAKEVIEW LN HIGHLAND CA, 92346	6/24/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to	419.00	240.00	157.00	\$ 816.00	\$ 13.98	\$ 829.98
8	263210055	INDIO SECURITY STORAGE INC	P O BOX 10180 MORENO VALLEY CA, 92552	6/10/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	164.00	240.00	157.00	\$ 561.00	\$ 13.98	\$ 574.98
9	263220016	ALQUZAH, MONTHER	3700 TYLER ST UNT 10 RIVERSIDE CA, 92503	6/10/2014	Weeds have not been properly abated according to the lot size requirements. Junk, trash, debris, and/or rubble has not been removed.	97.00	240.00	157.00	\$ 494.00	\$ 13.98	\$ 507.98
10	263220018	ALQUZAH, MONTHER	3700 TYLER ST NO 10 RIVERSIDE CA, 92503	6/10/2014	Weeds have not been properly abated according to the lot size requirements. Junk, trash, debris, and/or rubble has not been removed.	229.00	240.00	157.00	\$ 626.00	\$ 13.98	\$ 639.98
11	263220025	ALQUZAH, MONTHER	3700 TYLER ST NO 10 RIVERSIDE CA, 92503	6/10/2014	Weeds have not been properly abated according to the lot size requirements.	164.00	240.00	157.00	\$ 561.00	\$ 13.98	\$ 574.98
12	263230020	ESCONDIDO PLAZA INC	5804 BACK BAY LN AUSTIN TX, 78739	6/10/2014	Weeds have not been properly abated according to the lot size requirements. Junk, trash, debris, and/or rubble has not been removed.	101.00	240.00	157.00	\$ 498.00	\$ 13.98	\$ 511.98
13	263230022	ESCONDIDO PLAZA INC	5804 BACK BAY LN AUSTIN, TX 78739	6/10/2014	Weeds have not been properly abated according to the lot size requirements. Junk, trash, debris, and/or rubble has not been removed.	99.00	240.00	157.00	\$ 496.00	\$ 13.98	\$ 509.98
14	291130016	SUWIGHT FAMILY LTD PARTNERSHIP	4020 TYLER ST NO 525 RIVERSIDE CA, 92503	6/10/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8	229.00	240.00	157.00	\$ 626.00	\$ 13.98	\$ 639.98

Attachment: 15_16 Property Assessment List [Revision 2] (1360 : PUBLIC HEARING FOR DELINQUENT

15	291140011	AGRAS, CONRADO	13571 ELLSWORTH ST MORENO VALLEY CA, 92553	6/10/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	99.00	240.00	157.00	\$ 496.00	\$ 13.98	\$ 509.98
16	291200034	NAVARRO, ELODIA	13471 EPPING WAY TUSTIN CA, 92780	7/1/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	99.00	240.00	157.00	\$ 496.00	\$ 13.98	\$ 509.98
17	291200035	NAVARRO, ELODIA	13471 EPPING WAY TUSTIN CA, 92780	7/1/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	99.00	240.00	157.00	\$ 496.00	\$ 13.98	\$ 509.98
18	291200036	NAVARRO, ELODIA	13471 EPPING WAY TUSTIN CA, 92780	7/1/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	99.00	240.00	157.00	\$ 496.00	\$ 13.98	\$ 509.98
19	292032011	JURUPA LAND & INV INC	6865 AIRPORT DR RIVERSIDE CA, 92504	6/10/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to	159.00	240.00	157.00	\$ 556.00	\$ 13.98	\$ 569.98
20	292170017	GTE CALIF	P O BOX 152206 IRVING TX, 75015	6/20/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat	165.00	240.00	157.00	\$ 562.00	\$ 13.98	\$ 575.98
21	292181004	SMITH, JOHN CHARLES	23838 HEMLOCK AVE MORENO VALLEY CA, 92557	6/20/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat	159.00	240.00	157.00	\$ 556.00	\$ 13.98	\$ 569.98
22	292191021	ONTIVEROS, LUIS A	4415 CAMINITO TECERA DEL MAR CA, 92014	6/16/2014	Weeds have not been properly abated according to the lot size requirements. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the	99.00	240.00	157.00	\$ 496.00	\$ 13.98	\$ 509.98
23	292191022	ONTIVEROS, LUIS A	4415 CAMINITO TECERA DEL MAR CA, 92014	6/16/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to	131.00	240.00	157.00	\$ 528.00	\$ 13.98	\$ 541.98
24	292191023	ONTIVEROS, LUIS A	4415 CAMINITO TECERA DEL MAR CA, 92014	6/16/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat	99.00	240.00	157.00	\$ 496.00	\$ 13.98	\$ 509.98
25	292250012	SUNNYMEAD INV INC	516 W 38TH ST SAN PEDRO CA, 90731	6/16/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to	164.00	240.00	157.00	\$ 561.00	\$ 13.98	\$ 574.98
26	292280018	NOVAL, VICTORINO	12032 VISTA DE CERR PMB278 MORENO VALLEY CA, 92557	6/19/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat	164.00	240.00	157.00	\$ 561.00	\$ 13.98	\$ 574.98
27	297100006	NOA ASSOCIATES	8121 VAN NUYS BLV STE 300 PANORAMA CITY CA, 91402	6/10/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Junk, trash, debris, and/or rubble has not been removed. Tree branches	536.40	240.00	157.00	\$ 933.40	\$ 13.98	\$ 947.38
28	297150031	R&H HOTEL DEV	16278 MENAHKA RD APPLE VALLEY CA, 92307	6/10/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been	229.00	240.00	157.00	\$ 626.00	\$ 13.98	\$ 639.98
29	297180006	SAMBRA, AMEET Y	P O BOX 77094 CORONA CA, 92877	6/10/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has	361.00	240.00	157.00	\$ 758.00	\$ 13.98	\$ 771.98
30	297220001	MORENO VALLEY GATEWAY	30448 RANCHO VIEJO RD 110 SAN JUAN CAPISTRANO CA, 92765	6/10/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	164.00	240.00	157.00	\$ 561.00	\$ 13.98	\$ 574.98
31	297220010	MORENO VALLEY GATEWAY	30448 RANCHO VIEJO RD 110 SAN JUAN CAPISTRANO CA, 92765	6/10/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	164.00	240.00	157.00	\$ 561.00	\$ 13.98	\$ 574.98
32	308040050	CONTINENTAL EAST FUND III	1250 CORONA POINT STE 302 CORONA CA, 92879	6/23/2014	Weeds have not been properly abated according to the lot size requirements.	1,726.00	240.00	157.00	\$ 2,123.00	\$ 13.98	\$ 2,136.98

Attachment: 15_16 Property Assessment List [Revision 2] (1360 : PUBLIC HEARING FOR DELINQUENT

33	316030014	2TES FAMILY TRUST	P O BOX 7000 318 ROLLING HILLS ESTATE CA, 90274	6/16/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s).	491.00	240.00	157.00	\$ 888.00	\$ 13.98	\$ 901.98
34	316110029	FARUQUE, NSM	13460 PRANCER LN. MORENO VALLEY, CA, 92557	6/9/2014	Weeds have not been properly abated according to the lot size requirements. all weeds need trim	229.00	240.00	157.00	\$ 626.00	\$ 13.98	\$ 639.98
35	316190024	COLEMAN, ROBERT	24850 RIVARD RD MORENO VALLEY CA, 92551	6/9/2014	Weeds have not been properly abated according to the lot size requirements. Junk, trash, debris, and/or rubble has not been removed	335.40	240.00	157.00	\$ 732.40	\$ 13.98	\$ 746.38
36	316200001	FIRST INDUSTRIAL	311 S WACKER DR CHICAGO IL, 60606	6/9/2014	Weeds have not been properly abated according to the lot size requirements.	229.00	240.00	157.00	\$ 626.00	\$ 13.98	\$ 639.98
37	316200015	FIRST INDUSTRIAL	311 S WACKER DR CHICAGO IL, 60606	6/9/2014	Weeds have not been properly abated according to the lot size requirements. Junk, trash, debris, and/or rubble has not been removed	229.00	240.00	157.00	\$ 626.00	\$ 13.98	\$ 639.98
38	316200019	FIRST INDUSTRIAL	311 S WACKER DR CHICAGO IL, 60606	6/9/2014	Weeds have not been properly abated according to the lot size requirements.	359.00	240.00	157.00	\$ 756.00	\$ 13.98	\$ 769.98
39	422070031	URENA, SOCRATES	22184 ALESSANDRO BLVD MORENO VALLEY CA, 92553	6/18/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat	229.00	240.00	157.00	\$ 626.00	\$ 13.98	\$ 639.98
40	473120069	MV RANCHOS	P O BOX 519 BUELLTON CA, 93427	6/23/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of	2,118.00	240.00	157.00	\$ 2,515.00	\$ 13.98	\$ 2,528.98
41	473150058	WOLVERINE PROP	3512 CEDAR RIDGE LN CORONA CA, 92881	6/16/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of	389.00	240.00	157.00	\$ 786.00	\$ 13.98	\$ 799.98
42	473150059	WOLVERINE PROP	3512 CEDAR RIDGE LN CORONA CA, 92881	6/16/2014	Weeds have not been properly abated according to the lot size requirements. Insufficient firebreak(s). Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	361.00	240.00	157.00	\$ 758.00	\$ 13.98	\$ 771.98
43	473150061	WOLVERINE PROP	3512 CEDAR RIDGE LN CORONA CA, 92881	6/16/2014	Weeds have not been properly abated according to the lot size requirements. Insufficient firebreak(s). Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	359.00	240.00	157.00	\$ 756.00	\$ 13.98	\$ 769.98
44	473210005	BRISENO, JUAN	1567 WOOD RD RIVERSIDE CA, 92508	6/16/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to	324.00	240.00	157.00	\$ 721.00	\$ 13.98	\$ 734.98
45	473290003	WICKERD, GAYLE W	28701 KALMIA AVE MORENO VALLEY CA, 92555	6/16/2014	Weeds have not been properly abated according to the lot size requirements. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the	229.00	240.00	157.00	\$ 626.00	\$ 13.98	\$ 639.98
46	474272030	NASON STREET TRUST	12625 FREDERICK I5 NO 213 MORENO VALLEY CA, 92553	6/16/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to	265.00	240.00	157.00	\$ 662.00	\$ 13.98	\$ 675.98
47	475050040	JIAQI INC	P O BOX 93723 CITY OF INDUSTRY CA, 91715	6/19/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat	359.00	240.00	157.00	\$ 756.00	\$ 13.98	\$ 769.98
48	475060001	A TO Z BUILDING INC	921 W 223RD ST TORRANCE CA, 90502	6/19/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of	361.00	240.00	157.00	\$ 758.00	\$ 13.98	\$ 771.98
49	475160056	CAMPUS REALTY	28391 AVD LA MANCHA SAN JUAN CAPO CA, 92675	6/19/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat	99.00	240.00	157.00	\$ 496.00	\$ 13.98	\$ 509.98

Attachment: 15_16 Property Assessment List [Revision 2] (1360 : PUBLIC HEARING FOR DELINQUENT

50	475160065	CAMPUS REALTY	28391 AVD LA MANCHA SAN JUAN CAPO CA, 92675	6/19/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat	256.00	240.00	157.00			
									\$ 653.00	\$ 13.98	\$ 666.98
51	475190005	STEPHAN, RICHARD I	P O BOX 2825 PASO ROBLES CA, 93447	6/19/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat	60.00	240.00	157.00			
									\$ 457.00	\$ 13.98	\$ 470.98
52	478080013	HAND, CYNTHIA J	387 MAGNOLIA AVE NO 103 CORONA CA, 92879	6/11/2014	Weeds have not been properly abated according to the lot size requirements.	361.00	240.00	157.00			
									\$ 758.00	\$ 13.98	\$ 771.98
53	478110002	MULTI VAC INC	P O BOX 1627 LAGUNA BEACH CA, 92652	6/11/2014	Weeds have not been properly abated according to the lot size requirements.	229.00	240.00	157.00			
									\$ 626.00	\$ 13.98	\$ 639.98
54	478110007	MULTI VAC INC	P O BOX 1627 LAGUNA BEACH CA, 92652	6/11/2014	Weeds have not been properly abated according to the lot size requirements.	229.00	240.00	157.00			
									\$ 626.00	\$ 13.98	\$ 639.98
55	478120001	MULTI VAC INC	P O BOX 1627 LAGUNA BEACH CA, 92652	6/11/2014	Weeds have not been properly abated according to the lot size requirements.	164.00	240.00	157.00			
									\$ 561.00	\$ 13.98	\$ 574.98
56	478120002	MULTI VAC INC	P O BOX 1627 LAGUNA BEACH CA, 92652	6/11/2014	Weeds have not been properly abated according to the lot size requirements.	229.00	240.00	157.00			
									\$ 626.00	\$ 13.98	\$ 639.98
57	478120005	MULTI VAC INC	P O BOX 1627 LAGUNA BEACH CA, 92652	6/11/2014	Weeds have not been properly abated according to the lot size requirements.	164.00	240.00	157.00			
									\$ 561.00	\$ 13.98	\$ 574.98
58	478120006	MULTI VAC INC	P O BOX 1627 LAGUNA BEACH CA, 92652	6/11/2014	Weeds have not been properly abated according to the lot size requirements.	294.00	240.00	157.00			
									\$ 691.00	\$ 13.98	\$ 704.98
59	478120010	MULTI VAC INC	P O BOX 1627 LAGUNA BEACH CA, 92652	6/11/2014	Weeds have not been properly abated according to the lot size requirements. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the	164.00	240.00	157.00			
									\$ 561.00	\$ 13.98	\$ 574.98
60	478120012	MULTI VAC INC	P O BOX 1627 LAGUNA BEACH CA, 92652	6/11/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of	164.00	240.00	157.00			
									\$ 561.00	\$ 13.98	\$ 574.98
61	478120015	MULTI VAC INC	P O BOX 1627 LAGUNA BEACH CA, 92652	6/11/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of	164.00	240.00	157.00			
									\$ 561.00	\$ 13.98	\$ 574.98
62	478120016	MULTI VAC INC	P O BOX 1627 LAGUNA BEACH CA, 92652	6/11/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of	229.00	240.00	157.00			
									\$ 626.00	\$ 13.98	\$ 639.98
63	478120023	MULTI VAC INC	P O BOX 1627 LAGUNA BEACH CA, 92652	6/11/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s)	229.00	240.00	157.00			
									\$ 626.00	\$ 13.98	\$ 639.98
64	478120024	MULTI VAC INC	P O BOX 1627 LAGUNA BEACH CA, 92652	6/11/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of	164.00	240.00	157.00			
									\$ 561.00	\$ 13.98	\$ 574.98
65	478202053	ROBERTSON, RICHARD M	24619 HATTON LN CORONA CA, 92883	6/18/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	145.69	240.00	157.00			
									\$ 542.69	\$ 13.98	\$ 556.67
66	478220031	CHURCH IN MORENO VALLEY	12685 BELLFLOWER LN MORENO VALLEY CA, 92555	6/18/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to	229.00	240.00	157.00			
									\$ 626.00	\$ 13.98	\$ 639.98
67	478240015	GRANITE CAPITAL	11370 MORENO BEACH DR MORENO VALLEY CA, 92555	6/11/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of	359.00	240.00	157.00			
									\$ 756.00	\$ 13.98	\$ 769.98
68	479090003	MONJAZI, JOHN DAVID	P O BOX 4220 OCEANSIDE CA, 92052	6/16/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat	97.00	240.00	157.00			
									\$ 494.00	\$ 13.98	\$ 507.98

69	479170033	MUSTAFIZ, SAIRA	PO BOX 8292 MORENO VALLEY CA, 92552	6/18/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8	270.07	240.00	157.00			
									\$ 667.07	\$ 13.98	\$ 681.05
70	479230018	LAI, PAUL CH	512 PUUIKENA DR HONOLULU HI, 96821	6/13/2014	Weeds have not been properly abated according to the lot size requirements. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8	421.00	240.00	157.00			
									\$ 818.00	\$ 13.98	\$ 831.98
71	481120020	LIU, JIAN QIANG	1416 S 4TH AVE ARCADIA CA, 91006	6/13/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to	133.00	240.00	157.00			
									\$ 530.00	\$ 13.98	\$ 543.98
72	481120021	LIU, JIAN QIANG	1416 S 4TH AVE ARCADIA CA, 91006	6/13/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to	99.00	240.00	157.00			
									\$ 496.00	\$ 13.98	\$ 509.98
73	481200013	NEJAD, M J R	310 N COTA NO J CORONA CA, 92880	6/13/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat	99.00	240.00	157.00			
									\$ 496.00	\$ 13.98	\$ 509.98
74	481240001	WIEKAMP, CALVIN R	P O BOX 12310 RENO NV, 89510	6/23/2014	Tree branches have not been cleared 8 feet from ground. Tree trimmed to City Standards	418.00	240.00	157.00			
									\$ 815.00	\$ 13.98	\$ 828.98
75	481270060	NEJAD, M J RAHMANI	3380 LA SIERRA AVE NO 104 RIVERSIDE CA, 92503	6/13/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat	99.00	240.00	157.00			
									\$ 496.00	\$ 13.98	\$ 509.98
76	482060041	MANSSELL, HARNETHIA	10947 OAK RUN CIR MORENO VALLEY CA, 92557	6/16/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to	109.00	240.00	157.00			
									\$ 506.00	\$ 13.98	\$ 519.98
77	482170009	BURRAGE, CHARLES E	758 NELDOME ST ALTADENA CA, 91001	6/13/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	99.00	240.00	157.00			
									\$ 496.00	\$ 13.98	\$ 509.98
78	482170014	NEWTON, JEFFERY P	18186 GLACIER CT FOUNTAIN VALLEY CA, 92708	6/13/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	97.00	240.00	157.00			
									\$ 494.00	\$ 13.98	\$ 507.98
79	482170016	BURRAGE, CHARLES E	758 NELDOME ST ALTADENA CA, 91001	6/13/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	97.00	240.00	157.00			
									\$ 494.00	\$ 13.98	\$ 507.98
80	482170049	BURRAGE, CHARLES E	758 NELDOME ST ALTADENA CA, 91001	6/13/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	192.00	240.00	157.00			
									\$ 589.00	\$ 13.98	\$ 602.98
81	484030020	ECOS DEV	18519 KLUM PL ROWLAND HEIGHTS CA, 91748	6/13/2014	Weeds have not been properly abated according to the lot size requirements. Junk, trash, debris, and/or rubble has not been removed.	403.50	240.00	157.00			
									\$ 800.50	\$ 13.98	\$ 814.48
82	484030022	ECOS DEV	18519 KLUM PL ROWLAND HEIGHTS CA, 91748	6/13/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8	237.50	240.00	157.00			
									\$ 634.50	\$ 13.98	\$ 648.48
83	485220041	WAL ART REAL ESTATE BUSINESS TRUST	P O BOX 8050 NO 4059 00 BENTONVILLE AR, 72712	6/16/2014	Weeds have not been properly abated according to the lot size requirements. Insufficient firebreak(s). Junk, trash, debris, and/or rubble has not been removed.	755.00	240.00	157.00			
									\$ 1,152.00	\$ 13.98	\$ 1,165.98
84	486570010	LIN, KUE SUNG	190 S DONNA CT ANAHEIM CA, 92807	6/20/2014	Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the	490.00	240.00	157.00			
									\$ 887.00	\$ 13.98	\$ 900.98
85	487260002	OLYMPIC MEDICAL SUPPLY	18653 VENTURA BL NO 227 TARZANA CA, 91358	6/20/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat	229.00	240.00	157.00			
									\$ 626.00	\$ 13.98	\$ 639.98
86	487260003	OLYMPIC MEDICAL SUPPLY	18653 VENTURA BL NO 227 TARZANA CA, 91358	6/20/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat	229.00	240.00	157.00			
									\$ 626.00	\$ 13.98	\$ 639.98

87	487260005	OLYMPIC MEDICAL SUPPLY	18653 VENTURA BL NO 227 TARZANA CA, 91358	6/20/2014	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat	232.00	240.00	157.00			
									\$ 629.00	\$ 13.98	\$ 642.98
					GRAND TOTALS:	\$ 24,333.56	\$ 20,880.00	\$ 13,659.00	\$ 58,872.56	\$ 1,216.26	\$ 60,088.82



Report to City Council

TO: Mayor and City Council

FROM: Mike Lee, Community and Economic Development

AGENDA DATE: April 28, 2015

TITLE: HIRE MOVAL INCENTIVE PROGRAM

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Adopt Resolution No. 2015-28. A Resolution of the City Council, of the City of Moreno Valley, California, Adopting the Hire MoVal Incentive Program.
2. Approve the MVU 2/20-4/40 electrical incentive into the Moreno Valley Utility rate structure.

SUMMARY

At the Study Session on March 17, 2015, staff was directed to explore options for a local hiring incentive program for the City Council's consideration.

This report recommends adoption of the attached resolution for the Hire MoVal Incentive Program, which urges local businesses to hire Moreno Valley residents, and also implements a new MVU 2/20-4/40 electrical incentive program into Moreno Valley Utility's rate structure.

DISCUSSION

Substantial job growth is occurring in Moreno Valley. Combined, Moreno Valley's top growth employers (Amazon, Procter & Gamble, Harbor Freight Tools, Riverside County Regional Medical Center, Ross Dress For Less, and iHerb) have reported adding more than 3,000 jobs since August of 2013.

While the City is experiencing tremendous job growth and the unemployment rate has been decreasing, Moreno Valley's unemployment rate continues to exceed the average

rates for Riverside County and the State of California. As of February 2014, the City's rate was 7.4%, which equates to 6,700 unemployed Moreno Valley residents.

**Monthly Labor Force Data for Cities and Census Designated Places
February 2015 – Preliminary
Data Not Seasonally Adjusted**

Area Name	Labor Force	Employment	Unemployment Number	Unemployment Rate
State of California	18,910,200	17,618,700	1,291,500	6.8%
Riverside County	1,021,400	950,700	70,700	6.9%
Moreno Valley	91,400	84,600	6,700	7.4%

Source: State of California Employment Development Department

The City has experienced success in its economic development efforts by bringing in businesses and creating jobs; encouraging businesses to hire Moreno Valley residents will further benefit our community. To ensure that the greatest possible number of qualified Moreno Valley residents benefit from local employment opportunities, the City proposes the **“Hire MoVal Incentive Program.”**

If approved, the Hire MoVal Incentive Program resolution will encourage businesses to make a good faith effort to prioritize employment of qualified Moreno Valley residents.

Key elements of the Hire MoVal Incentive Program include:

- New Moreno Valley businesses are encouraged to hire local residents.
- New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Employment Resource Center (“ERC”).

The ERC offers no cost assistance to businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
 - Applicant testing / pre-screening
 - Interviewing
 - Job Fair support
 - Training space
- New Moreno Valley businesses may work with the Community & Economic Development Department to coordinate job recruitment fairs.
 - New Moreno Valley businesses are encouraged to provide a job fair flyer and/or web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.
 - New Moreno Valley businesses may adopt a “First Source” approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of the public recruitment.

A major highlight of the proposed program would provide a financial incentive to new businesses served by the Moreno Valley Utility. Businesses that apply and qualify for the Moreno Valley Utility Economic Development Rate program could also access an additional 2/20-4/40 electrical incentive rate for hiring Moreno Valley residents.

The Moreno Valley Utility offers an Economic Development Rate (“ED Rate”) program, which discounts electricity rates based on prescribed criteria. The current ED Rate program guidelines are included as Exhibit A. Through the proposed MVU 2/20-4/40 program, an additional 2% electrical rate discount is provided to new business customers that hire Moreno Valley residents to fill at least 20% of their permanent employee positions. The second tier of the MVU 2/20-4/40 program would extend a 4% electrical rate discount to new business customers that hire Moreno Valley residents to fill at least 40% of their permanent employee positions.

The MVU 2/20-4/40 program would be available to MVU’s Tier 1 through Tier 4 ED Rate customers. New MVU Tier 5 business customers that hire at least 20% of their employees from Moreno Valley residents would receive an additional 1% discount for the first five years of operation. Employees are counted on a full-time equivalent basis.

To remain eligible for the additional electrical rate discount, all customers who participate in the Hire MoVal Incentive Program must annually certify the business’ Moreno Valley resident employment percentage.

If approved, the Hire MoVal Incentive Program will be a great benefit to the community by increasing local employment opportunities, while providing yet another incentive to help attract quality businesses to Moreno Valley.

ALTERNATIVES

1. Adopt the Hire MoVal Incentive Program. Staff recommends this alternative. *This program will encourage new businesses to prioritize recruitment of qualified Moreno Valley residents.*
2. Decline to adopt the Hire MoVal Incentive Program resolution. Staff does not recommend this alternative.

FISCAL IMPACT

The Hire MoVal Incentive Program will not affect the Moreno Valley Utility’s ability to cover its power supply costs.

MVU analyzed its capacity to offer additional discounts and estimated the savings for an average MVU 2/20-4/40 customer in Tiers 1 to 4:

- Providing an additional 2% electrical rate discount to new business customers that hire Moreno Valley residents to fill at least 20% of their permanent employee positions reduces MVU revenues by an estimated additional \$7,600 per year beyond revenue reductions provided using the base MVU Economic Development discount rate, for a total estimated MVU 2/20-4/40 reduction of \$38,000 in revenues over five years.
- Providing an additional 4% electrical rate discount to new business customers that hire Moreno Valley residents to fill at least 40% of their permanent employee positions reduces MVU revenues by an estimated additional \$15,200 per year beyond reductions earned using the base MVU ED discount rate, for a total MVU 2/20-4/40 revenue reduction of \$76,000 over five years.

An average MVU Tier 5 customer that hires Moreno Valley residents to fill at least 20% of its permanent employee positions would be eligible for an additional 1% discount for the first five years of operations. MVU revenues for an average Tier 5 customer have been estimated to be reduced by an additional \$17,400 per year beyond reductions earned using the base MVU Economic Development discount rate. The total additional MVU revenue reduction for an average Tier 5 customer is estimated to be \$86,800 over five years.

It must be emphasized that these MVU revenue reductions calculations are estimated based on an assumed building size and relative electrical demand. Actual revenues reductions may be different, based on actual electrical demand.

NOTIFICATION

Recommended for approval by the Moreno Valley Utilities Commission on April 17, 2015.

PREPARATION OF STAFF REPORT

Prepared By:
Michele Patterson
Assistant to the City Manager

Department Head Approval:
Mike Lee
Community & Economic Development Director

Concurred By:
Ahmad Ansari
Public Works Director/City Engineer

CITY COUNCIL GOALS

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

ATTACHMENTS

- 1. MVU Schedule - ED Rate
- 2. Resolution 2015-28 City Council

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	4/22/15 7:42 PM
City Attorney Approval	<u>✓ Approved</u>	4/23/15 12:18 PM
City Manager Approval	<u>✓ Approved</u>	4/23/15 3:08 PM

SCHEDULE ED – ECONOMIC DEVELOPMENT (“ED”) RATE

Applicability

Commercial or industrial end-use customers that would otherwise receive service under Electric Rate Schedule TOU-LGS (Time of Use-Large General Service) and meet certain criteria as established and adopted by resolution of the City Council of the City of Moreno Valley may take advantage of the ED rate as a New Customer or Expanded Load Customer. This ED rate is applicable to all or part of the services provided to New Customers and Expanded Load Customers, as such terms are defined herein.

1. A New Customer shall be a customer seeking to locate a new business or relocate an existing business (not currently located within the territory served by Moreno Valley Utility) within Moreno Valley Utility’s service territory.
2. An Expanded Load Customer shall be an existing Moreno Valley Utility TOU-LGS customer that is adding new load to Moreno Valley by a minimum of 200 kW based upon the customer’s past electrical demand as determined by Moreno Valley Utility. The expanded load can be at the customer’s current site, or at a new site within the Moreno Valley Utility service territory. The ED rate will only be applied to the expanded load as determined in Section 5 below.
3. A New Customer shall meet the following criteria:
 - a. Targeted industries
 - i. Logistics/Distribution
 - ii. Medical/Healthcare
 - iii. Auto Dealerships
 - b. Building/Area size
 - i. Logistics/Distribution 500,000 sf minimum
 1. Tier 5 Discount Rate
 - a. Regional Corporate Office Space 50,000 sf
minimum
 - b. Perishable Space 200,000 sf
minimum
 - ii. Medical/Healthcare 100,000 sf minimum
 - iii. Auto Dealerships 5 acres
 - ii. Medical/Healthcare 100,000 sf minimum
 - iii. Auto Dealerships 5 acres
 - c. Job Creation
 - i. Tier 1 Discount Rate 150 – 499 jobs
 - ii. Tier 2 Discount Rate 500 – 999 jobs
 - iii. Tier 3 Discount Rate greater than 1000 jobs

Attachment: MVU Schedule - ED Rate (1412 : HIRE MOVAL INCENTIVE PROGRAM)

- iv. Tier 4 Discount Rate 350 jobs minimum
- v. Tier 5 Discount Rate 200 jobs minimum
- d. City Revenue Producer – either sales tax or use tax generation
 - i. Tier 1a Discount Rate
 - ii. Tier 4 Discount Rate minimum \$40,000 annual sales tax revenue to the City

Territory

Within the entire territory served by Moreno Valley Utility.

Character of Service

The service provided hereunder shall be alternating current with regulated frequency of 60 hertz, three-phase, or a combination single and three-phase served through one meter, at a standard voltage not to exceed 480 volts, or as may be specified by the Electric Division. To be eligible to participate all customers must have a demand meter.

Rates

Except as provided herein, or in the Economic Development Rate Agreement, all charges and provisions of the customer’s otherwise applicable rate schedule shall apply. The applicable Energy Charge and Demand Charge under the customer’s otherwise applicable rate schedule will be reduced as follows:

	Tier 1/Tier 1a	Tier 2	Tier 3	Tier 4	Tier 5
Years 1 - 2	15%	20%	20%	20%	20%
Years 3 - 4	12%	15%	20%	20%	20%
Years 5 – 6	10%	10%	15%	20%	20%
Years 7 -12	-	-	-	20%	20%
Years 13 - 18					20%

Special Conditions

1. Term: Economic Development Rate Agreements entered into under this Schedule shall be for a single six-year term, except for Tier 4, which shall be for a single twelve-year term and Tier 5, which shall be for a single eighteen-year term.

2. Approval: Application of this Rate Schedule shall be subject to the approval of the City Manager or his designee, based on meeting the eligibility criteria outlined herein.
3. Agreement: The customer must sign a standard Moreno Valley Economic Development Rate Agreement in order for the rates under this Schedule to be applicable. In addition to the other terms of this Schedule, the Economic Development Rate Agreement shall require the customer to reimburse Moreno Valley for all rate reductions received under this Schedule, if the customer fails to maintain the required minimum load during the applicable term of the Agreement.
4. Minimum Load: Customers qualifying under this Schedule as a New Customer with a projected minimum monthly electric demand of at least 500 kW or as an Expanded Load Customer under Applicability Sections 1 and 2 above, respectively, must agree to maintain a minimum level of load for six years for Tier 1/1a, Tier 2, and Tier 3 discounts, twelve years for Tier 4 discount, and eighteen years for Tier 5 discount from the date service is first rendered under this Schedule as set forth in the Economic Development Rate Agreement.
5. Base Period Usage: Base Period Usage shall be established and agreed to in the Economic Development Rate Agreement for Expanded Load Customers. Base Period Usage shall be the average monthly energy use and demand for the customer during the last three years of service to the customer, from the date ending the last payment period before the date of the Agreement. Expanded Load qualifying for the rate under this Schedule shall be measured as the difference between the new monthly, meter documented energy use and demand, and the Base Period Usage.
6. State Mandated Public Purpose Program Charge: All bills rendered under this Schedule shall be subject to the Public Purpose Program Charge as established by the City Council.
7. Miscellaneous Fees and Charges: Rates charged pursuant to this Schedule shall be subject to any Energy Users Taxes, Utility Users Taxes, and any other governmental taxes, duties, or fees which are applicable to Electric Service provided to Customer by the City of Moreno Valley. Rates are also subject to adjustment, as established by the City of Moreno Valley City Council in response to federal or state climate change laws, renewable portfolio standard or other mandated legislation. These adjustments may include but are not limited to charges to mitigate the impacts of greenhouse gas emissions or “green power” premiums.
8. Expanded Load: Expanded Load customers applying for this rate must demonstrate to the satisfaction of the Utility that the expanded load is new to Moreno Valley.

9. Effective Date: The effective date of the Economic Development Rate Agreement shall commence within 12 months from the date of the City's approval, or the Agreement becomes null and void. The Agreement becomes effective upon execution by the parties, and the Economic Development Rate commences upon written notice by customer, and coincides with the customer's normal billing cycle.
10. Reapplication: Customers who have received service under the Economic Development Rate are eligible to reapply for the rate as an Expanded Load Customer 12 months after their current Economic Development Rate Agreement has expired, if they meet the criteria therefore.
11. Restrictions: Residential customers and federal, state or local government agencies are not eligible to apply for service under this Schedule.

SCHEDULE ED-BR

ECONOMIC DEVELOPMENT- BUSINESS RETENTION RATE

Applicability

This Schedule is applicable to the anchor stores at Stoneridge Towne Centre and Moreno Beach Plaza, whose building size is 25,000 square feet or larger and have 30 or more employees.

1. The Customer must demonstrate to the satisfaction of the City that relocation of its entire operation to a site outside of Moreno Valley Utility's service territory is a viable alternative or that the threat of closure of the Customer's existing facilities is otherwise imminent.
2. The Customer must provide:
 - a. An affidavit that "but for" the economic development retention rate incentives, in combination with other city-sponsored incentives, such customer would relocate outside of the City's electric service territory, and
 - b. Substantial evidence demonstrating the business has considered viable locations outside of Moreno Valley's service territory including but not limited to incentive offer letters from competing states, local jurisdictions and economic development organizations and/or real estate sale and lease agreements for competing sites, or
 - c. Substantial evidence documenting the imminent threat of facility closure, including but not limited to letters from business owners or appropriate corporate officers documenting the circumstances which have led to this imminent threat and why the Business Retention Rate is necessary to retain the business within Moreno Valley Utility's service territory.
3. The Customer must agree to maintain a minimum level of load for five years from the date service is first rendered as set forth in the Economic Development Rate Agreement for Business Retention.

Territory

Within the entire territory served by Moreno Valley Utility.

Rates

Except as provided herein, or in the Economic Development Business Retention Rate Agreement, all charges and provisions of the customer's otherwise applicable rate schedule shall apply. The applicable Energy Charge and Demand Charge under the customer's otherwise applicable rate schedule will be reduced as follows:

5

Resolution No. 2014-94
Date Adopted: November 18, 2014

- Year 1 20%
- Year 2 20%
- Year 3 20%
- Year 4 0%
- Year 5 0%

Special Conditions

1. Term: Economic Development Rate Agreement for Business Retention entered into under this Schedule shall be for a single five-year term.
2. Approval: Application of this Rate Schedule shall be subject to the approval of the Public Works Director or his designee, based on meeting the eligibility criteria outlined herein.
3. Agreement: The customer must sign a standard Moreno Valley Economic Development Rate Agreement for Business Retention in order for the rates under this Schedule to be applicable. In addition to the terms of this Schedule, the Economic Development Rate Agreement for Business Retention shall require the customer to reimburse Moreno Valley for all rate reductions received under this Schedule, if the customer fails to maintain the required minimum load during the five-year term of the Agreement.
4. Minimum Load: All customers must agree to maintain a minimum level of load for five years from the date service is first rendered under this Schedule as set forth in the Economic Development Rate Agreement for Business Retention.
5. State Mandated Public Purpose Charge: All bills rendered under this Schedule shall be subject to the Public Purpose Charge as established by the City Council.
6. Miscellaneous Fees and Charges: Rates charged pursuant to this Schedule shall be subject to any Energy Users Taxes, Utility Users Taxes, and any other governmental taxes, duties, or fees which are applicable to Electric Service provided to Customer by the City of Moreno Valley. Rates are also subject to adjustment, as established by the City of Moreno Valley City Council in response to federal or state climate change laws, renewable portfolio standard or other mandated legislation. These adjustments may include but are not limited to charges to mitigate the impacts of greenhouse gas emissions or “green power” premiums.
7. Effective Date: The Agreement becomes effective upon execution by the parties, and the Economic Development Business Retention Rate commences with the customer’s normal billing cycle following execution of the Agreement by both parties.

8. Restrictions: Residential customers, small commercial customers, and federal, state or local government agencies are not eligible to apply for service under this Schedule.

RESOLUTION NO. 2015-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA ADOPTING THE HIRE MOVAL INCENTIVE PROGRAM.

WHEREAS, the unemployment rate in the City of Moreno Valley (“City”) has been consistently higher than in the County of Riverside and in the State of California as a whole; and

WHEREAS, statistics indicate that higher unemployment rates correlate to a higher number of families living in poverty and to a higher crime rate; and

WHEREAS, the City of Moreno Valley supports opportunities for the greatest possible number of qualified Moreno Valley residents to benefit from local employment.

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

Section 1: Declaration of Policy and Purpose

This City Council hereby specifically finds as follows:

- A. That all of the facts set forth in this Resolution are true and correct.
- B. That it supports opportunities for Moreno Valley residents to pursue employment locally.
- C. That, in furtherance of these policies and purposes, a Hire MoVal Incentive Program is hereby established to encourage the hiring and retention of qualified Moreno Valley residents.

Section 2. Hire MoVal Incentive Program

- A. The City Council encourages new businesses to make a good faith effort to prioritize recruitment and hiring of Moreno Valley residents.
- B. Key elements of the Hire MoVal Incentive Program include:

1
Resolution No. 2015-28____
Date Adopted: 4/28/2015

1. New Moreno Valley businesses are encouraged to hire local residents.
2. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Employment Resource Center (“ERC”).

The ERC offers no cost assistance to businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
 - Applicant testing / pre-screening
 - Interviewing
 - Job Fair support
 - Training space
3. New Moreno Valley businesses may work with the Community & Economic Development Department to coordinate job recruitment fairs.
 4. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.
 5. New Moreno Valley businesses may adopt a “First Source” approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of the public recruitment.

C. A major highlight of the proposed program would provide a financial incentive to new businesses served by the Moreno Valley Utility. Businesses that apply and qualify for the Moreno Valley Utility Economic Development Rate program could also access an additional 2/20-4/40 electrical incentive rate for hiring Moreno Valley residents. Permanent employees are counted on a full-time equivalent basis.

1. The MVU 2/20-4/40 program will provide:
 - a. An additional 2% electrical rate discount to new business customers that hire Moreno Valley residents to fill at least 20% of their permanent employee positions.
 - b. An additional 4% electrical rate discount to new business customers that hire Moreno Valley residents to fill at least 40% of their permanent employee positions.

2
Resolution No. 2015 -28 _____
Date Adopted: April 28, 2015

- 2. New Tier 5 business customers that hire at least 20% of their employees from Moreno Valley residents would receive an additional 1% discount for the first five years of operation.
- 3. To remain eligible for the MVU 2/20-4/40 discount, all customers who participate in the Hire MoVal Incentive Program must annually certify the business' Moreno Valley resident employment percentage:

Section 3. Severability

If any section, subsection, sentence, clause, phrase or portion of this Resolution is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council of the City of Moreno Valley hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

APPROVED AND ADOPTED this 28th day of April, 2015.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Resolution No. 2015 -28 3
Date Adopted: April 28, 2015

Attachment: Resolution 2015-28 City Council [Revision 4] (1412 : HIRE MOVAL INCENTIVE PROGRAM)

RESOLUTION JURAT

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

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2015 -28 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 28th day of April, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Attachment: Resolution 2015-28 City Council [Revision 4] (1412 : HIRE MOVAL INCENTIVE PROGRAM)

Resolution No. 2015 -28 _____ 4
Date Adopted: April 28, 2015



Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Chief Financial Officer

AGENDA DATE: April 28, 2015

TITLE: PUBLIC MEETING REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAIL BALLOT PROCEEDING TO APPROVE THE COMMERCIAL/INDUSTRIAL REGULATORY RATE FOR ROSS DRESS FOR LESS, INC (PARKING LOT EXPANSION - SOUTHWEST CORNER OF GLOBE ST AND KITCHING ST)

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Accept public comments regarding the mail ballot proceeding for Ross Dress for Less, Inc. (parking lot expansion - southwest corner of Globe St. and Kitching St.) for approval of the NPDES maximum commercial/industrial regulatory rate to be applied to the property tax bill.

SUMMARY

Staff recommends that the City Council accept public comments for the National Pollutant Discharge Elimination System (NPDES) property owner mail ballot proceeding. This provides a forum for public discussion prior to conducting the Public Hearing and election, which is scheduled for May 12, 2015. Allowing for public comment during a regularly scheduled City Council meeting is required by state law and satisfies Proposition 218 state statutes.

The City conditions new developments to mitigate the cost of certain impacts that are created by their proposed development, such as the cost of complying with the Federal National Pollutant Discharge Elimination System (NPDES) requirements. The City offers the NPDES Fee Program as a financial mechanism to assist new developments in satisfying the conditions of approval. After the property owner elects to participate in

the program and approves the NPDES rate through an official mail ballot proceeding, the City can levy a parcel charge on the property tax bill of the authorized parcel.

The revenue generated by the NPDES Program provides a funding source for pollution control of storm water runoff into municipally owned drainage facilities, lessening the impact of compliance with federal requirements on the general taxpayer in Moreno Valley.

This process to accept 1 parcel in the City's NPDES program only affects 1 property owner, not the general citizens or taxpayers of the City.

Ross Dress for Less, Inc. (parking lot expansion - southwest corner of Globe St. and Kitching St.) has elected to satisfy conditions of approval by participating in a mail ballot proceeding to authorize the annual rate for NPDES to be collected on their annual Riverside County property tax bill. Detailed parcel information for the parcel subject to the conditions of approval is shown in the table in the following section of this report (page 3). A process chart (Attachment 2) shows the procedure the property owner/developer follows to elect to participate in the City's NPDES program.

DISCUSSION

New development projects are subject to the current NPDES Permit requirements for storm water management as mandated by the Federal Clean Water Act. Public agencies are required to obtain NPDES Permits to discharge urban storm water runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels. To comply with the 1972 Federal Clean Water Act, Land Development, a division of the Public Works Department, conditions new development projects to participate in the NPDES regulatory rate to fund the federally mandated program. New developments participating in the NPDES Program lessens the impact of compliance with the federal requirements on the General Fund. The City Council adopted the NPDES commercial/industrial regulatory rate on January 10, 2006.

With funding support provided by the NPDES commercial/industrial regulatory rate, the City annually inspects site design, source and treatment control Best Management Practices, monitors maintenance records for those on-site facilities that require periodic monitoring, and performs annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

Ross Dress for Less, Inc. (parking lot expansion - southwest corner of Globe St. and Kitching St.) (the "Property Owner") has been conditioned to provide a funding source to support the NPDES program. Detailed parcel information for the parcel subject to the conditions of approval is shown in the table below.

Property Owner	Assessor's Parcel Numbers ("APNs")	Location	FY 2014/15 Maximum Rate Commercial/Industrial
Ross Dress for Less, Inc.	APN 312-270-038	Southwest corner of Globe Street and Kitching Street	\$226.01/parcel

The Property Owner has two options to satisfy their conditions of approval: 1) approve the NPDES rate to be collected on the annual Riverside County property tax bill or 2) fund an endowment that will be used to satisfy the parcel's annual requirement. The Property Owner has elected to satisfy their conditions of approval by authorizing the annual NPDES rate to be collected on the Riverside County property tax bill. Before the NPDES rate can be levied on the property tax bill, the Property Owner must approve the rate through an official mail ballot proceeding.

A mail ballot proceeding is a legally required process to approve new charges or an increase to existing charges. A notice explaining what the proposed charge is for and how the charge will be determined annually was mailed to the Property Owner along with a ballot for casting their vote. The law states that the Property Owner must be provided 45 days to review the notice and have two opportunities to address the legislative body (City Council). These two opportunities are the April 28 Public Meeting and the scheduled May 12 Public Hearing. The returned ballot can be counted and the results of the mail ballot proceeding announced after the close of the Public Hearing.

Approval of the NPDES rate fulfills the conditions of approval for the project by authorizing the City to annually levy the NPDES maximum commercial/industrial regulatory rate on the Riverside County property tax bill. If the Property Owner does not approve the NPDES rate to be applied on the annual property tax bill, their conditions of approval will remain unsatisfied, which may cause a delay in their development.

ALTERNATIVES

1. **Accept public comments** for the mail ballot proceeding for approval to collect the NPDES maximum commercial/industrial regulatory rate on the annual property tax bills for the APN discussed within this report. By accepting public comments, the City complies with Proposition 218 state statutes for providing an opportunity for public comment.

2. **Do not accept public comments** for the mail ballot proceeding for approval of the NPDES maximum commercial/industrial regulatory rate. This alternative prohibits the Property Owner from using this funding mechanism to satisfy their conditions of approval and may delay the development of the project. This alternative would also be contrary to state statutes and would require the noticing period for the mail ballot proceeding to start over, causing additional costs to be incurred for re-noticing.

3. **Do not accept public comments** for the mail ballot proceeding for approval of the NPDES maximum commercial/industrial regulatory rate at this time but reschedule it

to a date certain, at a regular City Council meeting. This alternative requires the 45-day noticing period for the mail ballot proceeding to start over, causing additional costs to be incurred for re-noticing.

FISCAL IMPACT

The NPDES maximum annual regulatory rate for commercial properties for Fiscal Year (“FY”) 2014/15 is \$226.01 per parcel. If approved, the NPDES rate will be applied to the property tax bills for only those properties where the Property Owner has approved the NPDES rate and has authorized the City to collect the charge. The FY 2015/16 maximum regulatory rate will be subject to an annual adjustment based on the percentage change calculated for the previous year in the Consumer Price Index (“CPI”). Each year, the City Council reviews and approves the CPI rate applied to the commercial/industrial regulatory rate. The maximum rate cannot be increased beyond the annual CPI adjustment without approval of the Property Owner subject to the charge.

The NPDES rates support the current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the NPDES rate are restricted for use only within the Storm Water Management program.

NOTIFICATION

The Property Owner was provided the required 45-day noticing period to review the ballot documents. The documents included a notice to the property owner, map of the project area, NPDES ballot, NPDES commercial/industrial rate schedule, instructions for marking and returning the ballot, and a postage paid return envelope addressed to the City Clerk (Attachment 1).

Newspaper advertising for the April 28, 2015 Public Meeting and May 12, 2015 Public Hearing was published in The Press-Enterprise on April 9, 2015. Additionally, the Public Hearing notification was published on April 23, 2015 and is scheduled to be published again on April 30, 2015.

PREPARATION OF STAFF REPORT

Prepared by:
Jennifer Terry,
Senior Management Analyst

Department Head Approval:
Richard Teichert,
Chief Financial Officer

Concurred by:
Candace E. Cassel,
Special Districts Division Manager

Concurred by:
Mark W. Sambito, P.E.,
Engineering Division Manager

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.

ATTACHMENTS

- 1. Mail Ballot Docs for Ross
- 2. Flowchart

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	4/09/15 12:37 PM
City Attorney Approval	<u>✓ Approved</u>	4/20/15 1:51 PM
City Manager Approval	<u>✓ Approved</u>	4/17/15 6:48 PM

TEL: 951.413.3480
 FAX: 951.413.3498
 WWW.MOVAL.ORG



14331 FREDERICK STREET, SUITE 2
 P. O. BOX 88005
 MORENO VALLEY, CA 92552-0805

Ross Dress for Less, Inc.
 c/o Jerry Bernie
 5130 Hacienda Drive
 Dublin, CA 94568-7579

March 25, 2015

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE FOR APN 312-270-038

******* 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 Assessor’s Parcel Number (APN) 312-270-038 the opportunity to express support for or opposition to the approval of the NPDES Maximum Commercial/Industrial Regulatory Rate and services. Approval of the NPDES Maximum Commercial/Industrial Regulatory Rate through a mail ballot proceeding will fulfill Condition of Approval LD29 from the Land Development Division to provide a funding source for the NPDES program.

Background

The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. The City provides the services necessary to meet mandates of the Federal Clean Water Act related to the NPDES permit. NPDES Maximum Commercial/Industrial Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those facilities that require periodic maintenance, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements.

Services Provided

In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those facilities that require periodic maintenance, and perform annual 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 shall determine the type of services necessary

Attachment: Mail Ballot Docs for Ross (1339 : PUBLIC MEETING REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION

to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owner.

Proposed Charge

For FY 2014/15, the NPDES Maximum Commercial/Industrial Regulatory Rate is \$226.01 per parcel. The total amount of the NPDES rates levied for FY 2014/15 for the program as a whole was \$439,115.06.

Annual Adjustment

Beginning in FY 2015/16, the NPDES Maximum Commercial/Industrial Regulatory Rate will be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Riverside-Orange County Regional 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 Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APN 312-270-038 (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 Commercial/Industrial 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 one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

<u>Public Meeting</u>	<u>Public Hearing</u>
Tuesday, April 28, 2015 6:00 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, May 12, 2015 6:00 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of returned ballots will commence after the close of the public testimony portion of the Public Hearing. All ballots 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 Commercial/Industrial Regulatory Rate will be confirmed if the ballot is marked in favor of the NPDES rate. Approving the NPDES Maximum Commercial/Industrial Regulatory Rate through a mail ballot proceeding will fulfill the Land Development Division’s Condition of Approval LD29 (to provide an ongoing funding source for the NPDES program).

Effect if the Charge is Not Approved

Not approving the NPDES Maximum Commercial/Industrial Regulatory Rate to meet federally mandated NPDES Permit requirements will not satisfy the Land Development Division’s Condition of Approval LD29. If the returned ballot is marked “No”, the NPDES rate will not be levied on the property tax bill.

Attachment: Mail Ballot Docs for Ross (1339 : PUBLIC MEETING REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION

Effect if the Ballot is Deemed Invalid or Incomplete

Not marking the corresponding box on the ballot next to the APN (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 LD29 by placement of the charge 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 Jennifer Terry, Management Analyst, with the City's Special Districts Division at 951.413.3505 or via email at JenniferT@moval.org during the City's business hours.

Questions regarding the NPDES program, the annual rate, or the Land Development Division's Condition of Approval LD29 should be directed to the Land Development Division at 951.413.3120 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 next to the APN.** 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 **Tuesday, May 12, 2015**, 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;

Attachment: Mail Ballot Docs for Ross (1339 : PUBLIC MEETING REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION

-  A dot or oval mark substantially inside a box;
-  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.**

COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE
 Adopted by the City Council on January 10, 2006





LEVEL 1			LEVEL II		
NPDES Administration			Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance		
<i>(Not covered by CSA 152)</i>					
Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various stormwater reports and data collection and management. Level I is levied on all parcels conditioned for the NPDES Rate Schedule.			Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.		
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics					
PARCEL RATE	Per Month	Per Year	PARCEL RATE	Per Month	Per Year
	\$2.67	\$32.00		\$12.58	\$151.00

Inflation Factor Adjustments

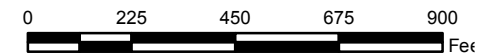
- FY 2006/2007 - 4.5% = (\$33.00 & \$158.00)
- FY 2007/2008 - 3.1% = (\$34.00 & \$163.00)
- FY 2008/2009 - 4.2% = (\$35.00 & \$170.00)
- FY 2009/2010 - no change = (\$35.00 & \$170.00)
- FY 2010/2011 - no change = (\$35.00 & \$170.00)
- FY 2011/2012 - 3.8% = (\$36.00 & \$176.00)
- FY 2012/2013 - 2.7% = (\$37.00 & \$181.00)
- FY 2013/2014 - 2.0% = (\$38.00 & \$185.00) rounded to the nearest dollar
- FY 2014/2015 - 1.14% = (\$39.52 & \$186.49) Pursuant to City Council approval on June 10, 2014.

Attachment: Mail Ballot Docs for Ross (1339 : PUBLIC MEETING REGARDING THE NATIONAL

Ross Distribution Center Parking Lot Expansion

-  APN 312-270-038
-  Roads
-  Parcels
-  City Boundary

Map reflects all changes indicated on Riverside County Assessor Maps as of March 20, 2015.



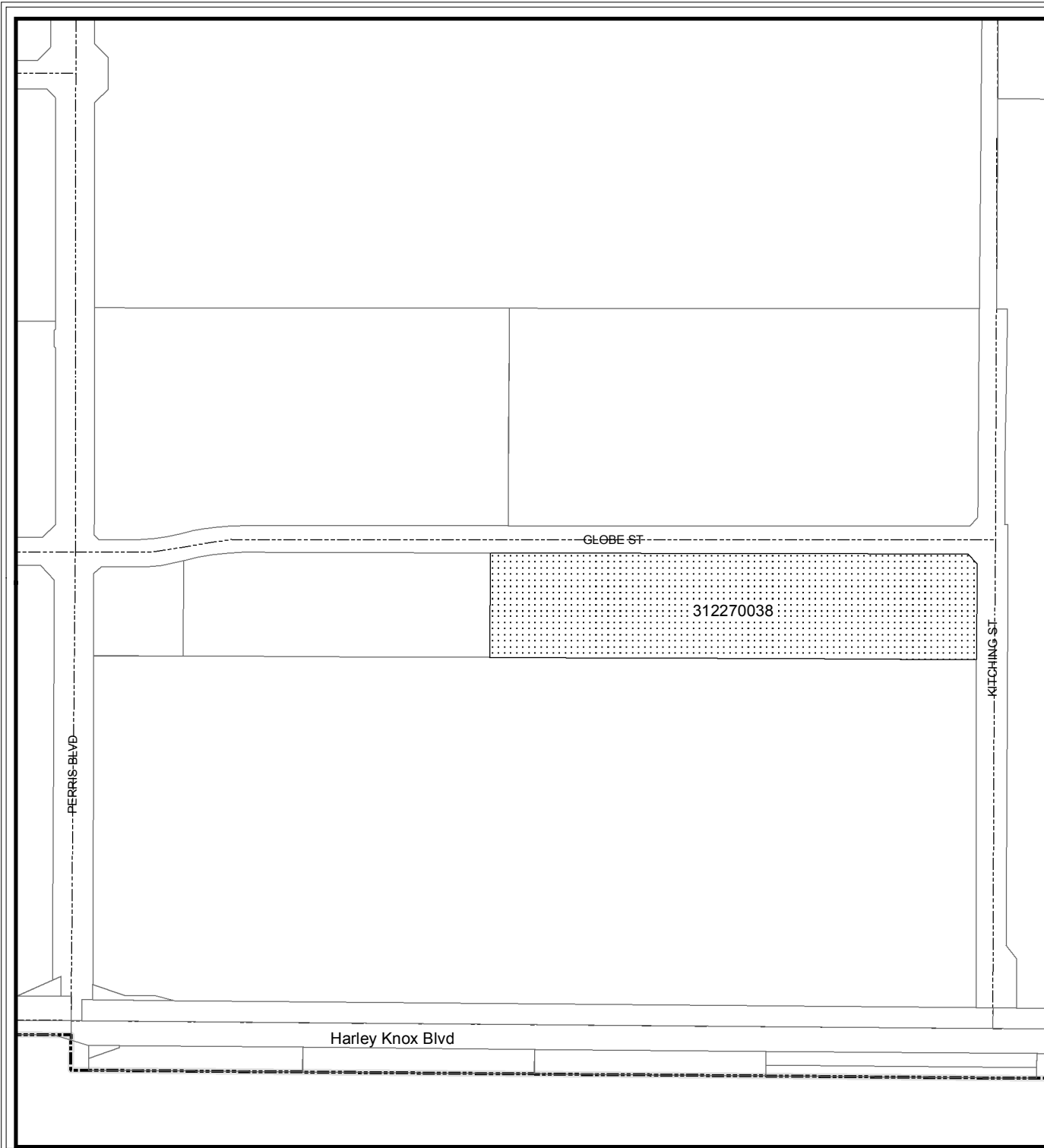
G:\AVP\SDA\Ross Parking Lot Expansion.mxd

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.



MORENO VALLEY
WHERE DREAMS SOAR

Attachment: Mail Ballot Docs for Ross (1339 : PUBLIC MEETING REGARDING THE NATIONAL



**OFFICIAL MAIL BALLOT for
Assessor's Parcel Number (APN) 312-270-038**

**National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate**

YES* — as property owner of APN 312-270-038, **I approve** the NPDES Maximum Commercial/Industrial Regulatory Rate and services. For fiscal year (FY) 2014/15, the NPDES Maximum Commercial/Industrial Regulatory Rate is \$226.01 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 2015/16, 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-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those facilities that require periodic maintenance, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APN 312-270-038, **I do not approve** the NPDES Maximum Commercial/Industrial Regulatory Rate and services. I understand that not approving the NPDES Maximum Commercial/Industrial Regulatory Rate to fund federally mandated NPDES Permit requirements will not satisfy the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate will not be levied on the annual Riverside County property tax bill.

Assessor's Parcel Number	YES*	NO**	Fiscal Year 2014/15 NPDES Maximum Commercial/Industrial Regulatory Rate
312-270-038 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$226.01

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 to be held on May 12, 2015, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:00 p.m. or as soon thereafter as the matter may be called.

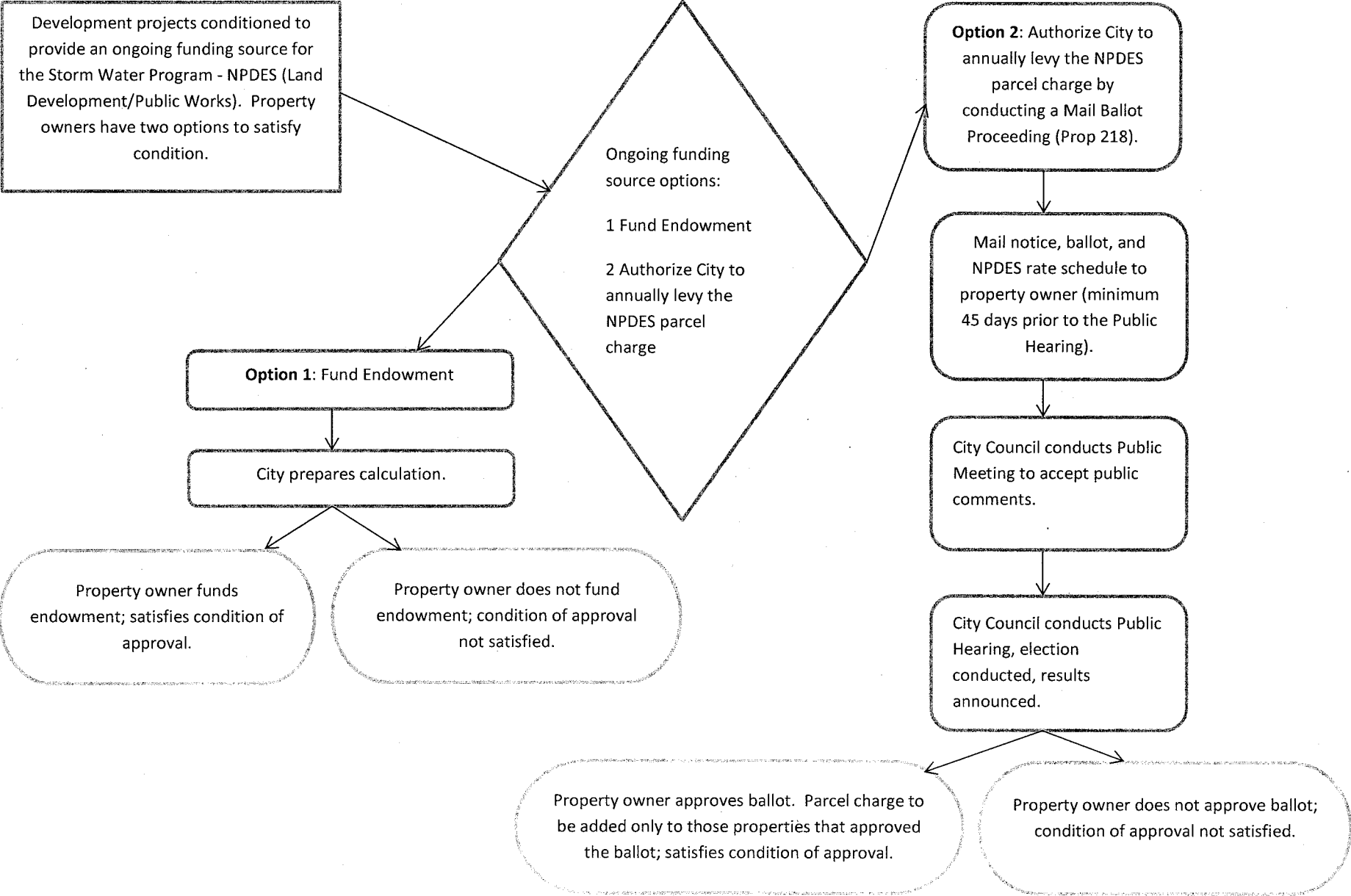
PROPERTY OWNER SIGNATURE

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 prior to the close of the public testimony portion of the May 12, 2015 Public Hearing.

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.

Process Flow for Property Owners/Developers to Satisfy Funding Requirement for the Storm Water Program



This process flow is simplified for illustration purposes. Contact the Special Districts Division at 951.413.3480 for the detailed process.

November 12, 2014

Attachment: Flowchart (1339 : PUBLIC MEETING REGARDING THE NATIONAL POLLUTANT DISCHARGE



Report to City Council

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: Richard Teichert, Chief Financial Officer

AGENDA DATE: April 28, 2015

TITLE: PUBLIC MEETING TO DISCUSS THE MAIL BALLOT PROCEEDING TO ANNEX RESIDENTIAL HOUSING TRACT 27251 (SOUTH OF FIR AVENUE, EAST OF MORRISON STREET, AND NORTH OF EUCALYPTUS AVENUE) AS ZONE 09 TO MORENO VALLEY COMMUNITY SERVICES DISTRICT LANDSCAPE MAINTENANCE DISTRICT 2014-02

RECOMMENDED ACTION

Recommendations: That the CSD:

1. Accept public comments regarding the mail ballot proceeding for the annexation of residential housing Tract 27251 (south of Fir Avenue, east of Morrison Street, and north of Eucalyptus Avenue) as Zone 09 to Moreno Valley Community Services District Landscape Maintenance District 2014-02.

SUMMARY

Staff recommends that the City Council accept public comments for the property owner mail ballot proceeding to annex residential housing Tract 27251 into Landscape Maintenance District 2014-02 and to approve an increase in the annual landscape maintenance charge for the tract. This provides a forum for public discussion prior to conducting the public hearing and election, which is scheduled for May 12, 2015. Allowing for public comment during a regularly scheduled City Council meeting is a requirement of the City's Legislative Policy #1.12, Policy for Conducting Mail Ballot Proceedings (the "Policy").

The City conditions new developments to mitigate the cost of certain impacts created by

their proposed development, including the ongoing cost of maintaining parkway landscaping. The mail ballot proceeding for Tract 27251 affects 150 parcels (98 of which are owned by the developer), not the general citizens or taxpayers of the City.

Tract 27251 is a partially completed residential subdivision located south of Fir Avenue, east of Morrison Street, and north of Eucalyptus Avenue. There are 150 residential lots within Tract 27251. Currently, 52 homes are completed within the unfinished residential development. RSI Moreno Valley acquired the 98 undeveloped residential lots and is in the process of completing the development, which includes installing the remaining improvements. Two of the outstanding conditions include installation of the parkway landscaping and ensuring that an ongoing funding source is in place for the maintenance of the planned parkway landscaping.

A property owner mail ballot proceeding is necessary to ensure adequate funds are collected to maintain the planned landscape improvements at the standard service level, which is the highest landscape maintenance service level the City provides. All property owners in Tract 27251 have been noticed of the mail ballot proceeding and have received a ballot to vote on the proposed assessment and the annexation of the tract to Landscape Maintenance District 2014-02.

DISCUSSION

Tract 27251 and Tract 27251-1 (collectively, "Tract 27251") is a 150 lot single family residential development located south of Fir Avenue, east of Morrison Street, and north of Eucalyptus Avenue (Attachment 4). As a condition of development, the developer of Tract 27251 is required to install approximately 69,000 square feet of parkway landscaping which will be located around the perimeter of the housing tract, between the tract wall and the sidewalk. The project was also conditioned to provide for the ongoing maintenance of the parkway landscaping by participating in a landscape financing district administered by the City. In order to participate in a City landscape district, the affected property owners need to authorize a parcel charge to be placed on the annual property tax bills for the parcels in Tract 27251 through a property owner mail ballot proceeding. A property owner mail ballot proceeding is a legally required process to approve new charges or an increase to existing charges. The approved parcel charge will fund the cost of the ongoing landscape maintenance.

In a property owner mail ballot proceeding conducted in 2006, the former property owner of Tract 27251 approved an annual Community Services District ("CSD") Zone D charge to fund the maintenance of the proposed landscape improvements. Following approval of the Zone D charge and after completing and selling 52 homes, the developer of Tract 27251 suspended construction. In accordance with the conditions of approval, the parkway landscape improvements are required to be installed prior to the issuance of the building permit of the 116th residential lot. The Zone D charge for Tract 27251 is not being collected on the tax roll at this time.

RSI Moreno Valley acquired the 98 undeveloped residential lots and has resumed the development of Tract 27251. The inflation-adjusted annual charge (\$496.32 per

residential parcel as of Fiscal Year 2014/15) is not sufficient to fully fund the anticipated costs of maintaining the proposed landscape improvements at the standard service level (monthly trimming and weed removal with weekly litter pick up). Should the landscape maintenance be provided at the currently approved funding level, the frequency of landscape maintenance would be less than the City's standard service level, which may cause the appearance of the landscaping to deteriorate and would provide less than optimal funding for the replacement of plants and trees.

An increase in the annual landscape maintenance charge is necessary to account for increases in maintenance costs since the charge was established in 2006. Therefore, prior to the City assuming the ongoing maintenance of the proposed landscape improvements a mail ballot proceeding will be conducted to seek property owner approval to increase the annual landscape maintenance charge. As part of the mail ballot proceeding, Tract 27251 will also annex into Landscape Maintenance District 2014-02 ("LMD" or "LMD 2014-02"). In 2014, the City began transitioning its existing CSD landscape areas to landscape maintenance districts formed under the Landscaping and Lighting Act of 1972 (Streets & Highways Code Section 22500 *et seq.*).

If the property owner mail ballot proceeding is approved, the LMD assessment will replace the Zone D charge as the source of funds for maintenance of the public landscape, and the Zone D charge approved in 2006 will not be imposed on the parcels in the tract.

The following table lists all of the actions necessary to conduct the property owner mail ballot proceeding and to annex Tract 27251 into LMD 2014-02:

March 10, 2015	Resolution No. CSD 2015-04 initiated proceedings to annex Tract 27251 into LMD 2014-02 and called for an Assessment Engineer's Report to be prepared in connection with the annexation.
March 16, 2015	Public outreach started to the existing property owners. A letter advising on the annexation and upcoming mail ballot proceeding was mailed. (Attachment 1)
March 24, 2015	Resolution No. CSD 2015-05 approved the Assessment Engineer's Report. Resolution No. CSD 2015-06 declared intention to annex Tract 27251 into LMD 2014-02 and set May 12, 2015 as the date of the Public Hearing for the mail ballot proceeding.
March 26, 2015	Notices were mailed to all property owners in Tract 27251 (required by Proposition 218). (Attachment 2)
April 6, 2015	Community meeting at Mountain View Middle School to answer questions about and further discuss the annexation and mail ballot proceeding.
April 28, 2015	Public Meeting to accept public comments on the annexation and mail ballot proceeding.
May 12, 2015	Public Hearing (45-days after the mailing of the ballots) to receive

	public comments. After the close of the Public Hearing, the returned ballots can be counted and results announced.
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ALTERNATIVES

1. **Accept public comments** for the mail ballot proceeding for approval to annex residential housing Tract 27251 into LMD 2014-02 as Zone 09 and to increase the annual assessment to fund the parkway landscaping associated with the development. By holding the Public Meeting and accepting public comments, the City complies with the Policy to provide an opportunity for public comment.
2. **Do not accept public comments** for the mail ballot proceeding for approval to annex residential housing Tract 27251 into LMD 2014-02 as Zone 09 and to increase the annual assessment to fund the parkway landscaping associated with the development. This alternative may prohibit this development from using this funding mechanism to satisfy their conditions of approval and may delay the development of the project. This alternative would also be contrary to the Policy and would require the noticing period for the mail ballot proceeding to start over, causing additional costs to be incurred for re-noticing.
3. **Do not accept public comments** for the mail ballot proceeding for approval to annex residential housing Tract 27251 into LMD 2014-02 as Zone 09 and to increase the annual assessment to fund the parkway landscaping associated with the development at this time but reschedule it to a date certain, at a regular City Council meeting. This alternative requires the 45-day noticing period for the mail ballot proceeding to start over, causing additional costs to be incurred for re-noticing and the development may also be delayed.

FISCAL IMPACT

Third party costs associated with annexing Tract 27251 to LMD 2014-02 are projected to not exceed \$13,500. Third party services include an assessment engineer consultant, special legal counsel, publication of a legal notice, and other related expenses. The developer for Tract 27251 paid the \$3,375 Mail Ballot/Special Election Processing fee (per the City's User Fee Schedule) to cover costs related to the mail ballot proceeding process. The difference of \$10,125 will be absorbed within the Special Districts Administrative Fund 2006-30-79-25701.

The annexation of Tract 27251 as Zone 09 within LMD 2014-02 will ensure funds received for the benefit of this zone will be restricted for use within this zone. Transitioning the tract from the CSD Zone D program to an LMD will also account for the "general benefit" component of the annual landscape maintenance costs.

The Report outlines the maximum cost per equivalent benefit unit (residential parcel) for Fiscal Year 2015/16 to be \$634.07. The maximum assessment rate was calculated based on anticipated costs of providing maintenance services over a 12-month period. Based on the developer's schedule to install improvements, it is anticipated that only

two months of expenses will need to be funded during Fiscal Year 2015/16. Consequently, the assessment for the initial year will be levied at the reduced rate of \$116.64. The Fiscal Year 2015/16 levy accounts for administration, partial maintenance costs, and partial funding of the reserve and repair/replacement fund. The CSD Zone D parcel charges collected from properties in the development during Fiscal Years 2004/05, 2005/06, and 2007/08 were not expended due to suspension of the development. The current fund balance of \$49,992 will be transferred to Zone 09 upon its annexation and designated as its operating reserve.

NOTIFICATION

All property owners in the housing tract (existing homeowners and developer) were provided the required 45-day noticing period to review the ballot documents (Attachment 2). The documents included a notice explaining the purpose of the proposed assessment, a map showing the landscaped area to be maintained by the assessment, the date of the Public Hearing, when the ballots are due to be returned, how the assessment will be determined annually, a ballot for casting their vote, and a postage paid envelope for the return of their completed ballot. The notice and ballot were translated and sent to the property owners in both English and Spanish.

Newspaper advertising for the April 28, 2015 Public Meeting and May 12, 2015 Public Hearing was published in The Press-Enterprise on April 9, 2015. Additionally, a Public Hearing notification was published on April 23, 2015 and is scheduled to be published again on April 30, 2015.

PREPARATION OF STAFF REPORT

Prepared by:
Jennifer Terry
Senior Management Analyst

Department Head Approval:
Richard Teichert
Chief Financial Officer

Concurred by:
Candace E. Cassel
Special Districts Division Manager

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.

ATTACHMENTS

1. April 6 Neighborhood Meeting Letter

- 2. Mail Ballot Documents
- 3. Engineer's Report
- 4. Tract 27251 Map
- 5. Flowchart for Landscape Funding

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	4/09/15 12:35 PM
City Attorney Approval	<u>✓ Approved</u>	4/20/15 1:48 PM
City Manager Approval	<u>✓ Approved</u>	4/20/15 4:10 PM

TEL: 951.413.3480
 FAX: 951.413.3498
 WWW.MOVAL.ORG



14331 FREDERICK STREET, SUITE 2
 P. O. BOX 88005
 MORENO VALLEY, CA 92552-0805

Dear Property Owner:

March 16, 2015

Subject: Property Owner Meeting to Discuss Landscape Maintenance District

You are invited to attend a meeting to discuss funding for the maintenance of planned parkway landscaping for your housing tract. The meeting has been scheduled for 6:00 p.m., Monday, April 6, 2015 in the multipurpose room at Mountain View Middle School (13130 Morrison St).

The current developer of your housing tract is moving forward with completion of the housing project. The project was approved with the condition that the developer installs certain infrastructure improvements. One of those improvements is the installation of the parkway landscaping around the perimeter of the housing tract, between the tract wall and sidewalk. The developer expects to complete installation of the parkway landscaping within the next several months.

In addition to installing the landscaping, the development is required to provide an ongoing funding source for the maintenance of the parkway landscaping. The original developer planned for each home to fund the annual landscape maintenance costs by participating in the City's landscape maintenance district. The developer completed a property owner mail ballot proceeding which authorized a parcel charge to be levied on the annual property tax bills to fund the landscape maintenance district.

Since approved by the previous developer, costs to maintain landscaping have increased. In order to maintain the new parkway landscaping at the City's highest service level (monthly service, weekly litter removal), a property owner mail ballot proceeding must be completed. All property owners in the housing tract (existing homeowners and current developer) will have an opportunity to cast their vote in support of or opposition to an increase in the annual parcel charge to fund maintenance of the planned parkway landscaping.

Mail ballot documents will be mailed to all property owners by March 27th. The ballot documents will include detailed information about the landscape maintenance district, proposed parcel charge, and when it would go into effect. The April 6th meeting has been scheduled to discuss the ballot documents and answer questions about maintenance of the planned parkway landscaping. Please contact the Special Districts Division at 951.413.3480 with any questions you may have in advance of the informational meeting.

Sincerely,

Candace E. Cassel
 Special Districts Division Manager

Attachment: April 6 Neighborhood Meeting Letter (1293 : PUBLIC MEETING TO DISCUSS THE MAIL BALLOT PROCEEDI)

TEL: 951.413.3480
 FAX: 951.413.3498
 WWW.MOVAL.ORG



14331 FREDERICK STREET, SUITE 2
 P. O. BOX 88005
 MORENO VALLEY, CA 92552-0805

March 26, 2015

**Moreno Valley Community Services District (“CSD”)
 Landscape Maintenance District No. 2014-02**

**NOTICE OF PUBLIC HEARING
 REGARDING PROPOSED ASSESSMENT AND ANNEXATION**

**May 12, 2015 at 6:00 PM
 City Council Chamber
 14177 Frederick Street
 Moreno Valley, California 92553**

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

You have been sent this notice because you are the record owner of a parcel proposed for inclusion in a proposed Zone 09 of the Moreno Valley Community Services District Landscape Maintenance District No. 2014-02 (the “Landscape Maintenance District”). Zone 09 is proposed to include all parcels in Tracts 27251 and 27251-1. If the annexation of Zone 09 to the Landscape Maintenance District is approved, your parcel will be subject to an annual assessment to fund maintenance of public landscape improvements associated with Tracts 27251 and 27251-1. This assessment will be collected on the Riverside County Property Tax Bill. If approved, the assessment will replace an annual Zone D change, which was previously approved for the same purpose.

Enclosed with this notice is a ballot on which you may indicate your support for or opposition to the proposed assessment. This notice gives information about the proposed assessment and annexation as well as information about completing and returning the ballot.

Background

The City Council of the City of Moreno Valley serves as the Board of Directors of the Moreno Valley Community Services District. On March 24, 2015, the Board of Directors adopted its Resolution No. CSD 2015-06 (the “Resolution of Intention”), stating the intention of the Board of Directors to annex Zone 09 to the Landscape Maintenance District, to authorize an annual assessment in connection with that annexation and to levy an assessment in fiscal year 2015/16 against real property in Zone 09. The Resolution of Intention made reference to a previously approved Engineer’s Report, which provides a complete description of (i) the landscaping improvements to be maintained in connection with Zone 09; (ii) the boundaries of Zone 09, (iii) the proposed assessments upon assessable lots and parcels of land within Zone 09, and (iv) the basis upon which the assessment was calculated. Both the Resolution of Intention and the Engineer’s Report are on file in the Office of the City Clerk and available online at: www.moval.org/sd under the Landscape Maintenance tab. A copy may also be obtained by contacting the City’s Special Districts Division at 951-413-3480 or at specialdistricts@moval.org.

TEL: 951.413.3480
 FAX: 951.413.3498
 WWW.MOVAL.ORG



14331 FREDERICK STREET, SUITE 2
 P. O. BOX 88005
 MORENO VALLEY, CA 92552-0805

26 de Marzo del 2015

Distrito de Servicios Comunitarios ("CSD") de Moreno Valley

Distrito de Mantenimiento de Áreas Verdes No. No. 2014-02

**AVISO DE AUDIENCIA PÚBLICA
 RESPECTO AL PROPUESTO CARGO DE IMPUESTO Y ANEXIÓN**

**12 de Mayo del 2015 a las 6:00 p. m.
 Sala del Concejo (Council Chamber)
 14177 Frederick Street
 Moreno Valley, California 92553**

******* BOLETA OFICIAL ADJUNTA *******

Introducción

Se le ha enviado este aviso porque es el titular registrado de una parcela propuesta para su inclusión en un proyecto de la Zona 9 del Distrito de Mantenimiento de Áreas Verdes No. 2014-02 (el "Distrito de Mantenimiento de Áreas Verdes") del Distrito de Servicios Comunitarios de Moreno Valley. Se propone que la Zona 9 incluya a todas las parcelas en los Terrenos 27251 y 27251-1. Si se aprueba la anexión de la Zona 9 al Distrito de Mantenimiento de Áreas Verdes, su parcela será objeto de un cargo de impuesto anual con el propósito de financiar el mantenimiento de las mejoras en el área verde pública, asociado con los Terrenos 27251 y 27251-1. Este cargo de impuesto se recaudará en la cuenta de impuestos a la propiedad del condado de Riverside. Si se aprueba, el cargo de impuesto sustituirá un cargo anual de la Zona D, que fue aprobado previamente con el mismo propósito.

Adjunto a este aviso encontrará una boleta en la que puede indicar su apoyo u oposición al cargo de impuesto propuesto. Este aviso facilita información sobre la anexión y el cargo de impuesto propuesto, así como también información sobre cómo completar y devolver la boleta.

Historial

El Ayuntamiento de la Ciudad de Moreno Valley se desempeña como Junta Directiva del Distrito de Servicios Comunitarios de Moreno Valley. El 24 de Marzo del 2015, la Junta Directiva aprobó su Resolución No. CSD 2015-06 (la "Resolución de intención"), indicando la intención de la Junta Directiva de anexar la Zona 9 al Distrito de Mantenimiento de Áreas Verdes, para autorizar un cargo de impuesto anual en relación con esa anexión y para imponer un cargo de impuesto durante el año fiscal 2015/16 sobre los bienes inmuebles de la Zona 9. La Resolución de Intención hizo referencia al Informe del diseño, previamente aprobado, que proporciona una descripción completa de (i) las mejoras de las áreas verdes a las que se les dará mantenimiento en relación con la Zona 9; (ii) los límites de la Zona 9; (iii) las contribuciones propuestas sobre lotes y parcelas de tierra gravables dentro de la Zona 9; y (iv) la base sobre la que se calculó el cargo de impuesto. Tanto la Resolución de intención como el Informe de diseño se encuentran archivados en la oficina de la Secretaria

Attachment: Mail Ballot Documents (1293 : PUBLIC MEETING TO DISCUSS THE MAIL BALLOT PROCEED)

Services Provided & Reason for Assessment

If the annexation is approved, the Landscape Maintenance District will, to the extent funds are available, maintain approximately 69,000 square feet of parkway landscaping installed in connection with residential development of Tracts 27251 and 27251-1. The enclosed map shows the location of the landscaping that will be maintained. The proposed assessment would fund the anticipated costs of providing these services and would replace a Zone D charge previously approved for that purpose.

Proposed Assessment

The proposed annual maximum assessment is \$634.07 per residential parcel (a total of \$95,110.50 for all parcels in Zone 09). The maximum assessment rate was calculated based on anticipated costs of providing maintenance services over a 12-month period. The assessment amount will be reviewed each year to determine whether the full maximum approved amount is required. The City Council will not levy the assessment in any year at a rate that is in excess of the amount required to provide the services (including costs associated with administration of the assessment and building certain reserves). Based on the developer's schedule to install improvements, it is anticipated that only two months of expenses for maintenance will need to be funded during Fiscal Year 2015/16. Consequently, the assessment for the initial year will be levied at the reduced rate of \$116.64 per residential parcel (a total of \$17,496 for all parcels in Zone 09).

This assessment will replace the currently authorized Zone D charge of \$496.32 for landscape maintenance services, which is not sufficient to provide the proposed services. Proceeds of the assessment can be used only to fund landscape maintenance services associated with Zone 09 and cannot be used by the City or the District for any other purpose.

Annual CPI Adjustment

Each fiscal year the Maximum Assessment Rate will be automatically adjusted by the percentage change in the Consumer Price Index (CPI) for All Urban Consumers for the Los Angeles-Riverside-Orange County Region as published by the Department of Labor's Bureau of Labor Statistics or three percent (3%), whichever is greater. Each year, the Board of Directors will consider whether the assessment needs to be levied at the adjusted maximum rate; and the Board may levy it at some lower rate or choose not to implement an automatic rate adjustment.

Duration of the Assessment

This is an ongoing annual assessment that will continue for as long as the services are provided.

Public Hearing and Public Meeting

The Board of Directors will hold a public hearing on annexation of Zone 09 to the Landscape Maintenance District and the levy of the proposed assessment on May 12, 2015 at 6:00 PM or as soon thereafter as practical, in the City Council Chamber located at 14177 Frederick Street, Moreno Valley, California 92553. You are invited to provide oral or written testimony at the public hearing, but attendance at the public hearing is not required in order for your assessment ballot to be counted.

Attachment: Mail Ballot Documents (1293 : PUBLIC MEETING TO DISCUSS THE MAIL BALLOT PROCEED)

Municipal y están a su disposición en línea: www.moval.org/sd, bajo la pestaña de Mantenimiento de Áreas Verdes. Asimismo, se puede obtener una copia poniéndose en contacto con la División de Distritos Especiales de la Ciudad al 951-413-3480 o en specialdistricts@moval.org.

Servicios Prestados y Motivo de la Contribución

Si se aprueba la anexión, el Distrito de Mantenimiento de Áreas Verdes, en la medida en que los fondos estén disponibles, se ocupará del mantenimiento de aproximadamente 69,000 pies cuadrados de áreas verdes de bulevares instalados en relación con el desarrollo residencial de los Terrenos 27251 y 27251-1. El mapa adjunto muestra la ubicación de las áreas verdes a las que se les dará mantenimiento. El cargo de impuesto propuesto financiaría los costos previstos de la prestación de estos servicios y reemplazaría un cargo de la Zona D, previamente autorizado a tal efecto.

Cargo de impuesto Propuesto

El máximo cargo de impuesto anual propuesto es \$634.07 por parcela residencial (un total de \$95,110.50 para todas las parcelas de la Zona 9). La tasa máxima del cargo de impuesto se calculó en función de los costos previstos de la prestación de servicios de mantenimiento para un período de 12 meses. El monto del cargo de impuesto será revisado cada año para determinar si se requiere la cantidad máxima total aprobada. El Ayuntamiento no impondrá el cargo de impuesto en ningún año a una tasa superior a la cantidad necesaria para facilitar los servicios (incluidos los costos asociados con la administración del cargo de impuesto y la constitución de determinadas reservas). Según el programa del desarrollador para llevar a cabo las mejoras, se prevé que tendrán que financiarse sólo dos meses de gastos para el mantenimiento durante el año fiscal 2015/16. En consecuencia, el cargo de impuesto para el año inicial se impondrá a la tasa reducida de \$116.64 por parcela residencial (un total de \$17,496 para todas las parcelas de la Zona 9).

Este cargo de impuesto sustituirá el cargo de \$496.32 actualmente autorizado de la Zona D para los servicios de mantenimiento de áreas verdes, lo que no es suficiente para prestar los servicios propuestos. Lo recaudado en concepto de cargo de impuesto sólo se puede utilizar para financiar los servicios de mantenimiento de áreas verdes asociados con la Zona 9 y no pueden ser utilizados por el Ayuntamiento o el Distrito para ningún otro propósito.

Ajuste Anual del CPI

Cada año fiscal la tasa máxima de cargo de impuesto será ajustada automáticamente según la variación porcentual en el Índice de precios al consumidor (CPI, por su sigla en inglés) para todos los consumidores urbanos de la Región de los Condados de Los Ángeles-Riverside-Orange, según lo publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo o el tres por ciento (3 %), lo que sea mayor. Cada año, la Junta Directiva tendrá en cuenta si el cargo de impuesto tiene que ser cobrado a la tasa máxima ajustada; y la Junta podrá cobrarlo a una tasa inferior u optar por no aplicar un ajuste automático de la tasa.

Duración del cargo de impuesto

Este es un cargo de impuesto anual en curso que continuará durante todo el tiempo en que se presten los servicios.

Audiencia pública y reunión pública

La Junta Directiva llevará a cabo una audiencia pública sobre la anexión de la Zona 9 al Distrito de Mantenimiento de Áreas Verdes y sobre el cobro del cargo de impuesto propuesto el 12 de Mayo del 2015 a las 6:00 p. m., o lo antes posible, en la Sala del Concejo de la Ciudad ubicada en 14177

On Tuesday, April 28, 2015 at 6:00 P.M. or as soon thereafter as practical, in the City Council Chamber, the Board of Directors will hold a public meeting to allow record owner(s) of property a forum for presenting comments and questions related to the proposed service and/or the mail ballot proceeding process. The public meeting is an informational event, and no action will be taken by the Board of Directors until after the May 12, 2015 Public Hearing.

Ballot Proceedings

You can express your support for or opposition to the proposed assessment by returning the enclosed assessment ballot to the Community Services District. The ballot can be returned to the District at the May 12, 2015 Public Hearing, or can be mailed or hand-delivered to the address on the ballot. In order to be counted, the ballot must be received by the District prior to the close of the public input portion of the Public Hearing. If the number of ballots returned in opposition to the assessment is greater than the number of ballots returned in support of the assessment, then the assessment and the annexation will not be approved by the Board of Directors. Each ballot will be weighted by the proportionate financial obligation of the parcel(s) for which it is submitted (i.e. the amount of the proposed assessment against the parcel(s)). For Zone 09 the value of each residential parcel is 1 weighted vote. All ballots received will be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy for Conducting Mail Ballot Proceedings Policy #1.12. If the assessment is not approved, landscape maintenance services may not be assumed by the City for ongoing maintenance and an alternative ongoing funding source may need to be put into place.

For More Information

If you have any questions about the proposed assessment, the landscape maintenance services, or the mail ballot proceeding process, please contact the City's Special Districts Division, a Division of the Financial and Management Services Department, 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. at 951.413.3480 or via email at specialdistricts@moval.org.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed annual assessment. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed annual assessment **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 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.

Frederick Street, Moreno Valley, California 92553. Usted está invitado a dar testimonio oral o escrito en la audiencia pública, pero la su presencia a dicha audiencia no es obligatoria para que su boleta referida al cargo de impuesto sea contada.

El Martes, 28 de Abril del 2015 a las 6:00 p. m., o lo antes posible, en la Sala del Concejo de la Ciudad, la Junta Directiva llevará a cabo una reunión pública para permitir a los titulares registrados de la propiedad realizar un foro con el fin de presentar los comentarios y las preguntas relacionadas con el servicio prestado o el proceso de voto por correo. La reunión pública es un evento informativo, y ninguna medida será tomada por la Junta Directiva hasta después de la audiencia pública del 12 de Mayo del 2015.

Procedimiento de votación

Puede expresar su apoyo u oposición al cargo de impuesto propuesto devolviendo la boleta adjunta referida al cargo de impuesto del Distrito de Servicios Comunitarios. La boleta puede ser devuelta al Distrito en la audiencia pública del 12 de Mayo del 2015, o puede ser enviada por correo postal o entregada personalmente en la dirección indicada en la boleta. Con el fin de ser contada, la boleta debe ser recibida por el Distrito antes del cierre de la parte de comentarios públicos de la audiencia pública. Si el número de boletas devueltas en oposición al cargo de impuesto es mayor que el número de boletas devueltas en apoyo al cargo de impuesto, entonces el cargo de impuesto y la anexión no serán aprobados por la Junta Directiva. Cada boleta será ponderada según la obligación financiera proporcional de la parcela para la que se presenta (es decir, la cantidad del cargo de impuesto propuesto en relación con la parcela). Para la Zona 9, el valor de cada parcela residencial es de un voto ponderado. Todas las boletas recibidas serán tabuladas bajo la dirección de la Secretaria de la Junta Directiva del CSD (Secretaria Municipal), de conformidad con la actual Política para la realización de votaciones por correo # 1.12. Si no se aprueba el cargo de impuesto, la Ciudad no podrá hacerse cargo de los servicios de mantenimiento de las áreas verdes de manera continua y es posible que sea necesaria la puesta en marcha de una fuente de financiación alternativa continua.

Para obtener más información

Si tiene alguna pregunta sobre el cargo de impuesto propuesto, los servicios de mantenimiento de áreas verdes o el proceso de votación por correo, comuníquese con la División de Distritos Especiales de la Ciudad, una división del Departamento de Servicios Administrativos y Financieros, de lunes a jueves de 7:30 a. m. a 5:30 p. m. y los viernes de 7:30 a. m. a 4:30 p. m. al 951.413.3480 o por correo electrónico a specialdistricts@moval.org.

Cómo completar su boleta








Los propietarios de los inmuebles pueden presentar ante el CSD la boleta adjunta, en apoyo u oposición al cargo de impuesto anual propuesto. Siga las instrucciones que se indican a continuación para completar y devolver su boleta. Los procedimientos para la conclusión, devolución y tabulación de las boletas se encuentran también en el archivo de la oficina del Secretario Municipal.

1. Marque la boleta adjunta en apoyo u oposición al cargo de impuesto anual propuesto **al colocar una marca en la casilla correspondiente.** Las boletas recibidas sin un voto designado serán consideradas como nulas.
2. Firme la boleta. Las boletas recibidas sin firma serán consideradas como no válidas y no se contarán.

4. Ballot(s) must be **received** by the City Clerk prior to the conclusion of public testimony at the Public Hearing, which will be held on **Tuesday, May 12, 2015**, 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 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;
-  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.

Attachment: Mail Ballot Documents (1293 : PUBLIC MEETING TO DISCUSS THE MAIL BALLOT PROCEEDI)

3. Envíe por correo o entregue personalmente su boleta en un sobre cerrado en la oficina de la Secretaria Municipal, 14177 Frederick Street, Moreno Valley, California, 92553. Para su comodidad, se ha incluido un sobre con franqueo pagado para la devolución de la boleta.
4. Las boletas deben ser **recibidas** por la Secretaria Municipal antes de la conclusión del testimonio público en la audiencia pública, que se llevará a cabo el **Martes, 12 de Mayo del 2015**, en la Sala del Concejo de la Ciudad de Moreno Valley. La audiencia pública se llevará a cabo a las 6:00 p. m., o lo antes posible, después de que se trate el asunto. No se podrán contar las boletas recibidas después del cierre de la audiencia pública.

Marcas de las boletas

Las marcas apropiadas de las boletas incluyen cualquiera de las siguientes, ya sea para la casilla en blanco de SÍ/Aprobado o para la de NO/No aprobado:



Una marca con un cheque sustancialmente dentro de una casilla.



Una marca con una X sustancialmente dentro de una casilla.



Una marca con un punto o un óvalo sustancialmente dentro de una casilla.



Una casilla totalmente sombreada o rellena.



Una línea, simple o continua o una combinación de líneas a través de la zona de la casilla. Las líneas pueden ser cualquiera de las siguientes marcas: horizontal, vertical o diagonal. La marca puede ir de lado a lado o de esquina a esquina. Todas las líneas válidas deben estar sustancialmente dentro del área de la casilla y no marcar ninguna parte de otra casilla en blanco en la boleta.



Un círculo alrededor de la casilla o cláusula asociada.










Un cuadrado o un rectángulo alrededor de la casilla o cláusula asociada.

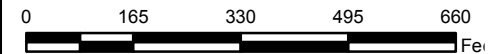
Las marcas electorales no podrán extenderse más allá de la zona de una casilla en cualquier parte de otra ni rodear el perímetro o cualquier parte más allá del área de la casilla. Las marcas que se extiendan más allá de la zona de una casilla en cualquier parte de otra o que rodeen el perímetro o cualquier parte más allá del área de una casilla, se considerarán nulas y no serán contadas.

Revisiones de las marcas de las boletas (cambios): Un error o el deseo de revisar (cambiar) una selección realizada en la boleta podrá completarse y devolverse en cualquier momento, antes de la conclusión del testimonio público en la audiencia pública. La revisión deberá ser marcada con las iniciales del titular registrado de la propiedad. Las iniciales deben ser escritas con letra de imprenta de forma clara, y colocadas en la esquina superior derecha de la selección revisada.

Tract 27251

-  Median
-  Landscaped Areas
-  Non-Taxable Parcel
-  Tract 27251
-  Roads
-  Parcels
-  City Boundary

Map reflects all changes indicated on Riverside County Assessor Maps as of March 3, 2015.



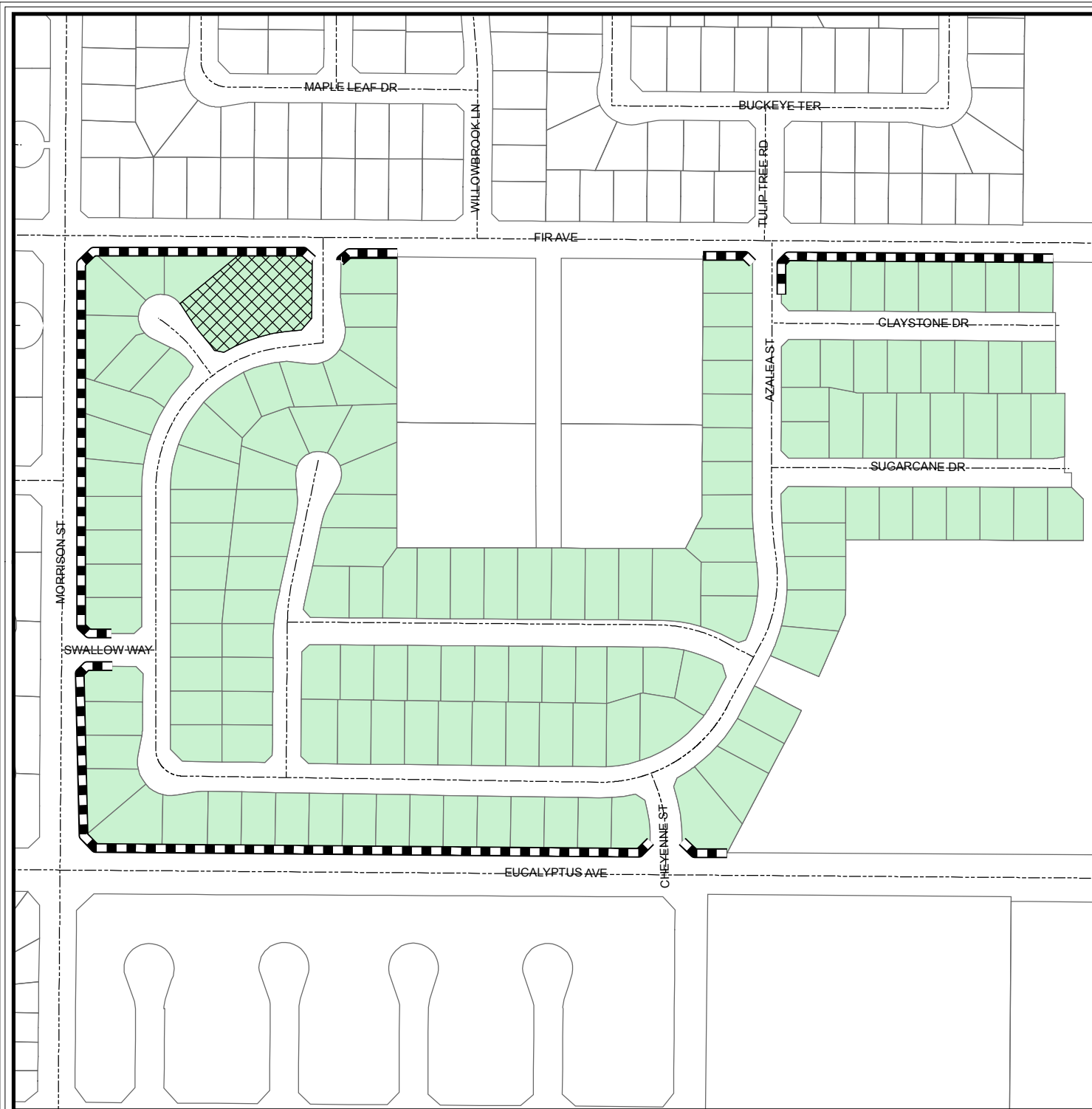
G:\V\PSDA\Tract 27251 Map.mxd

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.



MORENO VALLEY
WHERE DREAMS SOAR

Attachment: Mail Ballot Documents (1293 : PUBLIC MEETING TO DISCUSS THE MAIL BALLOT



OFFICIAL BALLOT for Assessor's Parcel No./BOLETA OFICIAL para la parcela No. 487333008

**Moreno Valley Community Services District Landscape Maintenance District No. 2014-02
Distrito de Mantenimiento de Áreas Verdes No. 2014-02 del Distrito de Servicios Comunitarios de Moreno Valley**

Zone 09 (Tract 27251 and Tract 27251-1)/Zona 9 (Terreno 27251 y Terreno 27251-1)
Maintenance of Public Parkway Landscaping/Mantenimiento de las Áreas Verdes de los Bulevares Públicos

Please indicate your support for or opposition to the annexation of Zone 09 to Landscape Maintenance District 2014-02 and the proposed assessment by placing a mark in the corresponding box and signing your name on the adjacent signature line.

Mail or personally deliver your completed ballot to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553 or submit to the City Clerk at the public hearing. To ensure the integrity of the balloting process, ballots must be returned to the City sealed in the envelope provided or some other envelope.

Unmarked or unsigned ballot will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the conclusion of public testimony at the Public Hearing scheduled for May 12, 2015, at 6:00 p.m. or as soon thereafter as the matter may be called, in the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. Ballot envelopes will not be opened until the public hearing on the assessment, but become a public record upon tabulation. By signing below, you swear, under penalty of perjury under the laws of the State of California that you are the record owner (or authorized representative of the record owner) of the parcel indicated on this ballot.

Indique su apoyo u oposición a la anexión de la Zona 9 al Distrito de Mantenimiento de Áreas Verdes No. 2014-02 y al cargo de impuesto propuesto, colocando una marca en la casilla correspondiente y firmando en la línea para el efecto que aparece a continuación.


Envíe por correo postal o por entrega personal su boleta llena en la oficina de la Secretaria Municipal, 14177 Frederick Street, Moreno Valley, California, 92553, o preséntela ante la Secretaria Municipal en la audiencia pública. Para asegurar la integridad del proceso de votación, las boletas deben ser devueltas a la Ciudad en el sobre cerrado que se suministra o en algún otro sobre.

Las boletas que no estén marcadas o firmadas no se contarán. Esta boleta debe ser recibida por la Secretaria de la Junta Directiva del CSD (Secretaria Municipal) antes de la conclusión del testimonio público en la audiencia pública prevista para el 12 de Mayo del 2015 a las 6:00 p. m., o lo antes posible después de que se trate el asunto, en la Sala del Concejo de la Ciudad de Moreno Valley, 14177 Frederick Street, Moreno Valley, California. Los sobres con las boletas no se abrirán hasta la audiencia pública relativa al cargo de impuesto, pero se convertirán en registro público después de la tabulación. Al firmar abajo, usted jura, bajo pena de perjurio y conforme a las leyes del estado de California que es el titular registrado (o el representante autorizado de dicho titular) de la parcela indicada en esta boleta.

Yes/Sí

SIGNATURE OF RECORD OWNER/FIRMA DEL TITULAR REGISTRADO DATE/FECHA


Yes, I support the annexation of Zone 09 to Landscape Maintenance District 2014-02 and the proposed annual assessment of \$634.07 against my parcel for landscape maintenance. The assessment, if approved by the Board of Directors, will be collected annually on the Riverside County property tax bill beginning in Tax Year 2015-16. I understand that the maximum assessment will be adjusted annually, without additional balloting, by the percentage change in the Consumer Price Index (CPI) for All Urban Consumers for the Los Angeles-Riverside-Orange County Region as published by the Department of Labor's Bureau of Labor Statistics or three percent (3%), whichever is greater.

Sí, apoyo la anexión de la Zona 9 al Distrito de Mantenimiento de Áreas Verdes No.2014-02 y el cargo de impuesto anual propuesto de \$634.07 sobre mi parcela para el mantenimiento de áreas verdes. El cargo de impuesto, si es aprobado por la Junta Directiva, se recaudará anualmente en la cuenta de impuestos a la propiedad del Condado de Riverside cuando comience el año fiscal 2015-16. Entiendo que el cargo de impuesto máximo se ajustará anualmente, sin votación adicional, según la variación porcentual del Índice de precios al consumidor (CPI, por su sigla en inglés) para todos los consumidores urbanos de la Región de los condados de Los Ángeles-Riverside-Orange, según lo publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo o el tres por ciento (3%), lo que sea mayor. 

No

SIGNATURE OF RECORD OWNER/FIRMA DEL TITULAR REGISTRADO DATE/FECHA

No, I oppose the annexation of Zone 09 to Landscape Maintenance District 2014-02 and the proposed annual assessment of \$634.07 against my parcel for landscape maintenance.

No, me opongo a la anexión de la Zona 9 al Distrito de Mantenimiento de Áreas Verdes No.2014-02 y al cargo de impuesto anual propuesto de \$634.07 sobre mi parcela para el mantenimiento de áreas verdes. 

**Weighted Ballot Count: 1
Recuento de votos ponderados**

**THIS IS YOUR OFFICIAL BALLOT
ESTA ES SU BOLETA OFICIAL**

CASPAR HSIUNG
2912 SPRUCE CT
ARCADIA CA 91006



Package



ENGINEER'S REPORT
MORENO VALLEY COMMUNITY
SERVICES DISTRICT
LANDSCAPE MAINTENANCE
DISTRICT NO. 2014-02
ANNEXATION NO. 1 (ZONE 09)
(TRACT 27251)
FISCAL YEAR 2015/16

March 4, 2015
MORENO VALLEY COMMUNITY SERVICES DISTRICT
14177 FREDERICK STREET
MORENO VALLEY, CA 92553

PREPARED BY
WILLDAN FINANCIAL SERVICES



Attachment: Engineer's Report (1293 : PUBLIC MEETING TO DISCUSS THE MAIL BALLOT PROCEEDI)

ENGINEER'S REPORT STATEMENT
Moreno Valley Community Services District
Landscape Maintenance District No. 2014-02

Annexation No. 1 (Tract 27251)

Establishment of Zone 09 within the District and the Annual Assessments

Riverside County, State of California

As part of the Resolution of Intention packet presented for the consideration of the Moreno Valley Community Services District Board of Directors, this Report describes the proposed Assessments to be levied on parcels within the Landscaping Maintenance District 2014-02, Annexation No. 1 (Tract 27251) commencing in fiscal year 2015/16, including the budget and basis of the assessments. Reference is hereby made to the Riverside County Assessor's Maps for a detailed description of the lines and dimensions of parcels within Annexation No. 1 and subject to the proposed assessment. The undersigned respectfully submits the enclosed Report as directed by the Moreno Valley Community Services District Board of Directors.

Dated this _____ day of _____, 2015

Willdan Financial Services
Assessment Engineer
On Behalf of the Moreno Valley Community Services District

By: _____
Jim McGuire
Principal Consultant

By: _____
Richard Kopecky
R. C. E. # 16742

Attachment: Engineer's Report (1293 : PUBLIC MEETING TO DISCUSS THE MAIL BALLOT PROCEEDI)



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Attachment: Engineer's Report (1293 : PUBLIC MEETING TO DISCUSS THE MAIL BALLOT PROCEEDI)

INTRODUCTION

The Moreno Valley Community Services District ("CSD") was established pursuant to the Community Services District Law (California Government Code Section 61000 et seq.) ("CSD Law") in 1984 at the time of the incorporation of the City of Moreno Valley. The CSD is a dependent special district of the City, and the Moreno Valley City Council serves as the Board of Directors of the CSD. The boundaries of the CSD are the same as those of the City.

In May 2014, the Moreno Valley Community Services District, formed Landscape Maintenance District No. 2014-02 ("District"), pursuant to the Landscaping and Lighting Act of 1972 (California Streets and Highways Code Section 22500 et seq.) (the "1972 Act").

Tract 27251 is a partially completed residential subdivision located in the City. In proceedings conducted by the CSD in 2002, Tract 27251 was approved for an annual CSD Zone D charge to fund CSD maintenance of certain planned landscaping improvements. Subsequent to approval of this Zone D charge, the developer of Tract 27251 suspended its development of the Tract. Some of the parcels in the Tract were completed with residences and sold to homeowners. However, the developer did not install the landscaping that would be maintained by the CSD.

Development of Tract 27251 is now planned to resume. However, the inflation-adjusted annual charge most recently approved in 2006 (\$496.32 per residential parcel as of FY 2014/15) is not sufficient to fully fund the CSD's anticipated costs of maintaining the planned landscaping improvements. Therefore the CSD will seek to annex Tract 27251 (including both completed residential parcels and parcels planned for development) to the District to fund the maintenance of the planned landscaping improvements. If annexation is approved, the District's assessment will replace the Zone D charge as a source of funds for public landscape maintenance, and the Zone D charge approved in 2006 will not be imposed for this Tract.

For fiscal year 2015/16, the Board of Directors for the CSD proposes to annex Tract 27251 and Tract 27251-1 (collectively "Tract 27251") to the District in order to provide for the ongoing maintenance and operation of landscaping improvements to be installed in connection with the development of Tract 27251. By resolution, the CSD has ordered the preparation of this Engineer's Report ("Report") in connection with the proceedings for the annexation of Tract 27251 to the District (Annexation No. 1) pursuant to the 1972 Act and the California Constitution.

This Report shall serve as the detailed engineer's report for fiscal year 2015/16 regarding the annexation of Tract 27251 to Landscape Maintenance District No. 2014-02, which is designated as **Annexation No. 1** and proposed new assessments to be levied on the properties therein to provide ongoing funding for the costs and expenses required to service and maintain the landscaping improvements associated with and resulting from the development of properties within Annexation No. 1, in accordance with the proportional special benefits the properties will receive from the improvements.

The improvements, the method of apportionment, and special benefit assessments described in this Report are based on the proposed improvements and planned development of properties within Annexation No. 1; and represent an estimate of the direct expenditures and incidental expenses that will be necessary to maintain, service, and operate such improvements. The proposed improvements to be installed in connection with the development of properties within Annexation No. 1 and described herein are based on the development plans and specifications for Tract 27251 and by reference these plans and specifications are made part of this Report.

The word "parcel," for the purposes of this Report, refers to an individual property assigned its own Assessor's Parcel Number (APN) by the Riverside County Assessor's Office. The Riverside

Attachment: Engineer's Report (1293 : PUBLIC MEETING TO DISCUSS THE MAIL BALLOT PROCEEDI)

County Auditor/Controller uses Assessor's Parcel Numbers and a dedicated fund number established for the District to identify properties to be assessed on the tax roll and the allocation of the funds collected.

Pursuant to the provisions of Article XIID, Section 4 of the California Constitution, the CSD Board of Directors will conduct a property owner protest ballot proceeding (referred to as "Ballot Proceeding") for the proposed levy of new assessments as described in this Report. In conjunction with this Ballot Proceeding, the Board of Directors will conduct a noticed public hearing to consider public testimonies, comments and written protests regarding Annexation No. 1, and the levy of the proposed new assessments. Upon conclusion of the public hearing, property owner protest ballots received will be opened and tabulated to determine whether majority protest exists:

"A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property."

After completion of the ballot tabulation, the CSD Board will confirm the results of the Ballot Proceeding. If majority protest exists, further proceedings to annex the territory to the District and the imposition of the proposed levy and collection of assessments shall be abandoned. If tabulation of the ballots indicate that majority protest does not exist for the proposed assessments and the assessment range formula presented and described herein, the CSD Board may approve the Report (as submitted or amended), order the annexation of Tract 27251 to the District, approve the related assessment diagram, and confirm the assessments as approved. In such case, the assessments as approved shall, by this Report, be made part of the District's annual engineer's report for Fiscal Year 2015/16 and together with the assessments for other properties within the District shall be finalized, approved and submitted to the Riverside County Auditor/Controller for inclusion on the property tax roll for each affected parcel as part of the annual approval process.

Each subsequent fiscal year, an Engineer's Report for the District, including Tract 27251, shall be prepared and presented to the CSD Board describing the District, any changes to the District or improvements, and the proposed budget and assessments for that fiscal year. The CSD Board shall hold a public hearing regarding these matters prior to approving and ordering the proposed levy of assessments for that fiscal year and such public hearing shall be noticed pursuant to the 1972 Act if new or increased assessments are not proposed. If in any year, the proposed annual assessments for the District exceed the maximum assessments described herein, such an assessment would be considered a new or increased assessment and must be confirmed through mailed property owner protest ballot proceeding before that new or increased assessment may be imposed.

This Report consists of five (5) parts:

Part I

Plans and Specifications: A description of the Annexation No. 1 boundaries and the proposed improvements associated with the annexation territory. Annexation No. 1 (Tract 27251) is being annexed to Landscape Maintenance District No. 2014-02 and established as the eleventh benefit zone ("Zone 09") within the District. A diagram showing the exterior boundaries of Annexation No. 1 (Zone 09) is attached and incorporated herein under Part IV (Annexation Diagram). The specific plans for the landscape improvements are on file in the Office of the Financial and Management Services Department, Special Districts Division.

Part II

Method of Apportionment: A discussion of the general and special benefits associated with the overall local landscaping improvements to be provided within Annexation No. 1 (Proposition 218 Benefit Analysis). This Part also includes a determination of the proportional costs of the special benefits and a separation of costs considered to be of general benefit (and therefore not assessed). This section of the Report also outlines the method of calculating each property's proportional special benefit and annual assessment utilizing a weighted benefit of apportionment known as an Equivalent Benefit Unit.

Part III

Estimate of Improvement Costs: An estimate of the annual funding required for the annual maintenance, servicing, and operation of landscape improvements within Annexation No. 1 and specifically the costs associated with the improvements determined to be of special benefit to parcels within Annexation No. 1 (Zone 09). The budget identifies an estimate of anticipated ongoing annual expenses to service, maintain, and operate landscape improvements within the District including, but not limited to, servicing of those improvements and related facilities, utility costs, and related incidental expenses authorized by the 1972 Act. The budget identifies the initial maximum assessment rate for Annexation No. 1 (Zone 09) that will be adjusted annually by the associated assessment range formula (inflationary adjustment), as well as the proposed budget and assessment rate to be levied and collected for fiscal year 2015/16.

Part IV

Annexation Diagram: The Diagram showing the boundaries of Annexation No. 1 (Zone 09) is provided in this Report and this diagram identifies all parcels that receive special benefits from the improvements associated with Annexation No. 1 (Zone 09). Parcel identification, the lines and dimensions of each lot, parcel and subdivision of land within the Annexation, are inclusive of all parcels as shown on the Riverside County Assessor's Parcel Maps as they existed at the time this Report was prepared and shall include all subsequent subdivisions, lot-line adjustments, or parcel changes therein. Reference is hereby made to the Riverside County Assessor's Maps for a detailed description of the lines and dimensions of each lot and parcel of land within Annexation No. 1 (Zone 09).

Part V

Assessment Roll: A listing of the proposed assessment amount for each parcel within Annexation No. 1. The proposed assessment amount for each parcel is based on the parcel's calculated proportional special benefit as outlined in the method of apportionment and proposed assessment rates established in the Annexation No. 1 (Zone 09) Budgets for fiscal year 2015/16. These assessment amounts represent the assessments proposed to be levied and collected on the County Tax Rolls commencing in fiscal year 2015/16.

PART I — PLANS AND SPECIFICATIONS

DESCRIPTION OF ANNEXATION NO. 1

The territory within Annexation No. 1 (Zone 09) shall consist of all lots and parcels of land within the boundaries of Tract 27251 within the City of Moreno Valley. These parcels include 150 single family residential lots and one storm water detention basin. These parcels are generally located south of Fir Avenue, east of Morrison Street and north of Eucalyptus Avenue.

Annexation No. 1 (Zone 09) and the benefits associated with the properties therein are described in more detail in Part II (Method of Apportionment) of this Report. The Annexation Diagram found in Part IV of this Report shows the Annexation No. 1 (Zone 09) boundaries as well as the improvement areas to be maintained.

ANNEXATION NO. 1 FACILITIES AND IMPROVEMENTS

The landscape improvements to be maintained within Annexation No. 1 (Zone 09) are local landscaping improvements that will be installed in connection with the development of the parcels comprising Tract 27251. These landscaping improvements are an integral part of the subdivision and development, creating a green amenity and aesthetically pleasing enhancement to the parcels served by the landscaping. The landscaping improvements are a condition of development of the parcels in Tract 27251, and these properties being included in Annexation No. 1 (Zone 09) could not have been developed if the landscaping were not included. Improvements for the Annexation No. 1 (Zone 09) will be located within the subdivision and along the entry path to the subdivision.

Landscaping within Annexation No. 1 (Zone 09) consists of perimeter landscaping on the south side of Fir Street, the north side of Eucalyptus Avenue and the east side of Morrison Street. There is approximately 68,919 square feet of planted landscape are to be maintained and funded in part by the District assessments. The planted landscape improvements generally include, but are not limited to the following:

Description	Quantity
24" box trees	138
5 gallon shrubs	4,645
1 gallon groundcover	3,001
5 gallon vines	166
Irrigation pumps	2
Irrigation control pedestal	2
Backflows	2
Maxicom central control irrigation system	1

The Annexation Diagram found in Part IV of this Report provides visual representations of the improvement areas to be maintained within Annexation No. 1 (Zone 09). Detailed plans identifying the location and extent of the landscape improvements for Tract 27251 are on file in the Office of the Financial and Management Services Department, Special Districts Division, and by reference these plans and maps are made part of this Report.

Attachment: Engineer's Report (1293 : PUBLIC MEETING TO DISCUSS THE MAIL BALLOT PROCEEDI)

The maintenance, operation, and servicing of the Annexation No. 1 (Zone 09) landscape improvements include the furnishing of labor, materials, equipment, and utilities for the ordinary and usual maintenance, operation, and servicing of the landscaped areas within the public right-of-way and where easements have been dedicated to the City for maintenance as part of the development of properties within Tract 27251.

The landscape improvements associated with Annexation No. 1 (Zone 09) are landscape amenities to be installed on Morrison Street, Fir Avenue and Eucalyptus Avenue in connection with Tract 27251. These improvements can include (to the extent sufficient funding through the assessment is available) plants, shrubs, groundcover plantings, vines trees, and associated appurtenant facilities such as irrigation and drainage systems, hardscape amenities, and entry monuments. The storm water detention basin within Tract 27251 (parcel 487-320-014) is not part of the improvements to be maintained and funded by the District assessments. It is intended that this facility will be maintained by the Riverside County Flood Control and Water Conservation District and funded from other sources.

Attachment: Engineer's Report (1293 : PUBLIC MEETING TO DISCUSS THE MAIL BALLOT PROCEEDI)

PART II — METHOD OF APPORTIONMENT

The 1972 Act permits the establishment of assessment districts, and annexations thereto, by agencies for the purpose of providing certain public improvements, including the acquisition, construction, installation, and servicing of landscape improvements and related facilities. The 1972 Act requires that the cost of these improvements be levied according to benefit rather than assessed value:

Section 22573 defines the net amount to be assessed as follows:

“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”

Section 22574 provides for zones as follows:

“The diagram and assessment may classify various areas within an assessment district into different zones where, by reason of variations in the nature, location, and extent of the improvements, the various areas will receive differing degrees of benefit from the improvements. A zone shall consist of all territory which will receive substantially the same degree of benefit from the improvements.”

The formulas used for calculating assessments reflects the composition of parcels within Annexation No. 1 and the improvements and activities to be provided, and have been designed to fairly apportion the cost of providing those improvements and activities based on a determination of the proportional special benefits to each parcel, consistent with the requirements of the 1972 Act and the provisions of Proposition 218 and Article XIII D of the California Constitution.

PROPOSITION 218 BENEFIT ANALYSIS

The costs of the proposed improvements and activities for fiscal year 2015/16 have been identified and allocated to properties within Annexation No. 1 of the District based on special benefit.

Article XIID Section 2(d) defines District as follows:

“District means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service”;

Article XIID Section 2(i) defines Special Benefit as follows:

“Special benefit” means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute “special benefit.”

Article XIID Section 4(a) defines proportional special benefit assessments as follows:

“An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.”

BENEFIT ANALYSIS

Special Benefit

The ongoing maintenance of local public landscaped areas within the District and specifically, Annexation No. 1 (Zone 09) provides aesthetic benefits to the properties within the Zone and provides a more pleasant environment to walk, drive, live, and work. The primary function of these landscape improvements and related amenities is to serve as an aesthetically pleasing enhancement and green space for the benefit of the immediately surrounding development (Tract 27251) for which the improvements were constructed and installed. These improvements are an integral part of the physical environment of parcels within the Zone, and if the improvements were not properly maintained, it is these parcels that would be aesthetically burdened. In addition, the public landscaping serves as both a physical buffer as well as a sound reduction or buffer between the roadways and the properties in the Zone; provide a physical buffer and openness between properties. The improvements installed in connection with the development of the parcels constituting the Annexation (Tract 27251), would not be necessary or required without the development of those parcels within the Annexation.

General Benefit

In reviewing the location and extent of the specific landscaped areas and improvements to be funded by the Annexation assessments and the proximity and relationship to properties to be assessed, it is evident these improvements are local improvements that are to be installed in connection with the development of properties within Tract 27251 (Annexation No. 1 — Zone 09). It is also evident that the maintenance of these improvements and the level of maintenance provided only has a direct and particular impact on those properties (special benefit) and such maintenance beyond that which is required to ensure the safety and protection of the general public and property in general, has no identifiable benefit to the public at large or properties outside Annexation No. 1 (Zone 09).

In the absence of a special funding, the City would typically provide only weed abatement and erosion control services for parkway areas. These services would typically be provided twice annually. This level of service provides for public safety and avoids negative impacts on adjacent roadways and vehicles traveling on those roadways, but results in a far less visually pleasing environment than is created with the enhanced level of service associated with assessment funding. The cost to provide the baseline level of service is approximately \$0.02 per square foot per servicing for parkway areas. The calculation of weed abatement and erosion control services costs accounts for the square footage of these areas. Since the baseline services, unlike the enhanced aesthetic services, provide substantial benefits to the general public and to the neighborhoods outside of the benefit zones, the cost of providing this baseline service is treated as the cost of general benefits from landscape maintenance services. Utilizing these per square foot costs and the square footages of the improvement areas in Annexation No. 1, the current estimated general benefit costs calculated for the improvement areas within Annexation No. 1 (Zone 09) is \$2,755 (rounded to the nearest five dollars) and is reflected in the Zone budget in Part III of this Report. As with most landscape maintenance costs, the General Benefit Cost will be impacted by inflation and in subsequent fiscal years and the General Benefit Cost contributions will be adjusted for inflation.

ASSESSMENT METHODOLOGY

Equivalent Benefit Unit Application

To proportionally allocate special benefit to each parcel, it is necessary to correlate each property's proportional benefit to other properties that benefit from the improvements and services being funded. In order to do this, the assessment methodology assigns each parcel a number of EBUs (Equivalent Benefit Units) based on its land use as of March 1st, preceding the fiscal year addressed herein. One EBU is defined as the special benefit allocable to a single family home (basic EBU). A parcel is only allocated EBUs if the landscaping serving the Annexation has been accepted by the City or will be accepted by the City during the upcoming fiscal year.

All of the 150 assessed parcels in Annexation No. 1 (Zone 09) are single family residential parcels:

Single Family Residential — This land use is defined as a fully subdivided single family residential home site with or without a structure. As previously noted, the single family residential parcel has been selected as the basic EBU for calculation of assessments and each single-family residential home site is assigned 1.0 Equivalent Benefit Unit (1.0 EBU per lot or parcel).

In addition to the 150 assessed parcels, certain exempt property exists within the Annexation:

Exempt — means a lot, parcel of land or Assessor's Parcel that is considered to not specially benefit directly from improvements. This classification includes, but is not limited to, areas of public streets, private streets, and other roadways; and public easements or right-of-way including landscaped parkways or easements; and utility right-of-way or easements such as irrigation or drainage ditches, channels or basins, and flood plains. These types of parcels (similar to the improvements) are typically the result of property development rather than the direct cause of development and have little or no need for the improvements. (These types of properties may or may not be assigned an Assessor's Parcel Number by the County).

Also exempt from assessment are Assessor's Parcels that are identified as common areas (properties for which the surrounding residential parcels have a shared interest); bifurcated lots; small parcels vacated by the County or similar sliver parcels that cannot be developed independent of an adjacent parcel. These types of parcels are generally not separately assessed because they are functionally a part of another parcel that is assessed for its own benefit and the benefit of the associated parcel. One parcel (487-320-014) within Annexation No. 1 (Zone 09) is identified as a storm water detention basin, which will be exempt from the assessment because it consists entirely of a dirt area that is itself similar in nature to the improvements being maintained in connection with the Annexation.

PART III — ESTIMATE OF IMPROVEMENT COSTS

CALCULATION OF ASSESSMENTS

An assessment amount per EBU is calculated by:

Taking the "Total Annual Expenses" (Total budgeted costs) and subtracting the "Total General Benefit Contribution", to establish the "Special Benefit Costs";

$$\text{Total Amount Budgeted} - \text{Total General Benefit Contribution} = \text{Special Benefit Costs}$$

To the resulting "Special Benefit Costs", various "Benefit Cost Adjustments" are applied that may include:

"Fund Balance Transfer/Reduction", represents the amount of available Fund Balance being applied to pay a portion of the Special Benefit Costs for the fiscal year.

"Unfunded Improvement Costs/Deficit", represents the amount necessary to fund Special Benefit Costs not otherwise funded by assessments or other adjustments.

These adjustments to the Special Benefit Costs result in the "Net Special Benefit Assessment";

$$\text{Special Benefit Costs +/- Benefit Cost Adjustments} = \text{Net Special Benefit Assessment}$$

The amount identified as the "Net Special Benefit Assessment" is divided by the total number of EBUs of parcels that benefit to establish the "Assessment Rate" or "Assessment per EBU" for the fiscal year. This Rate is then applied back to each parcel's individual EBU to calculate the parcel's proportionate special benefit and assessment for the improvements.

$$\text{Net Special Benefit Assessment} / \text{Total EBU} = \text{Assessment per EBU}$$

$$\text{Assessment per EBU} \times \text{Parcel EBU} = \text{Parcel Assessment Amount}$$

Attachment: Engineer's Report (1293 : PUBLIC MEETING TO DISCUSS THE MAIL BALLOT PROCEED)

ANNEXATION No. 1 (ZONE 09) BUDGET

The following budget outlines the estimated costs to maintain the improvements within Annexation No. 1 (Zone 09) at build out (Maximum Assessment Budget) establishing the initial maximum assessment rate for the Zone, and the anticipated expenditures for fiscal year 2015/16 establishing the assessment rate to be applied for fiscal year 2015/16.

Description	Annexation No. 1 (Zone 9) Maximum Assessment Budget FY 2015/16	Annexation No. 1 (Zone 9) Proposed Assessment Budget FY 2015/16
Maintenance & Operation (O&M)		
Total Maintenance Costs	\$ 54,716	\$ 5,472
Utilities	30,849	-
Total O&M Expenses	\$ 85,565	\$ 5,472
Incidental/Administrative Expenses		
District Administration	\$ 2,870	\$ 2,870
County Fees	101	101
Miscellaneous Administration Expenses	773	773
Collection Toward Required Reserve	8,557	8,557
Total Incidental/Administrative Expenses	\$ 12,301	\$ 12,301
TOTAL ANNUAL EXPENSES	\$ 97,866	\$ 17,772
General Benefit Costs	\$ (2,755)	\$ (276)
General Fund Maintenance Area Costs	-	-
Total General Benefit Contribution	\$ (2,755)	\$ (276)
SPECIAL BENEFIT COSTS	\$ 95,111	\$ 17,497
Benefit Cost Adjustments		
Fund Balance Transfer/Reduction ⁽¹⁾	\$ -	\$ -
Unfunded Improvement Costs/Deficit ⁽²⁾	-	-
Total Contributions/Adjustments	\$ -	\$ -
NET SPECIAL BENEFIT ASSESSMENT	\$ 95,111	\$ 17,497
District Statistics		
Total Parcels	151	151
Total Assessed Parcels	150	150
Total EBU	150.00	150.00
Proposed Assessment per EBU (FY 2015/16)	\$634.07	\$116.64
Maximum Assessment per EBU (FY 2015/16)	\$634.07	\$634.07
BALANCE TO LEVY	\$ 95,111	\$ 17,497
Reserve Fund/Fund Balance		
Beginning Fund Balance	\$ 49,992	\$ 49,992
Collections - Operating Reserve (7 mo. or 58% of exp.)	5,360	5,360
Collections - Irrigation Repair/Replacement Reserve (50% of exp.)	3,197	3,197
Ending Fund Balance	\$ 58,549	\$ 58,549

(1) Available Fund Balance applied to pay a portion of the Special Benefit Costs for the fiscal year.
 (2) The amount necessary to fund Special Benefit Costs not otherwise funded by assessments or other adjustments.

Beginning Fund Balance represents CSD Zone D charges collected from property in the Assessment District in Tax Years 2004/05, 2005/06, and 2007/08, but not expended due to suspension of development.

The budget dollar amounts above are calculated to the penny, but are shown here as rounded amounts (nearest dollar). Any variance in the addition or subtraction of the amounts displayed above is due to this rounding.

The maximum assessment rate was calculated based on anticipated costs of providing maintenance services over a 12 month period. For Fiscal Year 2015-16, it is not anticipated that District-funded maintenance will be required for the bulk of the fiscal year. Consequently, this initial year assessment will be levied at a reduced rate as compared with the maximum assessment.

ANNUAL INFLATIONARY ADJUSTMENT (ASSESSMENT RANGE FORMULA)

Each fiscal year, the Maximum Assessment per EBU (Assessment Rate) established for the improvements in the previous fiscal year may be adjusted by the percentage change in the Consumer Price Index (CPI) for All Urban Consumers for the Los Angeles-Riverside-Orange County Region as published by the Department of Labor's Bureau of Labor Statistics or three percent (3%), whichever is greater.

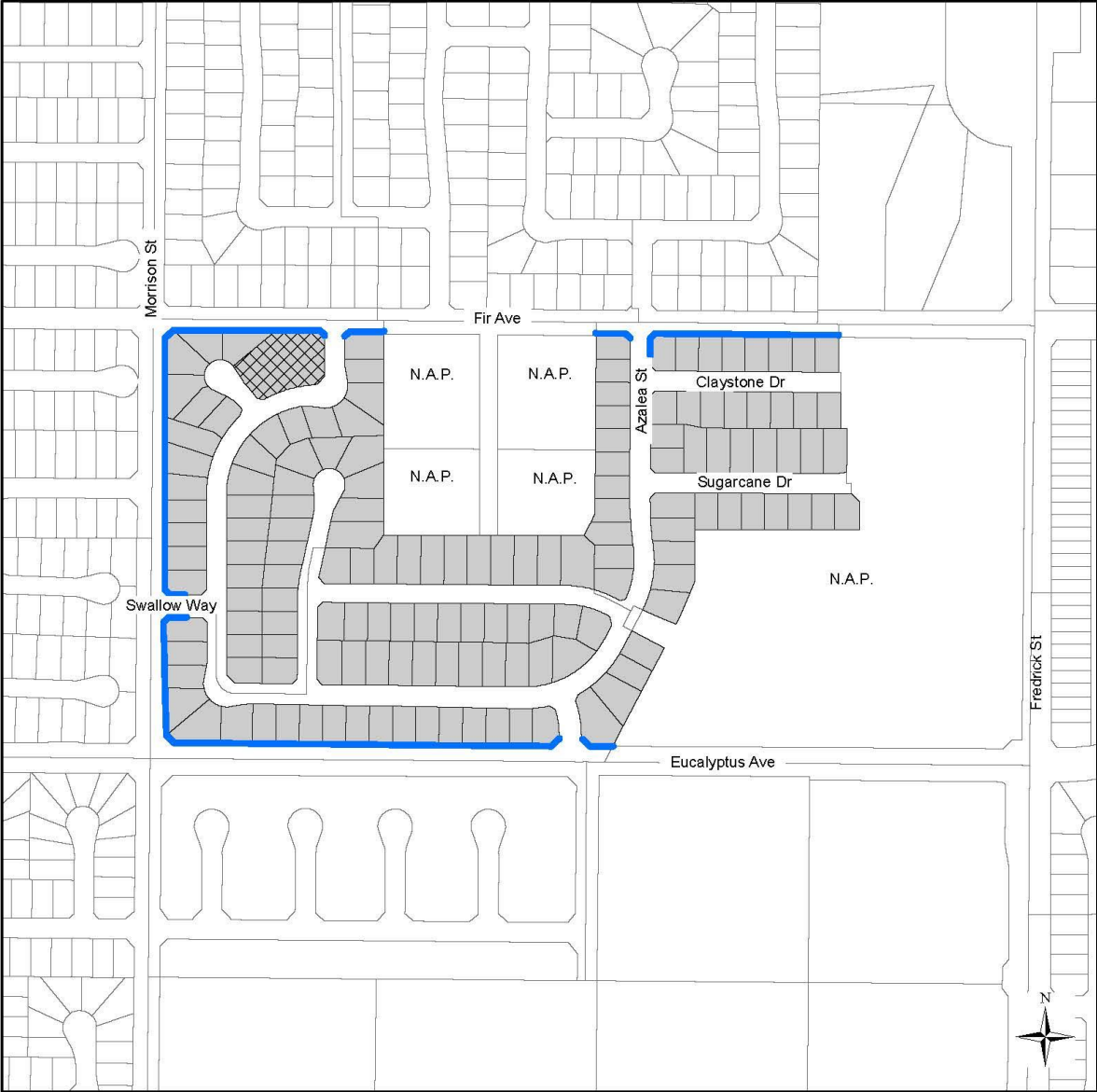
Attachment: Engineer's Report (1293 : PUBLIC MEETING TO DISCUSS THE MAIL BALLOT PROCEEDI)

PART IV — ANNEXATION NO. 1 (ZONE 09) DIAGRAM

The following page provides the boundary diagram for Annexation No. 1 (Zone 09), as well as a general depiction of the location of the improvements as identified at the time this Report was prepared. Detailed maps of the full extent and location of the improvement areas are on file in the Office of the Financial and Management Services Department, Special Districts Division. The combination of this map and the Assessment Roll referenced by this Report constitute the Assessment Diagram for Annexation No. 1 (Zone 09).

Attachment: Engineer's Report (1293 : PUBLIC MEETING TO DISCUSS THE MAIL BALLOT PROCEEDI)

Moreno Valley Community Services District Landscape Maintenance District No. 2014-02 Annexation No. 1 (Zone 9)



- Landscaped Parkway
- ▨ Stormwater Detention Basin
- Annexation No. 1 Parcels



N.A.P. — Not A Part

Attachment: Engineer's Report (1293 : PUBLIC MEETING TO DISCUSS THE MAIL BALLOT PROCEEDI)

PART V — ASSESSMENT ROLL

Parcel identification for each lot or parcel within Annexation No. 1 (Zone 09) is based on available parcel maps and property data from the Riverside County Assessor's Office. If any APN identified herein is submitted for collection and identified by the County Auditor/Controller of the County of Riverside to be an invalid parcel number for any fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment, as described in this Report and approved by the CSD Board.

APN	Parcel Type	EBU	Maximum Assessment (Balloted)	Proposed Assessment FY2015/16
487-320-001	Single Family Residential	1.00	\$634.07	\$116.64
487-320-002	Single Family Residential	1.00	\$634.07	\$116.64
487-320-003	Single Family Residential	1.00	\$634.07	\$116.64
487-320-004	Single Family Residential	1.00	\$634.07	\$116.64
487-320-005	Single Family Residential	1.00	\$634.07	\$116.64
487-320-006	Single Family Residential	1.00	\$634.07	\$116.64
487-320-007	Single Family Residential	1.00	\$634.07	\$116.64
487-320-008	Single Family Residential	1.00	\$634.07	\$116.64
487-320-009	Single Family Residential	1.00	\$634.07	\$116.64
487-320-010	Single Family Residential	1.00	\$634.07	\$116.64
487-320-011	Single Family Residential	1.00	\$634.07	\$116.64
487-320-012	Single Family Residential	1.00	\$634.07	\$116.64
487-320-013	Single Family Residential	1.00	\$634.07	\$116.64
487-320-014	Exempt — Basin	-	\$0.00	\$0.00
487-321-001	Single Family Residential	1.00	\$634.07	\$116.64
487-321-002	Single Family Residential	1.00	\$634.07	\$116.64
487-321-003	Single Family Residential	1.00	\$634.07	\$116.64
487-321-004	Single Family Residential	1.00	\$634.07	\$116.64
487-321-005	Single Family Residential	1.00	\$634.07	\$116.64
487-321-006	Single Family Residential	1.00	\$634.07	\$116.64
487-321-007	Single Family Residential	1.00	\$634.07	\$116.64
487-321-008	Single Family Residential	1.00	\$634.07	\$116.64
487-321-009	Single Family Residential	1.00	\$634.07	\$116.64
487-321-010	Single Family Residential	1.00	\$634.07	\$116.64
487-321-011	Single Family Residential	1.00	\$634.07	\$116.64
487-321-012	Single Family Residential	1.00	\$634.07	\$116.64
487-321-013	Single Family Residential	1.00	\$634.07	\$116.64
487-321-014	Single Family Residential	1.00	\$634.07	\$116.64
487-321-015	Single Family Residential	1.00	\$634.07	\$116.64
487-321-016	Single Family Residential	1.00	\$634.07	\$116.64
487-321-017	Single Family Residential	1.00	\$634.07	\$116.64
487-321-018	Single Family Residential	1.00	\$634.07	\$116.64
487-321-019	Single Family Residential	1.00	\$634.07	\$116.64
487-321-020	Single Family Residential	1.00	\$634.07	\$116.64

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APN	Parcel Type	EBU	Maximum Assessment (Balloted)	Proposed Assessment FY2015/16
487-321-021	Single Family Residential	1.00	\$634.07	\$116.64
487-321-022	Single Family Residential	1.00	\$634.07	\$116.64
487-321-023	Single Family Residential	1.00	\$634.07	\$116.64
487-321-024	Single Family Residential	1.00	\$634.07	\$116.64
487-321-025	Single Family Residential	1.00	\$634.07	\$116.64
487-321-026	Single Family Residential	1.00	\$634.07	\$116.64
487-321-027	Single Family Residential	1.00	\$634.07	\$116.64
487-321-028	Single Family Residential	1.00	\$634.07	\$116.64
487-321-029	Single Family Residential	1.00	\$634.07	\$116.64
487-321-030	Single Family Residential	1.00	\$634.07	\$116.64
487-321-031	Single Family Residential	1.00	\$634.07	\$116.64
487-321-032	Single Family Residential	1.00	\$634.07	\$116.64
487-330-001	Single Family Residential	1.00	\$634.07	\$116.64
487-330-002	Single Family Residential	1.00	\$634.07	\$116.64
487-330-003	Single Family Residential	1.00	\$634.07	\$116.64
487-330-004	Single Family Residential	1.00	\$634.07	\$116.64
487-330-005	Single Family Residential	1.00	\$634.07	\$116.64
487-330-006	Single Family Residential	1.00	\$634.07	\$116.64
487-330-007	Single Family Residential	1.00	\$634.07	\$116.64
487-330-008	Single Family Residential	1.00	\$634.07	\$116.64
487-330-009	Single Family Residential	1.00	\$634.07	\$116.64
487-330-010	Single Family Residential	1.00	\$634.07	\$116.64
487-330-011	Single Family Residential	1.00	\$634.07	\$116.64
487-331-001	Single Family Residential	1.00	\$634.07	\$116.64
487-331-002	Single Family Residential	1.00	\$634.07	\$116.64
487-331-003	Single Family Residential	1.00	\$634.07	\$116.64
487-331-004	Single Family Residential	1.00	\$634.07	\$116.64
487-331-005	Single Family Residential	1.00	\$634.07	\$116.64
487-331-006	Single Family Residential	1.00	\$634.07	\$116.64
487-331-007	Single Family Residential	1.00	\$634.07	\$116.64
487-331-008	Single Family Residential	1.00	\$634.07	\$116.64
487-332-001	Single Family Residential	1.00	\$634.07	\$116.64
487-332-002	Single Family Residential	1.00	\$634.07	\$116.64
487-332-003	Single Family Residential	1.00	\$634.07	\$116.64
487-332-004	Single Family Residential	1.00	\$634.07	\$116.64
487-332-005	Single Family Residential	1.00	\$634.07	\$116.64
487-332-006	Single Family Residential	1.00	\$634.07	\$116.64
487-332-007	Single Family Residential	1.00	\$634.07	\$116.64
487-332-008	Single Family Residential	1.00	\$634.07	\$116.64
487-332-009	Single Family Residential	1.00	\$634.07	\$116.64
487-332-010	Single Family Residential	1.00	\$634.07	\$116.64
487-332-011	Single Family Residential	1.00	\$634.07	\$116.64
487-332-012	Single Family Residential	1.00	\$634.07	\$116.64
487-332-013	Single Family Residential	1.00	\$634.07	\$116.64
487-332-014	Single Family Residential	1.00	\$634.07	\$116.64
487-332-015	Single Family Residential	1.00	\$634.07	\$116.64

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





APN	Parcel Type	EBU	Maximum Assessment (Balloted)	Proposed Assessment FY2015/16
487-332-016	Single Family Residential	1.00	\$634.07	\$116.64
487-332-017	Single Family Residential	1.00	\$634.07	\$116.64
487-333-001	Single Family Residential	1.00	\$634.07	\$116.64
487-333-002	Single Family Residential	1.00	\$634.07	\$116.64
487-333-003	Single Family Residential	1.00	\$634.07	\$116.64
487-333-004	Single Family Residential	1.00	\$634.07	\$116.64
487-333-005	Single Family Residential	1.00	\$634.07	\$116.64
487-333-006	Single Family Residential	1.00	\$634.07	\$116.64
487-333-007	Single Family Residential	1.00	\$634.07	\$116.64
487-333-008	Single Family Residential	1.00	\$634.07	\$116.64
487-333-009	Single Family Residential	1.00	\$634.07	\$116.64
487-333-010	Single Family Residential	1.00	\$634.07	\$116.64
487-333-011	Single Family Residential	1.00	\$634.07	\$116.64
487-333-012	Single Family Residential	1.00	\$634.07	\$116.64
487-340-001	Single Family Residential	1.00	\$634.07	\$116.64
487-340-002	Single Family Residential	1.00	\$634.07	\$116.64
487-340-003	Single Family Residential	1.00	\$634.07	\$116.64
487-340-004	Single Family Residential	1.00	\$634.07	\$116.64
487-340-005	Single Family Residential	1.00	\$634.07	\$116.64
487-340-006	Single Family Residential	1.00	\$634.07	\$116.64
487-340-007	Single Family Residential	1.00	\$634.07	\$116.64
487-340-008	Single Family Residential	1.00	\$634.07	\$116.64
487-340-009	Single Family Residential	1.00	\$634.07	\$116.64
487-340-010	Single Family Residential	1.00	\$634.07	\$116.64
487-340-011	Single Family Residential	1.00	\$634.07	\$116.64
487-340-012	Single Family Residential	1.00	\$634.07	\$116.64
487-340-013	Single Family Residential	1.00	\$634.07	\$116.64
487-340-014	Single Family Residential	1.00	\$634.07	\$116.64
487-340-015	Single Family Residential	1.00	\$634.07	\$116.64
487-340-016	Single Family Residential	1.00	\$634.07	\$116.64
487-340-017	Single Family Residential	1.00	\$634.07	\$116.64
487-340-018	Single Family Residential	1.00	\$634.07	\$116.64
487-340-020	Single Family Residential	1.00	\$634.07	\$116.64
487-341-001	Single Family Residential	1.00	\$634.07	\$116.64
487-341-002	Single Family Residential	1.00	\$634.07	\$116.64
487-341-003	Single Family Residential	1.00	\$634.07	\$116.64
487-341-004	Single Family Residential	1.00	\$634.07	\$116.64
487-341-005	Single Family Residential	1.00	\$634.07	\$116.64
487-341-006	Single Family Residential	1.00	\$634.07	\$116.64
487-341-007	Single Family Residential	1.00	\$634.07	\$116.64
487-341-008	Single Family Residential	1.00	\$634.07	\$116.64
487-341-009	Single Family Residential	1.00	\$634.07	\$116.64
487-341-010	Single Family Residential	1.00	\$634.07	\$116.64
487-341-011	Single Family Residential	1.00	\$634.07	\$116.64
487-341-012	Single Family Residential	1.00	\$634.07	\$116.64
487-341-013	Single Family Residential	1.00	\$634.07	\$116.64

Attachment: Engineer's Report (1293 : PUBLIC MEETING TO DISCUSS THE MAIL BALLOT PROCEEDI)

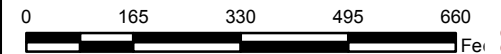
APN	Parcel Type	EBU	Maximum Assessment (Balloted)	Proposed Assessment FY2015/16
487-341-014	Single Family Residential	1.00	\$634.07	\$116.64
487-341-015	Single Family Residential	1.00	\$634.07	\$116.64
487-341-016	Single Family Residential	1.00	\$634.07	\$116.64
487-341-017	Single Family Residential	1.00	\$634.07	\$116.64
487-341-018	Single Family Residential	1.00	\$634.07	\$116.64
487-341-019	Single Family Residential	1.00	\$634.07	\$116.64
487-341-020	Single Family Residential	1.00	\$634.07	\$116.64
487-341-021	Single Family Residential	1.00	\$634.07	\$116.64
487-341-022	Single Family Residential	1.00	\$634.07	\$116.64
487-341-023	Single Family Residential	1.00	\$634.07	\$116.64
487-342-001	Single Family Residential	1.00	\$634.07	\$116.64
487-342-002	Single Family Residential	1.00	\$634.07	\$116.64
487-342-003	Single Family Residential	1.00	\$634.07	\$116.64
487-342-005	Single Family Residential	1.00	\$634.07	\$116.64
487-343-001	Single Family Residential	1.00	\$634.07	\$116.64
487-343-002	Single Family Residential	1.00	\$634.07	\$116.64
487-343-003	Single Family Residential	1.00	\$634.07	\$116.64
487-343-004	Single Family Residential	1.00	\$634.07	\$116.64
487-343-005	Single Family Residential	1.00	\$634.07	\$116.64
487-343-006	Single Family Residential	1.00	\$634.07	\$116.64
487-343-007	Single Family Residential	1.00	\$634.07	\$116.64
487-343-008	Single Family Residential	1.00	\$634.07	\$116.64
487-343-009	Single Family Residential	1.00	\$634.07	\$116.64
487-343-010	Single Family Residential	1.00	\$634.07	\$116.64
487-343-011	Single Family Residential	1.00	\$634.07	\$116.64
Total			\$95,110.50	\$17,496.00

Attachment: Engineer's Report (1293 : PUBLIC MEETING TO DISCUSS THE MAIL BALLOT PROCEEDI)

Tract 27251

-  Median
-  Landscaped Areas
-  Developed Parcels
-  Non-Taxable Parcel
-  Tract 27251
-  Roads
-  Parcels
-  City Boundary

Map reflects all changes indicated on Riverside County Assessor Maps as of January 9, 2015.



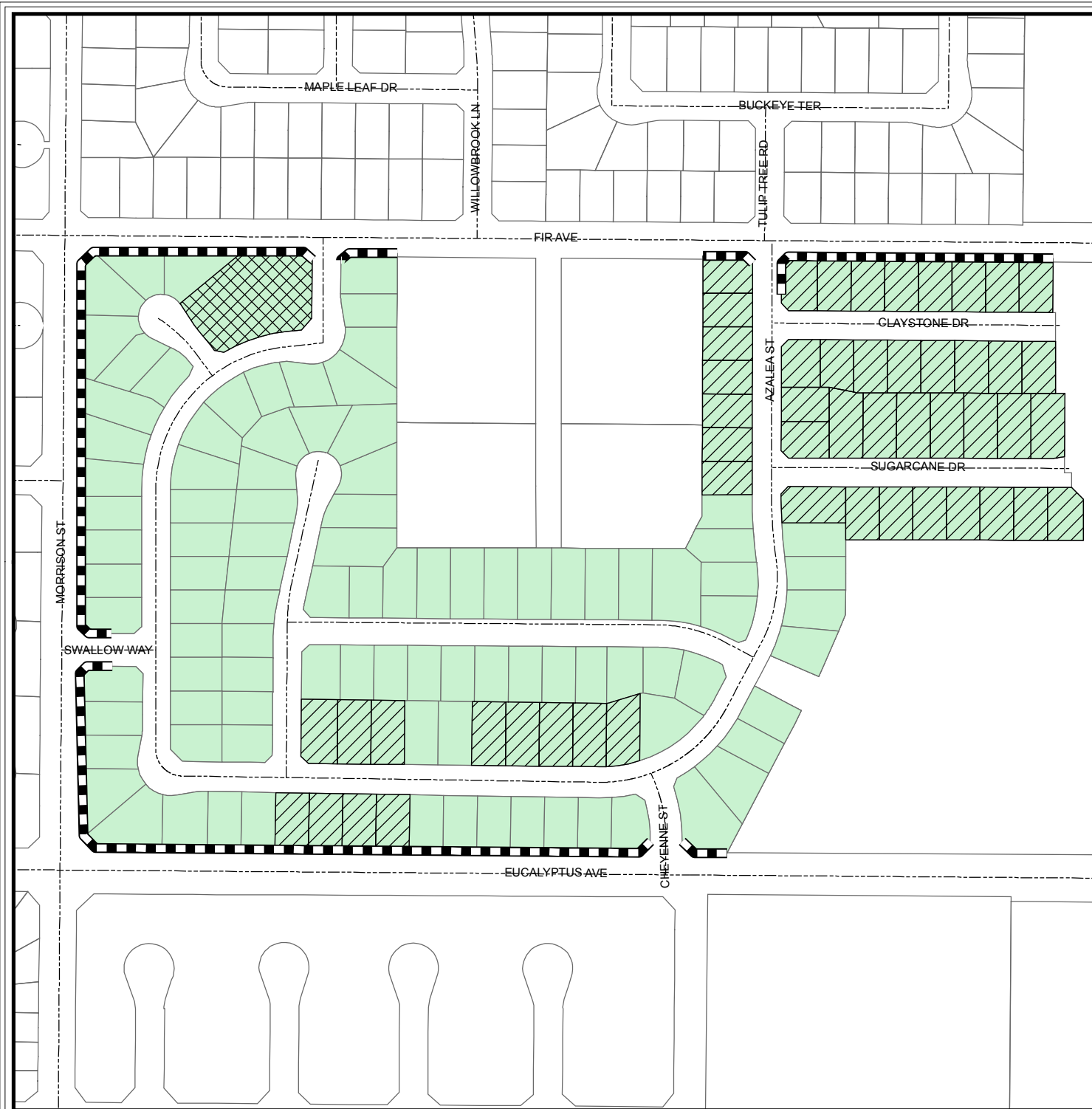
G:\AVP\SDA\Tract 27251 010915.mxd

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.

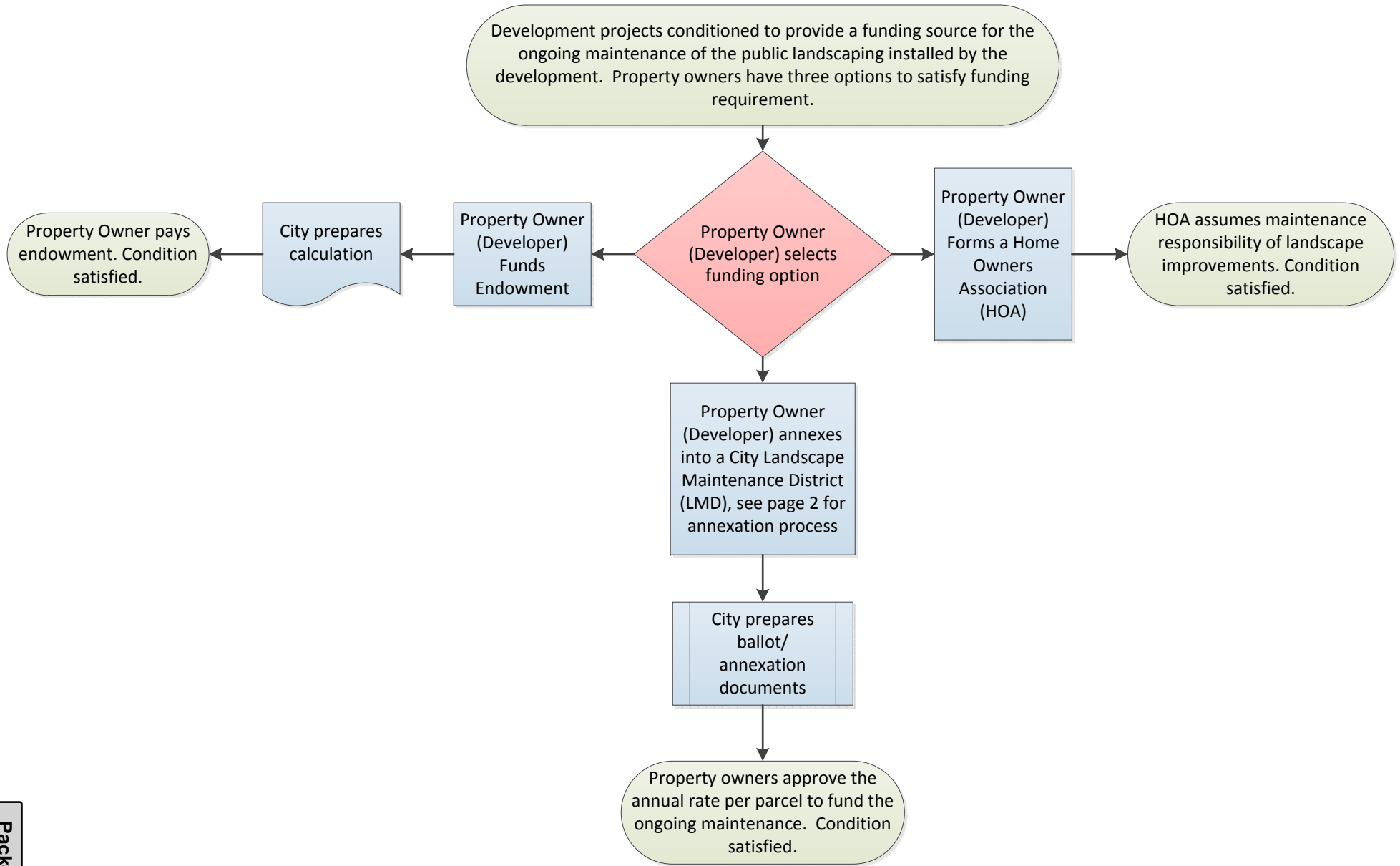


MORENO VALLEY
WHERE DREAMS SOAR

Attachment: Tract 27251 Map (1293 : PUBLIC MEETING TO DISCUSS THE MAIL BALLOT PROCEEDI)



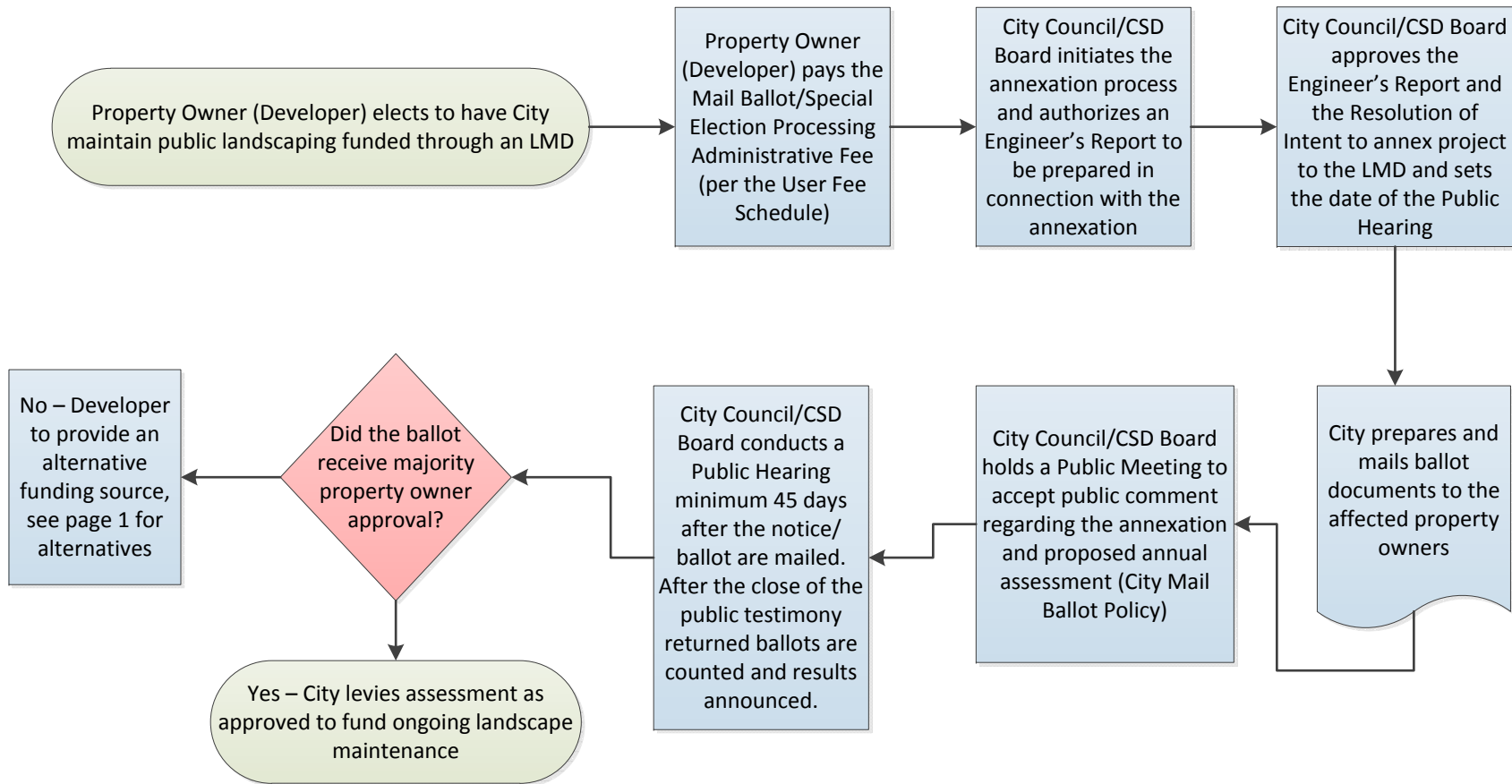
Process Flow for Property Owners/Developers to Fund Ongoing Landscape Maintenance Costs



This process flow is simplified for illustration purposes. Contact the Special Districts Division at 951.413.3480 for the detailed process.

April 6, 20

Process Flow for Property Owners/Developers to Annex into Landscape Maintenance District 2014-02



This process flow is simplified for illustration purposes. Contact the Special Districts Division at 951.413.3480 for the detailed process.

April 6, 2014



Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: April 28, 2015

TITLE: APPOINTMENT OF PLANNING COMMISSION ALTERNATES

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Appoint two Planning Commission Alternates with terms expiring in two years from the list of interested candidates (runner-ups) from the second interviews. The candidates are: Erlan Gonzalez, Wraymond Sawyerr, Glen Jacobs, and Lori Nickel.

SUMMARY

The City Council held a Special Meeting to conduct second interviews for Planning Commission finalists on March 5, 2015. Nine (9) finalists were interviewed by the City Council. The finalists interviewed were Mary Ellen "Meli" Van Natta, Jeff Sims, Tracy Hodge, Wraymond Sawyerr, Patricia Korzec, Erlan Gonzalez, Jeffrey M. Barnes, Lori Nickel and Glenn Jacobs. From the nine (9) finalists the City Council narrowed the selection to four (4) finalists. Three finalists were appointed on March 24, 2015 with terms expiring on March 31, 2019: Jeff Sims, Jeffrey M. Barnes, and Patricia Korzec. Meli Van Natta was appointed on March 24, 2015 with a term expiring March 31, 2017.

During the Special Meeting the City Council discussed appointing alternates from the group of finalists. The runners up are: Erlan Gonzalez, Wraymond Sawyerr, Glen Jacobs, Lori Nickel and Tracy Hodge. The tally from the second interviews is as follows: 1st runner up - Erlan Gonzales, 2nd runners up - Wraymond Sawyerr & Glen Jacobs, and 3rd runners up - Lori Nickel and Tracy Hodge. The applicants have been contacted and all have responded with interest except for one Tracy Hodge who has been non-responsive.

DISCUSSION

At the March 24, 2015 Regular City Council Meeting the Council adopted Ordinance No. 890. Moreno Valley Municipal Code, Chapter 2.18 was amended to add Section 2.18.050 and at the Council's discretion appoint two (2) Planning Commission Alternates who shall serve for a term of two years. The alternate members of the Planning Commission shall attend all regular and special meetings of the Planning Commission. If a regular member of the Commission is absent for any reason from all or any part of a regular or special meeting of the Planning Commission, a sworn alternate member shall participate in such meeting during the period of absence. During such participation, the alternate member shall receive and exercise all rights and privileges of a regular member, including the right to vote on matters before the Planning Commission. Only when participating in a meeting shall the alternate member receive a stipend.

In addition, the alternates shall also be subject to the requirements of and shall abide by the Ralph M. Brown Act, the Political Reform Act and other laws applicable to the regular members of the Planning Commission.

ALTERNATIVES

None

FISCAL IMPACT

Participating Alternate Member would receive a stipend of \$100.00.

NOTIFICATION

Publication of the agenda.

PREPARATION OF STAFF REPORT

Prepared By:
Jane Halstead
City Clerk

Department Head Approval:
Jane Halstead
City Clerk

CITY COUNCIL GOALS

ATTACHMENTS

- 1. Ordinance No. 890

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	4/20/15 7:09 AM
City Attorney Approval	<u>✓ Approved</u>	4/20/15 1:59 PM
City Manager Approval	<u>✓ Approved</u>	4/20/15 4:22 PM

ORDINANCE NO. 890

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING MORENO VALLEY MUNICIPAL CODE SECTION 2.18.050 REGARDING ALTERNATE MEMBERS OF THE PLANNING COMMISSION

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

SECTION 1.

Moreno Valley Municipal Code, Chapter 2.18 is amended to add Section 2.18.050 to read as follow:

2.18.050 Alternate Members of the Planning Commission

- A. In addition to the seven regular members, the City Council may, at its discretion, appoint two (2) Planning Commission Alternates who shall serve for a term of two years. The alternate members of the Planning Commission shall attend all regular and special meetings of the Planning Commission. If a regular member of the Commission is absent for any reason from all or any part of a regular or special meeting of the Planning Commission, a sworn alternate member shall participate in such meeting during the period of absence. During such participation, the alternate member shall receive and exercise all rights and privileges of a regular member, including the right to vote on matters before the Planning Commission. Only when participating in a meeting shall the alternate member receive a stipend.
- B. The alternates shall also be subject to the requirements of and shall abide by the Ralph M. Brown Act, the Political Reform Act and other laws applicable to the regular members of the Planning Commission.
- C. The Planning Commission shall adopt such rules as are necessary to effectuate the purpose of this section.

SECTION 2 EFFECT OF ENACTMENT:

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 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 EFFECTIVE DATE:

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

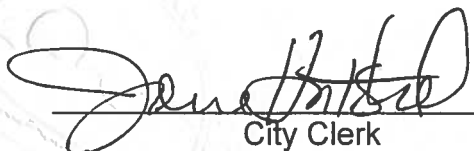
APPROVED AND ADOPTED this 24th day of March, 2015.



Mayor

ATTEST:





City Clerk

APPROVED AS TO FORM:



City Attorney

ORDINANCE JURAT

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

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 890 had its first reading on March 10, 2015 and had its second reading on March 24, 2015, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 24th day of March, 2015, by the following vote:

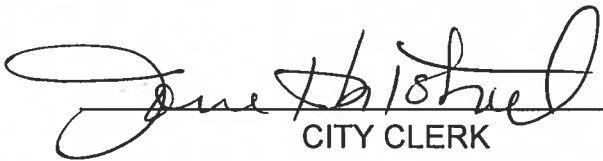
AYES: Council Members Giba, Jempson, Price and Mayor Pro Tem Gutierrez

NOES: None

ABSENT: None

ABSTAIN: Mayor Molina

(Council Members, Mayor Pro Tem and Mayor)


CITY CLERK



**AFFIDAVIT OF POSTING
CITY OF MORENO VALLEY**

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, certify that on the 7th day of April, 2015, I caused Ordinance No. 890 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: April 7, 2015


Jane Halstead, City Clerk, CMC

(SEAL)





Report to City Council

TO: Mayor and City Council

FROM: Michael Jenkins, City Attorney

AGENDA DATE: April 28, 2015

TITLE: RESOLUTION TO ADOPT COUNCIL RULES OF PROCEDURE

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Adopt Resolution No. 2015-30. A Resolution of the City Council of the City of Moreno Valley, California, Amending the Rules of Procedure for Council Meetings and Related Functions and Activities.

SUMMARY

The City Council discussed the Rules of Procedure for City Council Meetings on February 3, 2015 at a study session. The Council directed that the Rules of Procedure be amended to move closed session to 4:30 p.m., before the regular council meeting.

DISCUSSION

The City Council first adopted Rules of Procedure for City Council Meetings and Related Functions and Activities pursuant to Resolution No. 84-17 on December 3, 1984 as required by Moreno Valley Municipal Code Section 2.04.040. The City Council has since repealed and re-adopted the Rules of Procedure pursuant to Resolution Nos. 99-53, 2001-55, 2003-17, 2003-17, and 2011-117. The current Rules of Procedure were enacted pursuant to Resolution No. 2013-10 on February 12, 2013.

Pursuant to the directions given at the study session, the following change is proposed to the Rules of Procedure:

Revise the order of business: Section 1.1.2 moves the closed session portion of the meeting up to 4:30.

ALTERNATIVES

1. Adopt proposed Resolution Amending the Rules of Procedure for Council Meetings and Related Functions and Activities.

Staff recommends this alternative.

2. Not adopt proposed Resolution Amending the Rules of Procedure for Council Meetings and Related Functions and Activities.

Staff does not recommend this alternative.

FISCAL IMPACT

De minimus.

NOTIFICATION

Posting of the agenda.

PREPARATION OF STAFF REPORT

By:

City Attorney's Office

CITY COUNCIL GOALS

ATTACHMENTS

1. Proposed Resolution

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	4/23/15 2:35 PM
City Attorney Approval	<u>✓ Approved</u>	4/23/15 2:39 PM
City Manager Approval	<u>✓ Approved</u>	4/23/15 2:35 PM

RESOLUTION NO. 2015-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING THE ADOPTED RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES

WHEREAS, Section 2.04.040 of the City of Moreno Valley Municipal Code requires that the City Council adopt Rules of Procedure to govern the procedures and conduct of its meetings; and

WHEREAS, the City Council has previously adopted, repealed and re-adopted the City of Moreno Valley City Council Rules of Procedure for City Council Meetings and Related Functions and Activities pursuant to Resolution No. 84-17, Resolution No. 99-53, Resolution No. 2001-55, Resolution No. 2003-017, Resolution No. 2011-117, Resolution 2013-10; and

WHEREAS, it is in the best interests of the City of Moreno Valley that the City Council further amend and the Rules of Procedure for City Council Meetings and Related Functions and Activities.

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

- 1. Section 1.1.2.1 of the City Council Rules of Procedure is amended to read as follows:

“1.1.2.1. ORDER OF BUSINESS.

The order of business of each regular meeting of the City Council shall be as set forth in the agenda prepared by the City Clerk. The agenda shall be a listing by topic of the subjects, numbered as designated by the City Clerk and taken up for consideration in substantially the following order:

- Call to Order (4:30 p.m., if necessary)
- Public Comments on Matters on the Closed Session Agenda*****
- Closed Session, if needed
- Report of Action from Closed Session, if any
- Special Recognition/Presentations (5:30 p.m., if necessary)*
- Call to Order (6:00 p.m.)
- Pledge of Allegiance
- Invocation
- Roll Call
- Introductions

Public Comments on Matters Not on the Agenda**

Public Comments on Matters on the Agenda***

A-D. Consent Calendars****

City Council

Moreno Valley Community Services District

Housing Authority

Board of Library Trustees

E. Public Hearings

F. Items Pulled from Consent Calendars for Discussion or Separate Action

G. Reports

H. Legislative Actions

City Council Reports and Closing Comments

Adjournment

*See Section 1.2 below

** Public Comments on Matters Not on the Agenda are governed by Subsection 2.4.1 below and will be heard prior to City Council Reports and Closing Comments. Following public comments on matters not on the agenda, the Presiding Officer may request that staff respond to legal or factual issues raised during the public comments. In the event that the agenda item for such public comments has not been called by 9:00 p.m., it shall be called as the next item of business following the conclusion of any item being heard at 9:00 p.m.

*** The Presiding Officer will announce that public comments on matters on the agenda will be taken up as the item is called for business [Subsection 2.4.2 below], between staff’s report and City Council deliberation.

****Consent calendars will begin immediately after Public Comments with the remaining items taken in the order of the agenda. Any consent calendar item(s), pulled for discussion or separate action will be heard immediately following the public hearings.

*****Public Comments on matters on the closed session agenda (if a closed session is held) are governed by Section 2.7 below.”

- 2. Section 1.7.1 of the City Council Rules of Procedure is amended to read as follows:

“1.7.1. REGULAR CLOSED SESSIONS.

Regular closed sessions shall be held at 4:30 p.m. in advance of Regular City Council Meetings and Study Sessions, unless no closed session items are scheduled for that meeting.”

- 3. The Rules of Procedure for City Council Meetings and Related Functions and Activities attached to this Resolution shall become effective immediately upon adoption.

APPROVED AND ADOPTED this 28th day of April, 2015.

 Mayor of the City of Moreno Valley

ATTEST:

 City Clerk

APPROVED AS TO FORM:

 City Attorney

Attachment: Proposed Resolution [Revision 5] (1313 : RESOLUTION TO ADOPT COUNCIL RULES OF PROCEDURE)

RESOLUTION JURAT

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

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2015-30 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 14th day of April, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)



Report to City Council

TO: Mayor and City Council

FROM: Mike Lee, Community and Economic Development

AGENDA DATE: April 28, 2015

TITLE: ORDINANCE FOR FINANCE AND CONVEYANCE MAPS

RECOMMENDED ACTION

Recommendations: That the City Council:

1. **Find** that the proposed Municipal Code Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines; and
2. **Introduce** Ordinance No. 894 thereby approving the Municipal Code Amendment, creating a new section of Chapter 9.14 of the City of Moreno Valley Municipal Code, establishing standards and criteria for finance and conveyance maps

SUMMARY

In an effort to remove potential barriers to, and to facilitate, economic growth and development within the City, adoption of an Ordinance amending the City's subdivision (Land Divisions) regulations is being pursued to establish processing regulations for finance and conveyance maps. At present, there are no specific provisions in Title 9 or elsewhere in the Moreno Valley Municipal Code which specifically define and set forth requirements for finance and conveyance maps. City staff has researched provisions of the Subdivision Map Act along with subdivision regulations and/or policies adopted by other local agencies that can serve as a model with respect to finance and conveyance map regulations for Moreno Valley. Based on the research, regulations adopted by the City of Irvine, California, serve as the model for the Ordinance amendments recommended for adoption by the City Council.

DISCUSSION

The subdivision regulations contained in Chapter 9.14 of the City of Moreno Valley

Municipal Code identify procedures for administering and implementing the State Subdivision Map Act. The subdivision regulations codified in the City's Planning and Zoning Code (Title 9) serve to assist users by providing a comprehensive description of the City's requirements and procedures for processing subdivision-related applications. The lack of specific regulations within the City's Code that pertain to processing of subdivision maps for finance and/or conveyance purposes (i.e. "financing maps") was identified by users as a shortcoming. In an effort to remove this potential barrier to desired economic growth and development within the City, consideration has been given to adding appropriate clarification and allowances to the City's regulations.

Community & Economic Development staff, working with other pertinent City Departments and Divisions, has completed research on this matter. The research found that the State Subdivision Map Act identifies a framework of regulations that apply to all land divisions. The Subdivision Map Act specifically identifies that division of property for the purposes of immediate or future financing of a property can be the basis for proposing a subdivision of property. As defined in Section 66424 of the Subdivision Map Act, "a 'Subdivision' means the division, by any sub divider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future." While reference to financing is included, specific uniform regulations that must be adopted by local agencies for the processing of maps for finance and conveyance purposes is not specifically defined or set forth in the Subdivision Map Act. This does not preclude local agencies from adopting such regulations. In the research, it was found that the majority of local agencies do not have specific regulations for this purpose. This subject of giving local agencies the ability to approve financing maps is discussed and confirmed by credible publications including an article titled "Dividing Land and Air: 'The Impact of the California Subdivision Map Act,'" which was published in the California Real Property Journal. The California Real Property Journal is the official publication of the Real Property Law Section of the California Bar Association of California.

In researching the ordinances and regulations of other cities, as noted above, staff has discovered only a limited number of cities that have provisions in their Municipal Code that specifically address finance and conveyance maps. Many cities use their parcel map process to achieve a similar purpose, and in fact, the City of Moreno Valley has processed prior tentative tract maps for finance purposes using those provisions; however, that process has limitations which may be relieved in part with specific criteria introduced in the proposed regulations for financing maps.

As a model, Planning staff has focused on the criteria developed by the City of Irvine for financing maps. The City of Irvine is a well-recognized model city, which continues to attract steady pace of development, business attraction and retention, and industry and economic growth. These steady qualities are assumed to be attributable to both the City's commitment to high quality standards but also to the forward thinking flexibility in regulations that allow for sophisticated approaches when responding to changing market conditions. This nimbleness can be particularly beneficial to both a city and private property owners in land planning and development

Under application of the City of Moreno Valley's existing Municipal Code, there have been a limited number of maps submitted and processed for financing purposes. These maps have been either for already developed commercial properties, or by developers in consideration of future long-term development planning of large Specific Plans areas in the City. The absence of dedicated provisions in the City's Code that provide clear guidance and opportunity for property owners to pursue financing maps may be a barrier to desired economic growth. Establishing these provisions in an ordinance provides more certainty for the business community in being able to structure an approved master planned development proposal in a manner that can be broken down into manageable development sites for financing purposes. It also may provide opportunity for land owners to pursue creative land based economic strategies that will result in positive land development, business attraction, and reinvigorated investment in underperforming property and centers throughout the City.

The proposed Municipal Code Amendment will allow for processing of finance and/or conveyance maps on project sites that are already developed, or on undeveloped sites in which a subsequent future subdivision map for development purposes must be processed, or on project sites that are entitled with an approved conditional use permit, master plan, or master Plot Plan but not yet developed and for which all underlying conditions of approval remain in place and must be satisfied as specified. The regulations recommended will ensure that parcels created by a financing map cannot be developed without all applicable conditions of approval of the underlying entitlement being satisfied, or if that entitlement expires, a future entitlement must be processed in order for any development on the property to occur.

The amendment to the City's current subdivision regulations as proposed would not have the potential for a significant impact on the environment. Therefore, the proposed amendment is an exempt project under Section 15061(b)(3) of the California Environmental Quality Act Guidelines.

ALTERNATIVES

1. Approve the proposed amendment to the City Municipal Code as submitted.
2. Approve the proposed amendment to the City Municipal Code with modifications as directed by the City Council.
3. Deny the proposed amendment to the City Municipal Code and thereby retain the subdivision regulations as they currently exist.

FISCAL IMPACT

The proposed Municipal Code Amendment would not result in any fiscal impacts. Development review applications that may be subsequently submitted as a result of the proposed amendment would be subject to development processing fees already in place.

NOTIFICATION

This amendment to the Municipal Code establishes procedures and regulations only and does not require changes to the City’s zoning atlas; therefore, no public hearing or public noticing was required for this agenda item under Title 9 of the Municipal Code.

PREPARATION OF STAFF REPORT

Prepared By:
Chris Ormsby, AICP
Senior Planner

Department Head Approval:
Mike Lee
Community & Economic Development Director

Concurred By:
Ahmad R. Ansari, P.E.
Public Works Director/City Engineer

CITY COUNCIL GOALS

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

ATTACHMENTS

- 1. Ordinance No. 894

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	4/20/15 5:51 PM
City Attorney Approval	<u>✓ Approved</u>	4/21/15 2:18 PM
City Manager Approval	<u>✓ Approved</u>	4/21/15 2:45 PM

ORDINANCE NO. 894

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE ESTABLISHING STANDARDS AND CRITERIA FOR THE REVIEW AND APPROVAL OF FINANCE AND CONVEYANCE MAPS.

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

WHEREAS, The California Government Code Sec. 66410 et. Seq. (Subdivision Map Act) authorizes local jurisdictions to implement procedures for processing applications for subdivisions of land; and

WHEREAS, the Subdivision Map Act provides direction on how subdivisions applications are processed and requires that each city adopt an ordinance outlining how subdivision applications are reviewed and approved; and

WHEREAS, the City of Moreno Valley subdivision regulations are included in the City Municipal Code, Chapter 9.14 Land Divisions, of Title 9 and provides direction for subdivision activity within the City of Moreno Valley; and

WHEREAS, an update to the Moreno Valley subdivision regulations are desired to provide specific regulations for subdivision maps for finance and conveyance purposes that may facilitate economic growth and development in the city; and

WHEREAS, it is a City-initiated work effort to update the subdivision regulations, to maintain consistency with state law and city subdivision practices; and

WHEREAS, this update to the subdivision regulations constitutes an amendment to zoning provisions of Title 9 as outlined in Chapter 9.02 Permits and Approvals, specifically 9.02.050 and the update does not require amendments to the city zoning atlas; and

WHEREAS, given no amendments to the zoning atlas are included, this update to the subdivision regulations of the Moreno Valley Municipal Code does not require a public hearing or review by the Planning Commission prior to City Council consideration; and

WHEREAS, the amendment of the Moreno Valley Municipal Code is exempt, pursuant to Section 15061 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the City Council of the City of Moreno Valley has considered information presented by the Community Development Department Director and other interested parties at a public meeting held on April 28, 2015.

Attachment: Ordinance No. 894 [Revision 1] (1400 : ORDINANCE FOR FINANCE AND CONVEYANCE MAPS)

NOW, THEREFORE, the City Council of the City of Moreno Valley DOES HEREBY ORDAIN as follows:

SECTION 1. Pursuant to Section 21083 of the California Environmental Quality Act (CEQA) statutes and Section 15061 of the CEQA Guidelines, it has been determined that this amendment of the Municipal Code is exempt.

SECTION 2. If any portion of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 3. Amendment of Chapter 9.14 of Title 9 of the Moreno Valley Municipal Code (Land Divisions) is in the best interest of the public because the revisions will ensure the Ordinance maintains consistency with state law and city practices

SECTION 4. FINDINGS

A. Conformance with the General Plan – The proposed amendment is consistent with the General Plan and its goals, objectives, policies and programs.

FACT: The Municipal Code Amendment consists of creating a new section of Title 9, Chapter 14, which identifies the standards and criteria that would apply to finance and conveyance maps. Since the criteria require finance and conveyance maps to be reviewed for consistency with the General Plan prior to approval, there is the assurance that the goals, objectives, policies, and programs established in the General Plan or any applicable specific plan will be achieved.

B. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

FACT: The proposed Municipal Code Amendment augments the subdivision regulations of the City without adversely affecting the public health, safety or welfare considerations of the residents of the City of Moreno Valley or surrounding jurisdictions that are already inherent in the established regulations. Furthermore, the proposed code amendment could not have the potential for a direct or indirect future physical impact on the environment because under the Municipal Code Amendment, a financing map must be reviewed with regard to the requirements of CEQA. The Municipal Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines.

C. Conformance with Intent of Zoning Regulations – The proposed amendment is consistent with the purposes and intent of Title 9 of the Municipal Code.

FACT: The amendment to Chapter 9.14 of the Municipal Code provides an internally consistent set of regulations that are compatible with the purpose and intent of those other regulations currently established in Title 9, and includes consistency with the Subdivision Map Act, and such amendment can enable the City to achieve economic development and land use growth objectives of the City, which might otherwise be limited in the absence of the changes. The proposed changes establish a clear and consistent process and criteria for division of property for financing and conveyance purposes.

SECTION 5 MUNICIPAL CODE AMENDED

5.1 Chapter 9.14 (“Land Divisions”) is hereby amended to include a new section, Section 9.14.065 - Finance and Conveyance Maps, as follows:

“9.14.065 Finance and Conveyance Maps

1. This criteria shall govern the filing and processing of tentative maps for finance and/or conveyance purposes. Applications for finance and/or conveyance maps (collectively referred to as “financing maps”) may only be accepted under one of the following criteria:

- a. The site to be subdivided by the map is already developed, and the proposed map will not create legal building sites upon which new development may occur; or
- b. A future map for development purposes must be processed and recorded in order for any development on the site to occur, and this fact is clearly stated on the face of the map; or
- c. An approved conditional use permit, master plan, or master Plot Plan is approved for the site, has not expired, and all conditions of approval, expected exactions, and mitigation measures associated with the underlying approval(s) shall be implemented as previously prescribed, or as properly modified, for any development on the property to occur.

2. Filing Instructions. Finance and/or conveyance maps are filed with the Community Development Department, 14177 Frederick Street, Moreno Valley, California, 92552. Application forms are available at the Community Development Department or may be obtained on-line at www.moval.org, or by contacting the Planning Division at (951) 413-3206.

3. Submittal Requirements.

The form, content and supplementary information that must accompany a finance and conveyance map shall conform to the submittal requirements for tentative maps set forth in Section 9.14.040 of this Code except as hereafter provided.

- a. Notwithstanding the requirements set forth in Chapter 9.14.040, the Director of Community Development or designee may waive the following requirements in writing if requested in advance by the applicant:
 - i. internal streets and access ways within the boundary of the map (with concurrence of the City Engineer);
 - ii. dimensions and location of sidewalks and common areas;
 - iii. soils and geology report;
 - iv. Regional housing needs statement; and/or
 - v. other submittal requirements set forth in Chapter 9.14, Land Divisions, or the Subdivision Map Act, provided, the City Engineer determines in advance, that the proposed map continues to comply with the spirit and intent of the Subdivision Map Act, the Subdivision Ordinance, and these subdivision regulations.
- b. The following statement must be clearly printed on the face of the proposed financing map: “FOR FINANCE AND CONVEYANCE PURPOSES ONLY.”
- c. If a future map is required for any development, the face of the map must include the following additional statement: “THIS MAP DOES **NOT** CREATE A LEGAL BUILDING SITE. FURTHER APPLICATIONS ARE NECESSARY TO DEVELOP THIS PROPERTY.”
- d. If a previously approved tentative map, vesting tentative map, or conditional use permit is in place on the property, the face of the map must include the following additional statement in addition to the statement required in 3b: THIS MAP DOES NOT REMOVE ANY DEVELOPMENT REQUIREMENTS SET FORTH WITH APPROVAL OF {insert case number(s)}, WHICH MUST BE SATISFIED WITH CONTINUED DEVELOPMENT OF THE PROPERTY.”

4. Review Procedure. Except as otherwise noted herein, finance maps shall be processed in the same manner and shall be subject to the same requirements as specified for tentative maps in Chapter 9.14.050 of the Municipal Code. The Community Development Department will distribute copies of the financing map to the appropriate reviewing bodies to determine whether the map conforms to the requirements of Section 9.14 of the Municipal Code, and the Subdivision Map Act. These reviewing bodies are set forth in Section 9.14.050 (C) of Chapter 9.14 of the Municipal Code.

5. Approval Process

- a. Criteria: The advisory agency/reviewing authority shall base its decision to approve, conditionally approve, or disapprove the proposed financing map on the information required under Chapter 9.14, and any additional information reasonably necessary to determine that the property covered by the map can be feasibly developed under the existing zoning and general plan designations for the site. At a minimum, the advisory agency/reviewing authority must ensure the following:
- i. The parcel (or parcels) of land covered by the map meet the minimum size requirements to ensure that future development can meet all applicable site development standards imposed by Title 9 of the Municipal Code.
 - ii. The parcel (or parcels) of land have access from a public road, or access is both feasible and required by a condition of approval for the proposed map.
 - iii. The parcel lines do not conflict with any public easements.
 - iv. There are not physical constraints or other issues which may affect the feasibility of future development on the site (e.g. vehicular access, utility service extensions). If necessary in order to adequately evaluate the map, additional technical studies (e.g. access study) should be required prior to finding the application complete.
 - v. The map provides sufficient information on future uses and feasibility of future uses to ensure consistency with the general plan and zoning designations for the site.
 - vi. The site is suitable for the future permitted or proposed uses.
 - vii. The map provides sufficient information on the subdivision design and future improvements to evaluate its potential impact on the environment in compliance with the California Environmental Quality Act.
 - viii. There is sufficient information on the subdivision design and future improvements to enable the City to determine whether the map complies with applicable water quality standards, particularly with respect to future discharge of waste into the sewer system.
- b. Findings: A tentative map for finance and conveyance purposes shall be approved or conditionally approved only if the advisory agency can make the following findings:
- i. That the proposed map is consistent with applicable general and specific plans and the zoning ordinance.

- ii. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
- iii. That the site is physically suitable for the type of development.
- iv. That the site is physically suitable for the proposed density of development.
- v. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- vi. That the design of the subdivision or type of improvements is not likely to cause serious public health problems.
- vii. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
- viii. That the requirements of the California Environmental Quality Act have been satisfied.

6. Mandatory Conditions of Approval. In addition to the standard subdivision conditions of approval applied to all maps for development purposes, the following shall apply to all financing maps:

- a. Any submittal requirements which were waived in connection with the financing map in accordance with 9.14.065(3a.) shall be submitted concurrently with the first discretionary application for development of the property covered by the map (i.e. with an application for a future map, a conditional use permit, or master plan), or shall be submitted as prescribed by conditions of approval already in place with underlying entitlement approvals that govern continued or subsequent development of the property as described on the face of the map per Section 9.14.065 (3d.)
- b. This map is approved for finance and land conveyance purposes only. No applications for building or grading permits shall be accepted for the parcel or parcels created by this map until a (future map/conditional use permit/master plan) for development has been approved by the City, or as prescribed by conditions of approval already in place with underlying entitlement approval that govern continued or subsequent development of the property as described on the face of the map per 9.14.065 (3d.).”

5.2 Chapter 9.15 (“Definitions”) is hereby amended to include a definition of Finance and Conveyance Maps as follows: “Finance and conveyance map” means a map used to parcelize undivided land, parcel maps, or tract maps for non-build reasons.”

SECTION 6 EFFECT OF ENACTMENT:

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 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 thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2015.

Jesse L. Molina, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Attachment: Ordinance No. 894 [Revision 1] (1400 : ORDINANCE FOR FINANCE AND CONVEYANCE MAPS)

ORDINANCE JURAT

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

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and 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 _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Attachment: Ordinance No. 894 [Revision 1] (1400 : ORDINANCE FOR FINANCE AND CONVEYANCE MAPS)



Report to City Council

TO: Mayor and City Council

FROM: Chris Paxton, Administrative Services Director

AGENDA DATE: April 28, 2015

TITLE: INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA ADDING SECTION 10.02.105 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO THE MANDATORY MICROCHIPPING OF DOGS AND CATS.

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Introduce on first reading and waive full reading of Ordinance No. 895 for first reading and schedule adoption of the Ordinance for May 12, 2015 adding Section 10.02.105 of the City of Moreno Valley Municipal Code to require microchipping of dogs and cats.

SUMMARY

Introduce on first reading and waive full reading of Ordinance No. 895 adding Section 10.02.105 and amending Section 10.01.090 to the City of Moreno Valley Municipal Code to require microchipping of dogs and cats. Section 10.01.090 is amended to update language in the existing municipal code that addresses impounded animals.

After researching information on the number of local jurisdictions in California that require mandatory microchipping for dogs and cats, we found that very few do. There are no states that currently have a mandatory microchip law. A bill in California (SB702 – Senator Lieu) was passed in 2011 but was vetoed by Governor Brown due to a lack of funding for such a program at the State level.

The following jurisdictions have a local code that requires a dog or cat to be micro-chipped:

- Riverside County/City
- Los Angeles County
- Santa Cruz County
- City of Long Beach
- City of Oakland
- City of Stockton

Most recently, on February 24, 2015, the City of Fontana, CA adopted a mandatory microchipping ordinance for dogs and cats.

DISCUSSION

Most municipal animal shelters offer microchips as part of their adoption package but it is not a legal requirement for a pet owner to do so and they can opt out of this method of pet identification.

The arguments for mandatory microchips for dogs and cats are as follows:

- Increased probability of an increase in Return to Owner (RTO) rates – The current RTO rate at the Moreno Valley Animal Shelter for dogs is 18% and cats 1.5%. The increase in the RTO rate translates into a reduction in the euthanasia rate.
- Establishes ownership in all cases, especially in any neglect or cruelty case as well as a contested ownership issue and any incidents where an animal has presented itself as a threat to the public's safety.
- Considered a permanent method of identification versus a collar and tag that can be removed or lost or unidentifiable due to wear and tear.

The arguments against mandatory microchips for dogs and cats are:

- Not all animal shelters scan for microchips. (Moreno Valley Animal Shelter does scan and this is a requirement under the Hayden Law – CA Food & Agriculture Code Sections 31108 & 31752).
- Errors during the scanning process including migrated chip in pet, poor method of scanning, batteries in scanner running low, etc.
- Owners fail to register their pets with the micro chip manufacturer rendering the chip useless.
- Cost to pet owners (an additional expenditure to local government but this cost would be passed on to pet owners for full cost recovery).
- Pets could be injured during the insertion of chip.
- Some dog clubs such as the American Kennel Club (AKC) are opposed, arguing that it should be the owner's choice and not a government mandate.

Review of the local municipal codes that require microchips reveal the most common elements within the code:

	Riverside Co.	Riverside City	LA Co.	Santa Cruz Co.	Long Beach	Oakland	Stockton
Dogs & Cats	Yes	Yes	Dogs only	Yes	Yes	Dogs only	Yes
Tied to License	Yes	Yes	No	Yes	Cat only	Yes	Yes
Pet age 4 months +	Yes	Yes	No	Yes	No	Yes	No
Exemptions	Yes	Yes	No	Yes	No	No	Yes

National animal organizations have taken the following positions on microchips:

- The American Society for the Prevention of Cruelty to Animals (ASPCA) supports microchips paired with a collar and personalized ID tag. In addition the ASPCA supports the development of transitioning the United States to an ISO-compliant system. (Moreno Valley Animal Shelter distributes the Home Again microchip which is an ISO standard-compatible, 134.2 kHz microchip with patented Bio-Bond™ anti-migration technology and a universal scanner capable of detecting and displaying ID codes for all brands and frequencies of pet microchips).
- The Humane Society of the United States (HSUS) supports microchips and, like the ASPCA, recommends a collar and tag in addition to a microchip.
- The American Kennel Club (AKC) opposes any mandatory requirement for a pet to be micro-chipped and believes the owners should make their own decision regarding pet identification, not the government. The AKC does promote their own microchips to AKC clubs throughout the country and have donated universal microchip scanners to animal shelters in Massachusetts.

Local Issues

While currently not mandatory, microchipping pets for both family adoptions and pets released to rescues along with pets returned to their owners has been a long standing practice at the Moreno Valley Animal Shelter.

Presenting a current rabies vaccination certificate is a state mandated requirement for dog owners to obtain a dog license. Requiring residents to also obtain a microchip for their pets in order to obtain a license will involve an additional cost to the dog owner. Some residents/dog owners may opt not to license their dogs due to increased costs (however minimal) with the new chip requirement.

The advantage of the microchip in terms of cost is that it is a one-time cost for the pet owner as compared to other ongoing costs associated with owning and providing proper care for a dog or cat.

One strategy that lessens the likelihood dog owners may choose not to license their dog due to the proposed microchip requirement is to make it mandatory under the following circumstances:

- When a dog or cat is adopted from the Animal Shelter.
- When a dog or cat is reclaimed at the Animal Shelter by its owner.
- When a dog or cat owner is found in violation of a local or state animal control regulation and an exemption does not exist.

In circumstances where we find a pet owner in violation of a local or state code and an administrative citation is issued by an animal control officer or other enforcement officer after determining that the pet has no microchip, a secondary enforcement action would be taken. The secondary action would consist of adding the microchip violation to the administrative citation as a correctable violation thereby allowing the pet owner to come into compliance within 30 days of the citation being issued. No fee for this violation would be assessed to the pet owner when the pet owner achieves compliance within 30 days.

Exemptions in Proposed Ordinance

The proposed ordinance requires a microchip for dogs and cats over the age of 4 months and provides for the following exemptions:

- (1) Written confirmation from a licensed veterinarian that to microchip would be detrimental to the health of the animal;
- (2) Written confirmation from a licensed veterinarian that a microchip would impair an animal's athletic ability or performance or;
- (3) Any dog or cat owned by an individual residing outside the City who has their pet here temporarily for the purpose of boarding or training.

Proposed Roll Out Process

To introduce this new requirement to pet owners, emphasis will be placed on reuniting lost pets with their owners in a timely manner because they are microchipped while also reducing the animal intake at the shelter. A six month roll out from the date the ordinance is approved by the City Council is proposed to effectively advertise and educate pet owners on the positive aspects of having their pets micro-chipped. This will be achieved through the following actions by the Animal Services Division:

- Introduce this new requirement of pet owners via all media sources.
- Include microchip requirements on all dog license renewal notices.
- Offer HomeAgain microchips for \$16 per pet including the one-time cost of lifetime registration with HomeAgain.
- The lifetime registration will be integrated using the existing Animal Shelter database, Chameleon, which has the capability to upload the owner's information into Home Again's national database.

- Offer reduced low-cost microchips for \$10 in conjunction with all future low-cost rabies vaccination and dog licensing clinics.
- Offer reduced low-cost microchips for \$10 to senior citizens, military personnel (active and veterans) and low income residents.
- Enforcement will be secondary to other violations of any local or state animal control regulations using administrative citations that allow pet owner to achieve compliance rather than just paying a fine.
- The Animal Services Division will adopt a policy regarding special enforcement procedures for microchipping violations.

ALTERNATIVES

- 1) Introduce on first reading and waive full reading of Ordinance No.____ adding Section 10.02.105 and amending Section 10.01.090 to the City of Moreno Valley Municipal Code to require microchipping of dogs and cats.
- 2) Direct staff to make changes to the proposed ordinance and return to a City Council meeting or Study Session on a later date with a revised ordinance.
- 3) Take no action.

FISCAL IMPACT

No significant fiscal impact is anticipated. Full cost recovery is expected by fees collected from pet owners. The current fee for a microchip is \$16.00.

PREPARATION OF STAFF REPORT

Prepared By:
Steve Fries
Animal Services Division Manager

Department Head Approval:
Chris Paxton
Administrative Services Director

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.

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

ATTACHMENTS

1. Ordinance No 895- MandatoryMicrochipforDogsCats
2. 10 02 090 Impounded Animals- redline

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	4/17/15 9:55 AM
City Attorney Approval	<u>✓ Approved</u>	4/23/15 2:12 PM
City Manager Approval	<u>✓ Approved</u>	4/23/15 3:05 PM

ORDINANCE NO. 895

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADDING SECTION 10.02.105 AND AMENDING SECTION 10.02.090 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO THE MANDATORY MICROCHIPPING OF DOGS AND CATS

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

SECTION 1. MUNICIPAL CODE ADDED:

1.1 Section 10.02.105 of the Moreno Valley Municipal Code is hereby added to read as follows:

Section 10.02.105 Mandatory Microchipping – Dogs and Cats

A. Requirement.

All dogs and cats over the age of four (4) months and kept within the City for a period of 30 days or longer must be implanted with an identifying microchip. The owner or custodian is required to provide the microchip number to animal services, and shall notify animal services of any change of ownership of the dog or cat, or any change of address or telephone number. Nothing in this section supersedes, eliminates, or alters the requirements of Sections 10.02.020, 10.02.030, and any other licensing requirements of Title 10.

B. Exemptions.

The mandatory microchipping requirements shall not apply to any of the following:

1. A dog or cat with a high likelihood of suffering serious bodily injury, if implanted with the microchip identification, due to the health conditions of the animal. The owner or custodian must obtain written confirmation of that fact from a California licensed veterinarian. If the dog or cat is able to be safely implanted with an identifying microchip at a later date that date must be stated in the written confirmation.
2. A dog or cat that is kenneled or trained in the City of Moreno Valley, but is owned by an individual that does not reside in the City of Moreno Valley. The owner or custodian must keep and maintain the animal in accordance with the applicable laws and ordinances of the jurisdiction in which the owner or custodian of the animal permanently resides, including but not limited to the applicable licensing and rabies vaccination requirements of that jurisdiction.

3. A dog or cat over the age of ten (10) years.

C. Transfer, sale of dogs and cats.

1. An owner or custodian who offers any dog, over the age of four (4) months, for sale, trade, or adoption must provide the microchip identification number and the valid dog license number with the offer of sale, trade or adoption. The license and microchip numbers must appear on a document transferring the dog to the new owner. The owner or custodian shall also advise the Animal Services Division of the name and address of the new owner or custodian whenever the new owner or custodian resides in the City and intends to maintain and keep the dog in the City and in accordance with subdivision (A) of this section. An owner or custodian who offers any dog, over the age of four (4) months, for sale, trade, or adoption and fails to provide the Animal Services Division with the name and address of the new owner, is in violation of this chapter and shall be subject to the penalties set forth in Chapter 1.10.
2. An owner or custodian who offers any cat, over the age of four (4) months, for sale, trade, or adoption must provide the microchip identification number with the offer of sale, trade or adoption. The microchip numbers must appear on a document transferring the cat to the new owner. The owner or custodian shall also advise the Animal Services Division of the name and address of the new owner or custodian whenever the new owner or custodian resides in the City and intends to maintain and keep the cat in the City and in accordance with Subdivision (A) of this section. An owner or custodian who offers any cat, over the age of four (4) months, for sale, trade, or adoption and fails to provide the Animal Services Division with the name and address of the new owner, is in violation of this chapter and shall be subject to the penalties set forth in Chapter 1.10.
3. When a puppy or kitten under the age of four (4) months implanted with microchip identification is sold or otherwise transferred to another person, the owner or custodian shall advise the Animal Services Division of the name and address of the new owner or custodian, whenever the new owner or custodian resides in the City and intends to maintain and keep the puppy or kitten in the City and the microchip number of the puppy or kitten within ten (10) days after the transfer. If it is discovered that an owner or custodian has failed to provide the Animal Services Division with the name and address of the new owner and the microchip number of the puppy or kitten, the owner or custodian shall be subject to the penalties set forth in Chapter 1.10.

- D. When an impounded dog or cat is without microchip identification, in addition to satisfying applicable requirements for the release of the animal, including but not limited to payment of impound fees pursuant to this chapter, the owner or custodian shall also do one of the following:
1. Have the dog or cat implanted with an Animal Services Division microchip by designated personnel at the expense of the owner or custodian;
 2. Have the dog or cat implanted with a department approved microchip by a California licensed veterinarian. The owner or custodian may arrange for another California licensed veterinarian to perform the implant, and shall pay to the department the cost to deliver the dog or cat to the chosen veterinarian. The veterinarian shall complete and return to the Animal Services Division within ten (10) days, a statement confirming that the microchip has been implanted, provide the Animal Services Division with the number and shall release the dog or cat to the owner or custodian only after the procedure is complete; or at the discretion of the Animal Services Division Manager, the dog or cat may be released to the owner or custodian if he or she signs a statement under penalty of perjury, representing that the dog or cat will be implanted with a microchip and that he or she will submit a statement within ten (10) days of the release, signed by a California licensed veterinarian, confirming that the dog or cat has been so implanted and provide the microchip number to the Animal Services Division or allow the Animal Services Division to scan the dog or cat for the microchip to verify.
- E. Fees for microchip identification device. The fee for an identifying microchip device is set forth in the City's fee schedule. Microchip fees may be collected by the Animal Services Division when a dog or cat is adopted by the public, transferred to a non-profit animal rescue or adoption corporation, or when a dog or cat is reclaimed by the owner from the City's Animal Shelter. If an animal has already been implanted with an identifying microchip device by some other facility, there will be no fee to have the identification microchip number entered into the Animal Services Division's registry as required by subdivision (A) of this section.
- F. Application of fees and fines collected. All costs and fines collected under this part and the fees collected under this section shall be paid to the City of Moreno Valley for the purpose of defraying the cost of the implementation and enforcement of this program.

SECTION 2. MUNICIPAL CODE AMENDED

2.1 Section 10.02.090(E) of the Moreno Valley Municipal Code is hereby amended to read as follows:

“E. Any officer having in his custody any adoptable, unredeemed, impounded animal may release such animal to any adult person having complied with all adoption requirements and upon payment by that individual of all applicable fees. All dogs and cats adopted must be neutered and microchipped prior to release unless a determination is made by a licensed veterinarian that immediate surgery would place the animal at risk. Such animal shall not be released unless a neuter deposit is first collected as specified in Section 10.02.100 of this chapter and the animal is microchipped pursuant to Section 10.02.150 of this Chapter. Release may also be made to a nonprofit animal rescue or adoption corporation qualified under this chapter. Such corporation will be held to the same neutering requirements and may be assessed a fee not to exceed the standard adoption fee. No impounded animal may be released to any person, institution or other entity, which uses animals for laboratory experiments, or which sells animals to other persons for laboratory experiments.”

2.2 Section 10.02.090(F) of the Moreno Valley Municipal Code is hereby amended to read as follows:

“F. Fees for adoption of animals, whether set by the city council or by a contractor implementing this chapter on behalf of the city, shall not exceed the cost of neuter fees or deposits and any appropriate license fees, vaccination costs, microchipping costs, other veterinary charges, or incurred board and care costs.”

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. NOTICE OF ADOPTION:

4.1 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 5. EFFECTIVE DATE:

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

APPROVED AND ADOPTED this 12th day of May, 2015.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and 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 _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Attachment: Ordinance No 895- Mandatory Microchip for Dogs/Cats [Revision 2] (1354 : INTRODUCTION OF AN ORDINANCE OF THE CITY

10.02.090 Impounded animals.

A. Unless there is cause presented to the animal services administrator or chief animal control officer to believe that to allow redemption of an animal would place that animal in, or returned to, an environment which unlawfully threatens the health or safety of the animal, or to the public, an impounded animal may be redeemed by the owner upon providing adequate proof of ownership and upon payment of any veterinarian services, impound, boarding and other applicable fees.

B. Any dog, four months of age or older, which has been impounded shall not be released from impoundment unless and until it is licensed. Any dog released to a person who intends to maintain the dog anywhere other than Moreno Valley, will be required to show proof of a valid rabies certificate or pay a deposit until proof has been verified.

C. A reasonable attempt shall be made to notify the owner, if known, within three business days, of any impounded animal. Such notification may be in person, by telephone, a posting at the owner's residence, or by first class mail.

D. If not redeemed, and unless otherwise required by state law, the officer shall dispose of the animal in accordance with the provisions of subsection (E) of this section, or shall humanely destroy such animal in accordance with the provisions of subsection (H), (I) or (K) of this section.

E. Any officer having in his custody any adoptable, unredeemed, impounded animal may release such animal to any adult person having complied with all adoption requirements and upon payment by that individual of all applicable fees. All dogs and cats adopted must be neutered and microchipped prior to release unless a determination is made by a licensed veterinarian that immediate surgery would place the animal at risk. Such animal shall not be released unless a neuter deposit is first collected as specified in Section 10.02.100 of this chapter and the animal is microchipped pursuant to Section 10.02.150 of this Chapter. Release may also be made to a nonprofit animal rescue or adoption corporation qualified under this chapter. Such corporation will be held to the same neutering requirements and may be assessed a fee not to exceed the standard adoption fee. No impounded animal may be released to any person, institution or other entity, which uses animals for laboratory experiments, or which sells animals to other persons for laboratory experiments.

F. Fees for adoption of animals, whether set by the city council or by a contractor implementing this chapter on behalf of the city, shall not exceed the cost of neuter fees or deposits and any appropriate license fees, vacci-nation costs, microchipping costs, other veterinary charges, or incurred board and care costs.

G. Animal services may, from time to time, conduct a sealed bid auction for certain impounded animals. The animal services administrator shall set the minimum bid amount to cover all incurred fees and costs as set forth in subsection F of this section.

H. Any officer, impounding a licensed animal pursuant to this chapter, after attempting to notify the owner thereof of the impoundment, may destroy such animal if it has not been released or redeemed within ten (10) business days after the giving of notice of impoundment.

I. Upon impounding an unlicensed animal pursuant to this chapter and after attempting to notify the owner thereof of the impoundment, the officer impounding the animal may destroy such animal if it has not been released or redeemed within five business days unless the animal is a feral cat, then the animal may be destroyed after three business days.

J. Notwithstanding subsections H and I of this section, and upon approval of the animal services administrator, any impounded animal may be held for adoption or redemption beyond the prescribed time for destruction.

K. The officer having custody of any impounded animal, after making a reasonable attempt to identify and notify the owner thereof, may, with the approval of the animal services administrator, by humane methods, summarily destroy such animal without giving prior notice to the owner thereof if:

1. The animal is suffering from a dangerous or contagious incurable disease; or if
2. The animal is suffering from a severe injury; or if
3. The animal is a newborn in need of maternal care and has been impounded without its mother; or if
4. The aggressiveness of the animal poses a threat to the safety of animal services personnel.

Whenever an officer summarily destroys an animal pursuant to this subsection without having given prior notice to the owner thereof, he or she shall attempt to give notice of summary destruction as soon as practicable thereafter.

L. An owner who no longer wishes responsibility for an animal, or believes the animal to be ill or injured, may sign a written waiver supplied by animal services allowing the animal to be immediately destroyed and pay all appropriate fees for said destruction and disposal. Animal services reserves the right to refuse to provide such services.

M. Any owner who no longer wishes responsibility of an animal and wishes to surrender it to animal services for adoption must sign a waiver relinquishing ownership and pay all appropriate fees for surrender, including veterinary evaluation. If, in the opinion of animal services, the animal is not adoptable, the animal will not be accepted for adoption.

N. It is unlawful for any person, whether or not the owner, to abandon any animal within the city. (Ord. 631 § 2.1, 2003)



Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: April 28, 2015

TITLE: ORDINANCE NO. 893 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR APPLICATION PA14-0043 PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, AND APPROVING A ZONE CHANGE (PA14-0043) FROM COMMUNITY COMMERCIAL (CC) TO RESIDENTIAL 20 (R20) FOR 6.63 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 263-120-020 AND 263-120-025 AT THE SOUTHEAST CORNER OF EUCALYPTUS AVENUE AND EDGEMONT STREET

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Adopt Ordinance No. 893. Ordinance No. 893 - An Ordinance Of The City Council Of The City Of Moreno Valley, California, Adopting A Mitigated Negative Declaration For Application PA14-0043 Pursuant To California Environmental Quality Act (CEQA) Guidelines, And Approving A Zone Change (PA14-0043) From Community Commercial (CC) To Residential 20 (R20) For 6.63 Acres Located Within Assessor's Parcel Numbers 263-120-020 And 263-120-025 At The Southeast Corner Of Eucalyptus Avenue And Edgemont Street (Received First Reading and Introduction on April 14, 2015 by a 5-0 Vote)

CITY COUNCIL GOALS

ATTACHMENTS

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	4/21/15 2:30 PM
City Attorney Approval	<u>✓ Approved</u>	4/21/15 2:30 PM
City Manager Approval	<u>✓ Approved</u>	4/21/15 2:30 PM